



LAKE ERIE BALANCED GROWTH STRATEGY

Updated December 12, 2007

Prepared by:

Ohio Lake Erie Commission
One Maritime Plaza, 4th Floor
Toledo, OH 43604
(419) 245-2514

Lake Erie Balanced Growth Strategy

State Incentives Supporting Implementation of Watershed Balanced Growth Plans

Table of Contents

| Executive Summary | Pages |
|--|--------------|
| 1. Overview | 2 - 5 |
| 2. Process for Development of Lake Erie Balanced Growth Strategy | 5 - 9 |
| <ul style="list-style-type: none"> • State Assistance Work Group • External Support Activities • Future Efforts | |
| 3. State Programs Inventory | 9 - 10 |
| 4. State Assistance Work Group: Accessibility: | 11 - 13 |
| <ul style="list-style-type: none"> • Overview • Description of Small Communities Environmental Infrastructure Group (SCEIG) • Description of State Assistance Work Group (SAWG) • Process To Get Started | |
| 5. State Program Improvements: Streamlining/Predictability/Consistency Overview | 13 - 18 |
| <ul style="list-style-type: none"> • Ohio EPA (OEPA) Regulatory Program Improvements <ul style="list-style-type: none"> - 401 Wetlands Program - General Permits • Ohio Department of Health (ODH) Home Sewage Rules • Program Consistency Requirements <ul style="list-style-type: none"> - Ohio Department of Natural Resources (ODNR) Coastal Management Consistency - Ohio EPA Section 208 Plan Consistency | |
| 6. Special Incentives: Programs Supporting Balanced Growth | 18 - 23 |
| 7. Developing Additional State Support | 23 - 30 |
| 8. Endorsement Process for Balanced Growth Plans | 30 - 32 |
| Appendices | |
| A. Inventory of State Programs | 33 - 38 |
| B. State Assistance Work Group Members | 38 |
| C. Clarification of Watershed Action Plan State Endorsement Definitions | 39 - 40 |

Executive Summary

Overview: The Lake Erie Balanced Growth Task Force recommended the following:

- A Watershed Balanced Growth Plan is a framework for coordinated, local decision making about how growth and conservation should be promoted by local and state policies and investments in the context of watersheds. These Plans would be developed by Watershed Planning Partnerships.
- The process should be locally driven and voluntary. The state should offer incentives for participation and implementation.
- The main feature of watershed balanced growth plans should be the designation of Priority Conservation Areas (PCAs) and Priority Development Areas (PDAs).
- PCAs are locally designated areas for protection and restoration. They may be critically important ecological, recreational, heritage, agricultural, and public access areas that are significant for their contribution to Lake Erie water quality and general quality of life.
- PDAs are locally designated areas where development and/or redevelopment is to be especially encouraged in order to maximize development potential, maximize the efficient use of infrastructure, promote the revitalization of existing cities and towns, and contribute to the restoration of Lake Erie.
- The task force recommended that the State of Ohio support the implementation of such plans by special strategic initiatives and in the conduct of its regular activities.
- To support implementation of watershed plans, the state should develop a *Lake Erie Balanced Growth Strategy* that should describe how state programs, policies, and incentives will be aligned with local efforts to focus development efforts in PDAs and promote successful conservation efforts in PCAs.

The fundamental principal to guide the actions of state agencies is that if local governments can agree on areas where development is to be encouraged (PDAs) and areas which are to be conserved (PCAs), the State of Ohio will support those decisions by aligning State programs to support those decisions and conversely will not utilize State programs to violate these locally based decisions.

State Program Inventory– State programs have been inventoried and assembled by whether or not they will support the Priority Conservation Areas or Priority Development Areas and then, by whether they primarily support infrastructure, directly impact the site or provide support in the form of planning or technical assistance. This inventory will be a resource for watersheds to help identify programs that will support conservation in PCAs and development or redevelopment in PDAs. Each action by state government requires some form of application which will need to include the addition of Balanced Growth information or additional consideration during the review process.

Accessibility to State Agencies– A State Assistance Work Group consisting of personnel from each state agency involved in supporting Balanced Growth will be made available to meet with representatives of the Watershed Planning Partnerships (WPP). This Work Group will be charged with assisting the WPPs (and participating local governments) in identifying technical and financial resources that can be used to support PCAs and PDAs.

