

NRAC District 4

PY16

Summary of Changes

Policy Manual

- Updated PY15 Supplemental references to PY16.
- Added link under “Prevailing Wage and Other Bidding Requirements”
- Updated verbiage for OPWC Project Signs

Application Manual

- Updated PY15 Supplemental references to PY16.
- Set due date for application as 2pm on February 24, 2022.
- Removed “submit to”. Changed to submit via WorksWise.
- Updated “Application Materials”
 - Removed references to hardcopy submittal and application organization
 - Added required documentation verbiage
- Site visit will be during the month of March.
- Applications will be reviewed on Tuesday, April 5, 2022.
- Updated appraisal standards link.
- Removed “Compensatory Mitigation” section.
- Updated Local Match hyperlink.
- Phase 1: Error Checking: removed reference to letter being sent. Changed verbiage to applicant will be contacted and deadline for response will be given.

Application Questionnaire

- Updated PY15 Supplemental references to PY16.
- Updated application due date.
- Removed checklist
- Added verbiage to 5.2 Level of Coordination to help applicants better understand what qualifies for points. Change “Include letters of support” to “Include supporting documentation”.



CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM

District 4 Natural Resources Assistance Council (NRAC)

PY16 Funding Round APPLICATION MANUAL

The information in this document relates directly to the NRAC District 4 Project Evaluation Methodology. The NRAC evaluation process utilizes the evaluation criteria outlined in ORC Section 164.24. The NRAC assigns points and weight factors to each of the evaluation criteria in order to determine which projects should be recommended for Clean Ohio Green Space Conservation Funding.

Visit Ohio Public Works Commission Website for more information. <https://www.pwc.ohio.gov/>

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PY16 GUIDELINES

Application Due Date

To be considered for financial assistance applications must be submitted by:

2pm Thursday, February 24, 2022

Submit via:

[Customer WorksWise Portal](#)

ABSOLUTELY NO LATE APPLICATIONS WILL BE ACCEPTED

Application Materials

Applications will need the following documentation:

1. Authorizations and Resolutions of Support,
2. Agreements and Letters of Support,
3. Maps and Photos,
4. Natural Resource Information, and
5. Property Information (Parcel #)
 - a. Conservation Easements
 - b. Letters of Intent / Memorandum of Understanding
 - c. Purchase Agreements
 - d. Deeds and Proposed Deed Restrictions
 - e. Property Value – Appraisals
6. NRAC District 4 Supplemental Questionnaire

It is the applicant's responsibility to ensure that all the documents are accurate, complete and in accordance with the requirements, terms, and conditions set down by the OPWC and the NRAC. Failure to meet these conditions will result in the disqualification of a project.

Site Visit

The committee will be making site visits to PY16 applications during the month of March. The District 4 Liaison will coordinate with each applicant to schedule.

Application Review

The committee will review all PY16 applications Tuesday, April 5, 2022 at 2pm. Applicants are encouraged to attend this meeting.

Eligible Applicants

Local Political Subdivisions

- Counties
- Municipalities
- Villages
- Townships
- Conservancy Districts
- Soil & Water Districts
- Joint Recreational Districts
- Park District / Authority

Non-Profit Corporations – A non-profit corporation is eligible to apply if it is exempt from federal income taxation pursuant 26 USC 501 (a) and one of its designated activities is directly related to the purposes for which Clean Ohio Conservation grants are issued.

Subdivision Applicant Codes

OPWC uses a unique code to identify applicants, determine their eligibility to receive funding and to manage and track project information. This code is to be provided on page 1 of the Application for Financial Assistance. Subdivision codes are assigned by OPWC at the written request of the applicant on the entity's letterhead and should be made prior to applying for financial assistance.

Reference: ORC Sections [164.20](#), [164.22](#)

Project Types

The focus of every application shall be conservation.

Open Space

Open Space projects should promote the following:

- Comprehensive open space planning.
- Aesthetically pleasing and ecologically informed design.
- Economic development that promotes local economic development and/or community development initiatives in high unemployment and/or low-income habitats
- Protection of rare, threatened and endangered species habitats.
- Protection of high quality, viable habitats for plant and animal species.
- Preservation of wetlands or other scarce natural resources.
- Pedestrian or bicycle linkages.
- Educational opportunities.
- Quality of life and the natural heritage of the state.

- Reduction or elimination of nonnative, invasive species of plants or animals.
- Balancing the natural ecosystem.

Eligible Open Space projects include:

- Acquisition of open space.
- Acquisition of easements.
- Acquisition of land or rights in land for parks, forests, wetlands or natural areas that protect an endangered plant or animal population.
- Connecting corridors for natural areas.
- Construction or enhancement of facilities to make open space accessible and usable by the general public.

Not eligible – Acquisition of open space for activities such as baseball diamonds, tennis courts, soccer fields, etc.

Riparian Corridors

Riparian Corridor projects should promote:

- Habitat protection.
- Stream corridor-wide or watershed planning.
- Recreational, economic and aesthetic preservation benefits.
- Floodplain and streamside forest functions.
- Headwater stream preservation.
- Restoration and preservation of aquatic biological communities.

Eligible Riparian Corridor projects include:

- Reforestation of land or the planting of vegetation for filtration purposes.
- Fee simple acquisition of lands to provide access to riparian corridors or watersheds.
- Acquisition of easements for the purpose of protecting and enhancing riparian corridors or watersheds.

Not eligible – Riparian corridor projects that initiate or perpetuate hydromodification such as dams, ditch development or channelization.

Acquisition

Acquisition must be done one of the following methods:

- Fee Simple Purchase
- Easement Purchase or Donation
- Land Donation

Funding

GRANTS: 75% of the estimated total project cost: a minimum 25% local match is required.

Eligible Local Match Sources:

- Contributions of money by any person, local political subdivision, or state or federal government.
- Contributions in-kind through the purchase or donation of equipment, land, easements, interest in land, labor and materials necessary to complete the project.

Resolutions of Support

Ohio Statute requires that certain project applications include Resolutions of Support. If the applicant is a county, township or municipality and the project is located wholly within the applicant's boundaries, then no resolutions are needed from any other local government. Park districts, regardless of the location of the property, are not required to obtain any resolutions but must consult with each county, township, and municipality in which the project is located. All other applicants must obtain a county resolution for each county in which the project is located and from the impacted township or municipality. If the project is in two to four townships or municipalities, then resolutions are needed from at least one-half. If the project is in five or more communities, then resolutions are needed from at least three-fifths.

Resolutions of Support do not apply to Improvements Only projects since the requirement was met for the property's acquisition.

Reference: ORC Sections [164.23\(B\)](#), [164.23\(C\)](#)

Access and Architectural Barriers Act

The [Architectural Barriers Act \(ABA\)](#) contains the most currently available information regarding the accessibility of trails. There is an important distinction between trails, shared use paths, and sidewalks, all of which have a different set of accessibility standards that apply. Trails are described in the ABA and shared use paths and sidewalks fall under a similar category but have a separate set of [ABA rules](#).

