

District 5

NATURAL RESOURCE ASSISTANCE COUNCIL

Clean Ohio Fund, Ohio Public Works Commission - District 5

Ohio Natural Resource Assistance Council (NRAC)

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GENERAL CLEAN OHIO PROGRAM GUIDANCE FOR PY 15

- The District 5 NRAC recommends that each applicant thoroughly review the [Financial Assistance Instructions](#) and [Helpful Links for Supporting Documentation](#).
- It is also recommended to view the OPWC [Clean Ohio Advisories page](#) for more information regarding program specific policies and eligibility.
- The [Clean Ohio Application](#) Fillable pdf Form can be found on the OPWC website.
- [Post Award Administration Procedures](#) are also available on the OPWC Website. **(To activate the hyperlinks right click the link and hit the ctrl key simultaneously then click OK)**

DISTRICT 5 CLEAN OHIO CONSERVATION PROGRAM- POLICY CLARIFICATIONS

The following Policy Clarification are intended to offer guidance in complying with the provisions of Clean Ohio Funding for Round 15.

ADMINISTRATION — PROGRAM YEAR 15: In reviewing projects recommended by the districts, the Commission has identified several areas of concern, which should be conveyed to applicants in order to avoid delay in processing and approving applications for Program Year 15.

READINESS TO PROCEED: Projects with delayed schedules for acquisition will be questioned and possibly returned for re-submission in a future program year if they will not proceed during the current program year.

Generally, projects not scheduled for acquisition within 12 months from the date of the Project Agreement will be rejected by the Commission.

Projects delayed for reasons which are beyond the control of the applicant may, at the discretion of the Commission, receive a schedule extension. Projects with delayed schedules that lend themselves to a future funding year will be terminated.

STRUCTURES: The allowance for funding the acquisition of existing structures as a portion of a Clean Ohio project will be judged on a case by case basis. Demolition of existing structures will not be considered an allowable cost.

FARMLAND PRESERVATION — AGRICULTURAL EASEMENTS: Under Ohio Revised Code 164.25 the Ohio Public Works Commission is authorized to approve applications for Clean Ohio Conservation Funds (COCF) for open space acquisition and related development projects and to protect riparian corridors or watersheds, according to the criteria for such projects described in Ohio Revised Code 164.22. The term "agricultural" does not appear in that section pertaining to the criteria for COCF projects. The Ohio Department of Agriculture has statutory authority under Ohio Revised Code 901.22 to administer the Clean Ohio Agricultural Easement Program, for the acquisition and preservation of farmland devoted to agricultural purposes through the creation of agricultural easements. Under the express terms of their respective statutes, the authority of the Department of Agriculture and the Ohio Public Works Commission over the programs within their purview is

mutually exclusive and they do not overlap. The Ohio Public Works Commission is without authority to approve grant projects for the primary and express purpose of protecting land for continuing agricultural uses.

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.

Program Year 15 projects that are primarily agricultural and fail to satisfy Ohio Revised Code 164.22 (A) or (B) will be returned to their respective Natural Resources Assistance Council as ineligible.

APPRAISALS: The appraisal and Appraisal Report must be performed by an appraiser who is a certified general real estate appraiser holding a current certificate as issued by the Ohio Department of Commerce and is also an Ohio Department of Transportation (ODOT) Prequalified Appraiser credentialed in Appraisal.” (vs. credentialed in “value analysis”).

Projects with Purchase Contracts exceeding the appraised value will be returned to the Natural Resources Assistance Councils for validation. These projects will not be issued a Notice to Proceed until this validation has occurred. A Notice to Proceed will be issued if the Purchase Contract and qualifying appraisal were available at the time the Natural Resources Assistance Council approved the project. This is to ensure that the purchase price history, comparables, adjustments, and disclaimers are accurate. Applicants that have an appraisal review rejected will not be issued a Notice to Proceed until these discrepancies are resolved.

All appraisals shall be at the request of the applicant. Appraisals shall be deemed valid for twelve months from the time they are performed.

The Commission may approve projects where the purchase price modestly exceeds the appraised value, if validated and approved by the respective NRAC. Justification must be provided to the NRAC for any acquisition contemplated above the appraised value but cannot exceed 5%. Any difference greater than 5% must be paid for with other funding outside the project. Under no circumstances shall an NRAC approve such a project if the known purpose is to circumvent rules or to cover other costs such as lost tax revenue.

It is important to validate the value of properties that are using the difference between the Purchase Contract and appraised value as they are receiving points in the rating and ranking process for this match. The District 5 NRAC requires an Appraisal Report or Restricted Appraisal Report. If a Restricted Appraisal Report is submitted with the application and the application is subsequently selected for funding, the Restricted Appraisal Report must be converted to an Appraisal Report, for the same point of time, for submission to the Commission as part of the Request to Proceed submittal.

All appraisal expenses will be considered an eligible expense under planning and implementation. These expenses will be reimbursed in accordance with the Ohio Public Works Commission

participation ratio. The list of approved can be found at [Ohio Department of Transportation appraisers](#). Search for Appraisers under Prequalification List on the left of the webpage. Please see the Clean Ohio Round 15 [Appraisal Standards](#).

