

**Ohio House of Representatives
Finance Committee
Interested Party Testimony
House Bill 49**

**Josh Knights, The Nature Conservancy in Ohio
April 5, 2017**

Good morning Chairman Smith, Vice Chair Ryan, Ranking Member Cera, and members of the House Finance Committee. I am Josh Knights, the State Director for The Nature Conservancy in Ohio. We appreciate the opportunity to testify as an interested party on HB 49, the FY2018-19 biennial operating budget.

The Nature Conservancy is a non-partisan, science-based organization that seeks to conserve the lands and waters on which all life depends. We work collaboratively with businesses, farmers, sportsmen groups, government and local communities to develop pragmatic, market-based solutions to conservation challenges, including air pollution. More than 65,000 Ohioans are Nature Conservancy supporters.

Funding for Water Quality Programs

HB 49 is a critical opportunity to continue the leadership by the Governor and the General Assembly on improving our water quality in Ohio. Our state has committed to reducing the level of phosphorus in Lake Erie by 40 percent by 2025 with an interim goal of 20 percent by 2020. Adequate funding for state programs that contribute to these outcomes are vital to local economies that rely on our freshwater assets. These programs include:

- **Healthy Lake Erie Program Fund.** HB 49 as introduced includes a 20 percent decrease for FY2018. The fund has been used strategically in watersheds with high levels of phosphorus to implement practices that prevent excessive nutrient loading. As we continue to work on the root causes of the harmful algae blooms in Lake Erie and other bodies of water, maintaining funding for this program is prudent.
- **State Match for Soil & Water Conservation Districts.** The Soil & Water Conservation Districts across the state are on the frontline in the battle against excessive nutrient loading. They disseminate information and serve as a critical connection to farmers in all 88 counties. For these reasons, we strongly support the request made by the Ohio Federation of Soil & Water Conservation Districts to return to a 1:1 match for state funding as provided for in statute. We cannot afford to underfund these “boots on the ground” partners who are working collaboratively with local farmers to improve water quality and soil health.
- **Heidelberg University Water Quality Lab.** There is a business adage that you cannot manage what you cannot measure. For decades, Heidelberg University has provided reliable and consistent monitoring of phosphorus levels in the major tributaries to Lake

Erie. We support continued funding for this monitoring in the Ohio Department of Agriculture's budget. We request a modest increase over the proposed level of \$250,000 to \$275,000 for each year of the biennium. Heidelberg's research has greatly assisted scientists and policymakers in defining the scope of our water quality challenge in Lake Erie.

- **Lake Erie Commission.** Likewise, we fully support the funding levels requested for FY2018-19 for the Lake Erie Commission (\$568,000 for the first year and \$571,000 for the second) as well as proposed changes to its mission and responsibilities. Importantly, it will focus on the twin policy challenges of excessive nutrient loading and the beneficial use of dredge material. The commission will also play more of a coordinating role with local, state and federal partners on programs and policies related to Lake Erie. This includes serving as a clearinghouse and repository for information related to Lake Erie. These changes align with the so-called "Blue Accounting" initiative supported by the Council of Great Lakes Governors, International Joint Commission, and The Nature Conservancy.
- **Ohio Sea Grant.** Ohio Sea Grant is part of a federal-state investment that supports the health and economic resilience of our nation's coastal communities, including the Great Lakes. The federal investment sends 95 percent of its appropriated funds to coastal states to solve challenges identified locally such as harmful algae blooms. Sea Grant plays a pivotal role as a credible source of research and information on water quality issues in Ohio by applying sound science to educate the public on the complex issues related to the health of Lake Erie. Unfortunately, the President's "skinny budgets" for the remainder of FY2017 and for all FY2018 have proposed eliminating this appropriation. The Nature Conservancy is engaging the Ohio congressional delegation on restoring this federal appropriation. As such, it is important that Ohio continue our state's investment in this program. We respectfully ask the General Assembly to provide the full \$299,250 requested for each year for Ohio Sea Grant given the continued water quality challenges our state faces.

Total Daily Maximum Loads

HB 49 also includes language to respond to the Ohio Supreme Court decision from 2015 that requires a new TMDL process. TMDLs are important because they establish the activities and strategies for improving the quality of Ohio's lakes and streams. They are applied on a watershed-by-watershed basis. The court found that opportunities for public comment were insufficient and that a rulemaking process would be required. The content of HB 49 seeks to address the court's findings by providing a process for additional input by all stakeholders. The Nature Conservancy supports the language in general, but has questions about delays in implementation of TMDLs if it is implemented as currently written. Our understanding is that Ohio EPA is still refining the language based on its conversations with stakeholders, including permit holders. We are providing our feedback to Ohio EPA on changes we would like made before the TMDL language is finalized.

Aquatic Invasive Species

We have a final request for the committee's consideration. In the last General Assembly, Representative Dave Hall championed legislation, HB 396, to significantly strengthen existing regulations regarding new aquatic invasive species entering Ohio and harmonize approaches within the Great Lakes states. Thanks to his leadership, the Ohio Department of Natural Resources has made some important administrative changes. The final piece of Rep. Hall's legislation requires ODNR to develop a written risk assessment process for evaluating the threat of new organisms becoming an aquatic invasive species. The language is approved by ODNR and was included last December in SB 333 (see attached). Unfortunately, the bill did not pass the "lame duck" session. For these reasons, we respectfully ask that the committee add the provision to HB 49.

Thank you again for this opportunity to testify as an interested party on HB 49. I would be happy to try to answer any questions.

Josh Knights
Executive Director
The Nature Conservancy in Ohio
6375 Riverside Drive, Suite 100
Dublin, OH 43017
Phone: 614-717-2770
Email: jknights@tnc.org

HB 49 Requested Amendment on ODNR Aquatic Invasive Species Policy
(previously approved as part of SB 333 from the 131st GA)

Sec. 1533.06.

Not later than one year after the effective date of this section, the chief of the division of wildlife shall establish all of the following:

(A) A risk assessment policy for aquatic species that provides for both of the following:

(1) An evaluation of the overall risk of a species based on the best available biological information derived from professionally accepted science and practices in fisheries or aquatic invasive species management;

(2) A determination of whether a species shall be listed as an injurious aquatic invasive species.

(B) A definition of injurious invasive aquatic species;

The chief shall adopt rules under section 1531.10 of the Revised Code that are necessary to administer this section.