Wise Use and Protection
Ohio Department of Natural Resources

The Recreational Trails Program & Clean Ohio Trails Fund

Grant Program Information and Application for Ohio Applicants

2016

A Cooperative Project of the Ohio Department of Natural Resources and Federal Highway Administration

Clean Ohio Fund
Recreational Trails

Grant Basics

Two recreational trail assistance programs, the **Recreational Trails Program** and the **Clean Ohio Trail Fund Program,** are offered annually through ODNR. The following pages contain a very brief overview of these grant programs; please read the grant guidelines on pages 6-21 for more detailed information.

Recreational Trails Program (RTP): This is a **reimbursement** grant program that provides up-to-80 percent project funding. This grant program is federally funded and is administered by the ODNR in cooperation with the FHWA. **http://www.fhwa.dot.gov/environment/rectrails/**

The following types of projects are eligible for RTP funding:

- New recreational trail construction (non-motorized and motorized)
- Trail maintenance/restoration
- Trailside and trailhead facilities (for example, parking restrooms, potable water, etc.)
- Purchase/lease of recreational trail construction and maintenance equipment
- Acquisition of easements and property for recreational trails or recreational trail corridors
- Educational programs promoting trail safety and environmental protection (These projects cannot exceed 5 percent of Ohio's annual RTP apportionment.)

RTP funding is available to: Cities, villages, counties**,** townships, special districts such as park districts, joint recreation boards and conservancy districts, jointly sponsored projects between political subdivisions, state government agencies, federal government agencies, and non-profit organizations.

Clean Ohio Trails Fund (COTF): This is also a **reimbursement** program that provides up-to-75 percent project funding. This grant program is state funded and is administered by the ODNR.

The following types of projects are eligible for COTF funding:

- New recreational trail construction. Emphasis is on linear trails.
- Acquisition of property and easements for recreational trails or recreational trail corridors
- Trailhead facilities may be considered if a relatively small component of a trail construction project.
- Planning, appraisals, title work, surveys, engineering design costs, environmental research, and archaeological surveys associated with a specific recreational trail project may be eligible. ***These costs are not eligible as a standalone project.***

COTF funding is available to: Cities, villages, counties**,** townships, special districts such as park districts, joint recreation boards, or conservancy districts, jointly sponsored projects between political subdivisions, and non-profit organizations.

Frequently Asked Questions

Please see grant guidelines for additional details

I am not sure which grant program is better suited for my project. Is there a difference between the types of projects funded through the two grant programs?
Yes, generally speaking, the emphasis of the COTF is on longer trails and building linkages between long distance trails. Also, thus far, considerably more funding has been available through the COTF than through the RTP each year, so the COTF usually provides funding for bigger projects. Applicants to the RTP are encouraged to build linkages between trail systems, but RTP funded projects can also include loop trails, such as loop trails within parks. The COTF generally does not fund loop trails.

How much money is available through the two programs?
This can vary depending on appropriations, but typically there are 1.6 million dollars available annually through RTP and 6.25 million dollars available annually through the COTF. The RTP is funded through the federal transportation bill, whereas the COTF was funded through State Issue One in 2000. In 2008 the passage of State Issue 2 reauthorized $400 million for the future funding of the COTF. Ten COTF grant cycles have been funded to date (December, 2015).

Can I apply for both grants (RTP and COTF)?
Yes, if you are unsure which program is a better fit for your project, you may apply for both grants.

Do I need to fill out two separate grant applications if I'm applying for both grants?
No, the same application can be submitted for both grant programs; however there are a few sections within the application that must be completed separately for each grant program. These are identified in the application.

Can I make changes to my project after it has been selected for funding?
All proposed grant projects are competitively scored and selected on the basis of **merit**. Under most circumstances grantees may not deviate from the scope of an approved project. Occasionally circumstances arise whereby the project sponsor may request authorization to revise the scope of an approved project. Such changes are made at the sole discretion of the Director of ODNR or his/her designee.

Can I complete my grant application on-line?
Not at this time. Due to plan and map requirements a submittal via postal service is required.

Can I fill out an electronic grant application?
To request a blank application in WORD format please contact D'Juan Hammonds at 614-265-6417 or **Djuan.hammonds@dnr.state.oh.us**.

When is the grant deadline?
Applications for both grant programs must be postmarked by February 1st of each year. **The application deadline for 2016 has been moved to a postmarked date of April 1st, 2016.**

Where do I send my completed grant application?
Mail **ONE** copy of the application by certified mail to the Ohio Department of Natural Resources at any time prior to the postmark deadline. ***Send all applications and inquiries to*:**

Ohio Department of Natural Resources
Office of Real Estate
Attn: D'Juan Hammonds or Marlin Holloway
2045 Morse Road, E-2
Columbus OH 43229-6693

Faxed applications will **NOT** be accepted. Original signatures are required. The deadline is final, and no extensions will be given. Applicants should keep a copy of the application for their records. ***Please do not submit applications in hard 3-ring binders of any kind. We will accept applications that are in soft 3-ring binders. Please do not send multiple copies of your grant application.*** Refer to the checklist on pages 88-89 to be sure you have included all required forms.

How are awarded projects selected?
All applications undergo extensive review, often including an unscheduled site visit. After project site visits have been completed, professional staff members score all applications. Projects and scores are then reviewed by the grant advisory board and approved by ODNR administration. At the completion of this process award announcements are made.

What is meant by reimbursement?
If your project is selected for funding you must have adequate funds on hand to pay for your project. Paid invoices are submitted to the ODNR throughout the life of your project. ODNR then pays back the eligible grant percentage after receiving proper documentation. Reimbursement time turnaround is estimated at 4 weeks for COTF and RTP.

My project proposal includes construction on land that is owned by others. Is this allowable?
All grant assisted construction projects must be located on property that is owned, leased (minimum 15-year non-revocable lease with 15 years remaining at the time of project closeout) or on an easement held by to the project sponsor. If property negotiations are incomplete at the time of application, a signed letter of intent from the property owner is required.

Under the RTP program any property being acquired, leased, already owned, and/or used for the trail project contained within this grant application must have been acquired following the rules set forth in the Federal Uniform Relocation Act Uniform Relocation Act Link and contained in Attachment V: Land Acquisition Criteria and Procedures, pages 62-74.

If the grant applicant is already in possession of the property where the proposed RTP project will be constructed, the applicant must prove either the Uniform Relocation Act was followed when possession of the property took place or the applicant can prove there was no intent to seek Federal Funding in conjunction with the acquisition of the property in question. If the property in question was purchased after September 2, 1971 and the acquisition procedures were not in accord with the Federal Uniform Relocation Act, yet at the time of application and last known displacement from project lands, there was no plan or intent by the applicant to seek Federal financial assistance, then the applicant should include a signed Certification for Development Projects with their application. See Appendix A-1, page 83. If the applicant cannot prove that the Uniform Relocation Act was followed when the property in question was purchased and/or there

was intent to seek federal funding of any kind to be used in conjunction with this property, then the proposed project will automatically been deemed ineligible for RTP funding.
All land acquisition criteria and procedures are contained in Attachment V, pages 62 thru 74 of this grant application. Please read through this section very carefully and comply with all of the criteria and procedures applicable to your project. Failure to comply with this section of the RTP grant application will automatically cause your application to be deemed ineligible for RTP funding.

If you have any questions regarding the Uniform Relocation Act, please contact:
D'Juan Hammonds
614-265-6417
Djuan.hammonds@dnr.state.oh.us.

How long do I have to complete my project?
Do not start your project until you have entered into formal agreement with the ODNR. You should plan to complete your project within ***15 months of entering into formal agreement with the ODNR***.

If my staff members or volunteers work on the project, is the value of their time eligible as a project cost?
Yes, certain types of volunteer and in-kind labor may be counted as part of the awarded project sponsor's matching share. Please see pages 8-9 for details and documentation requirements.

My RTP project proposal is for an education program that does not include any construction activities. Do I need to fill out the entire grant application?
Attachment numbers 2, 3, and 5 are not required if your project proposes only education activities, with no construction activities. Please complete all other application forms to the best of your ability. If a question does not apply to your project, respond with 'not applicable'.

What types of equipment purchases are eligible under the RTP program?
Any equipment purchases must be specifically related to your trail project and to future maintenance of your trail. Equipment cannot be used for other purposes that are not related to trail use. An applicant must demonstrate, **in a convincing manner**, how they will ensure that all purchased equipment will be stored, maintained and applied only to trail use. If there is considerable doubt about the ability of the applicant to use purchased equipment for only trail use throughout the life of the equipment, ODNR reserves the right to deny the equipment purchase request.

Who can I contact if I have questions?
D'Juan Hammonds, Program Manager
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E-2
Columbus, Ohio 43229
Email: Djuan.hammonds@dnr.state.oh.us
telephone: (614) 265-6417 fax: (614) 267-4764

2016 COTF and RTP Updates
All grant award recipients must conform to the new Buy America guidance located in **APPENDIX A-4** on page 86 and 87. **Application deadline has been moved to April 1, 2016 and COTF maximum award is $850,000.00 per project.**

Introduction and Purpose

The Clean Ohio Fund (COF) was originally proposed in the year 2000 and called for a $400 million bond program to preserve natural areas and farmland, protect streams, create outdoor recreational opportunities, expand a statewide system of recreational trails, and revitalize urban areas by returning contaminated properties to productive use. The Ohio General Assembly voted by an overwhelming bipartisan majority to place this proposal before the voters as State Issue 1, and the voters approved State Issue 1 in November 2000. In July, 2001 the General Assembly enacted legislation (Am. Sub. H.B. 3) spelling out the administrative details of the program. The Ohio Department of Natural Resources will administer the $25 million Clean Ohio Trails Fund (COTF) grant program in consultation with the Clean Ohio Trails Fund Advisory Board. Sections 1519.05 and 1519.06 of the Ohio Revised Code provide authority for Clean Ohio Trails Fund and the Advisory Board. State Issue 2 (2008) was overwhelmingly approved and reauthorized the Clean Ohio Fund and further allocated an additional $400 million of which the Clean Ohio Trail Fund is responsible for administering $6.25 million in grants for recreational trails grants on a yearly basis. In 2014 the Clean Ohio Fund was allocated $12.50 million to be distributed equally over two funding rounds. In 2015 $6.19 million was awarded in Clean Ohio Trail Fund grants, an additional $10.5 million is expected to be awarded in 2016.

I. Revenue

A. **Source and Amount**

State Issue 1 amended the Ohio Constitution by enacting Section 2 of Article VIII. Section 20 authorizes the General Assembly to provide by law for the issuance of bonds and other obligations of the State for paying costs of projects by implementing certain conservation and revitalization projects.

Amended Substitute House Bill 3 requires that 12.5 percent of the net proceeds of general obligations issued and sold by the Ohio Public Facilities Commission be deposited into the Clean Ohio Trails Fund. Approximately $6.25 million was made available for the COTF each year for four years starting in 2002. State Issue 2 (2008) was overwhelmingly approved, which reauthorized the Clean Ohio Fund and further allocated an additional $400 million, which includes Clean Ohio Trails Fund monies.

B. **Distribution**

Distribution of funds to eligible political subdivisions and nonprofit organizations will be on a statewide competitive basis. Criteria developed by the Ohio Department of Natural Resources, in consultation with the Clean Ohio Trails Fund Advisory Board, will be used to evaluate projects selected for funding and are included in the project selection process.

C. **Cost Sharing**

The amount of funds furnished from the COTF for project sponsors will be up to 75 percent of the total approved project costs. The remainder of the cost will be borne by the project sponsor (applicant).

The COTF will operate on a reimbursement basis; meaning a project sponsor must have sufficient cash, donations, or eligible in-kind services to pay for work to be completed, and then be paid back the grant percentage after the sponsor has documented payment for proper eligible work.

II. Types of Eligible COTF Projects

A. Construction/development of recreational trails;
B. Purchase of land or interests in land for recreational trails;
C. Construction/development of trailhead facilities such as parking, shelters associated with a trail, water, sanitary and access facilities associated with trails, *if such facilities are a relatively small component of a trail construction project.*
D. Planning, support or certain non-construction ancillary costs associated with a recreational trail project may be eligible for COTF assistance. These include, but are not limited to, appraisals, title work, surveys, engineering design costs, environmental assessments, and archaeological surveys. All costs must reflect actual grant work that was performed. These costs are not eligible as a standalone project. Costs related to preparing a grant application or grant contract administration are not eligible for reimbursement.

III. Ineligible COTF Projects

A. Appropriation of land, rights, right-of-way, franchises, easements or other property through the exercise of the right of eminent domain.
B. Non-capital costs associated with a trail project (Ex. master planning, administration costs, trailheads, Etc.).
C. Maintenance costs for trails
D. Purchase or long term lease of recreational trail construction and maintenance equipment
E. Projects with a useful life of less than 15 years.

IV. Allowable Costs

A. **Basic Concept**
The Clean Ohio Trails Fund is a reimbursable grant program. To be eligible for matching assistance, costs other than design or appraisal costs must be incurred within the project period, stipulated by a signed project agreement.

B. **Construction/Development Projects**
Upon receipt of a signed project agreement provided by the Ohio Department of Natural Resources, development/construction costs are eligible for reimbursement and are incurred at the start of actual physical work on the project site. Initial master plan costs are not eligible, but applicable construction drawings may be eligible. Construction drawing costs must be incurred within two years of the date of COTF grant agreement.

C. **Acquisition**
Acquisition costs are eligible for reimbursement if incurred after the COTF grant contract is executed or if incurred within two years of the date of COTF grant application with an approved Waiver of Retro Activity (See page 8). Acquisition costs are considered to be incurred on the date when the earliest of any of the following takes place:
1. Participant accepts deed, lease (the lease must be for the minimum of 15 years and be non-revocable) or other conveyance
2. Participant makes full payment for the property
3. Participant makes first payment in a series of payments

Costs of acceptable appraisals and valid incidental costs for the project are eligible for reimbursement only if the grant is approved.

COTF does allow for a waiver of retroactivity. If a grant applicant or potential applicant must purchase a property during a limited window of opportunity before the grant application deadline, or execution of grant agreement, the applicant may make a written request to ODNR for a **Waiver of Retroactivity.** The applicant must provide a location map, a to-scale, dimensioned property map and a description of the circumstances necessitating a purchase prior to grant application or award announcement.

Written requests must be received by ODNR at least ten business days prior to the date of Real Estate closing. Acquisition costs incurred prior to receiving ODNR written approval of a Waiver of Retroactivity are not eligible. **Approval of a Waiver of Retroactivity in no way assures grant selection or "preferred" status.**

D. **Donations**

ODNR encourages the donation of land, cash, materials and labor by non-government, entities. The value of donations may be used as all or part of the project sponsor's share of project costs. The method of valuation and charges for land, materials, equipment and labor must be approved by ODNR prior to the donations being applied to reimbursement requests in order to be considered as part of the grantees' matching share.

1. **Materials**
   Prices assessed to donated materials must be documented, should be reasonable and should not exceed current market prices at the time they are charged to the project(s).
2. **Equipment**
   The hourly rate for donated equipment used on a project shall conform to ODOT's Rolling Stock & Allied Equipment Costs. **2015 ODOT Equipment Rates**. If equipment rate is not included in this ODOT rate schedule, costs shall not exceed local fair-rental value (excluding operator). Project sponsors must supply documentation signed by the donor stating the date(s); number of hours used per date; the type and model of the equipment used; price per hour or day; and total cost claimed as a donation.

3. **Real Property**
   The value of donated real property shall be established by an independent appraiser. Appraisers will be selected by the local sponsor from the current ODNR/ODOT appraiser list. ODNR will review the Uniform Standards of Professional Appraisal Practice (USPAP) analytical narrative appraisal and, if disputes arise as to fair market value, the property will be re-appraised by another appraiser chosen by ODNR. Project sponsors will pay for the appraisals, which are eligible for reimbursement. COTF does allow for a waiver of retroactivity for properties that have been donated within the last two years. Prior to taking possession of donated properties applicants must submit a written request for a waiver of retroactivity and have it **approved** by ODNR. (See IV. C. on page 7)

4. **Labor**
   Volunteer labor services may be contributed by professional and technical personnel, consultants, skilled or unskilled labor. ***Administrative labor is not eligible.*** Each hour of service may be counted as part of the local sponsor's matching share if the service is part of an approved project. The records of donated contributions must include daily time sheets. The value for a person donating non-skilled services should be figured at the same rate as that paid to an entry level laborer ($15.00/hour). If the donor is professionally skilled in a

trade or service, the rate this individual is usually paid may be claimed for matching assistance. A letter from the donor's employer, on company letterhead, must document this rate. In-kind labor information can be found here: **ODNR Billing Link**

5. **In Kind Services**
   In-kind labor may be contributed by the sponsor's professional, technical, skilled or unskilled staff. ***Administrative labor is not eligible for reimbursement.*** Each hour of service may be counted as a reimbursable expense if the service is a component of the approved project. Records of in-kind contributions of personnel services must include daily time sheets. In-kind labor information and daily time logs can be found here: **ODNR Billing Link**

6. **Planning (Preparation of Construction Drawings/Documents)**
   In cases where the assistance of an architect, landscape architect, consultant, or engineer is required for a project, a share of this cost may be borne by program funds. To be eligible for reimbursement, planning costs must reflect actual grant work that was performed. ***Consultant costs for preparing a COTF application are not eligible.***

V. Administration

A. General Responsibility

The ODNR, Office of Real Estate administrates the COTF program and insures both the successful performance of the project and the continued operation and maintenance of aided facilities for public recreational trail use. The Office of Real Estate performs on-site inspections of projects to insure compliance with the intent of the program. In addition, as mandated by Amended Substitute H.B. 3, ODNR has worked cooperatively with the Clean Ohio Trails Fund Advisory Board (COTFAB) to develop criteria and procedures for selecting projects for funding from the COTF.

B. Eligible Applicants

1. Political Subdivisions of Ohio
   a. cities, villages
   b. counties
   c. townships
   d. special districts such as park districts, joint recreation boards, or conservancy districts
   e. jointly sponsored projects between political subdivisions
2. Non-profit organizations that own/operate public park and recreation facilities.

C. Acquisition Projects

Acquisition of land and easements may be accomplished through purchase or gift/donation. The fair market value standard will be used as the basic measure for determining COTF assistance on acquisitions. A project sponsor must secure an analytical narrative appraisal from a qualified appraiser from a list provided by ODNR for each parcel to be acquired. An appraisal report is also required for all projects involving the donation of real property. If the appraisal is acceptable, the fair market value of a donated parcel can be used as all or part of the non-state share. **Land transfers from one public agency to another are not eligible.**

D. Development/Construction Project

Developing or constructing a site, area or facility for public recreational trail use may be accomplished by contract. Project sponsors must comply with all applicable state and local requirements regarding contracts and bidding. The State reserves the right to require the submission of plans and specifications for any development or construction project selected for funding prior to bidding and construction. The State encourages in-kind contributions, including new building materials and equipment. The value of the eligible contributions may be used as all or part of the matching share of project costs and must be documented and approved by the State prior to project approval. Bidding policies and procedures can be found here: **ODNR Billing link**

2. **Discrimination Prohibited**

   The applicant-recipient agrees that no person shall, on the basis of race, color, religion, creed, gender, national origin, age, or disability be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity for which the applicant-recipient receives financial assistance.

3. **Ownership**

   A project sponsor must own, have an easement, or have a long term non-revocable lease for a COTF project area. A long term lease or easement must be for a minimum of 15 years beyond the project closeout date.

E. Project Evaluation

In selecting projects for funding, the Director of the Ohio Department of Natural Resources has established criteria, in consultation with the Clean Ohio Trails Fund Advisory Board, which must be satisfied by an applicant. The criteria emphasize the following:

1. Synchronization with the Ohio Trails Plan or a Regional Trails Plan dated after 2007;
   Trails for Ohioans Link
2. Completion of regional systems and links to the statewide trail system;
3. A combination of funds from various state/Federal agencies;
4. The provision of links in urban areas that support commuter access and show economic impact on local communities;
5. The linkage of population centers with public outdoor recreation areas and facilities;
6. The purchase of rail lines that are linked to the statewide trail plan; and
7. The preservation of natural corridors.

Other criteria established by ODNR and in consultation with the Clean Ohio Trails Fund Advisory Board will also be used to select projects for funding.