POST ACQUISITION/IN-KIND ACTIVITY: All post acquisition activities must be concluded within a two-year period from the date of acquisition unless a formal extension has been approved by OPWC. The Ohio Public Works Commission will disburse on the projects' activities at the Project Agreement's participation ratio as the project proceeds. Requests to adjust this ratio will require Ohio Public Works Commission approval.

OIL AND 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 will be denied.

DISTRICT 5 PROGRAM PROCEDURES ROUND 15

1. **Award Policy**

“Conditional Awards” shall be made for those projects lacking local or other funding match to move forward to closing at time of application. Initially, conditional awards shall be extended for six months after the application funding award. An additional six months can be granted based on the consideration of progress by the District 5 NRAC. Awards to those projects that cannot move to closing prior to the initiation of the next funding round will be rescinded.

2. **Score Tie Breakers**

When scores are tied the following criterion will be used to break the tie:

- a. 1st tie breaker- project with highest % match dollars.
- b. 2nd tie breaker-vote of committee.

3. **Last Project on Funding Line**

If the last qualified project on the funding list cannot receive its full funding request, then it will be offered partial funding for thirty days after the date of NRAC approval. After that date any available funds will be offered to the next qualified project on the approved funding list until all funds are allocated.

4. **Required Documents**

Yes —	No —	Has the applicant provided an “option to purchase” or “purchase agreement” between the applicant and the seller?
Yes —	No —	An Appraisal or Restricted Appraisal from an Ohio Department of Transportation prequalified appraiser is included. Please refer to Policy Clarifications above for additional information regarding appraisals. (A list of certified appraisers can be found at Ohio Department of Transportation appraisers . If there are structures on the property provide a list of existing buildings and their intended use. Buildings to be demolished cannot be valued in the appraisal. District 5 does not permit demolition costs as eligible costs in the Clean Ohio Application.
Yes —	No —	Deed Restriction including any and all other documents intended to be recorded need to be included in the application.
Yes —	No —	The applicant has the ability to move forward if matching funding is not available.
Yes —	No —	Has the applicant completed all previously funded Clean Ohio projects? (The NRAC may request that OPWC hold current funding round requests based on inadequate past performance.)
Yes —	No —	Would the project be free from encumbrances or are there additional restrictions to the title (such as oil and gas leases, etc.)? Title commitment is required at the time of application. The NRAC may require the removal of encumbrances prior to closing.
Yes —	No —	Does the application involve land that will be extensively maintained and managed by other than natural means, forces or processes are not ideal projects for this program? The presumption is that when more than 15 percent of the land area associated with a project is maintained or managed by other than natural means, forces or processes, it is not a suitable project for District 5. It is also recommended that at least 85 percent of the grant funds requested for acquisition will be for the purchase of land to be maintained as a natural area, as opposed to the costs associated with purchasing pre-existing structures on the land, regardless of whether they are to be maintained to serve the project or demolished. If there are existing structures on the property being proposed for acquisition, applicants must provide the appraised value of the structure, proportion of value to the overall value and the intended actions for the structures (e.g. demolition, re-use).

No additional application information will be accepted after the application deadline, unless specifically requested by the District 5 NRAC Committee.

SCORING METHODOLOGY

Applicant Name: _____

Applicant Contact: _____

Project Title: _____

Date Application Received: _____ Date Application Reviewed: _____

Project Reviewed By: _____

Total Points Awarded: _____
(121.5 maximum points)
Project Ranking: _____ out of _____
Total Project Cost: \$ _____
Funding Requested: \$ _____

NRAC SCORING METHODOLOGY -- Part I -- Required -- Qualification Section

Project purpose must involve at least one of the following from B. or C. below:

A. Minimum Points for Funding
Proposed projects that do not obtain a mean minimal score from committee members of at least seventy five (75) points of the total possible maximum points that could be awarded by the District 5 NRAC committee members will only be funded in full or in part upon a vote of 2/3rds of the committee members in attendance and be contingent upon funding availability.

B. Open Space (ORC 164.22 A)
_____ openspace acquisition
_____ permanent conservation easement

C. Riparian Corridors or Watersheds (ORC 164.22 B)
_____ Protects or enhances riparian corridors or watersheds including the protection and enhancement of streams, rivers and other waters of the state.

D. _____ Improvement/restoration to previously funded COCF Project per Attachment A.

E. Would the project:

YES NO
_____ initiate or perpetuate hydromodification projects such as dams, ditch development or channelization?
_____ fund current legal obligations (such as fines, penalties, litigation expenses, mitigation or reclamation) under state or federal laws or local ordinances?
_____ fund facilities other than those required to provide public access to or use of openspace?
_____ fund facilities for active recreation such as tennis courts, ballfields and recreation centers?
_____ is the application incomplete?

