

## MINUTES

### OHIO SOIL AND WATER CONSERVATION COMMISSION NOVEMBER 6, 2008 – 10:00 AM ODNR Fountain Square E-1 Assembly Center

Chairman Mott called the meeting to order at 10:10 a.m. and the attendees recited the Pledge of Allegiance.

Chairman Mott asked Tracy Bleim to give a roll call of the members. The following members were present:

Tom Price  
Clark Sheets  
Randy Mott  
Kevin Elder  
Susan Reeves (arrived 10:20 am)  
Jerry Bigham (arrived 10:25 am)  
Fred Cash not present

Others present included: David Hanselmann, Executive Secretary, Tracy Bleim, Fred Hammon, Tim Gerber, John Kessler, Jill Evans, Kirk Hines, Rob Hamilton, Martin Joyce, Greg Nageotte, Aaron Lantz, Justin Reinhart and Steve Hawkins, ODNR Division of Soil and Water Conservation; Mindy Bankey and Kent Stuckey, OFSWCD; Terry Cosby and Michelle Lohstroh, NRCS; Director Sean Logan, ODNR; and Jeff Mitchell, FSA.

#### **APPROVAL OF AGENDA**

Chairman Mott commented that Director Logan was planning to join the meeting around 10:45 am so Mott asked for permission to change agenda item #3 to discuss that after lunch so that items #6 and #7 can be discussed while Director Logan is present. Chairman Mott asked for a motion to approve the agenda as changed.

Elder noted that he will have to leave the meeting after lunch to attend another meeting.

Clark Sheets moved to approve the agenda.  
Kevin Elder seconded the motion. Motion carried.

#### **APPROVAL OF JULY 10, 2008 MEETING MINUTES**

Chairman Mott asked if there were any corrections to the July 10, 2008 minutes as mailed.

Chairman Mott asked for approval of the July 10, 2008 minutes as mailed.

Tom Price moved to approve the July 10, 2008 minutes as mailed.  
Clark Sheets seconded the motion. Motion passed.

#### **AUDIENCE TO VISITORS**

Chairman Mott asked if any visitors would like to address the Commission and invited them to participate in the discussions.

#### **COMMISSION MEMBER REPORTS**

Price had nothing to report.

Elder commented that since he won't be here during the agency reports, he will give his report now. Elder stated that positions are going unfilled due to the budget cuts. ODA had its first early retirement incentive ever this past August – September. Elder said that they lost about 22 staff out of 400.

Sheets reported that he attended the Farm Science Review and added that the OFSWCD worked on the new partnership building and he attended the ribbon-cutting kickoff. Sheets said that he has been working on the upcoming annual meeting in January. Sheets encouraged everyone to attend the Area Winter Meetings that will be held in the beginning of December.

Mott reported that he attended the district board meetings and the annual meeting held in August.

Reeves stated that she attended the annual meetings for Brown and Clermont counties.

Sheets introduced Kent Stuckey to the OSWCC and added that Stuckey will replace him as the OFSWCD President.

### **EXECUTIVE SECRETARY REPORT** **ANNUAL REPORTS**

Hanselmann reported that DSWC received 44 election result forms from the SWCDs.

### **SUPERVISOR APPOINTMENTS**

Hanselmann reported that there is one board member appointment to approve. Hanselmann stated that Joe De Nardi resigned from the Medina SWCD board of supervisors and the board has unanimously recommended that Bill Jordan be appointed to replace Joe De Nardi. Jordan was a previous supervisor as he served one term on the Medina SWCD board. He and his wife are known around the community by operating a Raptor Rehabilitation Center and they have an equine facility. Bill is an employee of the Medina Summit Land Conservancy which is a land trust in those two counties.

Chairman Mott asked if there was a motion to approve the appointment for supervisor.

Clark Sheets moved to approve the appointment of the recommended supervisor.  
Susan Reeves seconded the motion. Motion carried.

Hanselmann said that he had some other items to bring up briefly as part of the Executive Secretary Report. Hanselmann stated that the Auditor of State has reached a decision to continue to have an agreement with ODNR to allow the ODNR Office of Internal Audits to continue to conduct the formal audits of each of the conservation districts on a biennial basis. They want to enter a formal agreement which has been drafted between ODNR and the Auditor of State that provides for that. They are also allowing alternative audit procedures that will make their audits to be a little more easily conducted. The SWCD will still follow the same substantial audit guidelines and there is no substantial change for districts in that regard. The ODNR Office of Internal Audits should be able to conduct the audits somewhat more expeditiously with the protocol that the Auditor of State wants them to follow. After the Paulding situation, the Auditor of State had requested a thorough review of the oversight of the conservation districts and the audit oversight. DSWC met with the Auditor of State staff to provide information on the training and support that we provide conservation districts. DSWC has been told recently as part of this decision how impressed they were with that assistance and oversight. DSWC was pleased with this decision and the agreement should be signed soon. It will spare a potential substantial increase in audit costs which was one of the key worries that we had and it would have meant that the Office of Internal Audit staff would no longer be providing one-on-one and group training or advice to districts that has served districts quite well.

Hanselmann reported that later on in the meeting the Ohio Water Development Authority grant will be discussed for a GIS system. Hanselmann added that we were fortunate enough to receive the approval for two grants: one for \$200,000 and the other for \$180,000. The \$200,000 grant will continue the previous \$200,000 grant focused on stormwater and this grant will evaluate the effectiveness of stormwater BMP's during the urban development process. Hanselmann said that DSWC will be looking at what practices are the most cost effective for the developer and meet the environmental role. DSWC feels fortunate to be able to continue that work. DSWC will also help draft some model ordinances that communities could

consider adopting that will reflect these stormwater practices and will interface with Ohio EPA's stormwater criteria.

Hanselmann stated that the Little Miami River Conservation Reserve Enhancement Program (CREP) proposal is ongoing. It is where the wastewater utilities in that watershed pooled their fiscal resources and provided a grant to the Little Miami River Partnership and they hired a consultant, Rick Shamblen, who is using office space in our division. They have been reaching out to the scientific and technical community and have been meeting with each SWCD in the watershed to review some potential conservation practices to include in the CREP. Many are traditional practices, but there are also some practices that relate to our Rural Drainage recommendations that provide a wide-channel option. One of the recommendations of the committee was to identify how Farm Bill conservation practice funding could be made available for those upland situations on a voluntary basis if a landowner or group of landowners wanted to take that approach. It would provide some of the financial cost for some of those environmentally enhanced projects. They expect a draft CREP application to be submitted informally to FSA headquarters within the next month or two.

