



## CUYAHOGA COUNTY Natural Resources Assistance Council

# Clean Ohio Green Space Conservation Program

District One Natural Resources Assistance Council (NRAC)  
Round 2022-2023 Policy Manual

### ABOUT THE POLICY MANUAL

This document provides the Ohio Public Works Commission (OPWC) and the District One NRAC 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.

## OPWC POLICIES

The OPWC policies and guidelines should be reviewed before the application materials are submitted to ensure project eligibility and prevent delays in evaluation or selection due to non-compliance with program requirements.

View the OPWC policies and guidelines and read the Advisories on the OPWC website at <http://www.pwc.state.oh.us/GSCAdvisories.html>

## DISTRICT ONE NRAC POLICIES

Each program year the project evaluation and scoring is separate and distinct from previous program years. In accordance with OPWC policies, the District One NRAC has established the following policies for the evaluation and scoring of project applications.

### **Agricultural Easements**

Agricultural easements are not eligible because they fail to satisfy ORC 164.22 (A) or (B).

### **Appraisals**

Certified appraisals are required and must be done by an [ODOT Prequalified Appraiser](#) credentialed in appraisals. The selected appraiser must certify that he/she has received and read OPWC's Standards and must provide written documentation of this action in the appraisal's Letter of Transmittal. The OPWC will not approve the Request to Proceed without this information.

**In accordance with OPWC Policy, applications for open space acquisition that do not include an Appraisal Report by an ODOT prequalified appraiser will not be considered by the District One NRAC.** The list of ODOT appraisers and the OPWC appraisal standards are available at [www.pwc.state.oh.us/gscapplication.html](http://www.pwc.state.oh.us/gscapplication.html). **Additional requirements include:**

- Applications with Restricted Appraisal Reports will not be evaluated by the NRAC.
- Projects that propose leveraging the difference between the appraised value and purchase contract 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.
- The purchase of a property at a cost higher than the appraised value is eligible, however the price cannot exceed 5% of the appraised value. The NRAC must be cognitive of this difference and must validate the value of properties that are using the difference between the Purchase Contract and appraised value as scored.

- Appraisal expenses are considered an eligible expense under planning and implementation and an Applicant will be reimbursed based on the project's participation ratio.

To view the Standards & Procedures for Appraisal Reporting, visit:

<https://www.pwc.ohio.gov/Portals/0/Documents/Appraisal%20Standards%200120.pdf?ver=2020-01-27-090500-190>

### **Land Acquisition**

Projects not scheduled for acquisition within twelve (12) months from the date of the Project Agreement will be rejected by OPWC and are not eligible. The District One NRAC requires documentation of impending land transactions. This information must be included in the application, in one of the following forms:

- A Fully executed contract with the owner (signed purchase agreement)
- A Contract, a -(Purchase Agreement that does not have all the signatures-,) a Letter of Understanding, or Memorandum of Understanding
- An application that utilizes Confidentiality Agreements in lieu of Purchase Agreements will not be evaluated.

### **Local Match**

Applicants are required to attach a statement signed by their Chief Financial Officer stating that the local revenues pledged as match for the project will be available on or before the earliest date listed in the project schedule.

The applicant also needs to provide award letters for funds coming from other funding sources. **Applications that do not include this documentation will not be evaluated by the NRAC.**

### **Mineral Rights / Oil & Gas Leasing**

In accordance with OPWC policy, existing oil and gas leases, at the time the District One NRAC approves a project, will be treated as pre-existing easements over which the applicant has little or no control. Project proposals that acquire and maintain available mineral, oil, gas and/or extraction rights, on properties with no active gas and oil wells, will be awarded the full 10 points.

Requests to engage in new oil and gas leasing on Clean Ohio Properties that have been acquired along with the mineral rights will be denied.

### **Minimum Score Requirement**

District One NRAC requires a minimum score of 177 points, or 60% of total points available, for projects recommended for funding.

## **Permanent Protection**

Requests for open space acquisition must include acquisition by land securement. Examples of types of land securements are listed on page 4 and defined in the Glossary.

- Fee Simple
- Easement

Applications for open space acquisition that do not include land securement documentation will not be considered by the District One NRAC.

Open Space Development projects can include construction, restoration or enhancement of site or facilities that are necessary to make the acquired open space area accessible and useable by the public.

For properties acquired through past rounds of Clean Ohio funding, the application for Open Space Development should include one of the following forms of documentation from the original Clean Ohio Award:

- The executed settlement statement
- The recorded deed and deed restrictions
- Any conservation easements.

Riparian Corridor projects (ORC Sec. 164.22B) 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 or Open Space Development projects that do not include land acquisition must include OPWC deed restrictions (see <https://www.pwc.ohio.gov/Project-Administration/Clean-Ohio> for Deed Restriction Language) and the recorded deed or conservation easement in order to be recommended for funding.

## **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 the OPWC.

## **Resolutions of Support**

In accordance with ORC Sections 164.23(B) and 164.23(C), District One NRAC requires that applicants must include a resolution(s) of support with the project application from the legislative authority of the project location unless the Applicant is a park district. The park district is responsible for consulting with the legislative authority of each subdivision in which the proposed project is located and submit a letter of support; however individual resolutions of support are not required.

For projects in a township or an unincorporated area of a county, a resolution of support is required from the legislative authority of the county in which the project is located. Additional resolutions of support are needed for projects that meet the following criteria:

- If the proposed project is within the boundaries of a single township or municipal corporation, then a resolution of support is required from that township or municipal corporation.
- If the proposed project is within the boundaries of more than one, but fewer than five townships or municipal corporations, then a resolution of support is required from at least half, or 50%, of the total number of affected communities.
- If the proposed project is within the boundaries of five or more townships or municipal corporations, then a resolution of support is required from at least three-fifths, or 60%, of the total number of affected communities.

### **Recusal Requirements**

In accordance with Ohio's Ethics laws, District One NRAC Members will recuse themselves from discussion, participation in the project site visits, interviews, and scoring specific project applications submitted by, or on behalf, of their organization, or any applications prepared and submitted by their organization for Clean Ohio Green Space Conservation Funds. It is recommended to have someone else from the organization be present and address any questions by the NRAC members.

### **Restoration**

It is critical to the District One NRAC that the open space selected for funding initiates or hastens the recovery of the ecosystem present 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 the following benefits:

- Preserve or rehabilitate an open space to meet an appropriate ecological state or what it would have become without societal interference.
- Ensure that the integrity and sustainability of the species (flora and fauna) introduced are both native and resilient (can resist disturbance).
- Integrate a community's cultural heritage.
- Provide opportunities for the public to appreciate and understand cultural and ecological relationships.
- Promote a common vision for greenspace for Cuyahoga County.

### **Scope Change**

Requests to change a project's scope will be considered by the NRAC if no additional funds are requested and the work to be done is directly associated with the approved project.

The NRAC will not approve a scope change for a project if the type of financial assistance differs from the original award. For example, if an original project request for funding included a 50% match from the Applicant for the total project cost, the proposed scope change for that project requires the same 50% match.

### **Site Improvements**

District One NRAC projects using Clean Ohio funds for restoration or site improvements must include with the application the itemized estimate of probable costs for all improvements. This cost estimate must be provided by an architect, landscape architect, or other qualified professional.

### **Structures**

If there are existing structures on the property being acquired, the Applicant must provide the appraised value of the structure, the percentage value of the structure in relation to the overall property value, and the intended actions for the structures (e.g., demolition, re-use).