

March 2, 2011

Paddys Run Conservation Project
Eligibility Criteria for Land Protection

The Eligibility Criteria for land protection in accordance with the applicable documents for the Fernald Preserve (the November 11, 2008 Natural Resource Damages consent decree, the July 2008 Natural Resource Restoration Plan, and the February 2010 Natural Resource Funds Use Plan), are designed and intended to facilitate the preservation (via conservation easements) of properties within or affecting the following areas:

Paddys Run Conservation Project Focus Area (Focus Area) – This area is the priority for protection by the Fernald Trustees. It encompasses the portions of the Paddys Run Watershed and Buried Valley Aquifer, up-gradient of the Fernald Preserve. (Figure 1)

Paddys Run Watershed (PRW) – The watershed is the land area which drains into Paddys Run and is also known as a drainage basin.

Buried Valley Aquifer (BVA) – The regionally significant and highly prolific ground water aquifer underlying portions of the region.

Blue-line Streams – Paddys Run and its perennial tributaries.

The Eligibility Criteria compensation categories are as follows:

- A. Parcels eligible for compensation at 80% of easement value*:
 - Parcels within** both the BVA and PRW (BVA/PRW)
 - Parcels adjacent to the Fernald Preserve, and within the Focus Area.
- B. Parcels eligible for compensation at 70% of easement value:
 - Parcels within the PRW, and containing both banks of a Blue-line Stream.
- C. Parcels eligible for compensation at 60% of easement value:
 - Parcels within the Focus Area but not described in category A or B.
- D. Parcels eligible for compensation at 17% of easement value:
 - Parcels not described in category A or B or C above, but adjacent to the Fernald Preserve or contiguous with another parcel to be protected under category A, B, or C.

* Easement value (or, in the case of an acquisition, fair market value) as determined by certified easement appraisal using comparable sales methodology for before/after values.

**Parcels are eligible to be funded based upon the highest ranking portion of the parcel, so long as that portion exceeds 10% of the total parcel acreage.

100% of easement value may be provided as compensation for the portion of a parcel containing "priority habitat" that would be preserved. Priority habitats receiving this compensation must be included in the Natural Resources Conservation Service (NRCS) Whole Farm Conservation Plan.

Priority habitats include:

- a) Category 2 or 3 wetlands (per Ohio Administrative Code rule 3745-1-54);
- b) Mature forest exceeding 10 contiguous acres, consisting of:
 1. Closed canopy;
 2. <25% non-natives;
 3. Trees have diameter at breast height (DBH) >12 inches; and
 4. Not grazed;
- c) >75 foot forested riparian buffer on both banks of Paddys Run or a blue-line (perennial) tributary of Paddys Run.

Minimum aggregate property size for a conservation easement is eleven (11) acres unless the property contains priority habitat.

As a rule a property may reserve no more than one lot split. A reserved lot split must contain no more than one home. The easement would apply to the complete property (including reserved lot/homesite), but no easement value would be awarded for the reserved lot split portion of the property.