F. Matching Requirements

Payments to project sponsors will reimburse up to 75 percent of the total cost of the acquisition or development/construction undertaken by the project sponsor. The recipient must provide not less than 25 percent of the project cost. In addition, items of value, such as contributions of land, easements or other interests in land, eligible labor, or eligible materials may be considered as contributing toward the percentage of the cost of a recreational trail project that must be provided by the grant recipient (project sponsor). The Ohio Department of Natural Resources will approve the documentation of the fair market value of donated land, labor, materials or services. The value of any donation must be estimated at the time of application.

G. Method of Payment

Payments to local project sponsors will be made on a reimbursement basis, up to 75 percent of total approved project costs. Grantees must submit billings showing actual expenditures made in a timely manner. Upon acceptance of the expenditures by the Department of Natural Resources, payment from the state will be made to the grantee.

VI. Availability to Users

Projects acquired, developed and constructed with COTF program assistance shall be open to entry and use by all persons regardless of race, color, religion, creed, gender, nationality, age, disability, or residence.

A. User Fees

User fees are permitted at areas and facilities assisted with program funds, but such fees must be reasonable and not exceed fees charged at comparable public facilities. Fees must be approved by the Department of Natural Resources prior to implementation.

B. Non Residents

Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that the reasonable differences in admission or other fees may be maintained on the basis of residence.

VII. Responsibilities After COTF Project Completion

A. Operation and Maintenance

All areas, trails and facilities acquired, developed, and constructed with COTF program assistance must receive adequate maintenance to insure continuing public use in a safe and sanitary manner. Areas must be open to the general public during reasonable hours of operation.

B. Retention

The project sponsor is obligated to maintenance and use of the project for a minimum 15 years beyond project close out.

C. Penalties

Failure to comply with the provisions of the COTF program shall be considered just cause for ODNR to withhold future payments to the project sponsor, withhold action on all pending projects of the grantee for the infraction in question and/or withhold from current or future reimbursements due to the project sponsor the amount of assistance previously paid out for the project(s) involved. ODNR may also notify other state or federal agencies of the compliance failure.

Failure to complete your project within the required 15 month period will result in a one-time point penalty/reduction applied to next application or applications the grant sponsor submits for funding consideration through the COTF or RTP grant programs. Point reductions will be -10 points for each 6 months of extension requested by the grant sponsor.

COTF Project Application Process

1. April 1st – **SUBMISSION** – The project applicant submits application to the Ohio Department of Natural Resources (ODNR). ODNR staff reviews the proposal to determine the applicants and project's eligibility and completeness of application. If the application is found to be incomplete or unacceptable, the applicant will be notified. Applicants may be given an opportunity to provide limited missing information.

2. **VISITS AND REVIEW** – April 1st through August 1st (approximately) - All eligible proposals are reviewed by ODNR staff. Unscheduled site visits are conducted on proposed projects. Project sponsors will be contacted if ODNR staff members have questions. Projects are then scored by the review team, including the Clean Ohio Trails Fund Advisory Board. When this process is complete, the Director of ODNR reviews and approves all ODNR funding recommendations.

3. **RECOMMENDATIONS AND APPROVAL** – Project sponsors are notified in writing of the status of the application(s). ***Project sponsor may not begin the project until a project agreement is executed between ODNR and the project sponsor***. If the proposal(s) is not selected, the applicant may re-apply for the next year's funding cycle (if available), by sending a written request.

4. **AGREEMENT** – A contract is signed to assure that the applicant will complete the project within ***15*** months and be eligible to receive up to 75 percent reimbursement. The contract is between the state (ODNR) and the project sponsor. An executed agreement will be sent to the project sponsor.

5. **PROJECT IMPLEMENTATION** –The project sponsor may proceed with project construction after completing several additional required steps (see page 80). Reimbursement requests may be made after funds have been expended. **Because COTF projects are funded by General Obligation Bonds, by law, all reimbursements must be made within 18 months of the time the grantee paid the invoice(s) for any project work.**

6. **PROJECT COMPLETION** – Projects should be completed within ***15*** months. A site inspection will be made after the project is complete; ODNR staff may also visit the project at any time during construction. A permanent COTF acknowledgement sign must be posted in a conspicuous location when the project is complete. This sign can be purchased from the ODNR by the project sponsor, prior to the completion of the project, or purchased from a vendor of the project sponsors choosing, or made "in house" using ODNR supplied art work.

Introduction and Purpose

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The Moving Ahead for Progress in the 21st Century Act commonly referred to as MAP-21 (PL 112-141), reauthorized the Recreational Trails Program (RTP) through Federal fiscal years 2013 and 2014, which was originally established as the National Recreational Trails Fund at significantly higher funding levels than in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (PL 111-68), commonly referred to as SAFETEA-LU. The RTP provides for the transfer of federal gas taxes paid on fuel used in off-highway vehicles used for recreational purposes. The funds can be used to assist government agencies and trail groups in the rehabilitation, development, maintenance, and acquisition of recreational trails and related facilities. The trails may be motorized, non-motorized, or multiple use trails. RTP funds can also be used for environmental protection and safety education projects related to trails.

I. Revenue

A. Source and Amount

The following sums were authorized for the Recreational Trails Program: $75,014,587 million for fiscal year 2007; $80 million for fiscal year 2008; $85 million for the fiscal year 2009; $85 million for the fiscal year 2010; $97 million for fiscal year 2011; $79,353,229 million for fiscal year 2012. Ohio's allocations were $1,740,801 in FY 2007, approximately $1,846,898 million in FY 2008, $1,880,374.00 million in FY 2009, $1,880,374.00 in 2010, $1,887,803.66 million in FY 2011, $1,560,786 for FY 2012, $1,677,851 for FY 2013, and $1.67 million for Federal Fiscal Year 2014 and 1.67 million for Federal Fiscal Year 2015. MAP-21 was extended through 2016. These figures are subject to change based on the amounts of non-highway recreational fuel use in each state.

B. Distribution

Distribution of funds to eligible government agencies and trail groups will be on a statewide competitive basis, as determined by need, type of project, project costs, and the capability of the project sponsor (applicant) to fund, operate, and maintain the project. Additional considerations are included in the Project Selection Process.

After a deduction of 7 percent of the state's annual allocation for administration, the Recreational Trails Program mandates that not less than 30 percent of the monies received annually shall be reserved for uses relating to motorized recreational trail use and not less than 30 percent shall be reserved for uses relating to non-motorized recreational trail use. To ensure diversified trail use, at least 40 percent will be used for both motorized and non-motorized use, but preference will be given to projects with the greatest number of compatible recreational uses and/or that which provide for innovative recreational corridor sharing to accommodate motorized and non-motorized recreational trails.

C. Cost Sharing

RTP will reimburse up to 80 percent of total approved project costs. The remainder of the costs will be borne by the project sponsor. The RTP is a reimbursement program, meaning that a project sponsor must have sufficient cash, donations, or eligible in-kind services to pay for work, and then be paid back the grant percentage after approval of reimbursement request

II. Types of Eligible RTP Projects

A. Maintenance and restoration of existing trails

B. Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails. Trailside and trailhead facilities include, but are not limited to the following: 1) drainage; 2) crossings; 3) stabilization; 4) parking; 5) signage; 6) controls; 7) shelters, and 8) water, sanitary and access facilities;

C. Purchase or lease of recreational trail construction and maintenance equipment;

D. Construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be;

(i) permissible under other law;

(ii) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) and that is in effect;

(iii) approved by the administering agency of the State designated under subsection (c)(1); and approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

E. Acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

F. Operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

III. Ineligible RTP Projects

Recreational Trails Program funds may **NOT** be used for any of the following:

A. Condemnation of any kind of interest in property;

B. Construction of any recreational trail on National Forest System land for any motorized use unless;

(1) the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

(2) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

C. Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

IV. Allowable Costs

A. Basic Concept

The Recreational Trails Program is a reimbursable grant program. To be eligible for matching assistance, costs other than design or appraisal costs must be incurred within the project period, stipulated by a signed project agreement.

B. Development, Rehabilitation, and Maintenance

Upon receipt of a signed project agreement provided by the Ohio Department of Natural Resources, development, rehabilitation, and maintenance costs are eligible for reimbursement and are incurred at the start of actual physical work on the project site and continue through the period the work is being done. Costs must be incurred within the project period (contract execution date through contract expiration date) to be eligible for reimbursement. Initial master planning costs are not eligible, but applicable construction drawings may be eligible.

C. Acquisition

Acquisition costs are eligible for reimbursement **if incurred during the grant contract period** and are considered incurred on the date when the earliest of any of the following takes place:

1. Participant accepts deed, lease (the lease must be for the minimum of 15 years and be non-revocable) or other conveyance
2. Participant makes full payment for the property
3. Participant makes first payments in a series of payments

Costs of acceptable appraisals and valid incidental costs for the project are eligible for reimbursement only if the grant is approved.

All eligible acquisitions should be done under an approved grant contract. The acquisition must still be completed using state compliance guidelines.

Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Federal Uniform Act) P.L. 91-646. This law prescribes policies and procedures to ensure fair, equitable, and uniform treatment of persons whose land is acquired through federally assisted programs.

The provisions of the Federal Uniform Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which receive federal assistance. **The Act applies regardless of whether federal assistance is used for acquisition or development.** For example, an organization cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project. For all development projects, proof must be supplied that the project site was acquired in accord with P.L. 9 1-646 if the land was acquired after January 2, 1971. This is explained in more detail for development projects in Attachment V, page 62.

There are two major sections to the law: policies regarding the acquisition of land and relocation benefits to landowners. Each section will be discussed separately in this application. The acquisition procedures explained in this chapter, should be read with extreme care. If the procedures are not followed, the sponsor could encounter significant problems with your reimbursements regardless of the method of acquisition.

D. Donations

ODNR encourages the donation of land, cash, materials and labor contributions by non-government, private parties. The value of donations may be used as all or part of the project sponsor's share of project costs. The method of valuation and charges for land, materials, equipment and labor must be approved by ODNR prior to the donations being applied to reimbursement requests in order to be considered as part of the grantees' matching share.

1. Materials

Prices of donated materials must be documented, should be reasonable and should not exceed current market prices at the time they are charged to the project(s).

2. Equipment

The hourly rate or millage for donated equipment used on a project shall conform to ODOT's Rolling Stock & Allied Equipment Costs. **ODOT Equipment Rates 2015**. If equipment rate is not included in this ODOT rate schedule, costs shall not exceed local fair-rental value (excluding operator). Project sponsors must supply documentation signed by the donor stating the date(s); number of hours used per date; the type and model of the equipment used; price per hour or day; and total cost claimed as a donation.

3. Real Property

The value of donated real property shall be established by an independent appraiser. The state will review the USPAP narrative analytical appraisal and, if disputes arise as to fair market value, the property will be re-appraised by another appraiser chosen by the state. Project sponsors will pay for the appraisals, which are eligible for reimbursement. Appraisers will be selected by the local sponsor from the ODNR/ODOT appraiser list. An appraisal report is also required for all projects involving the donation of real property. If the appraisal is acceptable, the fair market value of a donated parcel can be used as all or part of the non-federal share. Land transfers from one public agency to another are not eligible.

Before any real property can be donated to a project sponsor it is required that the project sponsor must read and understand the new RTP property acquisition and procedures located in Attachment V, page 62 of this application.

If there are any questions concerning these new procedures contact:

D'Juan Hammonds, Program Manager
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E-2
Columbus, Ohio 43229
Email: Djuan.hammonds@dnr.state.oh.us
telephone: (614) 265-6417 fax: (614) 267-4764

4. **Labor**
   Volunteer labor services may be contributed by professional and technical personnel, consultants, and skilled or unskilled labor. **"Administrative" labor is not eligible.** Each hour of service may be counted as part of the local sponsor's matching share if the service is part of an approved project. The records of labor contributions must include time sheets. The value for a person donating non-skilled services should be figured at the same rate as that paid to an entry level laborer ($15.00/hour). If the donor is professionally skilled in a trade or service, the rate this individual is usually paid may be claimed for matching assistance. A letter from the donor's employer, on company letterhead, must document this rate.

E. In Kind Services

In-kind labor may be contributed by the sponsor's professional, technical, skilled or unskilled staff. **Administrative labor is not eligible for reimbursement.** Each hour of service may be counted as reimbursable expense if the service is a component of the approved project. Records of in-kind contributions of personnel services must include daily time sheets.

F. Planning (Preparation of Construction Drawings/Documents)

In cases where the assistance of an architect, landscape architect, consultant, planner, or engineer is required for a project, a share of the costs may be borne by program funds. To be eligible for reimbursement, planning costs must reflect actual grant work that was performed. **Planning work is <u>not</u> <u>eligible</u> as a stand-alone project.**

V. ADMINISTRATION

A. General Responsibility

The Office of Real Estate will administer the RTP program and insure both the successful performance of the project and the continued operation and maintenance of aided facilities for public recreational trail use. The ODNR Office of Real Estate will also inspect projects to insure compliance with the intent of the program. In addition, as mandated by the RTP, ODNR has worked cooperatively with the State Recreational Trail Advisory Board (SRTAB) to develop criteria and procedures for selecting projects for funding from the RTP.

B. Eligible Applicants

1. **Political Subdivisions of Ohio**
   a. cities, villages
   b. counties
   c. townships
   d. special districts such as park districts, joint recreation boards, or conservancy districts
   e. jointly sponsored projects between political subdivisions

2. **State Government Agencies**
   a. ODNR
   b. Ohio Historical Society
   c. Other state agencies

3. **Federal Government Agencies**
   a. National Park Service
   b. U.S. Forest Service
   c. U.S. Fish and Wildlife Service
   d. U.S. Army Corps of Engineers
   e. Other federal agencies

4. **Non-profit organizations**

C. Applicant Responsibilities

1. Accessibility

One of the goals of the RTP program is to provide and improve recreational access opportunities for people with disabilities. As such, all facilities assisted with RTP monies must conform to standards outlined by the Recreation Regulatory Negotiation Committee: Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas, Final Report dated September 30, 1999.
Access Board Guidelines and Standards Link

2. Ownership

A project sponsor must either own or have a sufficient long term non-revocable lease or easement for an RTP project area. A long term lease or easement must be for a minimum of 15 years beyond project close out.

D. Project Evaluation

In selecting projects for funding, the ODNR will evaluate the project's costs, site considerations, justification of need, use, number of people served, range of trail needs that will be served, accommodations for special populations, and the applicant's capability to fund, operate and maintain the facility.

E. Matching Requirements

Project sponsors will be reimbursed up to 80 percent of the total cost of acquisition, development, maintenance or rehabilitation undertaken. The remaining share of the project costs will be borne by the project sponsor.

1. Federal Agency Project Sponsor

Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that:

(A) **The share attributable to the Secretary of Transportation may not exceed 80 percent of the cost of a project under this section; and**

(B) **The share attributable to the Secretary and the Federal agency may not exceed 95 percent of the cost of a project under this section.**

The use of funds from federal programs to provide non-federal share, notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are:

(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and
(B) expended on a project that is eligible for assistance under this section.

2. State and Local Funds
Any eligible state or local government funds may be used toward the 20 percent match. This could include tax sources, bond issues, cash, or force account contributions.

3. Private Gifts/Donations
Private individuals, entities, organizations, or corporations may donate funds, rights-of-way, materials, real property, or services (including donated labor) toward the non-federal share. The Department of Natural Resources will approve documentation of the fair market value of donated private rights-of-way, materials, or services. The value of each gift must be estimated at the time of application. Applicant cannot take possession of any real property until a state/local agreement is signed (only if applicant intends to use the value of the real property for cost sharing purposes).

VI. AVAILABILITY TO USERS

Projects acquired, developed and rehabilitated with RTP assistance shall be open to all persons regardless of race, color, religion, creed, gender, national origin, age, or disability.

A. Use Limitations
Project sponsors may impose reasonable limits, with state prior approval, on the type and extent of use of areas and facilities acquired, developed, maintained, or rehabilitated with RTP assistance when such a limitation is necessary for maintenance or preservation.

B. User Fees
User fees are permitted at areas and facilities assisted with program funds, but such fees must be reasonable and not exceed fees charged at comparable public facilities. Fees must be approved by the Department of Natural Resources prior to implementation.

C. Non Residents
Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that the reasonable differences in admission or other fees may be maintained on the basis of residence.

VII. RESPONSIBILITIES AFTER PROJECT COMPLETION

A. Operation and Maintenance
All areas and facilities acquired, developed, maintained, or rehabilitated with RTP assistance must receive adequate maintenance to insure continuing public use in a safe and sanitary manner and must be open to the general public during reasonable hours of operation.

B. Retention The project sponsor is obligated to maintenance and use of the project for a minimum of 15 years beyond project closeout.

C. Penalties

Failure to comply with the provisions of this program shall be considered just cause for the ODNR, at his/her election, to withhold future payments to the project sponsor, withhold action on all pending projects of the grantee for the infraction in question and/or withhold from current or future reimbursements due to the project sponsor the amount of assistance previously paid out for the project(s) involved. The Director could also notify other state or federal agencies of the compliance failure.

RTP Project Application Process

1. **April 1st – SUBMISSION** – The project applicant submits the application to the Ohio Department of Natural Resources (ODNR). Receipt of the application is acknowledged. ODNR staff reviews the proposal to determine the applicant's and the project's eligibility. The application is also checked for completeness. If it is found to be incomplete or unacceptable, the applicant will be notified.

2. **SITE VISITS AND REVIEW – April 1st through August 1st (approximately) –**All eligible proposals are reviewed by ODNR staff. Unscheduled site visits are conducted to all proposed projects. Project sponsors are contacted if ODNR staff members have questions. Projects are then scored by the review team. When this process is complete, the Director of ODNR reviews and approves ODNR staff funding recommendations.

3. **RECOMMENDATIONS AND APPROVAL** – Project sponsors are notified in writing of the status of the application(s). ***Project sponsor may not begin the project until a project agreement is executed between ODNR and the project sponsor.*** If the proposal(s) is not selected, the applicant may re-apply for the next year's funding cycle (if available), by sending a letter of request.

4. **AGREEMENT** – A contract is signed to assure that the applicant will complete the project within ***15*** months and be eligible to receive up to 80 percent reimbursement. The contract is between the state (ODNR) and the project sponsor. After the signing of the agreement, a copy will be sent to the project sponsor.

5. **PROJECT IMPLEMENTATION** – The project sponsor may proceed with project construction after completing several additional required steps (see Information for Awarded Sponsors). Reimbursement requests may be made after funds have been expended.

7. **PROJECT COMPLETION –** The project should be completed within **15** months. A site inspection will be made after the project is complete; ODNR staff may also visit the project at any time during construction. An RTP acknowledgement sign must be posted in a conspicuous location when the project is complete. This sign can be purchased from the ODNR by the project sponsor, prior to the completion of the project, or purchased from a vendor of the project sponsors choosing, or made "in house" using ODNR supplied art work.

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FORM 1

General Project Information (Please Type or Print in Ink)

Check box to indicate whether your application is for the Recreational Trails Program (RTP) or the Clean Ohio Trails Fund (COTF). Check both boxes if submitting your project for consideration under both RTP and COTF.