Appraisals

Please review OPWC's appraisal requirements at:

[Appraisal Standards May 2021.pdf](#)

Consulting Fees

If the Commission has determined that the scope of services and/or the associated fees are not clearly indicated, the engineer of record will be asked to clarify services with their fees. Administrative costs for application and disbursement preparation are ineligible.

Contingency Line Item

If the Commission's Project Agreement with the local subdivision contains a contingency line item it may be used to resolve construction site problems which result in unforeseen but necessary and legitimate construction expenses. The Commission may request documentation it considers appropriate, including the subdivision's agreement with the consulting engineer.

Deed Restrictions

The OPWC requires that its deed restrictions be placed upon and recorded for all acquired property, easements, and property upon which improvements are made. Deed restrictions are enforced.

More information on the Project Managers page: <https://www.pwc.ohio.gov/Project-Administration/Clean-Ohio>

Demolition

NRAC District 4 will allow demolition as part of funding package. However, the project must include restoration as part of the application.

Dog Parks

Dog parks are permissible on Clean Ohio property if the footprint is small in proportion to the total property. The committee will consider the location and impact on the site. The applicant is required to have a maintenance plan as part of the application. Dog parks cannot be paid by Clean Ohio funding or serve as a match.

Eligible / Ineligible Items

Grant funds are available for open space acquisition, including easements (on unprotected property), and/or related development necessary to make the open space accessible and useable by the general public, and for educational purposes. Eligible related development/access improvements include trails, pedestrian bridges, observation decks, kiosks/signs, benches, trash receptacles, invasive species removal (one time only), parking lots, portable restroom enclosures, restoration, naturalizing, and fencing; however, public access is not mandated. Eligible costs include planning, design, engineering, appraisals, environmental assessments, and archaeological surveys. Related development may either be included in the application for acquisition or as a subsequent application on a previous Clean Ohio property acquisition. Improvements are eligible under a subsequent application if not included in a previous project.

Generally, project components that do not lend themselves to conservation are not allowable. However, components allowing for passive recreation (e.g. shelter houses, restrooms) or that are aesthetic (e.g. fountains, statues) are permitted on the property but cannot be paid by Clean Ohio funding or serve as match. Clean Ohio funds may not be used

for beautifying with non-native plants and formal gardens. Additional ineligible costs include: hydromodification, mitigation, administrative and monitoring costs, maintenance items, seller paid items/seller settlement costs, taxes, etc. Any questions regarding eligibility should be directed to the OPWC.

Items such as mountain biking, equestrian trails, disc golf and dam removal may be allowed on the site with the approval of the District 4 NRAC. The committee will consider the location and impact on the site. The applicant is required to have a maintenance plan as part of the application.

Reference: [ORC 164.22](#)

[OPWC Eligible / Ineligible Items List](#)

Farmland Preservation

The OPWC is without authority to approve grant projects for the primary and express purpose of protecting land for continuing agricultural purposes. From a practical standpoint a project may contain agricultural land that would: 1) be allowed to revert to its natural state; 2) serve as a buffer for a riparian corridor; or 3) that could be used for the demonstration of historical farming. Applications containing active farmland in production or for grazing of livestock must include a timely exit strategy. Clean Ohio funds may be used to buy out a farm lease as a right in land.

Forest Management Practices

An untended, poorly managed forest eventually produces disease, insects, and overcrowding. Proper administration is needed to provide a forest with sunlight, water, critical nutrients, and healthy wildlife habitat. The Ohio Public Works Commission encourages recipients of Clean Ohio funds for land acquisition to develop forest management plans. Such plans, typically written for a ten-year period, provide for methods to maintain or improve forest health, sustainability, and productivity. For this reason, harvesting methods and techniques may be used on Clean Ohio protected properties if done so in a manner that is scrupulous, responsible, and well managed. Harvest methods, including even-aged and uneven-aged systems each have benefits and drawbacks so must be taken into consideration depending on the situation. Any revenues from timber harvesting are required to be used for maintenance and management of the property.

Forest management plans are required to be developed by a professional forester certified by the Society of American Foresters. The Society's Certification Program ensures that foresters are vested in education and experience, providing the knowledge and skills necessary for proper forest management that adhere to standards of professional practice. Even if the organization that owns and manages the Clean Ohio protected property does not have an existing forest management program, a Certified Forester is required to administer any harvests. For assistance in locating a Certified Forester,

see https://www.eforester.org/Main/Certification/Find_a_Certified_Professional.aspx?WebsiteKey=0605da36-47de-48f7-b626-a9e9d693e2ad.

Hydromodification

Hydromodification is prohibited by statute. Hydromodification activities are manmade or engineered modifications of natural drainage or streams, and activities include dams, dredging, sedimentation, bank clearing, and other actions that accelerate untreated water runoff or encourage invasive nonnative species. Permitted activities include restoring the natural stream and drainage conditions.

Reference: [ORC 164.22\(A\)\(6\)](#)

Life Estate

Life estates are permitted in which the original landowner (seller) has occupancy rights limited to their lifetime (referred to as the “life tenant”).

Local Match (Prepaid and In-kind)

The local match is the participation percentage rate that is made up of non-OPWC funds. It consists of other agency funds (federal, state, or local) or local pre-paid for engineering or in-kind work (labor, equipment, materials). Prepays may either be reimbursed (up to one year prior to the date of the agreement) or credited toward the local match.

Reference: [ORC 164.05\(D\)](#)

More information: [Ohio Public Works Commission > Green Space - Local Match Policy Prepays & In-Kind](#)

Long Term Ownership and Control

Properties or rights to properties obtained with Clean Ohio funds are required to remain in the ownership and control of the grant recipient in perpetuity. A request to transfer ownership and control must be made in writing to the OPWC Director.

Mineral Rights / Oil & Gas Leasing

Oil and gas leases in place at the time the Natural Resources Assistance Council approves the project will be treated as pre-existing easements which the applicant has little or no control. Requests to engage in new oil and gas leasing on Clean Ohio properties is denied.

Minority Business Enterprise (MBE)

On OPWC-funded projects a percentage, as specified in ORC 125.081, of local subdivision direct contracts for procurement of equipment, materials and supplies must be made from state certified MBE vendors.

Reference: [ORC 125.081](#), [ORC 164.07](#)

Procurement of Professional Design Services

Ohio law, [ORC Sections 153.65 to 153.73](#), requires all public authorities to use a qualifications-based selection process in choosing professional design services (i.e. architect, landscape architect, professional engineer, and surveyor) or design-build services.

Restoration

It is critical to District 4 NRAC that the open space selected for funding initiates or hastens the recovery of the ecosystem on the land. To be eligible for points, restoration work must comprise a portion of the project scope, budget, or local match and supporting documentation must be included. Restoration projects should be designed to provide one or more of the following benefits:

- Enhancing or rehabilitating an open space to an appropriate ecological state or to what it would have become before societal interference;
- Ensuring the integrity and sustainability of the species (flora or fauna) introduced are both native and resilient (can resist disturbance);
- Integrating the community's cultural heritage;
- Providing opportunities for people to appreciate and understand cultural and ecological relationships; and
- Promoting a common vision for greenspace for Montgomery County.