Hanselmann commented that he met with the Ohio Forestry Association Logger Chapter in McConnelville recently. There are 8 chapters across the state and Hanselmann met with the master loggers to build a relationship and learn what their training needs are since DSWC provides oversight in the silvicultural section of the agricultural pollution abatement program.

#### **OSWCC ACTION AND DISCUSSION ITEMS**

##### **DISCUSS STATUS OF CURRENT FISCAL YEAR BUDGET FOR DSWC AND SWCDs AND PROSPECTS FOR THE FY'10 AND '11 BIENNIAL BUDGET**

Hanselmann distributed a copy of the DSWC Budget History and focused on the yellow highlighted part on the right regarding FY '09. Hanselmann stated that the most recent budget cut that took effect a few weeks ago caused our division to lose approximately \$1.2 million. About \$612,000 or a 4.75% reduction in the 502 account occurred. You will recall that back in January and February, state match funding for conservation districts was not reduced and this go around the decision was that a cut to that account needed to happen. To reduce the other items funded out of the 502 account, each of those were reduced by that same 4.75% cut. Hanselmann added that in regards to the Lake Erie CREP funding, we had been at \$1 million per year and last January the FY '09 amount was going to be reduced to \$472,000, but a decision was made as part of the most recent cut to totally eliminate the Lake Erie CREP funding so \$20,000 was left in that account. DSWC sent out a communication that reminded districts that there is over \$1 million in funds for state incentive payments to landowners that reside in a number of conservation district accounts set aside for Lake Erie CREP funding. The signup has diminished somewhat because of the price of commodities presumably so we are optimistic that even without any additional CREP funding, we can continue the program for at least a year or perhaps 2 years with the funds that are out there that we can move around from county to county and disperse those funds where there is signup in that particular county if the county doesn't have any state funds allotted for Lake Erie CREP to meet that need. Hanselmann thought that if signup picked back up quickly then we would be in trouble.

Hanselmann said that the division operating budget was reduced by \$56,000 which is close to one position. On a percentage basis, that was a little less than a 4.75% cut because Director Logan was trying to avoid further layoffs in divisions like ours. The Lake Erie CREP cut was a key cut to avoiding layoffs in our division so that is the dynamic on how the funding decisions were decided upon. Hanselmann commented that Nelson Strong has retired and Tim Gerber is retiring at the end of this month so that provides the safety valve that allows us to survive that \$56,000 reduction in our division operating budget.

Hanselmann asked Jill Evans if she cared to comment on the '09 tipping fee income.

Evans reported that DSWC's revenue through October was \$471,000 so that projects to \$1.4 million and we had budgeted for \$1.5 million which is why we created that \$250,000 carryover since there is a 45 day delay.

Hanselmann added that we asked the organizations that receive legislative earmarks to voluntarily absorb a 4.75% cut and that would free up about \$21,000, which could go into the tipping fee account if it isn't adequate to meet other obligations.

Price asked what the projection was for the tipping fee account?

Evans said that we had budgeted for \$1.5 million and the projection from the income that we have received through October is \$1.4 million.

Price asked what Evans' projection was in light of what has happened over the last few weeks.

Evans said that so far we haven't had a significant decrease and so far it has maintained. Evans added that what happened in October hasn't shown up yet since there is a 45 day delay.

Hanselmann added that we do have the \$250,000 cushion that we could use to absorb some additional reduction and meet our obligations that we laid out.

Mott questioned if state match would be 93.5%?

Hanselmann said that was correct and added that the final checks should go out the first week of December. It would be challenging for the department to cut the state match funds further when all of the funds have been dispersed which will presumably be a month from now. Hanselmann added that approximately 35% of the ODNR GRF cut a month ago came from our accounts so our hope is that the department will look elsewhere if there is an additional cut because it would be very challenging to recover the funds that are already out.

Hanselmann reported that in terms of the next biennium, DSWC has had active discussions about alternative funding ideas. Director Logan has been talking with the Governor's Office and OBM in regard to this and they may reach out to the OFSWCD and OSWCC to discuss those ideas that could be included in the Governor's budget proposal to determine what kind of support is there.

**RECEIVE UPDATE ON SOIL AND WATER INFORMATION MANAGEMENT SYSTEMS:  
CURRENT USE BY SWCDs AND ROLL OUT OF ENHANCEMENTS**

Joyce distributed a set of handouts for the OSWCC members and referred to the list of SWCDs which have SWIMS setup. Joyce noted that at the April and July OSWCC meetings, he shared a scorecard with OSWCC members on where we were at on implementation of the SWIMS in terms of all 88 SWCDs utilizing the program. Joyce was happy to report that all 88 SWCDs have SWIMS set up in a way that it can be utilized as how the OSWCC has asked them to do. Joyce added that a majority of the SWCDs are using the program how the OSWCC requested them to use it and Joyce was confident that all 88 SWCDs would be utilizing the program correctly soon.

Joyce provided an update on the SWIMS program and noted that he and the Program Specialists have provided training to the SWCDs on how to use SWIMS. Joyce provided 3 queries that he provided to all 88 SWCDs that they could run themselves at any time to show them whether they are getting the correct information into SWIMS. Joyce has been encouraging the districts once a month to run the "OSWCC Query".

Joyce said that the new modules are loaded on the server and are in the process of configuring the modules for use. This has been delayed due to computer issues so it is taking a lot longer than expected. As soon as configuration is complete, DSWC will provide training to the SWCDs via the web.

Joyce said that the link between the SWIMS program and NRCS's "Toolkit" is a very low priority for NRCS so it may not happen very soon, if at all.

Lohstroh added that other groups are inquiring about this type of link also and the concern the national office has is what kind of data is releasable.

Joyce said that the development of the “data import tool” which would make it easy to pull information from local programs and import that information into SWIMS is done and will be ready for use with the new Land & Water module.

Joyce reported that the SWIMS developer is currently working on SWCD staff requested changes/improvements to the Timesheet module.

Joyce noted that the pie chart in one of the handouts depicts Geauga SWCD’s workload on various programs which was created using SWIMS. The District Administrator used this at a meeting with their county commissioners and the commissioners gave her a compliment for providing this tool which better manages their program.

**DISCUSS EFFORTS TO NEGOTIATE AN INFORMATION EXCHANGE MOU WITH NRCS AND OTHER EFFORTS TO FACILITATE SHARING OF PRODUCER CONSERVATION PRACTICE INFORMATION WITH STATE AND LOCAL AGENCIES**

Hammon stated that a lot of work was done on this, but at this point we are on hold. NASCA provided a draft MOU, but there just isn’t any movement right now.