☐ **Recreational Trails Program** ☐ **Clean Ohio Trails Fund**

1. Classification of Project Applicant (C*heck One)*

Federal Government
- □ U.S. Forest Service
- □ National Park Service
- □ U.S. Army Corps of Engineers
- □ U.S. Fish & Wildlife Service
- □ Other *(specify)*_____

State Government

ODNR
- □ Division of Parks and Recreation
- □ Division of Forestry
- □ Division of Natural Areas & Preserves
- □ Division of Wildlife

□ Ohio Historical Society

□ Other *(specify)* _____

Local Governments
- □ City, Village
- □ County
- □ Township
- □ Park District
- □ Conservancy District
- □ Other *(specify)* _____

Organizations
- □ Not-for-Profit (501-C3)
- □ Other *(specify)*_____

2. _____
Name of Agency/Organization

3. _____
Address City State Zip Code

4. _____
Agency/Organization Contact Person | Title | Phone Number

5. _____
Federal Tax ID Number | e-mail address | Fax Number

6. (a) Name of Trail _____ (b) Length of Trail Project_____

7. (a) Public Land □ Private Land □ Combination Public/Private □
(b) Name of Landowner(s)
_____

8. Location of Project *(If located in more than one county, township, legislative/congressional district, etc., please list all.)*

_____
County | Township | City or Village

_____
Ohio House District | Ohio Senate District | U.S. Congressional District

FORM 1 *continued*

9. Intended Use (Check One)

- □ **Motorized Use**
- □ **Nonmotorized Use**
- □ **Combination of Motor-Nonmotorized Uses**
- □ **Combination of Motorized Uses**
- □ **Combination of Nonmotorized Uses**

10. Type of Use (Check all that apply)

- □ **Bicycling**
- □ **Mountain Biking**
- □ **Cross Country Skiing**
- □ **Hiking/Jogging/Fitness/Nature Trail Activities**
- □ **Horseback Riding**
- □ **In-line Skating**
- □ **Walking**
- □ **Snowmobiling**
- □ **Aquatic or Water Activity**
- □ **Motorcycling**
- □ **Four-Wheel Driving**
- □ **All Terrain Off-Road Vehicles**
- □ **Wheelchair use**

11. Type of Project and Quantitative Measure ***(Please indicate the unit of measurement in acres, miles, linear feet, square miles, or other unit of measure that best quantifies the amount of work to be accomplished.)***

	Quantity	Unit of Measure
A. _____ Maintenance/Grooming of trails ***(Work that is done on a routine basis)***	**A. _____**	**_____**
B. _____ Restoration of areas damage by usage	**B. _____**	**_____**
C. _____ Development of trail-side and trail-head facilities	**C. _____**	**_____**
D. _____ Acquisition	**D. _____**	**_____**
(Must be willing seller; Please attach seller's letter of intent)		
(1) _____ Easement	**(1) _____**	**_____**
(2) _____ Fee Simple	**(2) _____**	**_____**
(3) _____ Lease	**(3) _____**	**_____**
E. _____ New Trail Construction	**E. _____**	**_____**
F. _____ Equipment	**F. _____**	**_____**
G. _____ Engineering/Planning	**G. _____**	**_____**

12. Description of Project - ***In the space below, provide a brief summary description of your project. Additional project detail will be requested later in the application.***

_____
_____
_____
_____
_____
_____

13. Project Termini: Please describe the locations of all termini for the trail project for which you are seeking grant assistance. ***(For example: The Trail project's two proposed termini are Fifth & Main Streets and the County Park parking lot)***

_____

_____

14. Does this project link to, or is it an integral part of any other trail(s)? ***(Check One)***

□ Yes □ No If yes, provide the names of trails and explain relationship. Please reflect this information on maps in form # 3 of this application.

_____

_____

_____

15. Total Project Costs_____

RTP Assistance requested ***(maximum 80% of total project costs)***

_____

Source of your matching funds

_____

COTF Assistance requested ***(maximum 75% of total project costs)***

_____

Source of your matching funds

_____

- **Please Note:**
- **RTP awards are capped at $150,000.00 per project**
- **COTF awards are capped at $850,000.00 per project**
- **If this application is awarded funding from both programs, your total funding will be capped at $850,000.00. ODNR will determine the funding allocation from each grant program at the time of award.**
- **It is not guaranteed that any project will receive funding from both grant programs. If the completion of your project is dependent on receiving funding from both the COTF and the RTP please contact:**

D'Juan Hammonds, Program Manager
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E-2
Columbus, Ohio 43229
Email: Djuan.hammonds@dnr.state.oh.us
Telephone: (614) 265-6417 fax: (614) 267-4764

- **When applying for RTP funding please indicate the amount of funding needed to complete your project without receiving funding from the COTF.**
- **When applying for COTF funding please indicate the amount of funding needed to complete your project without receiving funding from the RTP.**

FORM 2

General Project Cost Information

1. **The RTP is an up-to-80 percent matching grant program and the COTF is an up-to-75 percent matching grant program. Payments to a project sponsor will cover up to 80 and 75 percent respectively of the total cost of acquisition, development, maintenance, or rehabilitation undertaken by the project sponsor. *If you are applying for both grant programs please complete a Cost Summary Chart for each grant program.***

   Grants may cover costs applicable to:
   a. **Cost of land acquisition**
   b. **Cost of engineering design services performed by an outside consultant (must be incurred within project period).**
   c. **Direct labor costs - NOTE: Funds may only be used to pay the salaries or wages of employees specifically for this project.**
   d. **Cost of special tradesmen secured under a service purchase agreement**
   e. **Cost of rental of equipment**
   f. **Cost of construction contracts**
   g. **Cost of materials purchased for the project**

2. **Project Cost Summary Chart for RTP application:**

Eligible Costs	Requested Grant Amount (up to 80% of total)	Sponsor's Match		Total Project Cost
		Hard Cash	In-Kind	
Acquisition				
Design and Engineering (must occur within two years of grant contract or award with prior ODNR approval)				
Labor				
Special Service Contracts				
Rental of Equipment Contracts				
Construction Contracts				
Purchase of Materials				
Purchase of Equipment				
Other _____				
COLUMN TOTALS				

Form 2 Continued

3. Project Cost Summary Chart for <u>COTF</u> application:

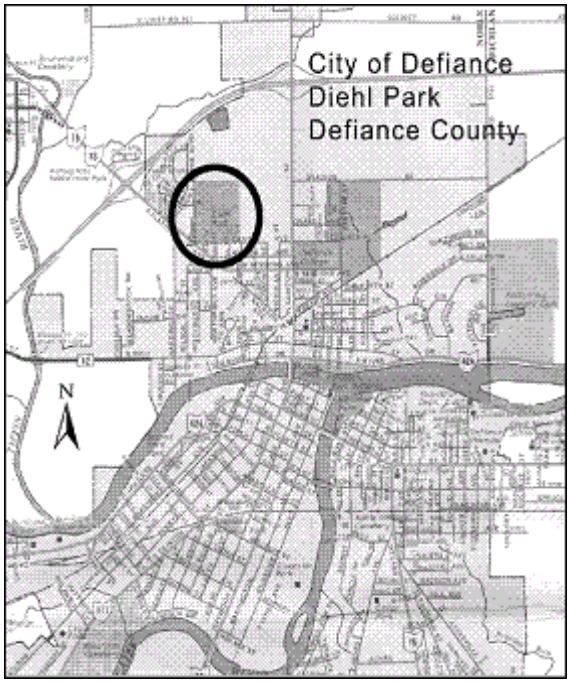
Eligible Costs	Requested Grant Amount (up to 75% of total)	Sponsor's Match		Total Project Cost
		Hard Cash	In-Kind	
Acquisition (must occur within two years of grant application with prior ODNR approval)				
Design and Engineering (must occur within two years of grant contract or award with prior ODNR approval)				
Labor				
Special Service Contracts				
Rental of Equipment Contracts				
Construction Contracts				
Purchase of Materials				
Other _____				
COLUMN TOTALS				

FORM 3

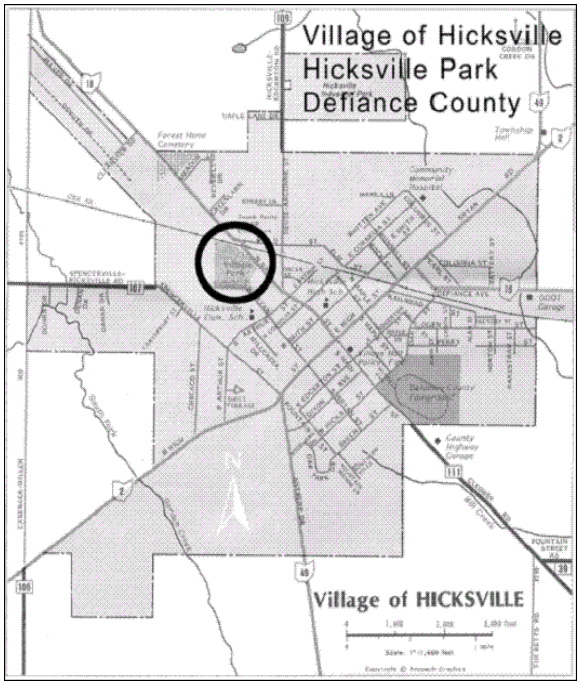
Site Vicinity Map

Please submit a highway, street, county, or other map that will clearly locate your project in relation to nearby streets, highways, towns, and other important landmarks. Be sure to indicate north on the maps.

Example: Vicinity Map (City)



Example: Vicinity Map (Village)



Directions to project site: ***Please provide directions to a logical project entry point from a numbered interstate exit or municipality that is shown on the <u>State of Ohio Transportation Map.</u> Please indicate the project start and ending point.***

_____

_____

_____

_____

_____

_____

_____

_____

FORM 4 – RTP/COTF

Recreational Trails Program/Clean Ohio Trails Fund Project Selection Criteria Questions

Ohio's Project Selection Process for the RTP ensures public knowledge of the grant program, establishes a funding cycle, establishes project rating criteria for funding applications, and specifies that all projects be site inspected as part of the evaluation process.

Public knowledge will be gained primarily through annual news releases concerning the application process, announcements of recommended projects, public speaking, and notices in various other publications.

Ohio's priority rating criteria for the RTP is compiled from several sources. First, the U.S. Department of Transportation mandates certain criteria for all projects for the Recreational Trails Program. The RTP grant program integrates these guidelines. Second, the Recreational Trails Program specifies that the State Recreational Trail Advisory Board (SRTAB) will provide guidance to ODNR for how the state will make grants available to potential recipients. The SRTAB assisted ODNR in developing and prioritizing criteria for RTP project selection. Finally, the RTP requires that each project funded with RTP monies furthers a specific goal in Ohio's Trails Plan, Trails for Ohioans. Trails for Ohioans Link

Ohio's priority rating criteria for the COTF program are compiled from several sources. First, Amended Substitute House Bill 3, which created the COTF, mandates that certain criteria receive emphasis. See O.R.C. 1519.05(C)(3). Amended Sub. H.B. 3 also created an Advisory Board (O.R.C. 1519.06) to provide advice to ODNR on the selection of COTF projects for funding. The Advisory Board helped identify and prioritize funding criteria. Finally, based on previous experience with other state and federal recreation grant programs, ODNR has incorporated criteria into the ranking and selection process related to grant administration. Unscheduled site visits are also conducted at all applicant project sites.

Applications to the RTP/COTF are evaluated using the following criteria. Please address these criteria questions. Additional documentation, plans, photographs, etc. are also encouraged.

1. Justification of Need/Solving a Trails Problem

Why is the project necessary? How will the project resolve existing problems? Need should be identified using specific data and not just a general statement. General statements will not score as high as detailed explanations. Discuss local supply and demand rather than just regional or national standards. What public input techniques have been used? Need, based on community-wide surveys, master plans for specific sites, participation studies, socio-demographic trends, or other public input will have priority over general statements of need. Photographs and/or other visual aids illustrating need are encouraged. Explain how you were made aware of your trail need or problem. What will be the anticipated usages of this trail and how many people do you perceive will use your trail once it is completed. Use this section to "paint a picture" to the project reviewer as to why this project is needed and the details of the benefits of this project. If this project is for equipment purchases, describe the equipment, how it will be used to benefit recreational trails (include where it will be stored, who will maintain it, proposed projects for its use and the land managing agency on whose property the equipment will be used). Equipment cannot be used for other purposes that are not related to trail use. An applicant must demonstrate, in a convincing manner, of how they will ensure that all purchased equipment will be stored, maintained and applied only for trail use. If there is considerable doubt about the ability of the applicants ability to use purchased equipment for

only trail use, throughout the life of the equipment, ODNR reserves the right to deny the equipment purchase request.

2. Plan Priorities

The degree to which project is identified in, or furthers a specific goal of Ohio's Statewide Comprehensive Outdoor Recreation Plan (SCORP) SCORP Link and/or the Trails for Ohioans Plan Trails for Ohioans Plan Link or a regional/local planning document is an important consideration. Please describe how your project furthers a specific goal or goals within the SCORP, the Trails for Ohioans Plan or other plan. Please contact your local MPO (if applicable) and determine if your project is on your local MPO's transportation/trails plan. Applicants should also contact their local Regional Planning Commission to determine if your project is on a regional master plan. Please provide documents that demonstrate proof of this. Projects that are specifically listed in the statewide trails plan or a regional trails plan will receive the highest consideration in this category

3. Local Public Participation in Formulating the Proposal

Public or citizen participation at the local level should be included in planning the project. This can be accomplished via advertised public meetings for the project *(Note: public meeting must be for the sole purpose of discussing the project proposed in the application)*, review by advisory councils and boards, public notices, news releases, completion of a publicly approved parks and recreation or trail plan, citizen surveys, etc. Please describe the public/citizen participation associated with your project. Provide proof of the public participation. Examples are public notices; official sign in sheets from meeting(s), meeting notes, survey results, survey questionnaire, meeting summaries etc. Please provide copies of any of these documents if applicable. For maximum consideration please provide any copies of meeting(s) sign in sheets, public notices, meeting summary document. If a survey was given please provide a copy of the survey instrument, number of survey respondents, and survey results.

4. Trail Linkages

How will your project provide trail linkages/connections within or between community homes, work places, parks, other trail systems, etc.? How will these linkages improve recreational opportunities and/or offer alternative means of transportation from home (residential populated areas) to recreational facilities, shopping/work places, or other destinations? How will the project tie into other trail projects, greenways, scenic or riparian corridors, canals, national scenic/historic trails or other regional or local trails, natural, historic, cultural or recreational areas? Please provide mapping that clearly shows how and where your project will link into other trail systems, if applicable. Please Note: For historic trails or proposed trails that will incorporate historic site(s), please provide a letter from the Ohio History Connection, local historical society, or similar organization confirming the historical significance of the area/site that you are referencing in this application.

Projects that can demonstrate multiple trail linkages will be given additional consideration over projects that have few or no trail linkages. The more trail linkages a project has, the more consideration it will be given.

5. **Ease of Site Access for the Intended Use**

   Ease of access refers to the location of the site and ease of access onto and throughout the site. Consideration is given to the type of facility planned for the site and the type of service area (neighborhood, community, regional, etc.). Please discuss these issues at your project's location.

6. **Innovative Trail Corridor Sharing**

   Will the project allow innovative recreational trail corridor sharing between various recreational trail uses, both motorized and non-motorized, or any other combination of trail uses? It is recommended that multi-use trails should be 8 to 10 feet in width. Additional consideration will be given to multi-use trails that are 8 to 10 feet wide. Multi-use trails less than 8 feet in width will score very low in this scoring section. Please list the estimated trail width of your proposed project in this section. COTF applicants, if you are acquiring any railroad property please give a detailed explanation of this acquisition.

7. **Accessibility Considerations**

   Projects must be accessible, where practical, to all segments of the general public, regardless of race, color, religion, creed, gender, national origin, age, or disability. If the project provides special opportunities which exceed state/federal minimum requirements for handicapped access, these opportunities should be explained. Additional consideration will be given to projects that exceed the state/federal minimum requirements for handicapped access. See Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas Final Report dated September 30, 1999. Access Board Guidelines and Standards Linkand Designing Sidewalks and Trails for Access dated September, 2001. Designing Sidewalks and Trails for Access Link. Provide proof of how the project will meet or exceed state/federal requirements for handicapped access. General statements without documented proof will receive minimal consideration.

8. **Benefits provided.**

   Please describe, in detail the type of benefits that the project will generate in the following areas (general statements will receive less consideration than detailed explanations);

   1) **Recreation opportunities (estimated and types of trail users)**

   2) **Economic (provide evidence of the economic impact of your project)**

   3) **Transportation (demonstrate how your project will reduce motorized transportation in the project area)**

   4) **Environmental**

   5) **Historic (provide documentation from a local, regional, and/or national historic organization explaining the historical sites contained within your project site)**

   6) **Cultural**

   7) **Interpretive benefits.**

Further consideration will be given projects that can demonstrate multiple benefits listed above. The more benefits that a project has the more consideration the project will receive.

9. Suitability of Site for Proposed Recreational Use

The site, as it exists, should be suitable for the planned use and major physical changes should not be required. Consideration is given to the site design, access onto and throughout the site, the type of facility planned for the site, and the type of service area (neighborhood, community, regional, etc.). Please discuss these issues in reference to your project.

10. Partnerships and Economic Impacts

How will the project create a new or enhance an existing, partnership between trail user groups, private interests, volunteering groups and/or public agencies? Explain how these new partnerships and volunteer groups will contribute to project completion and/or future project maintenance. Also describe if and how the project will foster economic revitalization or provide economic benefits to the area or region. New partnerships will receive slightly more consideration over existing partnerships.

Examples of enhancing an existing partnership could be, but not limited to an increase of financial assistance from a trail friends group to help provide matching funds for a proposed project. A trail friend group could offer monthly trail maintenance parties in addition to the financial assistance that they currently contribute.

Economic revitalization can be, but is not limited to a trial or trail project that can demonstrate the ability of providing economic revitalization to an area. Example, proposed trail is part of a city‘s economic revitalization project in an economically depressed area, community, city, village, etc. This trail will allow residents to walk from home to a newly constructed shopping center, store fronts, etc.

Economic benefits are benefits that previously established businesses, proposed businesses and/or business ventures will realize from the proposed trail project. These benefits may not necessarily lead to economic revitalization, but will provide economic benefits to an area.

11. Reasonable Project Costs

Sponsors should document how project costs were estimated. If appraisers, contractors, or manufacturers were consulted, or if project costs are in line with similar nearby projects, details should be provided. Identify and point out any costs that might be perceived as unreasonable and explain why your project requires these items/services. Please note: ODNR reserves the right to deem certain project costs as unreasonable and will either cost share in these costs at a reduced level or not at all. When a situation such as this arises, ODNR will alert the project sponsor of our decision prior to awarding any funding to a particular project.

12. Documentation of Applicant's Non-Federal/Non-State Share

<u>An authorizing resolution, ordinance, or other written documentation is required to obligate project sponsor funds for the project</u>. An applicant should also provide sufficient documentation to show availability of funds and cash flow to complete the project. Since this is an up-to-80 percent reimbursement program for RTP and up-to 75 percent reimbursement for COTF, sufficient funds must be available to at least substantially begin the project. In-kind services and donations of materials, cash, labor and land can be used as the non-federal/non-state match. If non-federal/non-state match is available *now*, sponsors should identify its source (bank account, stockpiled materials, etc). If the non-federal/non-state match is not yet available, sponsors must describe the anticipated source of the match as well as when it will become available. Examples of written documentation are: approved budgets with specific line items for the project; specific bank accounts for the project with verification of the amount available; verified donations of private land with documented cash reserves (for cash flow); verification of private cash donations or foundation grants. Applicants who provide detailed evidence of their non-federal/non-state match will receive additional consideration over applicants who only provide evidence that they will obligate funds necessary to complete their project.

13. Donation of Land (RTP and COTF)

Is donated land a part of your project? Any donated land should contribute directly to public trail-related recreation. Applicants should contact the ODNR Office of Real Estate to determine if the donation is eligible to be considered part of the non-federal share. Donations cannot be accepted without prior approval by ODNR. Please referrer to Attachment V, page 63 for detailed policies and procedures for donated land under the RTP program.

14. Less than 80 Percent Grants (RTP Only)

Additional consideration will be given to proposals requesting <u>significantly</u> less than 80 percent federal funds. This will allow for a greater distribution of funds.

Less than 75 percent matching funds by project sponsor. (COTF Only)

Additional consideration will be given to proposals where <u>substantially</u> less than 75 percent of project costs are being requested by the project sponsor. This will allow for a greater distribution of COTF funds.

15. Please list all funds from other sources that will be used in conjunction with RTP/COTF grant funds for your project.

If applicable, please list the dollar amount of these funds as well as specific information as to where these funds came from.

State Funds _____ **Federal Funds**_____

Source of funds _____ **Source of funds** _____

Local Funds _____ **In-kind** _____

Source of funds _____ **Source of funds** _____

Other _____

Source of funds _____

16. Operation and Maintenance Capabilities

Evidence of capability is based on such considerations as operation/maintenance budgets, size of operation/maintenance staff, and/or site inspections of existing areas. Scheduled maintenance calendars should be provided outlining specific dates, times, and personnel that will participate in the maintenance of your project. Maintenance programs can also be provided. Please describe the maintenance program for your project and all persons and/or groups that will assist in this program. Ex. A local friends group will provide scheduled trail maintenance two week-ends a month. (Provide details of this maintenance program). ***RTP-equipment requests should provide proof that the project sponsor can provide or currently has liability coverage, which will cover the equipment request contained within this application.***

17. Performance on Previous ODNR Projects

Has your organization or agency received past grants through ODNR? Performance considered on previous trails projects include: How quickly the previous project was completed, whether it was completed in conformance with the project agreement; whether acquisition sites have been developed as proposed; conformance with EEO requirements; proper reimbursement; posted grant program sign; adequate maintenance of the site, etc.

18. Multiple Applications.

Applicants must prioritize multiple application submissions. A lower priority ranking by the submitting project sponsor will decrease that proposal's competitiveness. This will assure a more equitable statewide distribution of the RTP/COTF funds.