Revenue-Producing Activities

Any revenue-producing activity requires approval of the OPWC and may only be conducted in which proceeds are used to maintain the conservation values of the property. Revenue records must be maintained for a period of three years and be made available to the OPWC upon request.

Structures

NRAC District 4 will allow demolition of existing structures on Clean Ohio properties. Existing structures may be used for nature or outdoor education centers, park offices, and/or conservation-related storage but cannot be used as a caretaker's residence. Existing cabins may be retained for use for overnight lodging, if approved by the NRAC. Any profit producing venture may only be conducted in which proceeds are used to maintain the conservation values of the property.

Timber Value

If applicable, the stumpage value of timber (the "Timber Value") may also be considered as a credit in a bargain sale and be used for match. A qualified forester or appraiser may perform a timber appraisal to determine the on-site inventory and estimate of stumpage value of timber on the property. The stumpage value of timber generally considers the

volume of timber on the property, the species composition, the quality, and other related factors to determine the current Timber Value.

If using Timber Value as bargain sale match, it is the Client and/or Applicant's responsibility to provide this information to the property/land appraiser (and appraisal reviewer if applicable). The appraiser uses this information to determine the impact of the Timber Value on the overall property/land value appraisal and reconciles the Timber Value within the Appraisal Report.

The Ohio Public Works Commission recommends using an individual certified by the [Association of Consulting Foresters of America, Inc. \(ACF\)](#) or the [Society of American Foresters \(SAF\)](#).

Utility Easements

Utility easements are permitted for property usage such as for restrooms and lighting. Costs cannot be part of the Clean Ohio funding or Match. Utility easements must be specified in the Use & Development section in the Deed Restrictions, if known at the time of application. Approval for utility easements after Clean Ohio restrictions are in place or for development of property blocked by the Clean Ohio protected property must be first granted by the NRAC and will then ultimately be at the Director's discretion.

Planning and Implementation

- Certified Appraisal – which must be performed by an ODOT Prequalified Appraiser
- Closing Costs
- Title Search
- Environmental Assessments
- Design
- Restoration work must comprise a portion of the project scope, budget or local match and must include documentation in the application.

PROJECT EVALUATION PROCESS

The NRAC evaluation process utilizes the evaluation criteria outlined in ORC Section 164.24. The NRAC assigns points to each of the evaluation criteria in order to determine which projects should be approved for Clean Ohio Conservation Funding. This document, along with the "Ohio Public Works Commission Application for Financial Assistance" will be used by the NRAC to evaluate projects.

It is the applicant's responsibility to ensure that all the documents are accurate, complete and in accordance with the requirements, terms, and conditions set down by the OPWC and the NRAC. Failure to meet these conditions will result in the disqualification of a project.

The NRAC has established a three-phase process to select the projects that will be recommended to the OPWC for final evaluation and approval.

Phase 1: Eligibility, Completeness and Error Checking

The district liaison will review all applications for eligibility, completeness, and check for errors. The district liaison will contact applicants to give them an opportunity to correct items on their application. All corrections must be made within ten (10) business days. A due date will be clearly communicated. If the applicant does not respond, the project will be scored using the original information.

An application deemed ineligible will not be scored by the NRAC.

The NRAC will reject applications that are missing required items such as an appraisal, authorizations and/or resolutions of support.

Phase 2: Preliminary Project Evaluation

- 2.1 Applications will be reviewed by the NRAC members for compliance with OPWC and NRAC policies and procedures.
- 2.2 Using the Evaluation Criteria, the NRAC members evaluate each application and assign a preliminary score in each of the evaluation categories.
- 2.3 Prior to the scoring meeting, the committee will schedule a time in which a site visit can be conducted.

Phase 3: Project Scoring and Selection

- 3.1 NRAC members will meet to review and discuss the project applications and to allow any interested applicants the opportunity to give a brief presentation and answer any questions.
- 3.2 If NRAC members need to reconsider a project or allow an applicant to refine their project application, the NRAC will reconvene to review and discuss the revised application.
- 3.3 **An application must score a minimum of 42 points in order to be funded.** However, a supermajority of 8 NRAC members may overrule the minimum score and allow the application to be funded. 42 points constitutes half the available score in section 3 (Benefits) and section 4 (Needs of the District).
- 3.4 In the case of a tie between two or more projects, the NRAC through discussion will attempt to re-score the projects. If the discussions do not result in a tie breaker then the project with the highest score in section 3.1 will be selected. If the last qualified project on the funding list cannot receive its full funding request, the NRAC will consider a request for partial funding along with a revised budget and project scope.
- 3.5 The district liaison will immediately forward an approved slate to OPWC upon its ratification by the NRAC.

PY15 APPLICATION QUESTIONNAIRE INSTRUCTIONS

Section One – Project Emphasis

Depending upon the type of project submitted, open space or riparian corridor; check each factor that will be achieved by the project.

For Example: If an open space project will incorporate aesthetically-pleasing and ecologically informed design, protect high quality viable habitats for plant and animal species and will provide educational opportunities, then all four factors should be checked.

Section Two – Project Description

2.1 Type of Project for which funds are being requested:

Check one of the types of projects:

- Acquisition of land
- Open Space Development or Enhancement of Clean Ohio Properties;
- Riparian Corridor project

2.2 Appraisal or Conservation Value and Property Information

For acquisition projects a certified appraisal performed by an ODOT Prequalified Appraiser who is credentialed in value analysis. An appraisal is required at the time of application.

For open space development projects, provide the executed settlement statement and recorded deed and deed restrictions or conservation easement.

For riparian corridor projects, provide a conservation easement agreement or recorded deed and proposed Deed Restrictions.

2.3 Project Description:

Provide a project description that includes the project benefits, attach a map showing the project location(s) and the local setting(s), and explain if applicable:

- Whether the project is part of a phased project. If so, briefly explain the larger project and the specific phase that is included in the application.
- Whether there are existing structures on the property. If so, include the appraised value of the structure, proportion of value to the overall value, and the intended (e.g. demolition, re-use).

Section Three – Project Benefits

ORC 164.22

Indicate the applicable benefits that are anticipated as a result of this project. In the comments under each section provide specific examples of how this project will accomplish

the item(s). Benefits should be based on items that will be accomplished as part of this project. Future plans and development will not be considered for points.

Section Four – Needs of the District

Explain how the project:

- Is part of an adopted regional, county, community or watershed plan. Provide project plan documentation?
- Is of regional or county significance?

Section Five – Other Relevant Factors

5.1 Other Project Funding

Projects will be awarded points based on the total local match provided. The higher the percentage of match, the higher the points that will be awarded.

Percentage of Local Match	Score
More than 75%	8
61 - 75%	6
46 - 60%	4
26 – 45%	2
25%	0

5.2 Level of Coordination

Projects that involve more than one agency or organization will be given extra consideration. The level of coordination can be financial contributions, the donation of property, assistance in planning and implementing the project or responsibility for completing a part of the project. If applicable, explain:

- The agencies and organizations that have been involved in the planning and preparation of this project application.
- The level of coordination that each agency or organization has provided.
- Attach Letters of Support.

Two points will be awarded to projects that have coordinated with other agencies or organizations.