Price asked where the priority is for this item now? Was it on the top 10 before?

Hammon said that it probably should have been on the top 10, but we don’t have any control over where it ranks on the federal government’s priorities. Hammon hoped that with the new administration we would be able to move forward on this because it will be difficult for SWCDs to partner like they have in the past.

Cosby said that he has been in discussion regarding this and they think it may be a few years because of the question of who has the responsibility..is it the district or the local employee? Once that person takes on that responsibility, the district is then liable so we need to discuss what SWCDs are able to do.

Price asked if this would continue to be a high priority in your efforts?

Cosby said that it was a high priority for him.

Chairman Mott welcomed Director Logan to the OSWCC meeting.

**DISCUSS PLANS TO DEVELOP THE OHIO CONSERVATION GEOGRAPHIC INFORMATION SYSTEMS (OCGIS) IN PARTNERSHIP WITH THE STATE GIS SUPPORT CENTER**

Hanselmann reported that Aaron Lantz has worked with the DAS and State GIS Support Center to develop a geographic information system as a one-stop-shop for much natural resource data that exists in a variety of agencies. DSWC and ODNR would be the program managers for this project with a lot of partner input. Hanselmann thought that we would be reaching out to partners for the initial version that we put together over the next year to year and a half.

Lantz introduced himself and stated that he wanted to emphasize the tools that were available with this program. Lantz said that this program will have the summary tool that analyzes large amounts of data, but will also have the BMP tools that will provide specifications on what areas are best suited for different BMPs. Lantz stressed that our division will have an administrator dedicated to keeping these tools up to date and current. Lantz provided examples of what types of tools this program could provide such as where the best wetland mitigation projects would be suited, where wind turbines could be placed, where marginal land should be taken out of production, and tools for obtaining carbon credits. Lantz stated that we have the flexibility in how we are creating this MOU with the State GIS Support Center to modify how this program could be used. Lantz added that the data would be statewide information. Local entities may be able to submit their data for inclusion into this program also. Lantz stated that each of the 88 SWCDs would have banners so that users could link to the SWCD website so that more users could offer to add in their information into this program.

Lantz reported that DSWC received a grant from OWDA and DSWC is including everything that was laid out in the RFP. DSWC is very comfortable with working with the State GIS Support Center because it provides collaboration between state agencies and local entities. Lantz added that there were several options available in working with the State GIS Support Center in regards to their flexibility and involvement in this project which could make this program an outstanding application. Lantz stressed that keeping it conservation related would be valuable because this application could be utilized on a lot of different levels.

Lantz stated that there have been several agencies and organizations that collaborated with DSWC on this project so far. Lantz added that DSWC was working with Ohio EPA on a grant from the US EPA pertaining to sharing environmental information and DSWC feels that this other grant will increase the effectiveness and usefulness of this program.

Reinhart added that at the last OSWCC meeting, the draft RFP was distributed and the environmental review process was discussed and as you can see we have shifted away from that to move towards keeping this internally and utilizing an MOU with the State GIS Support Center. Reinhart thought that this would remove a lot of impediments by using an outside source for construction in the long term as well as improve data sharing.

Mott asked what the timeline was for implementation?

Lantz thought that the latest would be June 2009 and believed that it would be prior to that. The State GIS Support Center would like to get started on it quickly. Lantz added that the program will be developed in phases to allow quality control because we will have a committee overseeing this project to make sure that it is easy to use and the tools are relevant to what is needed.

Director Logan asked if floodplain information would be utilized?

Lantz said that it would be included.

Elder asked if there was a target layer of information or priorities that you are looking at?

Lantz said that DSWC does have a list of priorities identified, but added that the list was growing.

Elder thought that this information should be distributed to others so that they know what kind of information will be available there since it is not just soils or floodplains.

Mott thought that we have between now and June of 2009 to market this so that will have to be part of the process.

Nageotte noted that this program meets one of the top priorities of the Ohio Water Resources Council.

Bigham asked if this program would be fee based?

Lantz said that this program would have public access. There will probably be a fee for submission of data to be included in it.

Hanselmann thought that it would be smart to leave the door open to possibly charging a modest subscription service. Hanselmann added that we have grant money and other funds to help initialize the system, but if along the way we learn of lots of other capabilities that people are suggesting that they want added, and we can't find other grant money to cover those costs, then there might be a willingness of the users to kick in a modest amount of money to enhance the initial version, but hopefully we can find other funding sources. However, if we aren't successful and we are receiving lots of requests for enhancements, then we would be smart to leave the door open for a potential modest fee to use this system.

Hanselmann said that we will have to be careful to keep the access of data and public information open because we can't charge for access to data, but if users are getting more than just data and they are getting a service from us as well then there might be a basis for a modest charge. Hanselmann didn't think we were at the point of knowing if we need to go in that direction or not.

Hanselmann said that the main goal was to make the data free because we have a lot of data, but it is not all that accessible to end users and communities so we want to maximize that, but we also want to be realistic about having a really meaningful system.

Bigham asked if the user would potentially come down to the individual level?

Hanselmann didn't envision charging the individual or private citizen to use it, but we may try to get partners such as municipalities, counties, or SWCDs who are willing to help cover the cost of the system that would allow their customers to have access to it for free. Hanselmann thought that it would be problematic to try to create a system where we charge an individual citizen to use it.

Lantz added that the local entities who want to serve out their information may be willing to help fund the system.

#### **DISCUSS DRAFT RECOMMENDATIONS FROM THE AGRICULTURAL POLLUTION ABATEMENT ADVISORY COMMITTEE**

Hamilton stated that he felt very fortunate to have OSWCC member involvement on the ag pollution abatement advisory committee since Tom Price and Kevin Elder were both members. The handout distributed was reviewed by Hamilton who noted that over the past two decades the division and local SWCDs have used the ag pollution abatement program to reach out to farmers by providing cost-share assistance to promote the wise use of best management practices and to help resolve potential pollution problems. Hamilton commented that the first advisory committee meeting was held on August 20 to review and solicit input from committee members on the issues, priorities, and challenges of the current program. Hamilton added that a complete list of the invited members is listed on the back of the handout. At the August 20 meeting, three subcommittees were formed to flush out ideas and offer solutions.

Hamilton stated that the three subcommittees held meetings in September and October to review input from the first meeting to discuss and develop possible ideas and solutions. The second advisory committee meeting is scheduled for November 13 so that participants can review the input and recommendations from the three subcommittees and maybe reach a consensus on subcommittee recommendations.