19. First-Time ODNR Grant Recipient

An applicant's first ODNR application is given additional priority consideration. Prior ODNR grants could be from other ODNR grant programs. Has your agency or organization received past grants through the ODNR? If you are unsure if you have received ODNR grants in the past please call:
D'Juan Hammonds
614-265-6417
Djuan.hammonds@dnr.state.oh.us

20. Appalachian Area Projects

The highest per capita outdoor recreation acreage is in Ohio's Appalachian counties. However, this acreage is primarily controlled by state and federal governments. Political subdivisions often lack recreation opportunities commonly provided in neighborhood and community parks. Projects in Appalachian counties (see: Appalachian Area Map Link for list of Appalachian counties) will be given some priority consideration.

21. Urban (Standard Metropolitan Statistical Areas) Projects

Actions should be taken to ensure that trail related recreation opportunities will be provided in major urban areas. The proposed project may be given priority if it preserves open space and provides opportunities in an SMSA area. (In Ohio: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, & Youngstown). Is your project in an SMSA area? SMSA Link

22. Clarity of the Application

Your RTP application will be given additional consideration for veracity, completeness, and clarity of project description and plans, etc. Please take this opportunity to provide additional information about your project, if necessary.

FORM 5

Resolution of Authorization

Below is an example of a suggested form for a resolution of authorization to be passed by the governing body of a government agency or a private organization.

Any applicant may use such means as an ordinance or resolution to authorize filing of their application. In this case a signed certified copy of such an ordinance or resolution must be included with each application. ***Any resolution of authorization must be hand signed.***

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through Recreational Trails Program (RTP) and/or the Clean Ohio Trails Fund (COTF)

WHEREAS, the _____ desires financial assistance under the _____ Program

(Specify RTP and/ or COTF)

NOW, THEREFORE, be it resolved by the _____ as follows:

1. **That the _____ approves filing an application for**
   (name of applicant)
   _____ financial assistance
   (specify RTP and/ or COTF)
2. **That _____ is hereby authorized and directed to execute**
   (local coordinator)
   and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

3. **That the _____ does agree to obligate the funds required**
   (name of applicant)
   to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the _____ Program
   (specify RTP and/ or COTF)

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the _____ held on _____ day of _____20_____, and that I am duly authorized to execute this certificate.

_____ _____

(Original signature) ***(title)***

FORM 6

Civil Rights Compliance State of Ohio, U.S. Department of Transportation

As the authorized representative of the applicant, I certify that the applicant agrees that, as a condition to receiving any state assistance or federal financial assistance from the Department of Transportation, it will comply with all Federal laws relating to nondiscrimination. These laws include but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE shall apply to all aspects of the applicant's operations including those parts that have not received or benefited from federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applicants for federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and sub-recipients and the person whose signature appears below who is authorized to sign this assurance on behalf of the Applicant. Your RTP/COTF proposal must be reviewed by your local intergovernmental review agency, and the Ohio Historic Preservation Office.

Signature of Authorized Certifying Official	Title
Applicant/Organization	Date Submitted
Applicant/Organization Mailing Address	

FORM 7

Inter-Agency Agreements

An Inter-Agency Agreement is an agreement between two or more public or private agencies involved with funding, operating, or maintaining the trail project.

Do you have an interagency agreement for your proposed project?

☐ **Yes, An Inter-Agency Agreement exists for the project. Please complete Part 1.**

☐ **No, An Inter-Agency Agreement does not exist for the project. Please complete Part 2.**

PART 1

☐ **INTER-AGENCY AGREEMENTS DO EXIST**

a. **If an inter-agency agreement exists, describe in detail any division of responsibility that may exist for completing acquisition, development and operation and maintenance. A copy of the agreements must be submitted with the application.**

b. **If any future local inter-agency agreements are anticipated, please explain why.**

PART 2

☐ **INTER-AGENCY AGREEMENTS DO NOT EXIST**

a. **If no inter-agency agreements exist, complete and sign the statement below and submit this form with the application.**

Applicant-Agency_____

THE APPLICATION FOR _____

(Project Title)

IS NOT SUBJECT TO ANY LOCAL INTER-AGENCY AGREEMENTS

_____
(Original Signature)

_____
(Title)

_____
(Date)

FORM 8

Acknowledgement of Compliance

Upon acceptance of _____ as an

(Project Title)

assisted project, the applicant agrees to the following requirements of the U.S. Department of Transportation and/or the State of Ohio:

1. The area will be open to the general public for a minimum of 15 years. Differences in admission and other fees may be maintained on the basis of residence. However, these differences must be reasonable and discrimination on this basis is prohibited.

2. Considerations for the accessibility of disabled persons must be incorporated in the planning stage of any improvement on the site, regardless of whether not that improvement is grant-assisted. Applicants must adhere to the latest accessibility guidelines under the Americans and Disabilities Act (ADA) and Architectural Barriers Act (ABA). Any development funded must adhere to these guidelines. The guidelines can be accessed on the following webpage: Access Board Guidelines and Standards Link
There are links for accessible routes, plumbing elements and facilities, recreation facilities, etc.

3. A permanent project acknowledgement sign will be placed at the site as required below.

_____
Local Coordinator (Original Signature)

_____
Applicant-Agency

_____
Date

ATTACHMENT NO I: Categorical Exclusion (CE) Form

Note: This document takes the place of the environmental documents from previous grant applications. Please read the CE instructions on pages 44-54 before completing pages 40-42.

CATEGORICAL EXCLUSION (CE) FORM (For Recreational Trails Program in Ohio)	Date:	

I) Project Information									
Name of Project:								Federal Project #:	
Project Sponsor:								State Project #:	
Project Description:									
Purpose and Need for Action:	The purpose of this project is to {insert purpose here}. The need for the project is to {insert bulleted needs list here}.								
Termini:									
Funding Source(s):	☐	federal	☐	state	☐	local	☐	private	Estimated Cost: $
Is there a completed ODOT Categorical Exclusion for the project?									
Yes		Environmental process is complete. *Identify ODOT PID Number & forward ODOT CE to ODNR*							
No		Continue							

II) Scope of the Proposed Action: (pursuant to 23 U.S.C. 206 and this section is applicable to RTP applicants, and not Clean Ohio applicants)	Yes	No	Comments
1) Operation of educational programs to promote safety and environmental protection as related to recreational trails			
2) Purchase & lease of recreational trails construction and maintenance equipment			
3) Acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors			
4) Construction of ADA features to existing facilities			
5) Maintenance and restoration of existing recreational trails			
6) Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails			
7) Construction of new recreational trails within parameters set forth by 23 U.S.C. 206 (d) (2) (D)			

If Items 1, 2, 3, or 4 are checked yes above, then the environmental process is complete. Complete Section VI and submit to ODNR for processing. {23 CFR 771.117 (c)}
If Items 5, 6, or 7 are checked yes above, then continue with Sections II through IV {23 CFR 771.117 (d)}
• ***Maintenance & restoration of existing trails may be interpreted broadly to include any kind of trail maintenance, restoration, rehabilitation or relocation including the work to trail bridges or providing adequate signage on a trail.*** • ***Development and rehabilitation of trailside facilities and trail linkages for recreational trails may be interpreted broadly to include development or rehabilitation of any trailside or trailhead facility that have a direct relationship to the recreational trail.*** • ***Construction of new recreational trails should be self-explanatory, and including bridges and signage along a trail.***

III) Involvement with Resources:			
	***No**	**Possible**	**Resources Present, Studies, Coordination, Comments and Commitments**
1) Streams, Rivers, & Watercourses			Based on field review on {*date*} by {*person/title*}, {*environmental resource name & extent of impact*} will be impacted by the proposed project. Coordination was conducted with {*responsible agency*} on {*date*}. A copy of the letter is attached. [If applicable] On {*date*} the {*responsible agency*} provided comments and/or environmental commitments related to the project. Environmental commitments include {*explain, list, etc.*}
2) National/State Scenic River Involvement			
3) Other Surface Waters			
4) Wetlands			
5) Lake Erie Coastal Zone			
6) Threatened and Endangered Species			
7) Cultural Resources			
8) *Air Quality Impacts	X		RTP projects will not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility or any other factor that would cause an increase in emissions impacts relative to the no-build alternative pursuant to the Clean Air Act criteria for pollutants
9) Environmental Justice			
10) Public Involvement			
11) Hazardous Materials			
12) Flood Plains			
13) Waterway Permits			
If "No" is checked above per resource, then no description is required in box to right			

IV) Environmental Commitments Made and Resources to be Avoided

- **These MUST BE incorporated into the Contract and discussed with the contractor prior to construction**

Were any commitments made during the project development process? Yes No

Commitment:

Disposition:

Commitment:

Disposition:

V) Required Attachments

- **These items MUST BE submitted by the times shown below**

At the time of initial application to ODNR;

- Project mapping
- Project photolog
- Pre-coordination letters with permitting agencies (OEPA, Army Corps, Floodplain Coordinator, etc.)
- Documentation of Public Involvement

By the time of federal NEPA approval for RTP projects;

- External resource agency coordination letters showing final agency concurrence with project (USFWS, OHPO, ODNR, etc.), which includes completion and agency approval of all requested additional resource studies by any resource agency

Prior to construction for all projects;

- Copies of all waterway permits
- Copies of all floodplain permits
- Evidence of all environmental commitments as shown in project plans and specifications

VI) Approval

This section must be signed by all parties and approved by FHWA prior to federal authorization of the next phase of the project

After reviewing the current status of this project, the Applicant and the Department of Natural Resources considers that the NEPA document remains valid. In our review, we have confirmed that there have been no changes to the proposed action, including its scope or location, which would result in environmental impacts not considered in the NEPA document or reevaluation, and that there is no new information or circumstances relevant to environmental concerns, and bearing on the proposed action or its impacts, which would result in substantial environmental impact not considered in the NEPA document or the reevaluation.

Form Prepared By:

Please Do Not Sign Without ODNR Approval

Applicant Name/Organization Date

State Acceptance of Project:

Ohio Department of Natural Resources Program Manager Date

FHWA has reviewed the proposed action and it is our assessment that implementation of the proposed action will not result in any significant impacts to the human and/or natural environment. If during further development of the project there is a substantial change in the impacts of or the scope of the proposed action, the environmental effects need to be reevaluated. FHWA has determined that Section 4(f) of the DOT Act of 1966 is not applicable to the Recreational Trails Program.

Approval of CE:

For: Laura S. Leffler
Division Administrator

Date

INSTRUCTIONS for preparation of Categorical Exclusion (CE) Form For Recreational Trails Program (RTP) in Ohio & to Clean Ohio Applicants in Ohio

The pages that follow are intended to assist the preparer in properly completing a CE for the RTP or to complete the environmental process for the Clean Ohio Applicants in Ohio. The following instructional pages ARE NOT TO BE SUBMITTED as part of a completed documented CE.

It should be noted that where reference is made to an Ohio Department of Transportation (ODOT) link, that these links are provided as reference only. ODNR and ODOT have separate processes, and the ODOT materials are included as a means of further explaining a specific environmental discipline without ODNR having to recreate similar information on their website.

RTP funds are federal Highway Transportation funds and as such are subject to the National Environmental Policy Act (NEPA) of 1969 (public law 91-90, as amended), and are subject to the provisions contained in 23 CFR 771. Most RTP projects will classify as a CE under 23 CFR 771.117. FHWA requires that each project be reviewed to assure that it does not have a significant impact on the environment.

23 U.S.C. 206 Section (h)(2) exempts the RTP from the requirements of Section 4(f) of the Department of Transportation Act of 1966.

For the RTP, ODNR acts on behalf of the FHWA to ensure that all applicants meet the requirements discussed herein. These reviews may be completed by an official with appropriate knowledge, however, depending on the nature of the project, site conditions, and in-house staff experience, project sponsors may want to consider employing the services of an environmental professional when preparing this document. In certain situations, additional field studies may be required to complete the NEPA process. The typical required studies may include:

- **Phase I Environmental Site Assessments consistent with either the American Society for Testing and Materials (ASTM) Standards or ODOT's Environmental Site Assessment Guidelines**
- **Section 106 Archaeological Survey as requested by the Ohio State Historic Preservation Office**
- **Wetlands delineations**
- **Waterway permit applications for U.S. Army Corps of Engineers (USACE) Section 404 or OEPA Section 401 Water Quality Certification**

When hiring a consultant, an applicant should select an ODOT prequalified environmental consultant.

Section I

Insert the proper project information for boxes as appropriate.

Project Description - Write a brief 1-5 sentence description of project that adequately discusses all the major elements of the project and elements that may affect an environmental resource.

Purpose and Need - Complete writing the 1 sentence purpose statement. This sentence states concisely and clearly why the undertaking is being proposed and articulates positive outcomes that are intended. Then provide a bulleted list of needs elements. The needs elements identify key transportation problem(s) to be addressed, explain underlying causes of existing problems, and provide for a factual foundation for a federal action.
For more information on Purpose and Need, please see ODOT's Office of Environmental Services Website at:
ODOT Permit Resource Link

Answer the question regarding whether an ODOT CE exists for the action. If the answer is yes, the evaluation is complete. Document accordingly and forward to ODNR for approval.

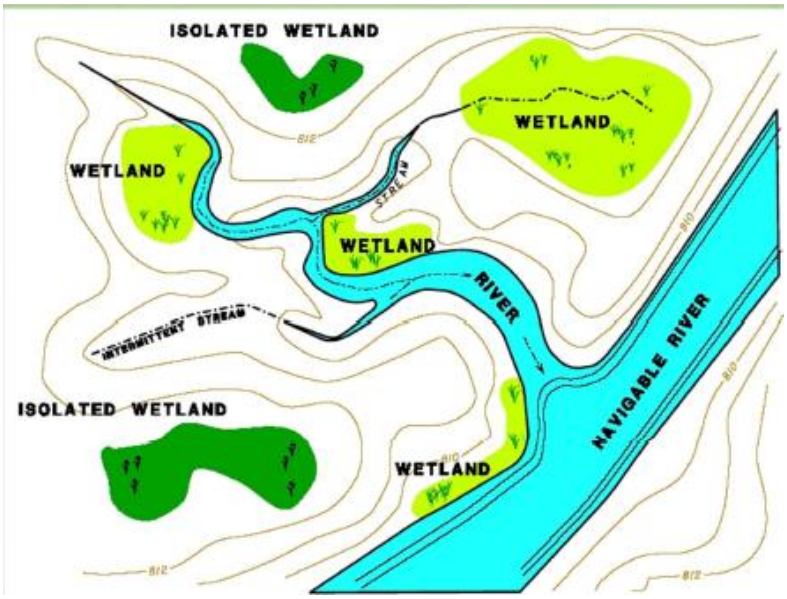
Section II Scope of the Proposed Action **Answer which numbered item(s) applies to your project. This will determine the level of effort needed for the remainder of the document. Under the Comments section list project elements that meet eligibility under each numbered item.**

Section III Involvement With Resources **This section is intended to document the potential environmental resources that may be present or be impacted by the proposed action. The individually numbered resource elements are to be checked appropriately. The term "Possible" means that the resource is present and has a potential to be impacted in some fashion by the project. If any resource agency indicates a resource that is in the area that is to be avoided, or places limits as to the extent of allowable impacts, then that constitutes an environmental commitment and must be carried forward to Section IV and ultimately to construction. If any resource agency indicates that additional studies are required, then coordination with that agency is considered open until the study is complete, and the resource agency provides the appropriate documentation. Copies of all agency correspondence are to be included in the attachments. *At the time of application, transmittal letters will need to be submitted with the grant application showing coordination is taking place between all necessary environmental agencies.***

If the answer is "Possible" under any of the numbered items, include the following type of discussion in the CE in the "Comments" field:

"Based on field review on {*date*} by {*person/title*}, {*environmental resource name & extent of impact*} will be impacted by the proposed project. Coordination was conducted with {*responsible agency*} on {*date*}. A copy of the letter is attached. [If applicable] On {*date*} the {*responsible agency*} provided comments and/or environmental commitments related to the project. Environmental commitments include {*explain, list, etc.*}"

1) **Streams, Rivers, & Watercourses**
   A water of the U.S. is includes all interstate waters, rivers and streams. A detailed definition can be found in 33 CFR 328.3(a). These resources are protected by federal and State law, regulation and/or code. The agencies that have jurisdiction over them are the United States Army Corps of Engineers (USACE), Ohio EPA, and if a navigable waterway, the United States Coast Guard. Impacts to these resources may require a Section 404 Waterway Permit, see Item #13. ODOT has good resources for ecological resources that may be found at:
   ODOT Permit Resource Link



2) **National/State Scenic River Involvement**
Projects located within 1,000 feet of a state designated component of the State of Ohio Scenic River System, lie outside of corporation limits, and are federally funded must receive concurrence from the ODNR Scenic River Program. If the applicant determines that a project falls in this category, then contact ODNR – Division of Watercraft at (614) 265-6841 for additional guidance. Documentation must be provided in the CE of coordination through to its conclusion if there is scenic river involvement.

Involvements with National Scenic Rivers are more complicated and will require review and approval from various outside agencies. See ODOT's Ecological Resources Manual Page 9 for additional details regarding National Scenic Rivers. Ohio has three nationally designated streams; Big & Little Darby Creeks, Little Miami River, and Little Beaver Creek. Projects defined as a "water resource projects" that impact a Nationally Designated stream below Ordinary High Water Mark (OHWM), or impact direct tributaries within 1,000 feet of a nationally designated component below OHWM, require the preparation and coordination of a LV2 ESR and a Preliminary Section 7(a) supplemental information package to comply with Section 7(a) of the National Wild and Scenic River Act. The Preliminary Section 7(a) supplemental information package is coordinated with the National Park Service (NPS) for their review and comment. Comments received from the NPS are used to modify the project to minimize impacts to the scenic river. If necessary, FHWA and NPS meet to discuss specific issues. Once any issues have been resolved, FHWA seeks the Final Section 7(a) approval from the NPS during the waterway permitting process. ODOT Permit Resource Link

3) **Other Surface Waters**
Other Surface Waters can include ditches, ponds, lakes and reservoirs. These may be regulated by either USACE or OEPA under the Section 404 and/or 401 Water Quality Certification regulations accordingly. If the applicant determines that these types of resources are to be impacted, then coordination with these agencies will be required and documented in the CE.

4) **Wetlands**
An area is considered to be a wetland if it has the appropriate hydrology, soils, and plants to meet wetland criteria as defined in the 1987 USACE Wetland Delineation Manual and or the appropriate Regional Supplements. USACE makes a jurisdictional determination to officially determine whether an area is considered a wetland. USACE may also define the extent of the area to be regulated. Wetlands are waters of the U.S. and regulated by USACE and OEPA through Section 404 and 401 of the Clean Water Act, unless they are determined to be hydrologically isolated. Isolated wetlands are regulated by OEPAs Isolated Wetland Permit Program (ORC 6111), however, USACE makes the determination of whether a wetland is considered to be isolated. An isolated wetland determination is based on a multitude of factors, including, but not limited to, the presence or absence of a surface water connection, hydric soils units, and adjacency or abutting to and/or a significant nexus to a Traditionally Navigable Water (TNW). For any wetland, the regulatory jurisdiction of USACE or OEPA begins at the wetland/upland boundary.

USACE Wetland Link

All practical measures to avoid, minimize and mitigate impacts to wetlands, which may result from such use, will be taken. Enhancement opportunities will also be considered as appropriate for each impacted wetland. This finding is made in accordance with the requirement of Executive Order 11990 on the Protection of Wetlands, dated May 1, 1977.

The types of projects to be constructed under this finding are classified as Class II Federal-aid actions as described in 23 CFR 771.117 and shall ensure that the project record includes an appropriate discussion of avoidance, minimization and mitigation alternatives for each impacted wetland.

The work in wetlands covered by this finding can include those categories of activities described in the following Federal permits, regulations, or agreements:

Dredge or fill activities covered by and that satisfy the conditions of the Corps of Engineers (USACE) Nationwide or Regional permits issued by the UASCE for waters of the United States under the USACE jurisdiction (Title 33 CFR Part 320-330 published November 13, 1986, as amended), and individual permit actions for 2 hectares (5 acres) or less of impacted wetlands.