5.3 Readiness to Proceed

Projects not scheduled for acquisition within 12 months of the date of the Project Agreement will be rejected by OPWC.

In the case of riparian corridor and open space development projects that do not include land acquisition, applicants must include at least one of the following:

- Project schedule
- Formal estimate or quote by architect, landscape architect, or another qualified professional
- Documentation of appropriate permits, or permitting process

5.4 Immediacy

Applicants should indicate and explain if the project area is vulnerable to being developed as something other than open space (e.g. commercial development) and how this development would be detrimental to the community.

5.5 Mineral Rights

In accordance with the OPWC guidelines regarding gas and oil leasing, projects that acquire and maintain available mineral, oil, gas and/or extraction rights, on properties with no active gas and oil wells, as part of the property acquisition will be awarded the full points.

The applicant must provide the following information on the property being acquired:

1. The date, if applicable, of any pre-existing lease or similar arrangement on the mineral rights, including oil, gas and/or extraction leases and if the lease or agreement allows for surface disturbance within the property.
2. Property rights such as:
 - The current landowner will retain the mineral rights
 - The mineral rights will be purchased and transferred to another entity
 - The mineral rights will be purchased and maintained, with no active gas or oil wells
 - The applicant has obtained legal agreements with Lessee to minimize the impacts of the lease and/or can show how current oil and gas well will not impact sensitive natural areas.

EVALUATION POINTS

CRITERIA	MAXIMUM POINTS
Benefits	
Environmental	44
Economic	12
Social	18
Subtotal	74
Needs of the District	10
Other Relevant Factors	
Other Project Funding	8
Level of Coordination	2
Readiness to Proceed	2
Immediacy	2
Mineral Rights	2
Subtotal	16
Total	100



CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM

District 4
Natural Resources Assistance Council
(NRAC)

PY16 Funding Round APPLICATION QUESTIONNAIRE

This document, along with the "Ohio Public Works Commission Application for Financial Assistance" will be used by the NRAC to evaluate projects.

SECTION ONE – PROJECT EMPHASIS

Check each factor that will be achieved by the project.

1.1 OPEN SPACE PROJECTS - Check each factor relevant to the project.

ORC 164.22(A)

- Result of a comprehensive open space plan.
- Incorporates aesthetically pleasing and ecologically informed design.
- Enhancement of economic development that relies on recreation and ecotourism in areas with relatively high unemployment or lower incomes
- Protects habitats of rare, threatened and endangered species.
- Protects high quality, viable habitats for plant and animal species.
- Preserves high quality wetlands or other scarce natural resources within the county.
- Provides educational opportunities and physical links to schools and after-school centers.
- Preserves or restores natural features that contribute to the quality of life and the county's natural heritage
- Reduces or eliminates nonnative, invasive species of plants or animals.
- Promotes the proper management of the ecosystem while allowing for fishing, hunting and trapping.

1.2 RIPARIAN CORRIDOR PROJECTS - Check each factor relevant to the project.

ORC 164.22(B)

- Increases habitat protection.
- Result of a stream corridor-wide or watershed-wide plan
- Provides multiple recreational, economic and aesthetic preservation benefits.
- Preservation or restoration of floodplain and streamside functions.
- Preservation of headwater stream.
- Restoration and preservation of aquatic biological communities

SECTION TWO - PROJECT DESCRIPTION

2.1 TYPE OF PROJECT FOR WHICH FUNDS ARE BEING REQUESTED:

Check the project type and provide appropriate documentation

Acquisition of Land - Check the type of acquisition.	
Fee Simple	
Easement Purchase	
Land Donation	
Open Space Improvement Project to enhance Clean Ohio properties to make the land accessible and useable	
Riparian Corridor	

2.2 APPRAISAL OR CONSERVATION VALUE AND PROPERTY INFORMATION:

Please fill out the following questions and provide the required documentation for projects that include land acquisition.

Appraisal value analysis: _____
 Purchase Price of Property: _____

YES	NO	
		Is this a bargain sale, in which the purchase price is less than the appraised value? *
		Is this a Riparian Corridor Project in which the applicant already owns the property? If yes, please include a copy of the property deed, and a draft of the OPWC restrictions to be included in a deed or conservation easement.

*If the acquisition is a bargain sale and the project consists of leveraging the difference between the appraised value and purchase contract as match, then applicants are required to have an appraisal review performed by an ODOT Prequalified Appraisal Reviewer to ensure that the purchase price history, comparables, adjustments, and disclaimers are accurate. (See Policy Manual)

2.3 PROJECT DESCRIPTION

Provide a project description, including a map showing the project location(s), the local setting and, if applicable:

1. Is this part of a phased project? If so, briefly explain the larger project and the specific phase that is included in the application.
2. Are there existing structure(s) on the property? If so, what is the appraised value of the structure(s), proportion of value to the overall value, and the intended action(s) (e.g. demolition, re-use, etc.)

SECTION THREE - PROJECT BENEFITS

3.1 Environmental Benefits – 4 points each (44 points maximum)

ORC 164.22

Check all the benefits that apply. Explain how this project will accomplish each item. In order to receive points, the environmental benefit must be included as part of this application. Future improvement will not be considered.

- Balances the built environment with the natural environment
- Enhances environmental health or reduces ecological risks
- Converts degraded parcels/acres to a natural area and/or open space
- Creates habitats or other natural areas and/or open space
- Improves biodiversity
- Protects a rare, threatened or endangered species classified as regionally endangered or included in the State Natural Heritage Inventory
- Protects high quality or regionally significant biological communities
- Reduces the quantity or improve the quality of stormwater runoff
- Restores floodplain functions
- Reduces or eliminates nonnative, invasive species of plants or animals
- Other environmental benefits

Comments:

3.2 Economic Benefits – 2 points each (12 points maximum)

ORC 164.22

Check all the benefits that apply. Explain how this project will accomplish each item. In order to receive points, the economic benefit must be included as part of this application. Future improvement will not be considered.

- Supports a priority local economic and/or community development initiative
- Catalyzes other improvements
- Increases the value of adjacent or nearby land.
- Reduces annual municipal service costs (e.g. public safety, public service)
- Develops or redevelops vacant, underutilized parcels/acres
- Other economic benefits

Comments:

3.3 Social Benefits – 2 points each (18 points maximum)

ORC 164.22

Check all the benefits that apply. Explain how this project will accomplish each item. In order to receive points, the social benefit must be included as part of this application. Future improvement will not be considered.

- Provides public access
- Creates a gathering place
- Provides educational opportunities
- Provides bicycle or pedestrian linkages
- Removes a blighted image
- Improves public health and safety
- Enhances cultural and civic heritage of the area
- Incorporates aesthetically pleasing and ecologically informed design
- Other social benefits

Comments:

SECTION FOUR - NEEDS OF THE DISTRICT

5 points each

Explain how this application fits the needs of District 4.

4.1 Is the project part of an adopted regional, county, community or watershed plan? When was plan formally adopted? Provide project plan documentation.