Hamilton reviewed the draft recommendations provided by the three subcommittees which is attached. The first draft recommendation was in regards to site assessments and nutrient planning. One of the core issues of this program is that we have approximately 30,000 livestock operations and when we compare that number to the number of comprehensive nutrient management plans developed we can only say that we have about 1,000 of those in the state. Hamilton also noted that in the second set of draft recommendations regarding training, the third recommendation was for operations that register to have additional follow up training to be provided by a one-on-one follow up visit and review of the operation by an SWCD or other qualified individual. The purpose of this visit would be to see if the operation is complying with state laws, to identify commendable items or to identify any areas where improvements need to be made.

Hamilton noted that under the first set of draft recommendations regarding site assessments and nutrient planning, the third recommendation was to require all new medium sized operations and significantly expanding medium sized operations to register and complete planning and assessment on their own or with assistance from an SWCD or consultant. Hamilton added that the actual submission of the plan and assessment for review would not be required, but the registration would be required.

Hanselmann added that if you registered a new medium sized operation of a larger size that is non-permitted and they do a site assessment and CNMP, that they could do it themselves or get assistance from the SWCD, but it wouldn't have to be approved by anyone. Another variation of that would be that they would be obligated to submit that CNMP developed to the SWCD for approval. If they don't receive the

approval then they don't obtain the affirmative defense of the law that is currently on the books and they don't get the public relations value by demonstrating that they are a good neighbor.

Mott asked how we would define what determines a medium sized operation?

Hamilton thought that if we asked for them to register by providing their name and address it would allow us to develop a system. Hamilton added that currently there is no system for non-permitted facilities.

Mott asked if the registration would go through the SWCD?

Hamilton thought that was one option, but didn't think that was the only option.

Hanselmann added that the facilities may not have to have a required registration and instead you could have a requirement in the law that says that a producer of this size needs to have a plan and if there is a violation of the law then you would have the name and address.

Mott asked if the pollution abatement complaints received in the past were for larger operations or have we even looked at the size of the operations on those complaints received over the years?

Hamilton thought that we had a mix of complaints in regards to the size. Hamilton added that we have received some complaints on new operations and noted that it may be perception issues or a real issue on some of those cases. Hamilton added that we do receive a fair amount of these types of complaints. Hamilton added that a good number of complaints received involve manure application, also.

Director Logan asked if the large part of the discussion concerned whether it involved large or medium sized operations because the medium sized range was pretty large?

Elder interjected that it all depends on the type of facility because growers are not large mediums and you are only looking at about half of that category. Most poultry broiler farms are 30-50,000 and it takes 125,000 broilers to trigger permitting.

Hamilton asked what the medium number was on those?

Elder said it was below 125,000 broilers so it is categorized as a medium operation, and it is not bumping the permit size.

Mott said that the same thing could be true for the dairies that fall just under the permitted operations.

Hamilton commented that if we go back to the handout and jump down to the regulatory and enforcement draft recommendations, these recommendations help address some of our core issues to better address pollution complaints in a more timely manner and providing further accountability. For example, the first recommendation deals with seeking clarification on a nutrient management plan and that we can require that when we have a valid pollution complaint. There has been some questions that have come up on whether we can actually require a nutrient management plan and we are looking at it from a custom manure applicator standpoint because our rules were written to reflect the animal feeding operation itself and not necessarily the custom applicator who may be applying manure. The second part of that first recommendation deals with a periodic inspection if we do have a complaint.

Hamilton thought that with our current system we do a pretty good job of follow up, but when we have complaint situations where we are not welcome we don't have anything in the law that allows us to require a periodic inspection.

Hamilton said that the second recommendation deals with adding a civil penalty provision to our agricultural pollution abatement program statute. When we are in an enforcement case and a Chief's Order has been issued, there is really nothing that a judge could refer to because no penalty has been established.

Hanselmann added that the current penalties are criminal statutes so this would give more options that could be easier on the violator in some ways. It would allow a little more flexibility so you are not going down a criminal path so Hanselmann thought it could be better for our agency and the producer to figure out an equitable sort of settlement.

Elder said that the criminal penalty currently is a first degree misdemeanor with \$1000/day and up to six months in jail.

Hamilton said that the third recommendation under that draft set deals with the timeliness of complaints and states setting a six-month time frame for a complaint to go unresolved and after that six-month time frame the complaint will be reviewed to determine if any progress has been made by the owner or operator. If reasonable progress has not been made, then that would allow us to go for further enforcement action. This could help the SWCDs who want to maintain that voluntary approach so after that six-month time frame, if they felt compelled to refer the complaint over to the DSWC then it may make it easier to take enforcement action when necessary on these few operations.

Director Logan asked if these recommendations were moving into a direction that was quite different for Ohio?

Hanselmann said that he would like to characterize it as moving in a different direction, but maybe not quite different. Hanselmann added that it is a step in the right direction on ensuring good operations and finding ways to assist producers such as the streamline nutrient management tool which hopefully they will feel good about that since we finally have a better tool that they can actually do themselves and get help if they need it. Hanselmann thought that they could utilize it to maximize utilization of manure to avoid buying commercial fertilizer. Hanselmann added that there are a few who don't do a good job and the state needs to protect the overall industry so we need that backstop and capability to nudge those few people.

Director Logan asked if it may be helpful to have the committee read Governor Strickland's Executive Order on Common Sense Business Regulations before they make final recommendations?

Hamilton agreed that would be a good idea.

Director Logan added that as he reads and re-reads Chapter 1511, he finds nuggets in ORC 1511 that could be adjusted. Logan commented that when statutory changes are proposed it would be helpful to say that we have run it through this filter as well. Director Logan said that we will be asked if the Executive Order on Common Sense Business Regulations was used so if the committee could do that before they make their final recommendation that would be great.

Hanselmann asked if asking people to register was too bureaucratic or if asking certain sized operations to have a nutrient management plan was valuable?

Director Logan thought that the nutrient management plan was needed so that is one of the difficulties.

Price said that you will have a percentage of those who push the envelope and will never register and then how do we handle those in an expeditious manner? Price commented that he needs to read the executive order so if someone could email that to him it would be appreciated.

Price added that the medium sized operations that are just under the line are doing so intentionally which is aggravating the situation. Price said that he was glad that the advisory committee was formed and we are doing something about the situation.

Director Logan appreciated how the advisory committee has preceded and added that it will be important to have support from all of the different sectors that will be impacted from this if possible. If you think about how difficult it is to regulate nonpoint source pollution, you are probably..if not now..then maybe later, you

will probably have to move to some sort of registration to have the locations of potential sources of nonpoint source pollution.