Alternative discussions for wetland avoidance shall discuss as a minimum:

1) **Do Nothing; and**
2) **Improvements that will not result in any wetland impacts.**

In order for this Finding to be applied to a RTP/COTF Categorical Exclusion project, it must be documented that the:

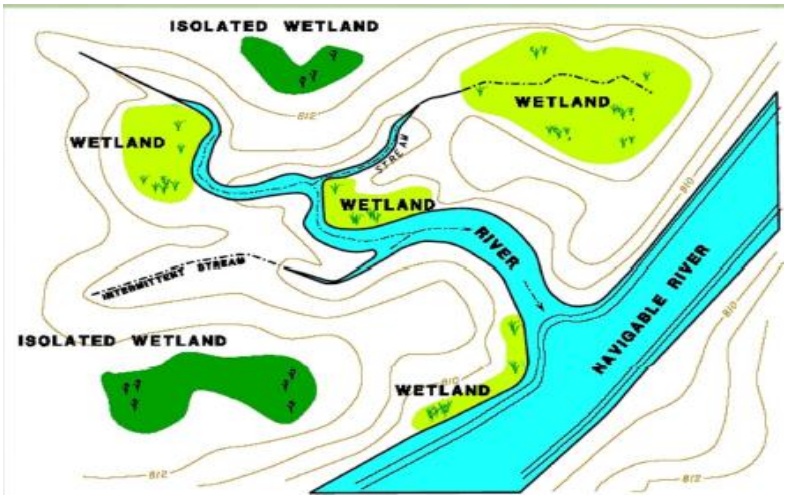
1) **Do Nothing alternative is not practicable because:**
    - **i. It would not correct existing or projected capacity deficiencies; or**
    - **ii. it would not correct existing safety hazards; or**
    - **iii. it would not correct existing deteriorated conditions and maintenance problems; or it would result in serious impacts to the motoring public and the general welfare of the economy in the area.**

2) **It must also be documented that improvements that will not result in any wetland impacts are not practicable because such avoidance would result in:**
    - **i. substantial adverse community impacts to adjacent homes, businesses or other improved properties; or**
    - **ii. substantially increased project cost;**
    - **iii. unique engineering, traffic, maintenance, or safety problems; or**
    - **iv. substantial adverse social, economic, or environmental impacts; or**
    - **v. the project not meeting identified needs. Within this discussion alternatives that would result in minor alignment shifts, use of minimum design requirements, use of retaining walls and/or other structures, or alternative designs shall be assessed.**

In addition it must be documented that all practicable measures to minimize the wetland impact(s) both within and outside of the project right-of-way have been fully considered and incorporated into the project's design. Minimization measures that are incorporated into the design shall be listed as environmental commitments in the document. The use of appropriate erosion and sedimentation control and other measures required by the current ODOT Standard Specifications and special provisions shall be a standing ODNR commitment.

ODNR shall consider the mitigation of all wetland impacts and shall consider enhancement opportunities when they exist. Project mitigation measures shall be listed as environmental commitments in the document.

During the projects preliminary development, and design, coordination, as appropriate, with the Ohio Department of Natural Resources (ODNR), Corps of Engineers (USACE), Ohio EPA and other State or local agencies shall be conducted. Additional measures, to avoid, minimize and mitigate the projects wetland impacts may be identified as a result of this coordination and incorporated into the project in order to secure the necessary permit(s).



As seen in the diagrtam above, wetlands are either considered contiguous as shown by those that are attached to a stream or other watercourse, or they are considered an isolated wetland by the State of Ohio. Isolated wetlands are regulated by OEPA.

5) Lake Erie Coastal Zone

The Coastal Zone Management Act of 1972 is administered by NOAA's Office of Ocean and Coastal Resource Management (OCRM), the Act provides for management of the nation's coastal resources, including the Great Lakes, and balances economic development with environmental conservation. Within Ohio, the Act is implemented by ODNR. If "Possible", contact the ODNR – Office of Coastal Management at (419) 626-7980. Information regarding coastal zone management can be found at: Ohio DNR Coastal Link

The Ohio Department of Natural Resources (ODNR) implements the Ohio Coastal Management Program (OCMP) in cooperation with other state agencies and local governments. The OCMP implements the federal consistency provisions of the Coastal Zone Management Area and promotes the wise management of those land and water uses that have direct and significant impacts upon the Lake Erie coastal area. The federal consistency provisions of the CZMA function to bring federal actions into compliance with approved state coastal management programs, and also increase state and local participation in federal decision making. All RTP construction, maintenance, and operational activities in the Lake Erie coastal management area must be consistent with the OCMP. If an RTP or COTF project is within the coastal management area, then it must be coordinated with ODNR to obtain a coastal consistency certification. The coastal consistency certification may include project specific conditions. A project which has a project specific consistency certification must have the certification included in the RTP or COTF application.

6) Threatened and Endangered Species

The occurrence of a federally or State protected species could be an important issue to consider during the development of an RTP or COTF project. Trail location and construction impacts should be coordinated with the U.S. Fish and Wildlife Service (USFWS) and formal consultation pursued if the presence of protected species warrants further study. It should be noted that there are federally protected species in all 88 counties of Ohio, so every project funded with federal or State money needs to document consultation with USFWS. The applicant shall send a letter to USFWS including:

- **Project description**
- **Project mapping**
- **Project photographs, including aerial photos**
- **ODNR Natural Heritage Database results**

The USFWS Ohio Field Office may be reached through:
USFWS Link

USFWS Ohio Field Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
Attention: Field Supervisor
(614) 416-8993

Indicate whether the project is within the known range of any federally-listed threatened or endangered species and indicate which species in the section. Also indicate whether any federal or state-listed threatened or endangered species were found in the project area and whether they are expected to be impacted. Identify these species in the section. If such species were found but no impacts are expected, state why no impacts are expected. Also in the section, refer to any coordination with the U.S. Fish and Wildlife Service (USFWS) which documents their review of the project with respect to impacts on any federally-listed species which are present or could potentially be present in the project area, based on known range. Attach coordination documentation. Discuss any avoidance or minimization options that were looked at or are still being considered.

A typical environmental commitment through USFWS coordination involves tree cutting restrictions associated with the federally endangered Indiana bat (*myotis sodalis*)

"Any unavoidable cutting of trees with suitable roosting and brood-rearing habitat for the Indiana bat (living or standing dead trees or snags with exfoliating, peeling or loose bark, split trunks and/or branches, or cavities) will be performed only before April 15 or after September 15 when the species would not be using such habitat."

- **Additionally, the State of Ohio manages State listed species. The applicant shall make a wildlife review request of ODNR, which may be done by providing**
- **Project description-Project mapping- Project photographs, including aerial photos**

To : John Kessler, P.E.
Environmental Services Administrator
Office of Real Estate
Ohio Department of Natural Resources
2045 Morse Rd., Columbus, OH 43229-6605
phone: 614-265-6621
email: john.kessler@dnr.state.oh.us

7) Cultural Resources

Section 106 of the National Historic Preservation Act of 1966, requires that all federally funded, permitted, or licensed projects be reviewed before work commences to determine whether they will affect historic properties. Therefore the Ohio Historical Society, Historic Preservation Office (OHPO) must be contacted for all grant awarded projects involving site work or property acquisition. If your project is selected for funding, it must be reviewed by the OHPO prior to entering into grant agreement.

There is no charge for this review. Section 106 PDF Application Link . We also use the interactive PDF (440.64 KB) document found on the above link. Applicants should first determine if the proposed project will have an impact on historic structures or subsurface cultural resources that are on, or are eligible for, the National Register of Historic Places. For Section 106 requirements see: Ohio History Section 106 Link

Resulting determinations and project documentation should be sent to the OHPO for review.

Ohio Historic Preservation Office
800 East 17th Avenue
Columbus, OH 43211
(614)298-2300

A concurrence letter from OHPO will be required prior to the execution of any contract agreement with an awarded project sponsor. The OHPO review process can take anywhere from a month to much longer depending on project conditions. Occasionally the OHPO will request that additional site investigations be done by an approved archaeology or history/architecture consultant. Projects sponsors MUST initiate the required OHPO review process PRIOR to grant application.

If additional studies are required by OHPO, then the applicant will complete these studies and coordination prior to receiving federal approval of the CE document. Under NO circumstances shall the sponsor enter into a construction contract without completing these studies, or the project will be deemed ineligible for federal or state participation.

8) Air Quality Impacts

Conformity is a way to ensure that federal funding and approval are given to those transportation activities that are consistent with air quality goals. It ensures that these transportation activities do not worsen air quality or interfere with the "purpose" of the SIP, which is to meet the NAAQS (National Ambient Air Quality Standards).

The responsibility of conformity falls upon the area metropolitan planning organization (MPO) and the U.S. DOT - FHWA. These agencies must ensure that the transportation plan and program within the metropolitan planning boundaries conform to the state implementation plan (SIP). In metropolitan areas, the policy board of each MPO must formally make a conformity determination on its transportation plan and transportation improvement plan (TIP) prior to submitting them to the FHWA for review and approval. Conformity determinations for projects outside of these boundaries are the responsibility of the FHWA and the project sponsor, usually the state DOT. Verification of project conformity for the approved TIP for both MPO and non-MPO projects is published and lists of qualifying projects in each Ohio MPO area are on file in the office of planning, OES and the local MPO office. Project status is addressed in each MPO approved TIP as "exempt" or "analyzed", meaning that the project was included in the conformity analysis for the current year. A project that does not meet the conformity requirements cannot be funded by FHW A or ODOT.

Most RTP and COTF projects and project-related activities are exempt from air quality conformity requirements of the Clean Air Act Amendments of 1990. The MPOs and ODOT have included appropriate documentation to their respective TIPs and STIP to accommodate the applicant's projects. For the purposes of the CE, the applicant need only to leave block 8 as is, unless directed to do otherwise by FHWA.

9) Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, was sign by President Clinton on February 11, 1994 and published in the February 16, 1994 Federal Register, Vol 59, No. 32. This order focuses Federal attention on the environmental and human health condition in minority and low income communities. It promotes nondiscrimination in Federal programs affecting human health and the environment, and provides minority and low-income communities access to public information and an opportunity to participate in matters relating to the environment.

The following definitions are contained in the April 15, 1997 Federal Register issuing the Final US DOT Order on Environmental Justice (EJ):

Adverse effects are defined as the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

Disproportionately high and adverse effect on minority and low- income populations is defined as an adverse effect that: (1) is predominately borne by a minority population and/or a low-income population, or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

The purpose of Environmental Justice is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations. Environmental Justice is a deliberate disclosure of effects, provision of meaningful public involvement and access to public information throughout the transportation decision-making process, including planning, programming, public involvement and project development. Environmental Justice is to be reported in all environmental documents.

This Executive Order requires each Federal agency to take the appropriate steps to identify and avoid any disproportionately high and adverse human health or environmental effects of Federal program, policies and activities on minority and low-income populations.

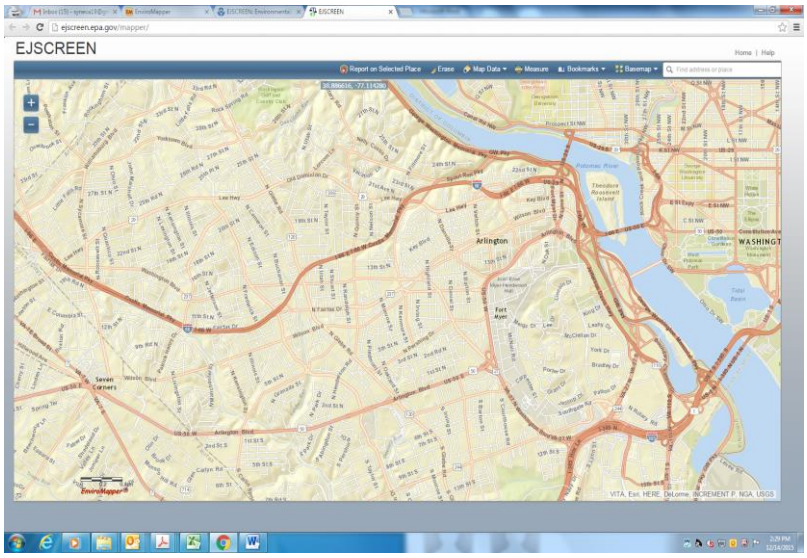
The applicant shall use the USEPA tool for evaluating whether an EJ population is present in the project area:

EPA EJ Mapper Link

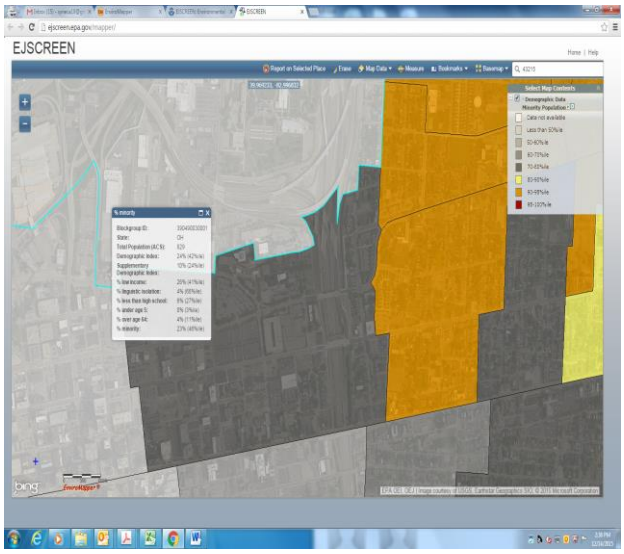
If an EJ population is present, then the applicant shall use the mapping tool on the website and include this in the project file. If an EJ population is present, and either an adverse effect or a disproportionately high and adverse effect on a minority or low-income population as defined above, then the applicant shall take steps to assure that these population groups have ample opportunity to review and comment on the project through public involvement. It should be noted that for these types of projects, that an effects to EJ populations requiring more than documenting the USEPA mapping and standard public involvement discussed in the following section should be a rarity.

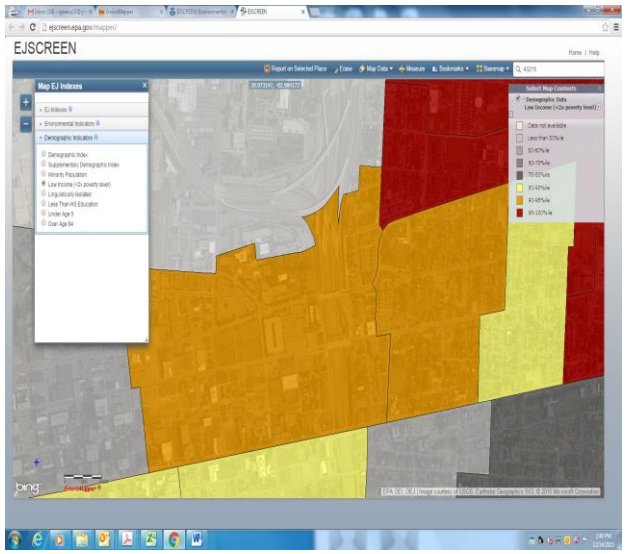
To use the USEPA data, do the following:

Go to the website above and in the field shown below, type in the project address information or just a zip code.



Next, on the drop down menu shown at the top of the page titled "Map Data". In this link click on Map EJ Indexes. Now generate two maps, one for minority and one for below poverty level at the census tract data level. On the left of the screen click the dropdown tittled Demographic Indicators. There will an option for "Minority population" and "Low Income (<2x poverty level)". Click on each link seperatly and screen print this page. Submit this these screen prints into ODNR as evidence of EJ pre-coordination.





If the applicant's project is in an area with an income level below the national poverty rate as defined by the United States Department of Health & Human Services;
[Poverty Guidelines Link]
Is greater than 20% for your project area, extra steps should be taken in the public involvement process to ensure that environmental justice is being properly evaluated.

Likewise, if the applicant's project is in an area with a minority rate of greater than 30%, then extra steps should be taken in the public involvement process to ensure that environmental justice is being properly evaluated.

If the answer to this section is not "No" after looking at these maps based on these percentages, then the applicant should print and include these maps in the CE.

10) Public Involvement

The project sponsor must ensure that the general public has an opportunity for early review of the development plans or proposals for any project with involvement with the other numbered resource areas described herein. At a minimum, a press notice will be published in the local media briefly describing the proposed action and urging members of the public to provide their views to the sponsor. It shall expressly state what environmental resources the project may impact and the public shall have no less than 14 days for a public comment period with the sponsor. All public comments received shall be responded to and all of these items shall be included in the CE. Other means of suitable public involvement can include posting fliers at facilities and or other nearby public venues and/or the use of postings to governmental websites associated with the facility. The 14 day public comment period applies to any form of public involvement.

11) Hazardous Materials

Contaminated sites may be encountered during the development of RTP projects. Abandoned railroad lines or properties with a commercial history, being converted into trails are of particular concern, as well as projects with excavations deeper than 3 feet. Environmental site assessments (ESAs) are conducted to determine if hazardous materials and/or regulated substances are present in the project area. To evaluate the need for additional environmental site assessments, the applicant should prepare an ESA Screening Sheet, and submit it to ODNR for evaluation prior to submitting the CE for approval on projects involving the types of properties described above. The

ESA Screening sheet is an acceptable form of due diligence to FHWA. ODNR may coordinate with FHWA for additional guidance on these submittals. Consultants may follow either ASTM Standards or ODOT's Environmental Site Assessment Guidelines for this work. ODOT's ESA guidelines may be found at:
ODOT ESA Link

12) Floodplains

In 1968, congress established the National Flood Insurance Program (NFIP) as part of the National Flood Insurance Act. This program is administered by the Federal Emergency Management Agency (FEMA). The purpose of the NFIP was to enable property owners in participating communities to purchase flood insurance. It was designed to provide relief to flood victims and lower the cost of federal disaster relief. The NFIP was broadened in 1973 by the Flood Disaster Protection Act and further modified in 1994 by the National Flood Insurance Reform Act. Out of these laws evolved floodplain management.

FEMA has supported the program with a large-scale hazard identification and mapping effort that is responsible for identifying regulated floodplains. The boundary maps, insurance rate maps, and floodway maps that have resulted identify areas that are susceptible to flooding, known as the FEMA regulatory floodplain. The FEMA mapped 100-year flood has become the accepted national standard for regulatory purposes in establishing the regulatory floodplain (known as the mapped 100-year regulatory floodplain or sometimes referred to as designated/regulatory floodway). The 100-year flood is defined as the flood event that has a 1% chance of occurring in any given year or, on average, occurs once in a 100-year period. The term floodplain is defined in OAC 3745-1-50(P); as the relatively level land next to a stream or river channel that is periodically submerged by floodwaters.

In Ohio (per ORC Section 1521), ODNR, Division of Water, Floodplain Management Program oversees floodplain management and regulations. However, according to FEMA, local communities are ultimately responsible for prohibiting encroachments in the regulated floodplain. ODNR has informed all cities, counties, local communities, etc., that they are required to monitor and regulate floodplains per FEMA requirements and the various laws that have been enacted. ODNR provides guidance in regulating activities in the FEMA mapped regulatory floodplains to local communities. Each local community has a Local Floodplain Administrator (LFA), who has been charged with overseeing their respective communities program.

As a general rule the following two guidelines apply:
1. Encroachment is not allowed on a designated floodway, unless it is demonstrated that the proposed encroachment would not result in an increase in flood levels during the occurrence of the 100-year base flood discharge.
2. An encroachment, on any area mapped on a flood insurance study as an area of special flood hazard (Zones A, A1-A30 and/or AE), will cause no more than a one foot rise in the natural 100-year base water surface elevation. Note: The LFA may have more stringent criteria than the general rule for their specific purposes.

Floodplain coordination with the LFA should occur during the NEPA process and should be included within the NEPA document. The floodplain coordination should result in answers to the following questions:

1. Does the project occur within a FEMA designated and/or regulated floodplain?

2. Does the LFA see any fundamental problems with the project?

3. Does the LFA, and the local community, have a floodplain permit which will need to be obtained? If the local community requires a floodplain permit, then the respective applicant will be responsible for obtaining that permit during the more detailed design stages. (Some communities do not have an actual permit and will clear the project with a formal letter.)

All applicants must comply with the intent of Executive Order 11988 "Floodplain Management" and with the U.S. Water Resources Council's "Floodplain Management Guidelines for Implementing

Executive Order 11988." I f your proposal involves acquisition or development in or adjacent to a floodplain, it is imperative that you read and provide evidence of compliance with these requirements.

Floodplain coordination is important to the waterway permitting arena because conditions contained within the NWPs have stipulations concerning FEMA mapped/regulated 100-year floodplains. NWP General Condition 10 states that the activity must comply with applicable FEMA-approved state or local management floodplain requirements. NWP Regional General Condition 5g states that all PCNs must include a copy of the application Floodplain Insurance Rate Map (FIRM). In some instances, the USACE may ask for evidence of coordination and/or approvals from the LFA when FEMA regulated floodplains are involved with the project.