4.2 Will the project be of regional or county significance? If so, explain how.

SECTION FIVE - OTHER RELEVANT FACTORS

5.1 OTHER PROJECT FUNDING – Maximum of 8 points

The local match scoring is based on Section 1.2 of the OPWC Application.

5.2 LEVEL OF COORDINATION – 2 points

Projects that involve more than one agency or organization will be given points. To qualify for points, there must be financial contributions, donation of property, assistance in planning and implementing the project.

Describe the agencies and organizations that have been involved in the planning and preparation of the application. What level of coordination has each agency or organization provided (e.g. monetary, land donation, etc.)? Include supporting documentation.

5.3 READINESS TO PROCEED – 2 points

Projects acquiring property must provide documentation of a pending land transaction. Check documentation provided:

- _____ Fully executed contract with the owner (signed purchase agreement)
- _____ Contract with the owner (purchase agreement but not all signatures included)
- _____ Letter / memorandum of understanding

For riparian corridor projects or open space improvement projects in which the applicant already owns the property, provide at least one of the following:

- _____ Project Schedule
- _____ Formal estimate or quote by architect, landscape architect, or other qualified professional
- _____ Documentation of appropriate permits, or permitting process

5.4 IMMEDIACY – 2 points

Explain any circumstances (e.g. development pressure) that may be occurring that requires immediate action.

5.5 MINERAL RIGHTS

2 points for retaining all mineral rights.

Explain the property rights in regards to mineral rights and extraction that will be conveyed in the purchase agreement or conservation easement. **The District 4 NRAC will not allow clean Ohio Funds to be used to purchase parcels that contain active gas and oil wells.**

Please provide the following information on the property being acquired:

_____ Date of any pre-existing lease or similar agreement on the mineral rights, including oil, gas and/or extraction leases
_____ Does any lease agreement allow for surface disturbance within the property?

Property Rights (choose one):

_____ The current landowner retain the mineral rights
_____ The mineral rights be purchased and transferred to another entity
_____ The mineral rights will be purchased and maintained by the applicant



CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM

District 4 Natural Resources Assistance Council (NRAC)

PY16 Funding Round POLICY MANUAL

This document provides the Ohio Public Works Commission (OPWC) and NRAC District 4 policies. Clean Ohio Green Space Conservation Program Funding Applications will be evaluated in accordance with the requirements, terms, and conditions set down by the OPWC and the NRAC.

Visit Ohio Public Works Commission Website for more information. <https://www.pwc.ohio.gov/>

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CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM

In 2000, the State of Ohio voters approved a constitutional amendment authorizing the state to sell bonds and other obligations for the Clean Ohio Program. This program provides grants for open space and watershed conservation, farmland preservation and recreational trails.

The Clean Ohio Green Space Conservation Program provides funds to preserve open spaces, sensitive ecological areas, and stream corridors. The Ohio Public Works Commission (OPWC) is responsible for administering the Clean Ohio Green Space Conservation Program through districts set up in the State Capital Improvement Program.

The District 4 Natural Resource Assistance Council (NRAC) is responsible for administering the Clean Ohio Green Space Conservation Program for Montgomery County and is responsible for:

1. Promoting the development and improvement of Montgomery County's open spaces and the protection and enhancement of riparian corridors and watersheds; and
2. Evaluating and selecting applications from local jurisdictions within Montgomery County for financial assistance from the Clean Ohio Conservation Program.

DISTRICT 4 NATURAL RESOURCES ASSISTANCE COUNCIL

The District 4 Public Works Integrating Committee (D4PWIC), as directed in the Ohio Revised Code Section 164.21 appoints the members of the Montgomery County Natural Resources Assistance Council (NRAC). The NRAC consists of eleven (11) members, with one (1) member being from the appointing integrating committee (D4PWIC) and one (1) member from the soil and water conservation district located in Montgomery County.

The other nine (9) members are appointed from categories of organizations, units of government or agencies as prescribed in ORC 164.21(A)(1), there must be at least one representative from each group:

Group 1: County, municipal corporation, township, conservancy district, regional or joint district or unit of government, or regional or joint political subdivision located in the geographical jurisdiction of the D4PWIC.

Group 2: Conservation or environmental advocacy organization, an organization with a primary interest in watershed protection and restoration, the Department of Natural Resources, the Environmental Protection Agency, or the U.S. Natural Resources Conservation Service.

Group 3: A city park system or metropolitan park system or a board of park commissioners located within the geographical jurisdiction of the appointing integrating committee, a statewide parks and recreation organization, or the U.S. National Park Service.

Group 4: A statewide organization representing agriculture, an organization representing forestry interests, the Department of Agriculture, or the U.S. Department of Agriculture.

Group 5: An organization representing business, local realtors, or a planning agency, including a port authority, located within the geographical jurisdiction of the appointing integrating committee.

District 4 NRAC Members

Mr. Jeff Barnes

Representing Group 4: Natural Resources Conservation Services - USDA
Term End: 9/25/2022
Phone: 937-854-7646
Email: jeff.barnes@oh.usda.gov

Dr. Sarah Hippensteel Hall

Representing Group 1: Miami Conservancy District
Term End: 9/25/2023
Phone: 937-223-1271
Email: shippensteel@mcdwater.org

Mr. Matt Lindsay, Chair

Representing Group 5: Miami Valley Regional Planning Commission
Term End: 9/25/2021
Phone: 937-531-6548
Email: mlindsay@mvrpc.org

Ms. Carrie Scarff

Representing Group 3: Five Rivers MetroParks
Term End: 9/25/2022
Phone: 937-277-4109
Email: carrie.scarff@metroparks.org

Mr. Trent Weaver

Representing Group 2: ODNR – Division of Wildlife
Term End: 9/25/2023
Phone: 937-545-6768
Email: trent.weaver@dnr.state.oh.us

Mr. Ed Everman

Representing: Montgomery County Soil & Water Conservation
Term End: 9/25/2023
Phone: 937-854-7645
Email: evermane@mcohio.org

Mr. James Brinegar

Representing Group 1: City of Centerville
Term End: 9/25/2021
Phone: 937-428-4725
Email: jbrinegar@centervilleohio.gov

Mr. Christian Mattingly

Representing Group 1: City of West Carrollton
Term End: 9/25/2022
Phone: 937-847-4660
Email: cmattingly@westcarrollton.org

Ms. Michele Simmons

Representing Group 1: City of Dayton, Department of Water
Term End: 9/25/2021
Phone: 937-333-3796
Email: Michele.simmons@daytonohio.gov

Mr. Steven Woolf

Representing: District 4 Integrating Committee
Term End: 9/25/2023
Phone: 937-833-4015
Email: swoolf@clayohio.org

NRAC Nominations

A Natural Resource Assistance Council is established in each of the nineteen districts. Each NRAC consists of 11 members of which one must be a member of the appointing integrating committee and one must represent a soil and water conservation district located within the geographical jurisdiction of the NRAC. Members' terms of office are three years, with each term ending on the same day of the same month as did the term before it, except that the term may not extend beyond their terms as an elected or appointed official.