Hamilton said that after the November 13 meeting, DSWC will flush these out more and figure out what recommendations are good. DSWC will give the committee members an opportunity to take back the draft recommendations to their local organizations or group. For example, a committee member from the pork industry can take it back to producers so that they can get a sense of how this might work. In addition to that, DSWC is going to take it to the SWCDs also so that some focus groups can see if it makes sense.

Our hope is to pull the committee back together in January to report back on the information received from their respective organizations or groups so that it can be discussed.

Director Logan added that this could be reviewed during the Annual Meeting in January. He also noted that the Presidential Inauguration will be held that week in January.

Hanselmann said that the OFSWCD has changed the format of the meeting recognizing that most legislators will not be in Columbus that week.

Bankey commented that the OFSWCD was not planning on having a Legislator's Breakfast, but a dinner will be held that evening.

Director Logan asked if something else would be planned around legislators since it is an operating budget year?

Bankey said that she would be scheduling additional visits and so forth.

Mott asked for Hamilton's opinion on the buy-in from various livestock organizations? Has it been positive so far?

Hamilton thought that it has been very positive and he was impressed with how the different committee members such as the representative from the Ohio Environmental Council or the representative from the Ohio Farm Bureau Federation how much agreement there was and consensus on some of these initial concepts.

Stuckey commented that after attending these meetings, he was glad of the recognition of the need to react a little faster to the bad actor. Stuckey thought that the operations that were just under the permitted limit were probably good operations, but it was more of a perception thing.

#### **RECEIVE UPDATE ON AWARDING OF FY '09 WATERSHED COORDINATOR GRANTS**

Nageotte distributed handouts regarding the watershed coordinator program. Nageotte stated that DSWC has been awarding the watershed coordinator grants since 2000. An RFP was sent out on May 1 and DSWC received 18 proposals statewide. An administrative review was done of the proposals first and then an inter-agency review team looked over the proposals. Nageotte reported that 10 full grants were awarded and six of those are for three years to implement the watershed action plan. They had received a watershed coordinator grant in the past and now they are receiving a grant to move into the implementation phase. Nageotte noted that Blanchard Watershed Partnership was awarded a grant to help them hire a watershed coordinator since they were a targeted watershed area.

Hanselmann noted that there was a lot of flooding in the Findlay area earlier this year and a lot of flood planning mitigation is going on so we thought it was an opportunity to open the door for a more holistic approach on how to deal with floods in the future by helping to foster a watershed group that could interact with others in the community there as well.

Nageotte added that the Corps of Engineers was looking at funding some flood control projects, but reiterated that if we could involve the agricultural part of the watershed, then some of the innovations with drainage maintenance may have more impact on flood control.

Nageotte reported that there will be 32 active agreements in January, 2009 because as the program flows, we still have many that are still working off of the previous three or four grants. Nageotte thought that we still had one left off of the original six year grant as it was originally constructed.

Nageotte shared some numbers on the funding leveraged by watershed coordinators from 2001-2008. This year we asked the watershed coordinators to document how much funding they were able to generate through grants seeking other funds and we were pretty impressed with how much funding they were able to leverage which came out to over \$77 million which averages over \$2 million per coordinator. On the very face of it, Nageotte thought that the program was working because of the partnership created.

Price asked if the information collected from the watershed coordinators could be inputted into SWIMS?

Nageotte stated that he was currently working with Martin Joyce to train the watershed coordinators on using SWIMS.

Bigham asked where Nageotte or Hanselmann saw this program going in the future funding-wise and what the stability of the program was?

Hanselmann said that he was confident that he could maintain the division's level of funding which started in 2000 at \$300,000 and we have lost about 10% since then, but we have brought in other partners such as the Division of Wildlife and the Office of Coastal Management. Hanselmann added that the Division of Mineral Resources Management has been a partner since the beginning. Hanselmann was worried that as the funding levels at the local levels continue to tighten, they may not be able to help support the program. Hanselmann added that if you look at the \$77 million, Columbus alone is spending \$2.5 billion on combined sewer and other wastewater upgrades just in one municipality so there is a huge amount of work to do. Hanselmann thought that there was substantial interest in the program, but we need the funding to continue and really expand so that we can insure the implementation side of the program.

#### **DISCUSS POTENTIAL CHANGES TO SWCD BOARD MEMBER ELECTION LAWS AND RULES, AND DECIDE WHETHER TO ESTABLISH A COMMITTEE RELATED TO THESE MATTERS**

Hanselmann commented that he hoped OSWCC members were able to review the correspondence sent to them on October 15 in regards to the challenges faced in Hamilton County's election this year which highlighted the lack of clarity in our statute and rules regarding the election of board members and who is allowed to vote. The particular challenge relates to the statute Section 1515.01(C) that provides that a landowner, owner, or owner of land means an owner of record as shown by the records in the office of the county recorder and Section 1515.01(D) provides that land occupier or occupier of land means any person, firm, or corporation that controls the use of land whether as a landowner, lessee, renter, or tenant. The dynamic in Hamilton County this year was that because of the SWCDs and the county's fairly substantial regulations for earthmoving and stormwater sediment control, there is a substantial interest by the developing community on what a conservation district does and they have been able to get a couple of people elected on board to represent those interests over the last several years. This year the development community was particularly interested in building their representation on the board and environmental groups were also interested in having representation on the board. There were six candidates on the ballot, two incumbents, two for the development community and two for environmental interests and the legal representatives of some of the companies represented in the development industry became aware of the absentee balloting and the balloting procedures. Those legal representatives were asking questions that we didn't have ready answers for so we left the door open to anyone that asserted the right under these provisions. Hanselmann added that there were about 400 absentee ballots and about 100 people in attendance at the meeting. Perhaps gratuitously of those four non-incumbent candidates, one was elected from each side of the interested parties and both incumbents were defeated.

Hanselmann hoped that by the next election process we are better able to explain who is entitled to vote.

DSWC is recommending to the OSWCC that we form a committee to bring recommendations back to the January OSWCC meeting and one recommendation that we would like the committee to consider is to restrict the eligibility to vote to any and all residents of the county and not allow firms or corporations to vote. Hanselmann said that the recommendation is to require only residents who live in that county to vote and not to include residents who live elsewhere. Our best estimates are that less than 1% of the votes cast over the years represent those kinds of voters.

Hanselmann said that the other option would be to define specifically who may vote on behalf of a firm or corporation. The third idea which we are not recommending would be to go on the ballot with all of the other local and state officials at the November election.

Hanselmann noted that the policy adopted is also included in the OSWCC member packets and recommended that maybe this policy should be codified in the administrative code.