ODNRs Floodplain Management Internet site contains a list of Ohio Floodplain Administrators. One hundred-year floodplains are identified through the existing FEMA Flood Insurance Rate Maps or FEMA-approved local floodplain maps. Floodplain maps are available from FEMA on the Internet.

Substantial impacts meaning projects that could alter FEMA mapping or have unresolved coordination with agencies having jurisdiction cannot be processed as a CE. The applicant shall include evidence of coordination with the Local Flood Plain Administrator as part of the CE. Any required floodplain permit can be deferred until construction, but shall be obtained prior to commencement of construction activities.

For a list of LFAs in Ohio, see:
Local Floodplain Administrators Link

13) Waterway Permits
A permit is needed for fill below the Ordinary High Water Mark (OHWM) of rivers or streams or to place fill in lakes, and wetlands

The Clean Water Act (CWA) is the principle federal law that protects our nations waters, including lakes, rivers, aquifers, wetlands and coastal areas. Formerly referred to as the Federal Water Pollution Control Act of 1972, its ultimate goal is to maintain the chemical, physical, and biological integrity of the nations waters. Its interim goal is to make surface waters usable for fishing, swimming, etc. The CWA requires states to establish water quality standards and assess state water quality based on these standards. Sections 401 and 404 of the CWA pertain to the discharge of materials into surface waters, including wetlands.

Section 404 of the CWA is jointly administered by the United States Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (USEPA). USACE regulates Section 404 by the authorization of discharge(s) of dredged and/or fill material into waters of the U.S. Authorization for projects which propose to impact waters of the U.S. is dictated by the 404 permit process, which includes 404 Nationwide Permits (NWPs) and 404 Individual Permits (IPs). Section 404(f) exempts some activities from regulation under Section 404. These activities include maintenance (but not construction) of drainage ditches, and many ongoing farming and agriculture practices.

Section 401 of the CWA is administered by the Ohio Environmental Protection Agency (OEPA). In Ohio, anyone (including private citizens, federal, state, and local agencies) who wishes to discharge dredged or fill material into waters of the U.S. must obtain a Section 401 Water Quality Certification issued by OEPA. The applicant must demonstrate that activities will comply with Ohio Water Quality Standards and other provisions of federal and state law and regulations regarding conventional and non-conventional pollutants, new source performance standards, and toxic pollutants. The certification process requires an anti-degradation alternatives analysis including: a preferred design alternative, a minimal degradation alternative, and a non-degradation alternative.

A Section 401 Water Quality Certification (WQC) must be obtained before a Section 404 permit is granted. Individual 404 permits are issued on a case by case basis and are usually required for potentially significant impacts. However, for most discharges that will have only minimal adverse effects, USACE often grants up-front general permits. These general permits include nationwide permits (NWPs) which have specific requirements tailored to various categories of activities (for example, bank stabilization or linear transportation projects). OEPA pre-authorizes Section 401

Water Quality Certifications for projects covered under NWPs. NWPs were intended to expedite the permitting process, however, their provisions along with OEPAs state conditions, have grown increasingly complex. Since NWPs are reissued every five years by USACE, it is important to be aware of the current requirements and the expiration of these permits.

The OEPA Section 401 WQC program is authorized by Section 401 of the Clean Water Act and the Ohio Revised Code Section 6111.03(P). Ohio Administrative Code (OAC) Chapter 3745-32 outlines the 401 application process and the criteria for decision by the Director of the Ohio EPA. OAC 3745-1, Ohio's Water Quality Standards, (including OAC 3745-1-05, the Anti-Degradation Rule) includes application requirements and public participation procedures. OAC 3745-1-50 through 3745-1-54 describe OEPAs Wetland Water Quality Standards and discuss wetland mitigation requirements.

A good all-around waterway permitting guide has been produced by ODOT which may be found at:
ODOT Water Permit Guide Link

To complete the Section 404 Permit process, see:
USACE 404 Permit Link

To complete the OEPA Section 401 WQC, see:
Ohio EPA 401 Link

Isolated wetlands (wetlands which are not subject to USACE jurisdiction) are regulated by the Ohio EPA under the isolated wetland law. Under this law, impacts to Category 1 or 2 isolated wetlands have three levels of review, dependent on the amount of wetland impact. Level 1 is the lowest level of review, while level 3 is the highest, most rigorous review level and is the automatic level of review for any impact to Category 3 wetlands. A General Isolated Wetland Permit is issued for a level one review, while level 2-3 reviews will result in and individual isolated wetland permit. An OEPA isolated wetland permit, may be obtained as a standalone permit, provided the project only impacts isolated wetlands. However, if there are jurisdictional impacts to streams and/or wetlands in addition to impacts to isolated wetlands; there could be any combination of permits and permitting scenarios. Please note that a USACE jurisdictional waters determination (stating that the wetlands involved are isolated) is required prior to the submission of an isolated wetland permit application to OEPA. As with all other permits, the conditions of isolated wetland permits are attached to the construction.

Ohio EPA 401 Permit Link

Section IV – Environmental Commitments Made and Resources to be Avoided

Environmental commitments are promises that are made to an agency in return for the agency's approval of the project Mitigation measures are design commitments made during the environmental evaluation and study process that serve to moderate or lessen impacts deriving from the proposed action. These measure right-of-way improvements and agreements with resource or other agencies to affect construction or post-construction action.

Prior to committing to any mitigation efforts, the applicant should coordinate with ODNR personnel to assure constructability. Failure to follow through with these commitments could result in the revocation of the NEPA document approval by FHW A, federal funding and/or revocation of the permit by the Army Corps of Engineers. The environmental commitments section of the categorical exclusion form must include any commitments to avoid protect or mitigate impacts. Summarize commitments made in agreements such as memorandums of agreement (MOA), permits, etc. Include descriptions of any creative methods for mitigation of impact. These might include, but not limited to, fencing of wildflower areas or identified archaeological sites. Include any agency correspondence requesting special consideration of impacts or protection of sensitive areas during construction. The applicant should summarize the commitments outlined in the CE and provide a copy to the contractor. The applicant is responsible for ensuring that these commitments are followed though, and reporting said progress or any deviations to ODNR for coordination with FHWA.

Section V – Required Attachments

The applicant should include any pertinent agency coordination or other documentation as listed in this section. Anything that would be of environmental importance to the decision-making process should be included or referenced.

Section VI – Approvals

The applicant shall sign the completed form and submit to ODNR as acknowledgment of their completion of the environmental process. ODNR, in turn will verify that the application meets the federal requirements and will sign the form. The CE will be approved by FHWA and that will serve as an important milestone in allowance of federal authorization to the next phase of project development.

ATTACHMENT II: Metropolitan Planning Organization

Completion of this section is not required for the following types of projects:
- Equipment only purchases.
- Training/education projects that do not include site work or maintenance activities.

Your project must be reviewed by your local Metropolitan Planning Organization (MPO) * (where applicable) or, if your project is located outside of an MPO, your local planning agency must be notified of your project. A copy of your letter to your MPO or local planning agency must be submitted with your funding proposal. Please include a request that ODNR be copied on any replies issued by the MPO. It can take up to 60 days for a review; so it is to your advantage to send the project information to your MPO or planning agency as early as possible.

LOCAL METROPOLITAN PLANNING ORGANIZATIONS IN OHIO

Akron Metropolitan Area Transportation Study (AMATS)
146 South High Street, Citicenter., Suite 806
Akron, Ohio 44308-1423
Phone: (330) 375-2436
FAX : (330) 375-2275
website: http://amatsplanning.org/
email: amats@akronohio.gov
Curtis Baker, Interim-Director
email: CBaker@AkronOhio.gov
Serving Ohio Counties – Summit, Portage and Chippewa Township in Wayne County

Belomare Regional Council and Interstate Planning Commission (BOMTS)
105 Bridge Street Plaza, P.O. Box 2086
Wheeling, West Virginia 26003
Phone: (304) 242-1800
FAX: (304) 242-2437
website: http://www.belomar.org/
email: belomar@belomar.org
Scott Hicks, Executive Director
Contact: Rakesh Sharma, Transportation Study Director
email: Rsharma@belomar.org
Serving Ohio County - Belmont

Brooke-Hancock-Jefferson Transportation Study Policy Committee (BHJTS)
Brooke-Hancock-Jefferson Metropolitan Planning Commission
124 North Fourth Street - 2nd Floor
Steubenville, Ohio 43952
Phone: (740) 282-3685
FAX: (740) 282-1821
website: http://www.bhjmpc.org/
email: mikepap@bhjmpc.org
Mike Paprocki, Executive Director
Contact: Nicholas Orsay, Senior Transportation Planner
email: norsay@bhjmpc.org
Serving Ohio County - Jefferson

Clark County-Springfield Transportation Coordinating Committee (CCSTCC)
Clark County - TCC
3130 E. Main Street, Suite 2A
Springfield, Ohio 45505
Phone: (937) 521-2128
FAX: (937) 328-3940
website: http://www.clarktcc.com/index.htm
email: ccstcc@clarkcountyohio.gov
Contact: Scott Schmid, Transportation Director
email: sschmid@clarkcountyohio.gov

Eastgate Regional Council of Governments (ECOG)
City Center One Building
100 East Federal Street, Suite 1000
Youngstown, OH 44503
Phone: (330) 779-3800
FAX: (330) 779-3838
website: http://www.eastgatecog.org/
Email: moreinfo@eastgatecog.org
John R. Getchey, Executive Director
Contact: Lisa Pompeo, lpompeo@eastgatecog.org
Serving Ohio Counties – Trumbull and Mahoning

Erie Regional Planning Commission (ERPC)
2900 Columbus Ave.
Sandusky, Ohio 44870
Phone: (419) 627-7792
FAX: (419) 627-6670
website: http://www.eriecounty.oh.gov/departments-and-agencies/economic-development/erie-regional-planning-commission/
Steve Poggiali, Executive Director
Contact: Tim King, Senior Planner/Block Grants/Housing Program
email: TKing@eriecounty.oh.gov

KYOVA Interstate Planning Commission
400 Third Ave., P.O. Box 939
Huntington, West Virginia 25712
Phone: (304) 523-7434
FAX: (304) 529-7229
website: http://www.kyovaipc.org
Michele P. Craig, Executive Director
Contact: Saleem Salameh, Technical Study Director
email: ssalameh@ntelos.net
Serving Ohio Counties – Lawrence County and the City of Ironton

Licking County Area Transportation Study (LCATS)
Licking County Planning Commission
20 South 2nd Street
Newark, Ohio 43055
Phone: (740) 670-5200
FAX: (740) 670-5197
website: http://www.lcats.org/main.asp
Gerald A. Newton, Executive Director
Contact: Sandra R. Mapel P. E., Technical Study Director
email: smapel@lcounty.com
Serving Ohio Counties – Licking (all but the SW section)

Lima-Allen County Regional Planning Commission (LACRPC)
130 W. North St.
Lima, Ohio 45801-4311
Phone: (419) 228-1836
FAX: (419)228-3891
website: http://lacrpc.com/
Tom Mazur, Executive Director
email: tmazur@lacrpc.com
Serving Ohio Counties - Allen

Miami Valley Regional Planning Commission (MVRPC)
Miami Valley Regional Planning Commission
10 N. Ludlow Street, Suite 700
Dayton, Ohio 45402
Phone: (937) 223-6323
FAX: (937) 223-9750
website: http://www.mvrpc.org/
email: info@mvrpc.org
Brian O. Martin, Executive Director
Contact: Bob Steinbach, Director of Regional Initiatives
email: bsteinbach@mvrpc.org
Serving Ohio Counties – Darke, Miami, Preble, Montgomery, Greene & part of Warren

Northeast Ohio Areawide Coordinating Agency (NOACA)
1299 Superior Avenue
Cleveland, Ohio 44114-3204
Phone: (216) 241-2414
FAX: (216) 621-3024
website: http://www.noaca.org/
Grace Gallucci, Executive Director
email: GGallucci@mpo.noaca.org
Contact: Kathy Sarli, Planning Division Director,
KSari@mpo.noaca.org
Serving Ohio Counties – Lorain, Cuyahoga, Lake, Medina, and Geauga

Mid-Ohio Regional Planning Commission (MORPC)
111 Liberty Street, Suite 100
Columbus, Ohio 43215
Phone: (614) 228-2663
FAX: (614) 621-1904
website: http://www.morpc.org/
William Murdock, Executive Director
Contact: Kristen Carr, Director Planning and Environment
email: KCarr@MORPC.org
Serving Ohio Counties – Franklin, Delaware and parts of SW Licking (Etna Township & Pataskala) and NW Fairfield (Violet and Bloom Townships)

Ohio-Kentucky-Indiana Regional Council of Governments (OKI)
720 East Pete Rose Way, Suite 420
Cincinnati, Ohio 45202
Phone: (513) 621-6300
FAX: (513) 621-9325
website: http://www.oki.org/
email: info@oki.org
Mark Policinski, Chief Executive Director
Contact: Robert Koehler, Deputy Executive Director
email: rkoehler@oki.org
Serving Ohio Counties – Butler, Warren, Hamilton & Clermont

Richland County Regional Planning Commission (RCRPC)
Coordinating Committee of the Mansfield Area Transportation Study
35 North Park Street, Suite 230
Mansfield, Ohio 44902
Phone: (419) 774-5684
FAX: (419) 774-5685
website: http://www.rcrpc.org/
Jotika Shetty, Executive Director
Contact: Todd Blankenship, Transportation Technical Director,
email: tblankenship@rcrpc.org
Serving Ohio Counties – Richland

Stark County Area Transportation Study (SCATS)
Stark County Regional Planning Commission
201 3rd. Street N.E., Suite 201
Canton, Ohio 44702-1211
Phone: (330) 451-7389
FAX: (330) 451-7990
website: http://www.starkcountyohio.gov/transportation
Bob Nau, Executive Director
Contact: Jennifer Young, Secretary
Email: jlyoung@starkcountyohio.gov

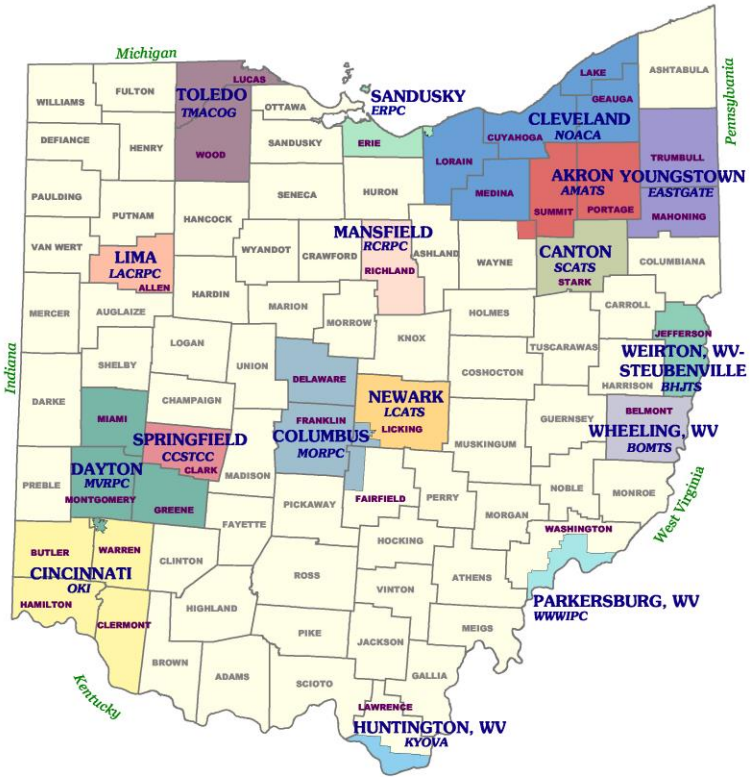
Toledo Metropolitan Area Council of Governments (TMACOG)
Mailing Address:
P.O. Box 9508
Toledo, Ohio 43604
Phone: (419) 241-9155
FAX: (419) 241-9116
website: http://www.tmacog.org/
Anthony Reams, President
Contact: David Gedeon, AICP Acting VP of Transportation
email: gedeon@tmacog.org
Actual building address:
300 Dr. Martin Luther King Jr. Drive, Suite 300
Toledo, Ohio 43604
Serving Ohio Counties – Fulton, Lucas, Wood, Ottawa & Sandusky

Wood-Washington-Wirt Interstate Planning Commission (WWW)
Mid-Ohio Valley Regional Planning And Development Council
531 Market Street, P.O. Box 247
Parkersburg, West Virginia 26101
Phone: (304) 422-4993
FAX: (304) 422-4998
website: http://www.triplew.org/
Contact: Randy Durst, Transport Director
email: randy.durst@movrc.org
Serving Ohio Counties –southeast section of Washington County

*** An MPO is a committee comprised of local elected officials, operators of major modes of transportation, and State officials, that the State's Governor formally designates as the Metropolitan Planning Organization responsible for conducting an urbanized area's transportation planning process. This committee is typically referred to as the Policy Committee. There are seventeen (17) MPOs in Ohio.**

Please request that the MPO send copies of all correspondence to:

D'Juan Hammonds
Program Manager
ODNR-Office of Real Estate
2045 Morse Road, E-2
Columbus, Ohio 43229



OHIO'S LOCAL METROPOLITAN PLANNING ORGANIZATIONS

ATTACHMENT III: Plans and Maps

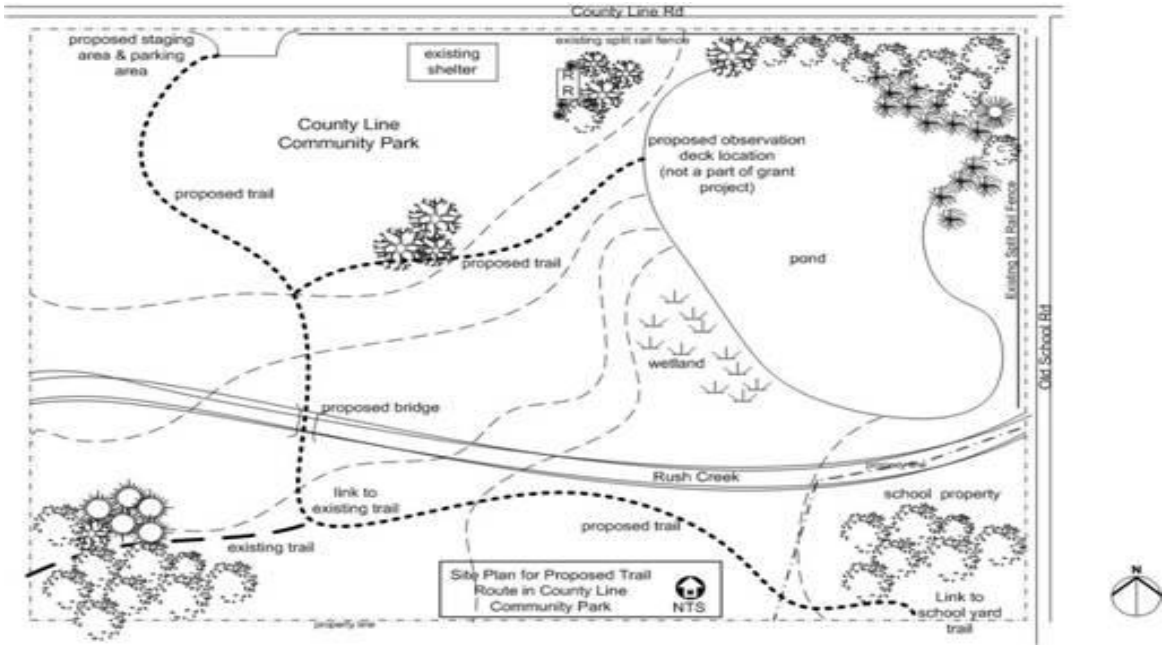
The following plans and maps are required for all development, rehabilitation and maintenance projects: Plans and maps need not be professionally drawn, but must be complete, accurate and to scale.

1. **Tax Map(s), available through your county offices, or equivalent, showing evidence of ownership of all parcels on which you plan to develop your project. If the boundary map is larger than 8-1/2" x 14" (legal size paper) submit two (2) copies. The maps should be signed and dated. Please also submit a copy of the deed(s) to confirm ownership of the project site. The land described by the deed and map will be the project boundary and will be subject to the conditions described on Form 8, "Acknowledgement of Compliance." Project sponsors must own, have a long term (min. 15 years), non-revocable lease, or easement on all grant project properties.**

2. **Plan(s) clearly illustrating your development, rehabilitation and/or maintenance proposal. These can be master plans, site plans and/or preliminary construction drawings. On all plans, please provide a clear differentiation between the following:**

    - **Proposed project submitted for grant funding.**
    - **Planned development that is not a part of this grant application.**
    - **Existing site elements.**
    - **The starting and ending points of your proposed grant project.**
    - **All existing easements.**
    - **Proposed support utilities (i.e. underground electric, water lines and sewer lines.)**
    - **The boundary of the project area must be shown, thus establishing the limits of Recreational Trails Program/Clean Ohio Trails Fund regulation.**

3. **Trail Linkages Map showing existing and planned trails in the vicinity/region of the proposed project. Clearly differentiate between existing trails, planned trails and the grant proposal trail.**



ATTACHMENT IV: Development Units and Cost Estimates

Project Title _____ Date _____

The cost estimate is critical in avoiding cost overruns. Be sure to estimate the project costs based on construction and material costs at least ONE to TWO years from the date of application.