Members may be reappointed and must be filled in the same manner as the original appointment. Any member filling a vacancy holds the position for the remainder of that term. A member continues in office after the expiration date of the term until the member's successor takes office or until 60 days has elapsed, whichever is first. Appointments and reappointments must be approved by the district integrating committee. District committees are responsible for coordinating the appointment process in their respective districts and informing the Commission of appointments. Appointing authorities are encouraged to make their appointments prior to the expiration of the term of the incumbent appointee(s).

For the appointment of each new member the district must provide a letter from the appointing authority, a nomination form, and a resume or summary of qualifications. For a reappointment only the letter from the appointing authority is required. For the district integrating committee appointment only meeting minutes are required, however, meeting minutes are also required to confirm all other appointments and reappointments.

Reference: [ORC 164.21](#)

Meeting Attendance

Any District committee member who fails to attend at least three-fifths of meetings for any two-year period forfeits their position on the committee.

Reference: [ORC 3.17](#)

Administrative Expenses

NRAC District 4 has set an amount not to exceed 1 percent (1%) of District 4 allocations to be used for reimbursement of administrative expenses. Administrative expenses will be disbursed from District 4's funding allocations. The committee will approve an Administrative Work Plan for each program year.

Audit Requirements

OPWC-funded projects are subject to state audit requirements. A copy of any audit in connection with and specific to an approved project must be provided to the OPWC. Any negative or adverse findings pertaining to the project must be addressed. If findings are not addressed or satisfactorily resolved, the OPWC may bar the applicant from further financial assistance until the applicant complies with or resolves such findings.

Reference: [OAC 164-1-24](#)

NRAC Methodologies

NRACs are required to allow a minimum of sixty days from OPWC's approval of their respective project selection methodologies to accept applications. If methodologies remain unchanged, the Commission must be notified accordingly. Information should be submitted with the annual program schedule.

Open Meeting Requirements

NRACs are public bodies and therefore subject to Open Meeting laws as defined by [section 121.22 of the Ohio Revised Code](#) (as part of Ohio's "Sunshine Laws"). All meetings must always be open to the public.

The NRAC must make public notice of the meeting at least 72 hours in advance of the scheduled meeting. Public notice consists of the day, time, place and purpose of the meeting and must be made orally, or in writing, to all members of the public body and to any person, or the news media, requesting notification. Full and accurate meeting minutes which permit the public to understand and appreciate the rationale behind the public body's decisions must be promptly prepared, filed, and maintained and be open to public inspection.

Reference: [ORC Sections 121.22 and 164.04](#); [OAC 164-1-10](#)

More Information: AG website, Ohio's Sunshine Laws Manual

<http://www.ohioattorneygeneral.gov/yellowbook>

Public Records

It is the policy of the OPWC to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request for public records is written, the explanation of denial must also be written.

Records are defined as including the following: any document - paper, electronic (including but not limited to e-mail), or other format - that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of this office. All records of the OPWC are public unless they are specifically exempt from disclosure under the Ohio Revised Code. Records will be organized and maintained so that they are readily available for inspection and copying, and available according to OPWC's record retention policy.

Requests & Responses

Each request for public records should be evaluated for a response using the following guidelines:

Identification of Public Records Requested - The requester must identify the records requested with sufficient clarity to allow the OPWC to identify, retrieve, and review the records. If it is not clear what records are being sought, the OPWC will contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the Commission keeps its records.

Method of Request & Identity of Requester - The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record.

Availability of Public Records for Inspection & Production of Copies - Public records are to be available for inspection during regular business hours, except for published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable time period. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested.

Time Constraints for Satisfying Public Records Request - Each request should be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. Routine requests included, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied or be acknowledged in writing within three business days following receipt of the request. If a request will not be satisfied within three business days, the acknowledgement must include at least a request for clarification, if necessary, and an estimated cost if copies are requested.

Denial of Public Records Request - Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Cost of Obtaining Copies of Public Records

Charges for public records are for the actual cost of making copies as follows:

- Paper copies are 5 cents per page
- Downloaded computer files to a compact disc (CD) are \$1 per disc
- No charge for e-mailed documents
- If the requester asks that the documents be mailed there is a charge for the actual cost of postage and mailing supplies

E-Mail as Public Records

E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedule. Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the OPWC are instructed to retain their e-mails that relate to public business and to copy them to the business e-mail accounts.

Records Retention

For every project approved by the Commission, a “project folder” is created for project management purposes. This folder is in a paper format and contains such items including the original project application, Project Agreement, disbursement records, Requests to Proceed, and general correspondence. Project related information that is stored electronically includes the Project Agreement, a list of all approved vendors or each project and their respective contract amounts, a list of all vendors paid by the Commission, and the dollar amount paid. The Commission will maintain completed project folders and information in perpetuity.

It is strongly recommended that Natural Resource Assistance Councils retain those documents pertaining to a specific program year’s slate of projects for a period of two years after the recommendations are forwarded to OPWC. This includes unfunded applications, meeting minutes, and any other documentation related to a particular program year.

Reference: [ORC 149.33](#), DAS Directive [GS-D-04](#)

NRAC DISTRICT 4 PRINCIPLES

The District 4 NRAC considers the CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM a unique opportunity for advancing environmental conservation and improving the quality of life in Montgomery County. The principles listed below reflect the essential needs of Montgomery County.

1. **Preserve** natural areas or open space.
2. **Restore** and enhance landscapes that have been degraded or destroyed.
3. **Link** natural areas to each other or to cultural and civic heritage areas.
4. **Provide** public access to natural areas and/or cultural and civic heritage areas.

Open space is an important and vital part of daily life in urban areas – it can improve social health of our communities, the environmental quality of our ecosystems, and the economic viability of our region. Protecting and restoring natural systems – their biodiversity, habitats, and aesthetics will result in a cleaner, healthier, and more sustainable environment for everyone to enjoy.

PROCESS FOR AWARDED PROJECTS

Project Agreement

Once a project agreement is released by the OPWC, it must be signed and returned within 45 calendar days. An executed project agreement is required prior to the disbursement of funds.

Reference: [OAC 164-1-21](#)

Prevailing Wage and Other Bidding Requirements

The OPWC requires that all state and local bidding laws and requirements be followed including the payment of state prevailing wages. If the project is jointly funded with federal money, federal laws may override state requirements, so it is imperative for the project owners to discuss with the federal funding source. The OPWC has provided bid proposal notes (see link below) which contain the necessary state requirements. Questions should be directed to the local subdivision's legal counsel.

Reference: [Ohio Public Works Commission > Project Administration > Clean Ohio](#)

Disbursements

The Commission will pay eligible project costs at its percentage rate per the Project Agreement up to the total amount of grant assistance. Applicants should be prepared to meet their local share requirements at all stages of the project. At the discretion of the Commission, the percentage rate can be adjusted during the disbursement process but must be met prior to or by project close-out. Disbursement documentation must include detailed invoices. Payment may be made directly to the vendor or as reimbursement to the subdivision if the invoice is accompanied by proof of payment.

The Commission can only disburse funds for eligible project costs that are included in the project's scope of work as defined in the Project Agreement. Changes to the scope of work, including significant change orders, are the sole responsibility of the subdivision unless the District has approved a request to amend the scope.