_____ The project is determined to be an unacceptable use of Clean Ohio Conservation Funds by the District 5 NRAC. Eight NRAC members must affirm that the application is an unacceptable use of Clean Ohio Funds. (Factors considered shall include: an unjustified cost per acre, poor location, non-existent claimed benefits such as the presence of wetlands that is not supported by documentation

If Yes to any of the above in C, the project is ineligible (ORC 164.22).

Application is an eligible project- _____ YES _____ NO

If application represents an eligible project move on to Part II

Per ORC 164.24, Reviewing Applications, the NRACs shall consider all the following in approving or disapproving a grant: Does the project emphasize (document in application) the following pursuant to Section 164.22, ORC? Two points for each, 52 point maximum, no partial credit shall be awarded. Please refer to Glossary of Terms. (ORC 164.24 A1, ORC 164.24 A7, and ORC 164.24 A6)

(Applicants shall provide supporting justification for each criterion.)

1. ____ protects and/or restores habitat for rare, threatened and endangered species
2. ____ reduces or eliminates nonnative, invasive species of plants or animals
3. ____ preserves and/or restores viable habitat for native plant or animal species
4. ____ restores and preserves aquatic biological communities
5. ____ preserves and/or restores headwater area
6. ____ preserves or restores functioning floodplains
7. ____ preserves or restores water quality
8. ____ preserves or restores natural stream channels
9. ____ preserves or restores streamside forests
10. ____ preserves or restores wetlands
11. ____ preserves or restores other natural features that contribute to quality of life and state's natural heritage
12. ____ fee simple acquisition of lands to provide access to riparian corridors, coastal areas, Black Swamp or Oak Openings Region
13. ____ acquisition of easements protecting and enhancing riparian corridors watersheds, coastal areas, Black Swamp or Oak Openings Region
15. ____ reforests or re-vegetates land to improve water quality
15. ____ reforests or re-vegetates with only native species to improve water quality
16. ____ incorporates aesthetically pleasing and ecologically informed design including sensitivity to the terrain, natural resources and heritage of the property
17. ____ enhances environmental educational opportunities
18. ____ includes pedestrian/bicycle linkages to other openspace preserves and/or population centers
19. ____ supports established opens pace planning
20. ____ provides a combination of recreational, economic, social and/or aesthetic preservation benefits
21. ____ allows proper management of areas where safe fishing, hunting and/or trapping may take place in a manner that will preserve balanced natural ecosystems
22. ____ enhances economic development that relies on recreation and ecotourism
23. ____ contiguous to existing protected openspace
24. ____ site has historical or cultural significance
25. ____ preserves or restores coastal area, Black Swamp, and/or Oak Openings Region
26. ____ provides facilities for public access and use

Part II SCORE: _____

(NRAC SCORING METHODOLOGY PART III CONTINUED)

The remaining questions will be scored in relation to all eligible applications for this grant cycle.

10. Financial readiness to proceed factor: (Documentation must be included demonstrating readiness to proceed) **(ORC 164.24 A10)**

_____ (9 points) Evidence that matching funds are committed.

_____ (5 points) Evidence that match will be available at closing.

_____ (1 point) Match is anticipated to be available.

11. Project addresses a situation where action must be taken now or opportunity will be lost forever

_____ (0-9 points)

(Supporting documentation required.)

Part III SCORE: _____

NRAC SCORING METHODOLOGY -- Part IV -- Other Project Observations 20 point maximum

The NRAC may adopt additional criteria which reflects local priorities as long as the criteria compliment and does not negate Parts I-III which carry out **(ORC 164.20-164.27)**.

The remaining questions will be scored in relation to all eligible applications for this grant cycle.

	Well Below Average	Below Average	Average	Above Average	Well Above Average
	-5	-3	0	3	5
Economic Impact					
Env./Habitat Impact					
Cost Effectiveness					
Other Project Factors					

****Note: Any narrative comments for section IV should be noted on the back of this page.**

Part IV SCORE: _____

Project Scoring Tabulation:

Total Score Part II: _____ (52 points possible)

Total Score Part III: _____ (51.5 points possible)

Total Score Part IV: _____ (20 points possible)

Total Project Score: _____ (123.5 points possible)

Allowable Access Improvements:

(Including structures which provide for Americans with Disabilities Act (ADA) accessibility)

Benches
Fencing
Invasive Species Removal (f^t Time)
Kiosks/Signs
Observation Decks
Parking Lots
Pedestrian bridges
Plantings for Restoration
Trails
Trash Receptacles

Permissible but cannot be part of Clean Ohio Application for funding or local match:

(Including structures that allow for passive recreation, decorative or aesthetic items)

Fountains, Monuments
Restrooms Shelter
Houses
Statues

Prohibited:

Ball Diamonds
Buildings for well fields
RV parks
Wind Turbines

Existing Buildings:

Can be retained as nature centers or maintenance buildings. — must be in app and approved by NRAC

Reasonable additions to buildings for nature centers or maintenance buildings are permissible but not allowed as part of OPWC application or local match. — must be in app and approved by NRAC

Other Costs that are not permitted for Clean Ohio Funding or Match:

Administrative Costs
Maintenance Items
Monitoring Costs Seller Paid
Items Taxes