Please fill out the chart below or attach similar cost estimate document.

1. **Item column: give a brief description of each item to be constructed, rehabilitated, or maintained.**
2. **Quantity column: show the number of each item.**
3. **Unit column: list measurement unit such as: square feet, cubic yards, tons, lump sum, linear feet, etc.**
4. **Unit price column: list the cost per item.**
5. **Total for Item column: record the total cost of each item. Round the cost to the nearest dollar.**

ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL FOR ITEM
Required COTF/RTP Project Acknowledgement Sign			Lump Sum	
			TOTAL $	

***Please read Buy America Guidance on page 86 and 87 before completing this form.**

_____
Prepared by

_____
Title

_____
Signed

ATTACHMENT V: LAND ACQUISITION CRITERIA AND PROCEDURES

ELIGIBLE ACQUSITIONS

Land may be purchased from either private landowners or other units of state or local government. Sites already owned by the town, city, township or county which the grant recipient represents, but which have been under the control of another department of the same local unit, may not be purchased with grant funds.
Property which the current owner acquired with federal funds may not be purchased with RTP funds nor could it be used as an in-kind land contribution match for a grant. However, a grant could be made to develop facilities on it if the source of local match were other than the land value.

STATE AND FEDERAL ACQUISITION POLICIES

Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Federal Uniform Act) P.L. 91-646. This law prescribes policies and procedures to ensure fair, equitable, and uniform treatment of persons whose land is acquired through federally assisted programs.

The provisions of the Federal Uniform Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which receive federal assistance. The Act applies regardless of whether federal assistance is used for acquisition or development. For example, an organization cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project. For all development projects, proof must be supplied that the project site was acquired in accord with P.L. 9 1-646 if the land was acquired after January 2, 1971.

There are two major sections to the law: policies regarding the acquisition of land and relocation benefits to landowners. Each section will be discussed separately in this chapter. The acquisition procedures explained in Attachment V, should be read with extreme care. If the procedures are not followed, the sponsor could encounter severe problems in being reimbursed regardless of the method of acquisition.

LAND ACQUISITION COSTS

Eligible Costs

The following land acquisition costs are allowable and eligible for reimbursement under the Recreational Trails Program.

1. **The appraised fair market value of fee simple title or an easement for the use of real property acquired by negotiated purchase.**

2. **The purchase price for an easement or fee title to real property acquired by bargain sale (below appraised value). The donated land value (the difference between the purchase price and appraised value) may be used as a match for federal funds to purchase that parcel of land, purchase other pieces of property, or develop facilities. Similarly, lands for which 100% of the value is donated may only be used as the organization's share of a project to purchase other land or build facilities.**

3. **Incidental acquisition and relocation costs only as described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.**

4. **Appraisal Fees.**

5. **Engineering reconnaissance fees where a land acquisition project involves proposed major facilities and their feasibility needs to be established. Examples of such eligible fees include hydrologic investigations, subsurface explorations, availability of construction materials and preliminary cost outlines. Detailed plans and specifications for construction of the facilities would not be eligible in a grant for only the land purchase, but would be eligible in a grant which included building the facilities.**

Ineligible Costs

Costs ineligible for reimbursement in an acquisition project include:

1. **The purchase of real property to which the project sponsor became committed prior to federal approval of the grant.**

2. **Boundary surveys, title search, legal fees, fines and penalties paid by the project sponsor.**

3. **Incidental costs relating to real property acquisition and interests in real property unless allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.**

4. **Taxes for which the local sponsor would not have been liable to pay.**

5. **Damage judgments arising out of acquisition whether determined by judicial decision, arbitration or otherwise.**

TRANSFER OF TITLE

Land is transferred on the date the warranty deed is signed by the previous landowner and the buyer. If reimbursement is to be requested for the cost of a land purchase, the deed cannot be signed by the seller and buyer until the project is approved by the Federal Government. The applicant also cannot make a commitment to purchase real property prior to federal grant approval as described below under timing for purchases. The applicant may need or want to guarantee land will be available for purchase after grant approval. The property may be reserved for the applicant by: (1) having a private third party acquire and hold title to the land, or (2) by securing an option to purchase by a later date. A third party could be an individual, private business or educational institution, not-for-profit organization other than the applicant, or other similar entity.

TIMING FOR PURCHASES AND DATE WHEN COSTS ARE INCURRED

The applicant cannot make a commitment to purchase land prior to federal approval of the grant.
Commitment may occur if, (a) an option to purchase is exercised; (b) payment is made to an escrow agent even though the applicant has not received the deed from the escrow agent; (c) a contract to purchase is executed; (d) the deed is accepted although payment has not been made; (e) the buyer takes possession of the property; or (f) other written promises to purchase have been made.

Confusion often arises in acquisition projects on the exact date when land purchase costs are incurred. To be eligible for matching assistance, purchase payment(s) to the landowner must be incurred within the project period (date of federal approval to the date of project expiration). Acquisition costs are incurred on the date when the earliest of any of the following transactions take place:

1. **Project sponsors accept deed or other appropriate conveyance.**

2. **Project sponsor makes full payment for the property.**

3. **Project sponsor makes the first payment in a series of spaced or time payments.**

4. **Project sponsor makes the first or full payment as stipulated in an option agreement. (The cost of the option is still an allowable cost, and may be paid prior to federal grant approval.)**

5. **Project sponsor makes first partial or full payment to an escrow agent.**

Options

The applicant may wish to take an option on the property to prevent the land being sold prior to the approval of a project. The date an option is exercised is normally the date the buyer advises the seller that he desires to complete the purchase under the terms of the option. The option may include special conditions or terms which govern whether or not the buyer will purchase. For example, one condition could be the availability of funds or financing. An option is unacceptable if it is exercised prior to project approval, unless it specifies that acceptance is contingent on the availability of RTP grant money so the date of project approval would be the exercise date.

If an option is signed prior to federal approval of the project, then it should extend at least until fall so it may be exercised after the grant is approved. Since competition for funds is often intense, applicants may find it helpful to negotiate an option which can be extended at no cost for a second year. This could enable the project to compete for funds a second time if it were not approved the first year.

The purchase price in an option is to be the amount negotiated after the land has been appraised and the fair market value offered to the landowner as explained in the section on negotiated purchases. Only one payment toward the property may be made under an option. A maximum of 10 percent of the approved appraised value of the property may be paid at the time the option is transacted. This amount should be part of the purchase price of the

property. Any additional payments prior to grant approval may make the acquisition ineligible. It is important that documentation of the option payment required for reimbursement billings be kept for later use. Project sponsors are encouraged to consult the Office of Real Estate before negotiating an option to ensure the eligibility of the land acquisition under the option conditions.

Timing for Land Donations

Property donations may be transferred to the applicant after project approval. If a land donor wants to convey the property before project approval the land could be given to a third party, such as a foundation or other not-for-profit organization other than the applicant. This third entity could donate the land in a later year and the land value would be eligible as a match. Land donations will be credited toward the sponsors match. No direct reimbursement will be given for a land donation.

PROPERTY RIGHTS FOR CONTROL AND TENURE

Adequacy of Title

For lands included in a project, the sponsor must have title or adequate control and tenure of the project area in order to provide reasonable assurances that a conversion to a use other than public trail use will not occur without federal approval. Copies of the property titles, leases, easements, or appropriate documents must be submitted as part of a project's documentation.

The most common method of acquiring property is by fee simple title. This is the preferred method of acquisition since it gives the holder an absolute right to the property within limitations imposed by state or federal law.

In some instances the agency may wish to purchase less than fee simple title, such as easements, rights of-way and title subject to deed restrictions. This would be permissible when fee simple is excessively expensive and a lesser control of the area will not detract from the recreational use of the land. Title to land may be conveyed by warranty or quit claim deed to the applicant. Neither the State of Ohio nor Federal Government will obtain title to a local area or facility acquired with federal assistance. The project sponsor must submit a description of the character and nature of the title received before requesting reimbursement. This evidence of title must include the recorded property deed and either a written opinion from an attorney on the adequacy of title or a title insurance policy. A survey may be required when there is reasonable doubt about the exact location of the boundary or of the size of tract being acquired. The project sponsor is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness and location acceptable to the Department of Natural Resources and Federal Highway Administration or by paying the grant back to the Federal Government if the land is lost.

Reservations, Adverse Rights, and Deed Restrictions

Oil, gas, mineral, or other reservations and rights held by others are permissible only if it is determined the project purposes and the environment would not be adversely affected. Such reservations must be described in the narrative of the project proposal, and how they will be dealt with to avoid impacting recreation and the environment. The acquisition of land which is subject to the reservation of surface rights extending more than 5 years must be justified. Reservations that are incompatible with project purposes will not be accepted.
Often landowners desire to specify restrictions in the property deed. The most frequent example would be that the land can only be used for park purposes. If a deed restriction for park purposes indicates the grantor's intent and does not provide for reversion of title upon failure to comply with the grantor's wishes, the condition may be acceptable. In certain situations a landowner may retain a life estate, under which he or she retains use of the property while living.

Land which has a reversionary clause in the deed whereby the landowner could repossess the property if it ceased to be used solely for the purpose specified in the deed may make the project ineligible. If a reversionary clause in the deed specifies that the land must be developed for a specific purpose, even though the project includes that type of development, the project may be ineligible. A development project to construct a facility on land with a reversionary clause in the deed may also be ineligible, even though land may have been acquired without federal funds. Federal approval is required to acquire or develop land with reversionary clauses or outstanding interests in the property deeds. The Office of Real Estate should be consulted prior to submitting a project application involving deed clauses and restrictions.

If at some later date the rights to subsurface reservation or other deed restrictions adversely affect recreation use of the land or facilities, the applicant will be responsible for acquiring replacement property of equivalent usefulness, value and location or returning the federal funds used in the project.

Outstanding property rights may affect the value of the land. Examples include mineral rights, road rights-of-way, utility easements, and other deed restrictions. An appraiser should be fully aware of, and take into consideration the legal description of the property and any restrictions to be placed on the rights transferred. An appraisal of a property's value involves full consideration of the rights remaining with the property and, where appropriate, the effect the loss of these rights has on its value.

Easements

In some instances, the applicant will not be able to purchase the property but can acquire an easement. An easement must be for a period of at least 15 years or equal. During the time period, the easement cannot be revoked at will by the landowner unless the applicant or state is guilty of an infraction of the easement. The land must still be retained in public trail use for the duration of the easement period even though the easement has been revoked. Provisions stated in the easement cannot be detrimental to the proposed recreational development.

Negotiations for easements must follow general negotiated land purchase regulations including the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

Similarly, if federal assistance is being requested on the purchase of an easement, the document cannot be transacted until the project has received federal approval.

RAIL BANKING

If the applicant is planning on developing trail facilities on land involved in the "Rail Banking" process, please contact the Office of real Estate to determine the eligibility of your project proposal.
Please have a copy of any agreements involved with this process.

METHODS OF ACQUIRING LAND

Negotiated Purchases

This section outlines specific procedures under the Uniform Relocation Assistance and Real Property Acquisition Policies Act to follow in acquiring land through negotiated purchases involving federal assistance. The following steps must be taken by the applicant in negotiating with the landowner.

1. **Make initial contact with the seller to see if the land might be available for sale. At this point, the price should not be negotiated since the purchase amount must be based on an appraisal.**

2. **Obtain information as to whether or not the owners, business (es), or tenants will be eligible for relocation assistance. The Department of Natural Resources has booklets available which can be given to the landowner or tenant. The property residents must be advised of their right to relocation assistance.**

3. **Have the land appraised according to the Uniform Appraisal Standards for Federal Land Acquisitions, with the landowner given the opportunity to accompany the appraiser. The appraiser must have a copy of the appraisal requirements which are located on the web at Uniform-Appraisal-Standards Link.**

4. **Submit the appraisal to the Office of Real Estate for review by a review appraiser in the Department of Natural Resources' Office of Real Estate. Upon receiving approval of the appraisal, the applicant then knows the acceptable fair market value of the property to be acquired.**

6. **Inform the owner in writing of the value of the property based on the results of the appraisal and offer to purchase the property for this price. Also, inform the landowner of his or her eligibility for relocation benefits. It is not necessary to show the appraisal itself to the landowner. The authorized agent of the applicant and the property owner must sign the *Statement of Just Compensation* and *Written Offer to Purchase* form, which should indicate the appraised value of the property. A copy of this form is included in the Appendix S (Billing Link).**

7. **Based on the written offer at the appraised value, the final selling price is negotiated. If the purchase price is more than the appraised value, additional documentation explaining the difference in value will be needed, as explained later in this section. If the price is less than the**

appraised value, the acquisition is called a "bargain sale", and a *Waiver of Just Compensation* must be signed by the landowner as explained in the section on bargain sales. At this point, the applicant may sign an option to purchase, if desired, but before the grant receives federal approval the applicant may not make a commitment to acquire the property.

A project application may be submitted during any of the above steps to acquire the land. The appraisal, however, must have been submitted and approved prior to Step 6. Again, the land can only be acquired during the approved project period to be eligible for reimbursement of acquisition costs. The above procedure is mandatory and must be followed for all negotiated purchases.

Applicants should be aware that state regulations, which apply to acquisitions by public agencies for which federal funds are not provided, follow the same sequences of steps, except the DNR does not review local documentation. The state also specifies relocation benefits for landowners and tenants.

Land purchased by negotiated purchase is based on a fair market value for the property as established in an independent appraisal prepared by a real estate appraiser hired by the applicant. An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value. It cannot be assumed, however, to be a final determination of value. The approved appraisal value is the minimum floor value for establishing the amount of just compensation offered to the owner at the initiation of negotiations. The negotiations between a willing seller and a willing buyer will sometimes set a price that is higher than the appraisal, and this marketplace value must be considered with the appraised value in establishing the purchase price of the property. The Ohio Department of Natural Resources will only reimburse the applicant for the approved appraised value of the property and not for any costs over and above this value. Additional consideration given to the property owner will be at the purchasers expense and not eligible for reimbursement under the RTP program.

Sometimes a seller or purchaser desires to spread payments for land over several years. "Contract Sales", where installment payments are made over a specified period of time at the end of which the buyer receives title are acceptable for RTP projects provided the entire purchase will be completed within the project period (usually 15 months). The risk is in the event the periodic payments are not paid when due, the seller could foreclose and regain complete ownership of the land. Thus, the federal and local funds would have been spent with nothing to show for the expenditure. If the applicant fails to complete the purchase, the federal funds invested must be returned or another replacement site acquired. Reimbursement of costs incurred can be made as the land is purchased in installments.

A suggested alternative is to subdivide a tract into smaller parcels. The applicant may acquire full title to each parcel individually and receive reimbursement as each is acquired. This does not jeopardize the investment of public funds.

Assistance for separate parcels may need to be applied for in different grants over a period of years, depending upon the cost and timing of the acquisitions.

Condemnation

Condemnation is not allowed with the Recreational Trails Program. All land acquired with RTP monies must be acquired from a willing seller.

Land Donations

A donation of land from a private landowner can be used as part of the sponsor's entire share of the project costs, provided the donor did not acquire the land with federal funds. The donation may be used to match the federal funds for: (1) the purchase of land at the same site, (2) the development of facilities on or at the same site as the land gift, or (3) the purchase of land or construction of facilities at other sites serving a similar purchase. A letter of intent to donate the property to the applicant from the landowner must accompany the project application.

The date when title to a land gift is transferred to the applicant is critical to the eligibility of the land value for a match. The earlier section on timing for land donations should be clearly understood.

A written offer to purchase and a Statement of Just Compensation are not necessary when acquisition is by full donation. The legal act of donation itself precludes the necessity for these documents which relate only to negotiated purchases and bargain sales. However, the donor should sign a statement for donation (with or without) an appraisal (see appendix A-2, A-3, page 84-85).

To appraise a land donation, the appraiser should first be approved by the Ohio Department of Natural Resources, Office of Real Estate. For a list of approved appraisers please contact

D'Juan Hammonds, Grants Manager
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E-2
Columbus, Ohio 43229
Email: Djuan.hammonds@dnr.state.oh.us
telephone: (614) 265-6417 fax: (614) 267-4764

The appraisal must be paid for by the project sponsor. Appraisals provided by landowners may not be used as the basis for federal assistance.

For the project application, one copy of either the appraisal or letter appraisal must be submitted. If a letter appraisal is submitted, it is recommended the appraiser providing the statement be hired to complete the full narrative appraisal, if the project is approved. Since a land donation constitutes all or part of the local matching share of a project's costs, it is important that the land value be established early in advance of application to enable the applicant to take full advantage of the donated land value and at the same time prevent the project sponsor from having to provide additional local funds if the land value is later found to be less than anticipated.

Once the appraisal is approved, federal approval is obtained, and the property is transferred the donated land value will be credited towards the grantee's matching share. If the match has been met, then the development costs will be reimbursed at 100%.

Bargain Sale

In some cases, a landowner may be willing to sell real property for less than the full market value, but is not able to donate the entire value of the land. A bargain sale involves the purchase of a tract of land. The difference between the sale and the appraised fair market value is considered donated land value. For an RTP project, federal reimbursement may be provided for the purchase part of the acquisition. The fee simple donated value in a bargain sale may be used to match the purchase of the same tract, or other land purchases and facility construction, similar to lands which are 100% donated.

The appraisal requirements for full purchases also apply to bargain sales. Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the applicant is required to offer the landowner the full appraised value of the land. When the lesser sale price is negotiated the owner must sign a *Waiver of Right to Just Compensation*. A waiver of entitlements under the Act by property owners or displaced person will be approved only in fully documented cases where the reasons for the waiver are explained. The purpose of the Act is to ensure each displaced person and property owner receives a just and equitable settlement through the purchase price and payment of relocation expenses. Few landowners would involuntarily accept an amount less than their entitlement, although in some instances landowners may be willing to accept less than the appraised value for their property. In such cases, the landowner must sign a waiver which includes the following information:

1. **That the owner has been fully informed of his or her rights and benefits under P.L. 91-646.**

2. **That the acquiring agency has provided a written *Statement of Just Compensation* and *Offer to Purchase* for the appraised property value (state the amount).**

3. **That the owner is satisfied with the negotiated price, even though it is less the appraised fair market value, and/or**

4. **That he or she elected to waive entitlement to the relocation benefits (this would include the dollar amount by category of moving expenses, payments for replacement housing, incidental expenses, etc.).**

5. **A statement setting forth the reasons for accepting a lesser amount than the appraised value offered by the local agency or for waiving relocation benefits.**

A sample *Waiver of Just Compensation* is included in Appendix T (ODNR Billing Link). This statement must accompany the billing for the property along with the *Statement of Just Compensation* and *Offer to Purchase* (ODNR Billing Link).

RELOCATION ASSISTANCE

Relocation Benefits

A resident or residential business or farm property to be acquired may be eligible for relocation assistance. This resident, who can be either a landowner or a tenant, may be reimbursed for expenses incurred in moving from the purchased property to a new dwelling. The purpose of providing relocation benefits is to enable a property resident to move to a new residence or business location without undue personal hardship.

These costs are based on maximum and minimum schedules specified in the law and Federal Highway Administration guidelines. Relocation costs are to be paid for moving expenses, replacement of business, or housing, search, closing and other costs the occupant may pay related to moving into another dwelling or relocating a business.

Landowners are also entitled to reimbursement of certain incidental expenses incurred in conveying title. These costs may be incurred even though no one was living on the property at the time of purchase.

These costs include:

1. **Recording fees, transfer taxes, revenue stamps, notary fees or similar expenses.**

2. **Penalty costs for prepayment of pre-existing recorded mortgages as may be required to convey a clear title.**

3. **The pro rate portion of real property taxes which would apply to the period after the date title vests in the government or the effective date of possession by the government, whichever is earlier.**

   Often these costs are paid by the applicant upon acquisition of the land. Payment of these costs should be documented at the time of the billing. When an applicant determines the land proposed for purchase may involve relocation, the Office of Real Estate should be contacted for brochures, forms, and guidelines for procedures and determining costs. It is essential that landowners be informed of relocation benefits. They must also receive payment unless they voluntarily waive their benefits.