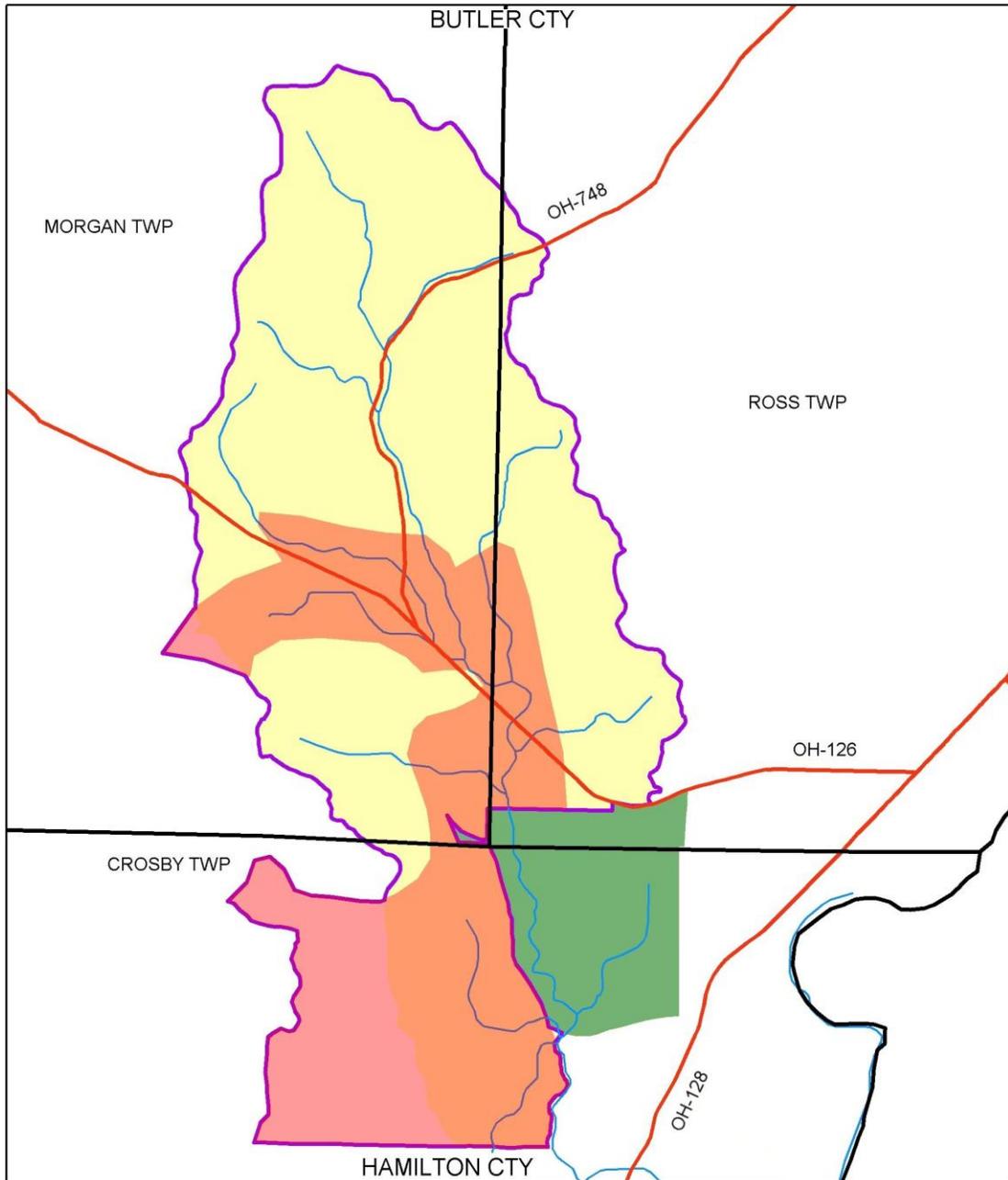
A property must not have more than 2% impervious cover (e.g., pavement, concrete, roof, etc.).

Outline for applications (based on NRCS applications) would include (See Attachment 1):

- a letter of commitment that property owners understand the general limitations a conservation easement would place on their property;
- a commitment that the property owners have, or will complete a NRCS Whole Farm Plan (if applicable) prior to closing;
- a commitment that property owners will reimburse for an appraisal (and, if necessary, a survey) if their property is selected, they receive a firm offer, they preliminarily agree to an easement or outright acquisition, and then withdraw on their own accord, or they do not accept the easement value as determined by certified easement appraisal, and wish to obtain their own appraisal (this would be paid for by the property owner regardless); and
- a copy of their deed, including the legal description of the property, a list of the permanent parcel numbers of the property, and a list of all interests in and encumbrances on the property title, including but not limited to easements, leases, mortgages, and liens.

The final decision regarding the expenditure of Fernald NRD funds and the purchase of any easement or acquisition of property is subject to the discretion of the Director of the Ohio EPA and requires the prior, written approval of the Fernald Trustee Council.

Figure 1. Paddys Run Conservation Project Focus Area



Note:
 This map is for conceptual use only. The features represented on this map are based on readily available GIS provided from numerous agencies and sources. There is uncertainty associated with these files.

Legend

-  Blue-line Streams
-  Ohio Highways
-  Focus Area
-  Paddys Run Watershed (PRW)
-  Buried Valley Aquifer (BVA)
-  BVA/PRW
-  Fernald Preserve

Attachment 1

Paddys Run Conservation Project Application

Application Period: August 8 thru 26, 2011

Application submitted by mail to: Tom Schneider
Ohio Environmental Protection Agency
401 East Fifth Street
Dayton Ohio 45402-2911

Application must include the following:

- 1) a letter of commitment that property owners understand the general limitations a conservation easement would place on their property;
- 2) a copy of an existing NRCS Whole Farm Plan for the property or a letter of commitment that one will be completed and submitted prior to closing;
- 3) a commitment that property owners will reimburse for an appraisal (and, if necessary, a survey) if their property is selected, they receive a firm offer, they preliminarily agree to an easement or outright acquisition, and then withdraw on their own accord, or they do not accept the easement value as determined by certified easement appraisal, and wish to obtain their own appraisal (this would be paid for by the property owner regardless);
- 4) a copy of their deed, including the legal description of the property, a list of the permanent parcel numbers of the property, and a list of all interests in and encumbrances on the property title, including but not limited to easements, leases, mortgages, and liens; and
- 5) a map showing the parcel(s) location within the Focus Area/Eligibility Criteria as well as a discussion of any potential "priority habitat" located within the parcel(s).



Environmental
Protection Agency

Southwest District Office