Hanselmann said that a letter from Tom Reininger to Chairman Mott is also included in the OSWCC member packets describing these related concerns.

Hammon added that Reininger questioned the proof of citizenship and the proof of residency which Hammon said that he discussed these questions with his staff and they weren't sure how to handle these questions.

Hammon thought that there was a weakness on how the districts handle the ballot process so that may be something that the committee looks at also.

Reeves said that advanced registrations may help to clarify who is a representative for that corporation and is eligible to vote.

Mott said that if you go with the more simplistic side of this, you might not need a committee to investigate this. But if we say that residents over 18 years of age are eligible to vote and require a photo id doesn't that resolve 99% of the issue? Mott questioned how this would change Section 1515.01(D) which provides that the land occupier is eligible to vote?

Hanselmann stated that it would require a change in the statute.

Hammon added that he also thought that a law change was needed to clarify who is eligible to vote.

Mott questioned who we were serving and how important is it for large corporations to have representation on the board?

Price added that as we tend to impact areas outside of the county line with regional programs and watershed programs, the impact is outside of the county line so Price didn't think that we could disallow corporations or LLC's to have representation.

Mott asked if they should have a vote if they don't have a resident in the district?

Price said that they have land that is impacted in that county so he thought that they should be allowed to vote.

Susan Reeves commented that the way that it is set up now is that you are allowed to vote in both counties (if you live in one county and have land as part of an LLC or corporation in another county).

Price thought that the LLC or corporation should be allowed to have one vote, but to not allow all of the shareholders to vote.

Mott asked if the SWCD should have a concern about this or could that concern be more or better handled through the watershed district that we are building on as time goes on? Mott added that if we make this more difficult as we go forward we are also increasing the workload on the district staff and state staff.

Sheets commented that if we had special interest groups that want a certain person on that board there is no way that we can stop them if they have enough of their constituents that rally together to draw the vote.

Mott thought that if someone running for the board decided to go out and get enough absentee ballots to win the election there wouldn't be any way to stop that either.

Sheets thought that we will have these rare occurrences, but really there was no way to stop that.

Mott didn't want to discourage people to run for the board of supervisors since it is a volunteer position and noted that we need to be careful to not turn away good candidates.

Mott asked the OSWCC members if there was enough support to create a committee to investigate this or if they wanted to make the decision themselves based on what they knew and move this item to the next OSWCC meeting? Mott asked how they wanted to proceed? Mott added that he cut Hammon off from saying something a minute ago and offered the floor to Hammon.

Hammon commented that there was a lot of discussion held today and suggested that a small committee should be formed so that they could digest it a little bit more.

Sheets moved to form a committee and have that committee report back to the OSWCC at the next OSWCC meeting.

Susan Reeves seconded the motion. Motion carried.

Mott asked Hammon what the time frame should be and how many members should be included?

Hammon thought that the committee should be 4 or 5 folks and wanted to fast track it since we needed to change the law and rules by the first of February so that the changes could be implemented before the next election process.

Mott hoped that some division staff would be involved on the committee.

Hanselmann suggested that a OFSWCD or OSWCC member should be involved along with some field staff and Fred Hammon. Hanselmann also suggested that a county or two should also be involved by having a board member or District Administrator represented on the committee.

Mott clarified the list to include a OFSWCD member, OSWCC member, field staff, Fred Hammon, and possibly a couple of District Administrators or board members.

Hanselmann commented that Price noted the need to allow voters outside of the county to participate and Mott suggested requiring only those residents who are 18 years and older and who live in the county to participate and thought that if we take both of those ideas to the committee maybe they could resolve that key point.

Mott asked if anyone from the OSWCC would like to volunteer to serve on the committee?

Sheets said that he would volunteer for the OSWCC and suggested that Kent Stuckey could sit on the committee for the OFSWCD.

### **DISCUSS OHIO EPA DRAFT WATER QUALITY STANDARDS RULES IN RELATIONSHIP TO RURAL DRAINAGE SYSTEMS REPORT**

Hines distributed a handout regarding Ohio EPA's Water Quality Rules and how they would impact the Rural Drainage Report. Hines stated that the rules are there to protect the public health and the

environment. Hines added that Ohio has already succeeded in efforts to meet water quality goals in 80% of its large streams. However, Ohio has not reached its objectives regarding nonpoint source pollution so changes to four rule packages will represent the most extensive revisions to water quality rules in 30 years.

Hines reported that the four rule packages being proposed are 1) water quality standards 2) antidegradation 3) section 401 water quality certification and 4) stream mitigation protocols. Hines commented that the water quality standards rule package is proposing benchmarks to identify how clean Ohio's waterways should be. Hines added that those benchmarks will clarify what they want the stream to accomplish in regards to recreation, drinking water, aquatic, etc. Hines said that once the benchmarks are identified to clarify what the stream will accomplish, provisions are set to keep clean waters clean for existing use in the antidegradation package. Hines noted that the Section 401 Water Quality Certification deals partly with isolated wetlands and added that this package proposal will look at isolated streams in a similar framework. In the past, the Army Corps of Engineers has shown that some streams or ditches were not protected and were not classified as part of US waters so they would not be regulated. Ohio EPA sees that as a struggle because we have water quality standards and we have this antidegradation that are state laws that they need to keep but how do they enforce that so the Section 401 is a permitting statute which allows them to do that. Hines clarified so we have a standards package proposal that says where you should be and the antidegradation proposal says you can't go backwards and now the Section 401 package proposal clarified that the permit review procedures are outlined for projects that cause physical impacts to water bodies. Hines added that Ohio EPA has said that to be able to regulate these US waters, they need to be able to regulate isolated streams. Hines concluded that the last package ensures that projects causing physical impacts to water bodies would provide appropriate mitigation in the stream mitigation protocols package proposal. Hines stated that the first three packages are out for public comment, but the stream mitigation protocols package proposal will be the last rule made available for public comment possibly in January. Hines added that after a 60-day comment period, these rules will likely be proposed to JCARR.

Hines commented how these water quality rules may impact the rural drainage initiative. In regards to designated waters which are waters that have scientific biological data or a tiered aquatic life use designation, there is really no change because we will still be required to protect that existing use which has always had that level of protection.