The final disbursement request also serves as the project completion report. A separate statement of completion is not necessary if the final disbursement request indicates project completion. After the Commission is notified that a project is completed it will provide a summary of all disbursement activity.

Land Acquisition Disbursement

Applicants have two options for payment for property. Applicants may either choose to have funds released to the title agency prior to closing (pre-closing option) or be reimbursed after

closing. However, neither option can take place without the submission and approval of the Request to Proceed (RTP), and the release of the Notice to Proceed.

- **Pre-Closing Option:** The Appendix E (Disbursement Request Form and Certification) must indicate the name of the Title Agency and be provided **at least 30 days prior to closing**. Funds will then be released to the escrow account to be held for closing. Any interest that accrues is to be used for settlement costs or, if in excess, will be applied to the cost of the project. If the closing is not held within 30 days of the disbursement, then the OPWC should be contacted immediately. Within 60 days of closing, the applicant, or the Title Agency on behalf of the applicant, must provide to the OPWC copies of the recorded deed/conveyance instrument, recorded deed restrictions, and executed settlement statement.
- **Reimbursement Option:** After the RTP has been approved and a Notice to Proceed has been issued, the applicant may submit a disbursement request/Appendix E requesting reimbursement for acquisition and other eligible costs. The submission should include copies of the recorded deed / conveyance instrument, recorded deed restrictions, and executed settlement statement.

OPWC Project Signs

Signage is not required on OPWC Clean Ohio funded projects. However, if a local subdivision elects to erect signage then it must, at a minimum, contain the Green Space Conservation logo. Below are suggested signage guidelines. A standard layout increases public awareness through signage repetition.

Guidelines

- Reasonable costs of signage will be considered an eligible expense and should be included under “Permits, Advertising, Legal”
- Disbursements will require a photograph of the sign and supporting invoice. Reimbursements will be based on the project’s applicable disbursement ration.

Layout

The standardized layout is for an 8’ x 4’ sign

Sign layout and logo specifications can be found on OPWC’s website.

Reference: [Ohio Public Works Commission > Project Administration > Clean Ohio](#)

Riparian Corridor

Riparian Corridor projects must protect or enhance riparian corridors or watersheds including the protection and enhancement of streams, rivers and other waters of the state. Applications for riparian corridor projects that do not include land acquisition must include a

draft of the OPWC restrictions and the recorded deed or conservation easement in order to be recommended for funding.

Post-Acquisition Activity / Site Improvements

Site improvements may be included with the application for acquisition of a property. All post-acquisition activities must be concluded within a two-year period from the date of acquisition.

Project Cost Overruns / Changes in Scope

All project cost overruns are the sole responsibility of the project applicant. However, a project applicant may request additional funds from its NRAC for completing a project. NRAC meeting minutes are required for the OPWC to amend the Project Agreement accordingly.

Applicants shall endeavor to implement, without change, their approved project(s). In the event a project requires a change in scope the following procedure must be followed:

- The applicant must prepare an amended application including a revised budget and a detailed explanation of the change(s) requested
- The amended application is due to the District 4 Liaison a minimum of thirty (30) days in advance of the date scheduled for the Committee to review.
- The District 4 Liaison will verify budgetary amounts.
- The District 4 Liaison may provide the applicant with an advisory opinion as to the merits of the request.
- The District 4 Liaison will submit the request for change to the committee in the meeting agenda packet at least seven (7) days prior to the scheduled meeting.
- The District 4 NRAC Committee, upon review of the request, shall deny, modify or recommend approval to the OPWC Director within sixty (60) days of receipt of **ALL** requested information.
- Any supplemental assistance requests must be within District 4's budget capacity and ensure achievement of the original objectives of the application.

Project Cost Underruns / Supplemental Funding

Any surplus in assistance resulting from a project cost underrun will be returned to the originating NRAC. If an NRAC has an active contingency list, fund balances will be used by the OPWC to fund contingency projects according to rank.

Travel Expenses

OPWC will reimburse for travel expenses incurred by consultants or contractors while performing eligible work according to the physical scope of the project as defined by the OPWC Project Agreement, Appendix A. Reimbursable costs must be in accordance with the

OBM Travel Rule. Reimbursement for lodging and meals & incidentals will be based on per diem rates according to the location of work activity set by the federal General Service Administration (GSA). Mileage is eligible at the state rate in effect at the time of travel (see Travel Rule link).

Reference: [ORC 126.31](#), [OAC 126-1-02](#) and [OBM Travel Rule](#)

GLOSSARY

Aesthetically pleasing and ecologically informed design

Design which protects existing or restored habitats by avoiding sensitive areas, by setting back construction and paved surfaces from streams, wetlands and other sensitive habitats, by landscaping in order to create balanced natural ecosystems, by constructing facilities and amenities which visually enhance the natural setting. The result of such design is a healthy environment and a superior recreational experience, which inform, educates and pleases participants.

Aquatic biological communities

Native plants and animals which reside in wetlands, streams and lakes. The potential diversity of aquatic communities is defined by the use designation of the stream and/or the classification of the wetland as defined by the OEPA and by the ODNR.

Areas of relatively high unemployment / distressed area

A municipal corporation that has a population of at least 50,000 or a county that meets two of the following criteria:

1. Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least 125% of the average rate of unemployment for the US for the same period
2. Its per capita income is equal to or below 80% of the median county per capita income of the US
3. A municipal corporation in which at least 25% of the residents have a total income for the most recent census year that is below the official poverty line or a county, in intercensal years, with a ratio of transfer payment income to total county income equal to or greater than 25%

Reference: [ORC 122.16](#)

Balanced natural ecosystems

Ecological systems are dynamic assemblages of native plant and/or animal communities that (1) occur together on the landscape or in the water; and (2) are tied together by similar ecological processes (e.g., fire, hydrology), underlying environmental features (e.g., soils, geology) or environmental gradients (e.g., elevation).

Comprehensive open space planning

A plan adopted by a subdivision of the state that identifies community goals related to open space preservation and utilization. The plan may include recreational and environmental goals, zoning definitions and requirements for planned unit developments where applicable, maps that identify targeted resources, funding strategies and timelines.

Connecting corridor for natural areas

Corridors are an attempt to compensate for habitat fragmentation by connecting similar areas to allow species to migrate between suitable habitats. Corridors should be as wide as possible to avoid “edge effects”. (The outer boundaries of any habitat consist of a zone of influences such as wind, sunlight, water tables that differ from the interior).

Conservation Easement

An incorporeal right or interest in land that is held for the public purpose of retaining land, water, or wetland areas predominantly in their natural, scenic, open, or wooded condition, including, without limitation, the use of land in agriculture when consistent with and in furtherance of the purpose of retaining those areas in such a condition, or retaining their use predominantly as suitable habitat for fish, plants, or wildlife; that imposes any limitations on the use or development of the areas that are appropriate at the time of creation of the conservation easement to achieve one or more of those purposes; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions. Easements are entered into on a volunteer basis and are compensated at whatever rate is agreed to among the parties given the value of the restrictions. Easements are permanent in nature and are to be recorded as a deed restriction.

