

**Written testimony provided by Chagrin River Watershed Partners, Inc.**

**Senate Bill 2 – Create State Watershed Planning Structure**

**Provided to the Senate Agriculture and Natural Resources Committee**

**June 12, 2019**

Thank you to the leadership and members of the Senate Agriculture and Natural Resources Committee for the opportunity to provide testimony on Senate Bill 2, which creates a state-wide watershed planning structure for the State of Ohio. Chagrin River Watershed Partners, Inc. (CRWP) commends the efforts of SB 2 sponsors Senator Peterson and Senator Dolan for recognizing the need for a coordinated statewide watershed planning effort as a first step in meeting water quality objectives. Addressing nutrient loading from agricultural sources in the western Lake Erie basin (WLEB) is especially important to the citizens, stakeholders and local governments of northwest Ohio who are intimately familiar with the impacts of algae in Lake Erie. We feel that this bill will help to fill watershed planning gaps with ground-level support in areas of the state where important planning work is not currently happening. Following conversations with watershed planners and managers in northwest and northeast Ohio, CRWP would like to offer recommendations on SB 2 that we believe will improve local and statewide collaboration and ensure that watershed plans lay a foundation that will help to guide funds aimed at improving water quality.

1. Local stakeholders including non-profits, local governments, regional councils, citizen groups, and the private sector in the WLEB and across the state have collaborated for decades to develop and implement plans to protect, improve, and remediate pollution in our rivers and streams. These planning initiatives bring experts and local partners to the table to develop plans that address the diverse land uses (agriculture, urban, industrial, etc) and water quality issues in each watershed. Through coordination with OEPA, local watershed planners ensure that plans help meet water quality goals of each watershed and that proposed projects are eligible for GLRI and 319 funding. These existing efforts should be incorporated into the statewide watershed planning structure proposed through this bill. Additionally, existing efforts are dramatically underfunded. **Local non-profit organizations, local and county government agencies, and other entities should be considered eligible for SB 2 watershed coordination funding to continue watershed coordination, planning, and management under SB 2 and water quality funding bills such as H2Ohio.**
2. The requirement to hire additional staff at the state level should be removed and ODA should be provided the flexibility to support more staff at the local level depending on the needs in each region of the state. In some areas, established watershed planning and management programs and significant regional coordination and collaboration already exist. For example, the Central Lake Erie Basin Collaborative is a network of

organizations and initiatives that work collaboratively to protect and restore natural areas and promote stormwater solutions for healthy streams and Lake Erie in Northeast Ohio. Ohio's Central Lake Erie Basin extends from the Huron River in Erie County to the Conneaut River at the Ohio-Pennsylvania state line. Through this network, a variety of funding sources support shared technical services to northern Ohio watershed organizations and initiatives including site assessments, project development, watershed planning, grant writing, project implementation for stream/wetland restoration, stormwater retrofits, land protection and watershed enhancements. The Central Lake Erie Basin Collaborative works effectively because capacity at the local level is being shared and support is built from the bottom up. For northeast Ohio, perhaps funding that would have supported a coordinator at ODA could be passed through to local entities to support additional staff for on the ground projects. Additionally, based on feedback CRWP has received from partners across the region, CRWP recommends that any ODA positions that may be created through this legislation are focused on providing discrete technical services that address local needs identified by local stakeholders such as communities, SWCDs and watershed organizations. In parts of the state where many 9-element plans have already been developed, funding additional staff at SWCDs or watershed organizations to support implementation of 9-element plans may be more beneficial than a regional ODA coordinator.

3. The state agencies of OEPA, ODA, and ODNR all have a role to play in watershed planning. OEPA is the authority designated by USEPA to implement the Clean Water Act and should remain in the lead for all planning related to 9-element plan coordination at the state level. SB 2 language should specify the authority and role of each state agency involved in the watershed planning process. SB 2 should update the following sections of the ORC to specifically state the role of the directors of OEPA, ODNR, and ODA – 6111, 1501, and 940. Please also consider charging OEPA or ODNR with administering the new watershed planning and management structure due to their proven history and current work administering these types of programs. With ODA's focus only on agriculture, the agency may not be the best fit to oversee watershed planning in watersheds that are not primarily agricultural. Additionally, bill language should ensure that resulting watershed plans are consistent with existing state-wide requirements and based in the state's water quality standards.
4. Data collection under 940.36 (C)(2) (lines 380-387) – Clarification is needed to allow aggregated data to be made publicly available – perhaps at a HUC 12 or smaller scale. At the HUC 12 scale all aggregated data should be considered a public record to allow partners, researchers, and the public to track the success of publicly funded programs. Data should be made available to nonprofit organizations and local governments involved in watershed planning as well as the public as allowable by law. Additionally, data collection methodologies should be standardized statewide, and training should be

made available in addition to dedicated funding for skilled technical professionals to perform monitoring.

5. There is concern that the ground-level work and data collection in SB 2 will create additional workload for Soil and Water Conservation Districts, but there is no mention of funding for this additional work. Most SWCDs across the state are not adequately funded for existing workloads. Please add language to explain how H2Ohio or other funding measures will pay for this additional work on an ongoing and sustainable basis.
6. In keeping with the intent of SB2 to address agricultural nutrient sources, drainage water should be added to the list of sources of degradation to waters of the state in 939.02 (E)(3). Nutrients carried through tile drainage is a major contributor to Lake Erie's algae issues.
7. Regarding the certification program under Section 940.37, this bill should clarify what funding sources would support a farmer certification program.

Thank you for the opportunity to provide written testimony. CRWP's staff are happy to discuss this bill with you further. Should you have questions or need clarification on these recommendations, contact Heather Elmer, Executive Director at [helmer@crwp.org](mailto:helmer@crwp.org), 440-975-3870 ext. 1001 or Kim Brewster, Deputy Director at [kbrewster@crwp.org](mailto:kbrewster@crwp.org) or (440) 975-3870.