Hines noted that in regards to the undesignated waters which are less than 3.1 square miles, that is where we see a lot of the counties performing petition ditches with the county engineers. Most of those waters are undesignated meaning that they do not designate if it is a cold water habitat or warm water habitat so if we think about that in relationship to what Ohio EPA would like to protect, it is not really where they would like to put their resources since it is less than 3.1 square miles. Hines said that US EPA wanted to have these waters designated so DSWC worked with the Rural Drainage Committee to designate these waters and they basically designated these waters for a drainage use. Hines added that the waters were designated in such a way as to not require biological data because one of their primary purposes is drainage nutrient assimilation and not aquatic life so the projects can move forward for drainage and Ohio EPA is in a good situation because they do not need to spend a lot of resources to get the biological data to prove that it is something different. Hines thought that 80% of the projects SWCDs deals with are classified in this category.

Hines stated that the majority of small rural drainage landscapes are not currently assigned a tiered aquatic life use (no biological data) or they have a legacy designation. As proposed in the draft rules, these waters will typically be assigned into the Tiered Aquatic Life Use designation as Upland Drainage or be assigned as Aquatic Life Use designation. Upland Drainage is historically channelized, less than 3.1 square miles of drainage, and is less than 0.3% gradient. Assuming biological data is not available and the project is not within 2000 feet of high water quality, traditional design is appropriate for Upland Drainage. If the water is classified as Aquatic Life Use then this designation will require consultation with the appropriate Resource Agency.

Hines reported that there were two other classifications in regards to undesignated waters and one was undesignated with 3.1 – 10 square miles and the other was over 10 square miles. A Qualitative Habitat Evaluation Index (QHEI) is required for both of these. Hines said that one of the concerns that he has seen

with the SWCDs and the county engineers was the fact that under 3 square miles the burden was put on the environmental communities to show that there is something there that needs protected. If that is not the case, you could move forward with the project because the burden is on someone else to show that you should not do drainage. Hines commented that above 3.1 square miles the burden is on the person who wants to do drainage so they would be asked to perform the QHEI to say that it is not warmwater so the burden would be on the county engineer, SWCD, or landowner for anything above 3.1 square miles. Hines noted that it is about a two-day training to be able to perform the QHEI which then takes typically about ½ day to perform that assessment. Hines thought that we may typically have to do 10-20 of these a year so it is not a huge workload, but it will be something extra.

Hines added that another concern voiced pertained to the gradient requirement. Hines thought that 0.3% gradient was chosen because typically anything over 0.3% gradient can cause erosion and stability problems. Another concern was the alternative design standards which OSU has brought up and the last concern involved the stormwater plan which we are required to do on development sites.

Mott asked when the project would be completed?

Hines said that once the rules are approved, we will be able to move forward so we could potentially look at early next spring.

#### **ANNOUNCE OHIO EPA \$47,540 SWEETER GRANT TO DSWC FOR SOURCE WATER EDUCATION**

Hanselmann said that DSWC in collaboration with Ohio EPA's Division of Drinking and Ground Waters has been awarded a grant for \$47,540 from the Ohio Environmental Education Fund (OEEF). DSWC received a grant in 2005 to form 41 Source Water Environmental Education Teams (SWEETs). Those teams were provided ground water flow models and other resources and they conducted over 400 demonstrations reaching over 40,000 Ohioans with the source water protection message. The grant recently received will provide outreach by equipping a minimum of 34 existing SWEETs with new EnviroScape Drinking and Wastewater Treatment models and six new SWEETs with the EnviroScape models and the Envision 3000 ground water flow models. Appropriate training will be provided to expand their capacity to educate the public about protecting drinking water sources (both surface and ground water) and managing storm water and wastewater issues. The teams will be led by SWCD Educators and will consist of at least two other partners representing local organizations and agencies such as OSU Extension, Health Departments, Solid Waste Districts, Water Suppliers, Park Districts, watershed groups, etc. A series of five regional workshops will be conducted for SWEET members in Fall, 2009 and a second series of workshops will be conducted in Fall, 2010 to ensure that source water protection presentations are technically and educationally sound. Hanselmann stated that Jeanne Russell is the Nonpoint Source Education Coordinator with DSWC and is the Director for Project SWEETER. Hanselmann complimented Jeanne Russell on her efforts and for submitting a very competitive grant application.

#### **LEARN OF POSSIBILITY OF BRINGING SMITHSONIAN INSTITUTION "DIG IT!" SOILS EXHIBIT TO OHIO**

Hanselmann reported that the Smithsonian Institution in Washington, D.C. opened a multi-million dollar exhibit in July focused on soils called "Dig It!". The exhibit will be in Washington, D.C. for 18 months and then it will be available for 3 month blocks of time as the exhibit travels around the US. The exhibit will mostly travel around to science centers and museums across the US. The cost to the Smithsonian to bring it to your state is a fee of \$150,000 plus transportation costs which they estimate will be \$25,000 - \$30,000. Kent Stuckey, Mindy Bankey, Fred Hammon, and I saw the exhibit in July during the NACD meeting. NACD had been a partner along with NRCS in developing the very educational exhibit. DSWC hopes to bring it to Ohio and Hanselmann stated that he contacted COSI and they seem excited to consider this opportunity. COSI thought that it has significant educational opportunities if it were to be stationed at COSI and also across the state in classrooms. Hanselmann added that it is also an opportunity for SWCD Educators to reach out to school groups and encourage attendance at COSI to see the exhibit. In addition, it may provide some Ohio enhancements either at the entrance or exit to the exhibit or both to target K-12 or adults or both. Those enhancements could be used at the Ohio State Fair or Farm Science Review, for example. DSWC is organizing a meeting at COSI with some organizations such as The Ohio State

University and NRCS. DSWC is putting a proposal together and OEEF is quite receptive of an application of \$50,000 to support bringing the exhibit to Ohio. Hanselmann added that some companies in the area may also support the proposal. Hanselmann said that the Cincinnati Museum of Natural History and Cleveland Museum as well may be interested in being involved and after talking with COSI maybe there will be a way to share the exhibit somehow with either one or both of those museums.

Bigham said that if DSWC is successful with the GIS grant it may be a good opportunity to make the public aware of it by incorporating it into this exhibit also.

Sheets was very impressed with the display and thought that we should do everything that we could to bring it to Ohio.

#### **ELECTION OF 2009 OSWCC CHAIR AND VICE CHAIR**

Hanselmann opened the floor for nominations for the position of Chair for 2009.

Tom Price nominated Randy Mott as Chair for the OSWCC.  
Clark Sheets seconded the nomination.

Hanselmann asked if there were any other nominations for Chair.

Hanselmann stated that since there were none, he asked for a motion to close the nominations.

Clark Sheets moved to close nominations.  
Tom Price seconded the motion. Motion approved.

Following the vote of acclamation, Randy Mott accepted the position of Chair for the OSWCC.