Relocation Plan

A relocation plan shall be developed for projects where land acquisition will cause displacement of persons from their dwellings, business, or farm operations. The relocation plan shall be undertaken during the planning phase of the project prior to the initiation of land acquisition negotiations for the project. Based on this plan, the project sponsor should proceed with a project only after it has been determined that within a reasonable period of time prior to displacement, decent, safe and sanitary replacement housing will be available. Then information brochures and forms for claiming costs should be distributed to the persons to be relocated.

A relocation plan needs to include:

1. **The number of individuals, families, businesses, farms, and non-profit organizations to be relocated.**

2. **The availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being relocated.**

3. **The estimated total cost of payment to displaced persons for all benefits under P.L. 9 1-646 for replacement housing; and**

4. **The estimated cost of administering required relocation services to displaced persons.**
   The relocation plan may be coordinated with the Dept. of Housing and Urban Development and other agencies performing relocation in the area. Applicants may contract with a city relocation agency, such as the Community Development Department, or a private firm to handle relocation services. The plan is to be submitted with the project application. Relocation costs should be part of the cost estimates for the project. Payments to relocated persons are eligible to be reimbursed on an 80-20 basis.

Appeals

Although technical assistance is available through the ODNR, the project sponsor will be responsible for all negotiations with landowners or tenants concerning relocation benefits. These persons relocated have the right to appeal the determination of the amounts they are eligible to receive and need to be informed in writing of their right to appeal. Formal appeals may be submitted by relocated individuals to the ODNR.

Department staff will review all data concerning the calculation of relocation payments. If the person is still dissatisfied, a hearing will be scheduled with the Director of the Department of Natural Resources.

The appellant shall be given a full opportunity to be heard at the appeal hearing. After the hearing, the result may still be appealed through the judicial review of the Ohio Court System. No appeals will be heard by the Federal highway Administration.

Waiver of Relocation Benefits

As indicated in the land acquisition section on bargain sales, tenants and landowners may waive their rights to relocation benefits. In such instances a waiver must be signed similar to the one included in the Appendix T (ODNR Billing Link).

Any land purchased by an applicant, whether or not federal assistance is involved, is subject to paying relocation benefits; however, project sponsors may decide federal land acquisition regulations are too restrictive and may decide to purchase the property with local funds and then submit a development application. A circumvention of the federal or state land acquisition procedures will jeopardize the eligibility of a future development project at this site. The federal law specifies that such a deliberate refusal to follow the proper land acquisition procedures will make all future development projects ineligible for federal assistance.

DEVELOPMENT ON LAND ACQUIRED WITH FEDERAL ASSISTANCE

Future Development Conditions

It is not necessary that the future development be carried out with federal assistance or the proposed unassisted development receives prior approvals so long as it is in accord with the purposes for which the acquisition was made. Once the land is acquired with RTP assistance, it must always be used for public trail purposes.

On land where federal funds were reimbursed on the acquisition, certain regulations for the development of facilities must be followed. All facilities must be accessible to persons with disabilities. Attachment I and III will explain other development requirements, such as state and federal permits and approvals, which need to be obtained for construction projects.

SUMMARY OF STEPS TO TAKE IN NEGOTIATING WITH LANDOWNERS

Purchases and Bargain Sales:

1. **Make contact with the landowner regarding availability of the property and permission to appraise. Obtain information on the owner's and any tenant's eligibility for relocation benefits.**

2. **Have the land appraised according to the Uniform Appraisal Standards for Federal Land Acquisitions by a state certified general appraiser. The landowner must be given the opportunity to accompany the appraiser.**

3. **Submit the appraisal for approval by the Ohio Department of Natural Resources.**

4. **Offer to purchase the property for the approved appraised value using the *Statement of Just Compensation* and *Offer to Purchase* (ODNR Billing Link). Also inform the landowner and any tenants of their eligibility for relocation benefits.**

5. **Negotiate the selling price.**

   a. If the owner wishes to donate part of the land's value, the acquisition will be a bargain sale and the owner needs to complete the *Waiver of Right to Just Compensation* (ODNR Billing Link). Similarly, if a person to be relocated does not want reimbursement for relocation expenses, that person needs to sign a similar waiver for these benefits.

   b. In cases where the sale price is negotiated higher than the appraised value ODNR will only reimburse for the approved appraised value of the property.

6. **An option to purchase may be obtained once the price has been determined for a negotiated purchase.**

7. **Federal grant approval and a Categorical Exclusion (Attachment I) must be received by this point.**

8. **Obtain title insurance or an abstract opinion, and then title to the land. The project sponsor pays for the land, closing and incidental acquisition costs and relocation benefits.**

9. **A reimbursement request for the federal share of the acquisition costs may then be submitted to the Ohio Department of Natural Resources.**

Donations

1. **After the landowner offers to donate the property, clarify whether the landowner intends to donate with an appraisal or without an appraisal (see samples in appendix A-2, A-3, pages 85, 86). If the landowner desires an appraisal, obtain permission to appraise and information on the owner's and any tenant's eligibility for relocation benefits.**

2. **Have the land appraised according to the Uniform Appraisal Standards for Federal Land Acquisitions, with the donor being given the opportunity to accompany the appraiser.**

3. **Submit the appraisal for ODNR review.**

4. **Do not accept title prior to federal approval of grant award and completion of a Categorical Exclusion (Attachment No. I).**

5. **Obtain title insurance or an abstract opinion, the property deed, and pay for closing an incidental acquisition costs and any relocation benefits.**

6. **A reimbursement credit request for federal funds based on the land gift may then be submitted to the Ohio Department of Natural Resources.**

Part one: Acquisition Cost Analysis Schedule

DIRECTIONS
List separately each parcel of land to be acquired and give all the information requested. Parcel identification numbers may be taken from a tax map or may be arbitrary numbers listed in sequence. However, they must correspond with parcel identification listed on maps or other attachments within the application. Relocation costs are the costs incurred when owners or tenants are displaced from their homes, farms, or places of business.

NOTE: Included in the total relocation cost is the actual cost of moving the tenant or owner to a new location. If relocation costs are involved in an acquisition project, contact the Ohio Department of Natural Resources prior to filling out the application, (614) 265-6417.

The RTP and COTF grants do not allow Eminent Domain procedures.

IMPORTANT
Do not purchase any land prior to approval by the Ohio Department of Natural Resources. If any written agreements are made prior to this approval, the acquisition may not be eligible for funding.

NOTE: ODNR will only cost share on the approved appraisal value of the parcel of land to be acquired for your project. ODNR WILL NOT cost share on any premium value associated or paid for this property.

NOTE: All appraisals must be completed by an ODNR approved appraiser. A list of approved appraisers may be obtained by contacting:

D'Juan Hammonds, Grants Manager
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E-2
Columbus, OH 43229-6693
(614) 265-6417; Fax (614) 267-4764

Appraisers not on this list may be eligible for appraisal work associated with the project. His/her qualifications must be submitted for approval by the Office of Real Estate.

Attachment VI, Part One: Land Acquisition Cost Analysis Schedule

Project Title _____ **Date** _____

Applicant _____

Parcel Number	Acreage	Estimated Value of Land to be Acquired	Estimated Value of Improvements to be Acquired	Estimated Relocation Cost	Total Estimated Purchase Price
Total				**Total**	
				Total Estimated Relocation Cost	
				Grand Total	

_____
Prepared by

_____
Title

_____
Signed

Attachment VI, Part Two:
Land Acquisition Tract Map(s) and Required Documentation (COTF ONLY)

The following plans and maps are required for all acquisition projects:

1. **Acquisition Tax Map, available through your county offices, or an equivalent map, showing evidence of ownership of all parcels proposed for acquisition, long term (minimum 15 years), non-revocable lease or easement agreement. This map must show all proposed acquisition property lines, dimensions, existing easements, and parcel acreages. Maps must show parcel identification, which must match the information on attachment No. III. North must be indicated. Please also indicate locations of any existing structures, and if the removal of any structures is planned. (COTF ONLY)**

2. **A signed letter of intent is required from the owner of each parcel proposed for fee simple acquisition, long term lease, or easement. (COTF ONLY)**

3. **Acquisition Use Plan showing the intended use of the acquired property. A conceptual level of detail is acceptable. (COTF ONLY)**

Attachment VII

Timeline for Project Completion

Please mark the corresponding "Month" boxes that relate to the project tasks specific to your project in the timeline form below. This form allows us to gain specific insight into the scheduled progression and life cycle of your project. If you project is selected for funding, the project sponsor will be asked to update this form on a quarterly basis.

Timeline for Project Completion

	2016			2017									2018					
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Acquisition																		
Design & Engineering																		
Bid Package																		
Construction																		
Final Close Out																		
Other																		

RTP/COTF Project name _____

Changes in Project Scope

The Office of Real Estate has established a policy that generally prohibits major project scope changes in the following grant programs: Land and Water Conservation Fund, NatureWorks, Clean Ohio Trails Fund, and the Recreational Trails Program. Occasionally circumstances arise whereby the project sponsor may request authorization to revise the scope of an approved project. Such changes are made at the sole discretion of the Director of ODNR or his/her designee. All requests for project scope changes must be made in writing to the Office of Real Estate.

All proposed grant projects are competitively scored and selected on the basis of merit. Under most circumstances grantees may not deviate from the scope of an approved project. The scope of an approved project is described in the State-Local Project Agreement and is based upon the original grant application. For these reasons, Offices of Real Estate will avoid the approval of significant changes to approved projects in order to maintain the integrity of the selection process that is centered on the merit of the original proposal.

If a grantee finds it necessary to seek a change in project scope the following will be considered:

- **What factors create a valid need for the proposed project change?**
- **Will the proposed project change solve the problem identified in the purpose and need section of the original project application to the same (or greater) extent as the original proposal?**
- **Is the proposed project change eligible for grant assistance under grant program guidelines/rules?**
- **Does the change involve a different location/site?**
- **Does the proposed change constitute a major or minor revision to the project as originally defined?**
- **Will additional environmental and State Historic Preservation Office review be required? (Additional review will usually be required when considering a new site or different type of development that was not a part of the project's original definition.)**

Office of Real Estate policy also prohibits project sponsors from using unspent funds from an approved grant for another unrelated project. Unspent funds will be reallocated into future funding cycles for the respective programs so all potential applicants can compete for these funds.

Note: Grantees are strongly encouraged to discuss possible changes in project scope with the Office of Real Estate grant manager prior to submitting a formal request.

Steps to Complete your
CLEAN OHIO TRAILS FUND/
RECREATIONAL TRAILS PROGRAM
Development and/or Maintenance Project

As an awarded project sponsor you will follow these steps to complete your project:

1. **You will receive written notification from the Department of Natural Resources, Office of Real Estate when your contract has been approved. You may begin preparing plans and specifications (if your project requires them).**

2. **Plans and specifications must be reviewed and approved by the Office of Real Estate before advertising for bids or contractually obligating yourself to construction. <u>The plans that are submitted to ODNR must be approved and stamped by a registered professional engineer, architect, or landscape architect, as appropriate to the project.</u>**

3. **You will be notified in writing once the plans and specifications are approved and will be advised to proceed with advertising for bids.**

4. **Bid tabulations and State EEO documents must be sent to the Office of Real Estate for review and approval before you award any contract. You will be notified in writing to proceed. A signed Certificate of Authority indicating that the project sponsor followed all applicable state and local laws regulating and governing the procurement of goods and/or services by competitive bidding must also be submitted to ODNR's Office of Real Estate.**

5. **Reimbursement requests must be submitted to the Office of Real Estate for review. Please use the grant billing and reimbursement forms available online at: ODNR Billing Link. If documentation is complete and accurate; reimbursements will usually be made within sixty days.**

6. **Important Note:** ***Federal tax law requires that any reimbursement made to a Clean Ohio Fund grantee for a grant project must be made <u>within 18 months of the time the grantee paid the invoice</u>. If the grantee waits and seeks reimbursement after 18 months, by law, ODNR cannot provide reimbursement for the expenditure.***

7. **If there are significant changes to the scope or design of your project you may be asked to provide as-built drawings.**

8. **All grantees must adhere to the Buy America guidelines outlined in appendix A-4 on page 87-88.**

9. **Any questions should be directed to:**

   D'Juan Hammonds, Grants Manager
   Ohio Department of Natural Resources
   Office of Real Estate
   2045 Morse Rd. E-2
   Columbus, Ohio 43229-6693
   Tele: (614) 265-6417 Fax: (614) 267-4764
   Email: Djuan.hammonds@dnr.state.oh.us

Note: Federal agencies may be exempt from item #4.

SIGN REQUIREMENTS

Recreational Trails Program/Clean Ohio Trails Fund

A Recreational Trail Program/Clean Ohio Trails Fund acknowledgement sign must be permanently placed within the project site, and should be located at a trailhead or other highly visible spot. If grant monies are used to fund the purchase of a single trail structure (for example a bridge or restroom) the sign should be placed adjacent to, or on, the structure. If feasible, the acknowledgement sign should be placed on-site at the start of construction. An acknowledgement sign is also required for acquisition, equipment, and maintenance projects. The sign may be posted at an acquisition project after the acquisition process is complete. A small acknowledgement decal will be provided for large equipment items purchased with grant assistance, and should be permanently attached to the equipment. In the case of grant-assisted maintenance projects, an acknowledgement sign should be posted for a five-year period after the completion of the maintenance project.

Recreational Trail Program/Clean Ohio Trail Fund acknowledgement signs, made of recycled plastics, can be purchased through the Ohio Department of Natural Resources. These signs are displayed above and measures; 14.75" tall x 12.50" wide x ¾" thick. These signs can be purchased from ODNR for $100.00 postage paid. Applicants can request 80% reimbursement (RTP) or 75% reimbursement (COTF) for these signs. Applicants are not required to purchase signs from ODNR. Upon request, a Recreational Trails Program/Clean Ohio Trails Fund sign and invoice will be mailed to project sponsors. Please contact Djuan.hammonds@dnr.state.oh.us or 614-265-6417.

APPENDIX

Certification for Development Projects _____A-1

Donation with Appraisal _____A-2

Donation without Appraisal _____A-3

Buy America Guidence_____A-4

Appendix A-1
Certification for Development Projects

This certification must be provided for development projects for which the land was acquired after September 2, 1971, if the acquisition procedures were not in accord with P.L. 9 1-646, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

I,_____,_____
Signature of Authorized Certifying Official **Applicant/Organization**

hereby certify, under penalty for willful misstatement (18 U.S.C. 1001) that at the time of the acquisition and last known displacement on the project lands for which this Federal financial assistance is being sought, no planning had been initiated by this agency to obtain this financial assistance.

SIGNATURE_____

DATE_____

***"Whoever, in any matter within jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."**

Appendix A-2

(Insert Local Public Agency Letterhead)
(Donation With Appraisal)

RTP No. _____
Project No. _____
Parcel No. _____
Parcel Owner _____

As owner(s) of real estate needed for the above referenced project and parcel, and acknowledging the fact that (I) (We) have been offered $ _____ based upon an approved appraisal of the fair market value, or market estimate, of the subject real estate as just compensation, nevertheless, desire to donate the right of way and will execute the necessary conveyance instruments to place title of said needed right of way in the City/County/Town of _____.

This offer to the City/County/Town of _____, Ohio, is made without any coercive action of any nature.

_____	_____
Signature of Parcel Owner	**Date**
_____	_____
Signature of Parcel Owner	**Date**

Before me, a Notary Public in and for said County and State personally appeared_____,
who acknowledges the truth of the statements in the foregoing affidavit on this _____ day of____, 20__.

_____
Notary Public (Signature)

_____
Notary Public (Printed)

My Commission expires _____

My County of Residence is _____

Appendix A-3

(Insert Local Public Agency Letterhead)
(Donation Without Appraisal)

RTP No. _____
Project No. _____
Parcel No. _____
Parcel Owner _____

As owner(s) of real estate needed for the above referenced project and parcel, and acknowledging the fact that (I am) (We are) entitled to just compensation based upon an approved appraisal of the subject real estate, nevertheless, desire to donate the right of way. (I) (We) waive such appraisal rights and will execute the necessary conveyance instruments to transfer said right of way in the City/County/Town of _____.

This donation to the City/County/Town of _____, Ohio, is made without any coercive action of any nature.

_____ _____
Signature of Parcel Owner **Date**

_____ _____
Signature of Parcel Owner **Date**

Before me, a Notary Public in and for said County and State personally appeared_____,
who acknowledges the truth of the statements in the foregoing affidavit on this _____ day of____, 20__.

_____
Notary Public (Signature)

_____
Notary Public (Printed)

My Commission expires _____

My County of Residence is _____

Appendix A-4
Clean Ohio Trails Fund and Recreational Trails Program
Buy America Certification Guidance

FHWA's Buy America regulations, embodied in 23 CFR 635.410, "require a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The FHWA's Buy American regulations will also apply to Clan Ohio Trails Fund projects. The regulation also provides doe a waiver of the Buy America requirements when the application would be inconsistent with the public interest of when satisfactory quality domestic steel and iron products are not sufficiently available."

To determine the necessary certification under Buy American, please follow the steps below:

1. **Does the product contain any steel or iron manufactured outside the United States? To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States and all manufacturing processes, including application of a coating, for these materials must occur in the United States. If the product does not contain any foreign steel or iron then you may fill out a Buy America Certification form and submit it to ODNR before bidding your project or before making your equipment purchase. The Buy America process does not apply to your project. The Buy America process does not apply to your project. If there is ANY foreign steel or Iron in your product then you must move to step 2.**

2. **The buy America regulation does "not prevent a minimal use of foreign steel and iron materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or $2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project" If the minimal use clause applies to your project then please fill out the Buy America Certification form and submit it to ODNR. The Buy America process does not apply to your project. If the minimal use clause does not apply to your project then you must move to step 3.**

3. **FHWA policy provides for a Buy America waiver for certain manufactured products. To be eligible for the Manufactured Products waiver, the product must consist of less than 90% steel or iron content when it is delivered to the job site for installation. Please click here for the full guidance on manufactured products. If your product meets this manufactured products definition, please provide documentation of how the product is a manufactured product and submit to ODNR for approval.**

   If your product meets the manufactured products waiver criteria above please provide documentation of how the product is a manufactured product and submit to ODNR for approval. Information included in your documentation should include, at a minimum:
   - **Materials Composition of Product**
   - **Percentage of Steel and Iron in Product by Cost**
   - **Percentage of Steel and Iron in Product by Weight**
   - **Manufacture Location**
   - **National Origin of Steel and Iron Contained in Product**

If your product does not meet the above criteria for the manufactured products waiver then you must move to step 4.

4. **Products that have foreign steel and are not manufactured products must go through the Buy America Waiver Process. ODNR will initiate the process of obtaining a waiver from FHWA or ODOT. ODNR will request information from the project sponsor to use as part of the submission. The waiver process can take time and the project may not move forward until a waiver is completed.**

Grant Application Checklist

- ☐ **Form I** General Project Information
- ☐ **Form II** General Project Cost Information
  - ☐ RTP
  - ☐ COTF
- ☐ **Form III** Site Vicinity Map
- ☐ **Form IV** Project Selection Criteria Questions
- ☐ **Form V** Resolution of Authority
  **Must be current and signed*
- ☐ **Form VI** Civil Right Compliance
- ☐ **Form VII** Interagency Agreements
- ☐ **Form VIII** Acknowledgement of Compliance
- ☐ **Attachment I** Categorical Exclusion (CE)
  - ☐ Transmittal or response letter US Army Corps of Engineers & Ohio EPA
  - ☐ Transmittal or response letter from your local Floodplain Administrator
  - ☐ Transmittal or response letter from Ohio History Connection (Cultural Resources).

- ☐ **Environmental Justice screen prints (Color)**
- ☐ **Evidence of Public Involvement**
- ☐ **Environmental Site Assessment (ESA)**
- ☐ **Threatened and Endangered Species**
  - ☐ **ODNR Wildlife Review Response Letter**
  - ☐ **US Fish & Wildlife Service Response Letter**
- ☐ **Waterway Permits**

  If Applicable
- ☐ **Hazardous Materials**

☐ **Certification For Development Projects**

Must be signed by all RTP applicants if the conditions relating to the property where the proposed project will take place meet the conditions outlined in this document.

☐ **Attachment II**

☐ **Attachment III**

☐ **Attachment IV**

☐ **Attachment V** ***If Applicable***