Reference: [ORC 5301.67 \(A\)](#)

Conservation organization

Community and civic organizations which represent the interests of citizens who are concerned with the sustainability of the natural environment and the preservation of native natural habitats and communities including the air, water and land necessary to sustain them.

Ecotourism

Travel to natural areas that minimizes environmental impact, fosters environmental and cultural awareness, exhibits commitment to local conservation issues, and provides direct benefits to local people. Ecotourism operations that are owned and run by local people tend to offer the most authentic cultural immersion and provide the most significant local benefits.

Endangered species

According to U.S. Federal law, a species is endangered if it is in imminent danger of extinction throughout all or a significant portion of its range.

Reference: [US Fish and Wildlife Service Listings and Occurrences for Ohio](#)

Facilities

Constructed features that are necessary to make an open space area accessible and useable such as parking places at a canoe launch, a boardwalk at a wetland, nature trails and kiosks. The preservation of the natural area or riparian corridor must be the main focus of the project, not the facility. Active recreation facilities such as tennis courts and recreation centers cannot be funded under the Clean Ohio Conservation Green Space Program.

Fee simple land acquisition

A fee without limitation to any class of heirs or restrictions on transfer of ownership.

Functioning floodplains

Riparian lands adjacent to the stream which are accessible to stormwater and floodwaters. Functioning flood plains disperse and retain peak flows, minimize downstream flooding and provide a settling basin for sediment and other pollutants carried by stormwater. Any development in floodplains should accommodate these functions by avoidance and minimization, especially of impervious surfaces.

Habitat for plant or animal species

The USGS Habitat Suitability Index provides information for evaluating impacts on fish and wildlife habitat resulting from water or land use changes.

Reference: [USGS Habitat Suitability Index](#)

Habitat protection

Management focus that de-emphasizes individual species, focusing instead on maintaining habitat or ecosystem quality, including ecological processes important in maintaining the characteristic biodiversity of an area.

Headwater streams

Small swales, creeks and streams that are the origin of most rivers and with a watershed less than or equal to 20 square miles. These small streams join to form larger streams and rivers or run directly into larger streams and lakes. Many streams and drainage ways have a watershed of less than one square mile referred to as “primary headwater” streams.

High quality wetlands

Wetlands assigned to OEPA wetland category 3 are those that:

- support superior habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director or his authorized representative
- may be typified by some or all the following characteristics: high levels of diversity, a high proportion of native species, or high functional values
- may include, but are not limited to: wetlands which contain or provide habitat for threatened or endangered species; high quality forested wetlands, including old growth forested wetlands, and mature forested riparian wetlands; vernal pools; and wetlands which are scarce regionally and/or statewide including, but not limited to, bogs and fens

Reference: [OAC 3745-1-5](#)

Hydromodification

Projects shall not initiate or perpetuate hydromodification such as dams, ditch development, or channelization. The project is that which is defined by the scope in the OPWC Project Agreement.

Reference: [US EPA Hydromodification definition](#) (Does not include restoring natural stream or drainage conditions)

Natural areas

An area of land or water which either retains to some degree or has re-established its natural character, although it need not be completely undisturbed, or has unusual flora, fauna, geological, archeological, scenic, or similar features of scientific or educational interest.

Reference: [ORC 1517.01 \(A\)](#)

Natural features

A physical or biological feature of the landscape which has resulted from and is maintained by natural processes. Examples: waterfall, river oxbow, gorge, natural bridge, cave, etc.

Natural heritage

All the species, communities and physical features present in Ohio at the time of the first European settlement.

Natural stream channels

Provide for the normal fluvial morphology of a stream. The channel will allow for natural migration of stream sinuosity, pool and riffle formation and other instream habitat features, and banks which allow stormwater access to the floodplain.

Nonnative, invasive species of plants and animals

Non-native or exotic species are plants or animals that are introduced to a new area artificially, either deliberately or accidentally. A non-native species can become invasive if it reproduces so successfully in the new area that it dominates the native species present.

Preservation

Any area of land which would:

- Maintain and enhance the conservation of natural or scenic resources
- Protect natural streams or water supply
- Promote conservation of wetlands, marshes, bogs, fens, forests, prairies, lakes, streams or other naturally occurring communities
- Enhance the value to the public of abutting or neighboring parks, stream corridors, forests, wildlife areas, natural areas or other natural open spaces
- Enhance passive public recreation opportunities such as nature observation, hiking, and canoeing or kayaking, that require a minimum of facilities or development and that have minimal environmental impact on the recreational site.

Reforestation

To place a parcel of land back into forested condition.

Restores streamside forests

The process of using ecological principles and experience to return a degraded ecological system to its former or original state.

Riparian corridors

Ecosystems with a high-water table because of proximity to a river, stream, lake, or other body of water. They usually occur as an ecozone between aquatic and upland ecosystems but have distinct vegetation and soil characteristics and are uniquely characterized by the combination of high species diversity, high species density, and high productivity. They serve a variety of functions including the preservation of water quality by filtering sediment, protection stream banks from erosion, and provide food and habitat for various species.

State natural heritage inventory endangered/rare/threatened species

Managed by ODNR's Division of Natural Areas and Preserves, the Natural Heritage State Ranking system is as follows:

- S1: Critically imperiled in state (5 or fewer viable populations known)
- S2: Imperiled in state because of rarity or vulnerability (6-20 viable populations known)
- S3: Rare or uncommon in state (21-100 viable populations known)
- S4: Apparently secure in state
- S5: Demonstrably secure in state
- SH: Of historical occurrence throughout range
- SU: Possibly in peril range-wide but status uncertain

ODNR maintains the lists of Ohio's endangered and threatened animal species.

Reference: [ODNR Endangered and Threatened Species](#), [ODNR Rare Native Ohio Plants List](#)

Streamside forest functions

Those colonies of native shrubs and trees which protect water quality and instream and riparian habitat by allowing the succession of native plants. These forests provide habitat for a wide variety of plants and animals from upland species to aquatic communities. They also minimize sedimentation from bank erosion and pollutant migration from stormwater runoff. In addition, they provide shade to instream species which is especially critical to those species which are intolerant to heat extremes.

Vegetative filters or buffers

Vegetative filtration buffers and wetlands remove organic and inorganic nutrients and toxic materials in the following ways:

- A reduction in velocity causes sediments and chemicals attached to sediment particles to drop to the bottom and be trapped among the stems and roots
- A variety of anaerobic and aerobic processes remove certain chemicals from the water
- The high rate of production of many vegetative filters or wetlands can lead to high rates of mineral uptake by vegetation and subsequent burial in sediment when vegetation dies
- A diversity of decomposers in wetland sediment

Viabile population (of rare or endangered species)

Viability indicates the ability of a conservation target to persist for many generations or over long time periods.

Waters of the state

All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

Reference: [ORC 6111.01 \(H\)](#)

Water quality

The chemical, physical and biological condition of a wetland, stream or lake. Ohio sets criteria for water quality in OAC 3745-1-05 (Criteria as applicable to all waters).

Reference: [OAC 3745-1-05](#)

Watersheds

A watershed is the total land area from which water drains into a single stream, lake, or ocean.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