Hanselmann opened the floor for nominations for the position of Vice Chair for 2009.

Tom Price nominated Susan Reeves as Vice Chair for the OSWCC.  
Clark Sheets seconded the nomination.

Hanselmann asked if there were any other nominations for Vice Chair.

Hanselmann stated that since there were none, he asked for a motion to close the nominations.

Clark Sheets moved to close the nominations.  
Tom Price seconded the motion. Motion approved.

Following the vote of acclamation, Susan Reeves accepted the position of Vice Chair for the OSWCC.

#### **AGENCY AND SWCD REPORTS**

##### **OSU**

Bigham reported that OSU has completed a strategic plan after more than six months of working on it and had assistance from Battelle in accomplishing the plan. Bigham recommended utilizing Battelle if the OSWCC continues to work on its vision or strategic planning.

Price commented that he sat on the committee and in the beginning there was a consensus things needed to be changed and he thought that Battelle did an excellent job of assisting OSU.

Hanselmann apologized for not moving forward on this but added that this was one of the reasons that it was decided to move the January meeting to a longer meeting so that discussion on the vision could continue. Hanselmann added that perhaps DSWC should contact Battelle before the January meeting to determine the feasibility of their involvement. DSWC recognizes the need to continue with the vision and strategic planning of the OSWCC.

Bigham said that OSU shares the budget woes that DSWC does and thought that it was a good time to re-evaluate where you are and where you are going.

Mott thought that the OSWCC should continue to move forward and work on a long range plan and had expectations that we would spend some time on this in January.

### **NRCS**

Cosby reported that NRCS is going through financial audits and is asking all partners to come in for a briefing. Cosby added that NRCS has a lot of dollars going out to landowners through CSP or EQIP and a lot of those practices are not being applied to the land so we have been instructed to start canceling the contracts if landowners do not abide by the contract signed. Cosby said that from now until the end of December, NRCS has to look at every contract in the state to see if they are abiding by the terms in the contract. Cosby said that Ohio has 1,350 CSP contracts and 3,700 EQIP projects to review. Ohio has more contracts than any other state because we tried to spend as much money out as we could. A lot of other states just went after big contracts so they don't have nearly the number of contracts that we have. Cosby stated that on December 29, NRCS has to certify that we have looked at every contract.

Cosby noted that NRCS has another EQIP sign-up, but the rules have not published yet so Cosby was hoping that it would be delayed until after January 1.

Lohstroh added that NRCS can always take applications for EQIP, but we normally have a period where we rank them and provide awards, if you will, so if someone comes in the door, we will accept their application year round.

Cosby said that NRCS can't match anything right now and added that he was going to be very selective on where the money goes.

### **FSA**

Jeff Mitchell reported that FSA employees received the new farm bill training recently and the new rules regarding the CRP and some other programs have not been published yet so here is what is coming down the road. Mitchell said that there was no general signup in 2008 for CRP so we lost over 9,300 acres last year in CRP in Ohio. A lot of the acres that expired at the end of 2008 were allowed to be re-enrolled as other practices such as filter strips, grassed waterways, wetlands, and those types of practices. Mitchell reported that there was over 94,000 acres enrolled in CREP, over 8,800 acres enrolled in wetlands, and over 84,100 acres enrolled in buffers. Ohio achieved its 2008 performance goals.

Ohio's CREP acres enrolled for Scioto CREP is over 60,000 acres and the goal is 70,000 acres. The Lake Erie CREP has a 60,000 acre goal and we have over 33,000 acres enrolled.

Ohio is ranked third in the country for number of acres enrolled in CREP and second in the number of contracts. Mitchell reported that in regards to annual rental payment rates, Ohio is third behind Maryland and Iowa for CRP/CREP signups and third behind Iowa and Indiana for CREP only.

Mitchell stated that there is a news release regarding State Acres for Wildlife Enhancement (SAFE) and sign up is scheduled to begin November 10, 2008. Ohio targeted focus areas to benefit high priority state declining species. Ohio has an acreage goal of 11,600 acres on a first come, first served basis.

Under the new farm bill, we will still have CREP, CP33, and FWP. We will also have the Grassland Reserve Program. Under CRP there is no anticipated general signup through FY 2009 and the acreage goal will remain at 39.2 million acres for 2008 and 2009 and then it drops to 32 million acres after that. There will be an amendment to the Handbook 2-CRP issued in mid-November.

Mitchell reported that the CRP cropping history will remain "planted or considered planted to an agricultural commodity during 4 of the 6 crop years from 1996 through 2001." The new cropping history

period must undergo an environmental assessment prior to utilization and the anticipated implementation date is FY 2011.

New programs under the CRP are constructed wetlands (CP39), aquaculture wetlands (CP40), tree thinning, and pollinator habitat improvement. Other programs are the Emergency Forest Restoration Program (EFRP) and the Biomass Crop Assistance Program (BCAP).

Mitchell stated that in regards to the Grassland Reserve Program (GRP) it has been extended to September 30, 2012 and expanded by 1,200,000 acres. The 30-year contracts/easements are no longer authorized and the 40-acre minimum enrollment requirement is no longer applicable. 40% of these funds shall be used for rental contracts. Expired CRP land will be given priority for enrollment into GRP up to 10% of the land enrolled in a year.

Mitchell said that the new, higher soil rental rates went into effect on October 1, 2008 and they reflect average cash rental rates for the previous 3 years using NASS data from land value surveys.

Mitchell stated that the 2009 CRP cost list should be done soon and the CRP contracts approved on or after the effective date of CRP cost list will receive 2009 cost share rates. The 2009 average cost rates will reflect higher input costs including seed, fertilizer, and fuel.

**OFSWCD**

Mindy Bankey reported that the OFSWCD Annual Meeting will be held January 20-21 and the information on the meeting and the registration is available on our website.

Mott asked if the early registration ends November 15 and Bankey indicated that was correct.

Chairman Mott thanked Clark Sheets for his service to the OSWCC and the OFSWCD since this is Clark's last meeting.

**Future 2009 OSWCC Meeting Dates**

Tuesday, January 27, 2009 at Fountain Square in E-1 Assembly Center

Wednesday, April 8, 2009 at Fountain Square in E-1 Assembly Center

Tuesday and Wednesday, July 7-8, 2009 will be in Northeast Ohio

November 11, 2009 will need to be changed because of Veterans Day

With no further business to come before the Commission at 3:10 p.m.,

Clark Sheets moved to adjourn the meeting.

Susan Reeves seconded the motion. Motion carried.

Respectfully submitted,

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Randy Mott, Chairman

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David Hanselmann, Executive Secretary