This special access to state agencies should assist in identifying sources of support, obtaining agency guidance on utilizing support and making the agencies aware of the local watershed intentions.

Streamlining/Predictability: The Balanced Growth Task Force was very clear that providing greater predictability for private sector decisions was a significant objective for this program. Brief descriptions of improvements being made to Ohio EPA wetland reviews, Ohio EPA General NPDES Permits, and Ohio Department of Health home sewage programs are included in this document. In addition there is a description of OEPA and ODNR programs requiring that state (and some federal) actions are consistent with local plans. In addition, programs that depend upon local recommendations (e.g. ODOT in MPO areas) will note that recommendations that come through the local process for review are consistent with a locally adopted and state endorsed Watershed Balanced Growth Plan where such a plan has been completed. The State Assistance Work Group will continue looking at methods to provide more advance predictability pertaining to site-related decisions. This would help private developers to understand they could anticipate streamlined decision making for development in the PDAs.

Financial and Technical Assistance Incentives: The State Assistance Work Group has prepared a list of technical and financial incentives available in watersheds that have a state endorsed Balanced Growth Plan or in some cases are working on a plan. They are generally in the form of additional consideration (extra priority ranking, interest rate discounts or special support) for funding applications that will implement specific activities in PDAs or PCAs. There are also special considerations for technical assistance from the State in Watersheds with a Balanced Growth Watershed Plan. This list is to be kept up-to-date and expanded in future years as we gain experience with the Balanced Growth Program.

Table 2. Financial and Technical Assistance Special Incentives
(*Special Incentives Table can be found on Pages 18-23 of this document.*)

Overview

In 2004, a Balanced Growth Blue Ribbon Task Force comprised of various experts and stakeholders advised the Ohio Lake Erie Commission on how to "develop strategies that will balance the protection of Lake Erie with continued economic growth." This Task Force was created in response to findings of the *Lake Erie Protection & Restoration Plan* (2000) that outlined serious problems still existing that diminish the health of the lake and limits its benefits to the people of Ohio. The Balanced Growth Task Force looked at ways to solve significant problems resulting from how we have used land. The Panel met for over two years and submitted recommendations which were accepted by the Ohio Lake Erie Commission in April 2004. Their recommendations provide a voluntary, incentive-driven means for the state to encourage and support orderly growth and change at the local level.

The recommendations are contained in two documents prepared by the Balanced Growth Task Force appointed by the Lake Erie Commission per a recommendation contained in Ohio's *Lake Erie Protection & Restoration Plan*. The task force members represented a wide range of constituencies, including property owners, government officials, business leaders, conservationists, academia, agriculture, and other stakeholder groups. The Task Force was coordinated by the Ohio Lake Erie Commission. The documents are:

- *Linking Land Use and Lake Erie: A Planning Framework for Achieving Balanced Growth in the Ohio Lake Erie Watershed*; and
- *Linking Land Use and Lake Erie: Best Local Land Use Practices**

Included in the *Planning Framework* is the recommendation that the state provide a voluntary, incentive-based program for balanced growth in the Ohio Lake Erie basin. It calls for the creation of a locally driven planning framework that includes:

- A new focus on land use and development planning in the major river tributary watersheds of Lake Erie. The goal is to begin to link land-use planning to the health of watersheds and the Lake.
- The creation of Watershed Planning Partnerships composed of local governments, planning agencies, nonprofit organizations, and other parties in each watershed. Participation in these partnerships would be voluntary but encouraged by state incentives.
- These partnerships would create Watershed Balanced Growth Plans. These plans would identify Priority Conservation Areas (PCAs) to protect critically important ecological, recreational, agricultural, heritage, public access, and other critical areas, and Priority Development Areas (PDAs) where growth and/or redevelopment should be supported.

The task force recommended that the State of Ohio support the implementation of such plans by special strategic initiatives and in the conduct of its regular activities. The state was advised to develop a *Lake Erie Balanced Growth Strategy* that should describe how state programs, policies, and incentives will be aligned with local efforts to focus development efforts in PDAs and promote successful conservation efforts in PCAs.

* **Footnote:** They are both available on line at the Lake Erie Commission web site (www.epa.state.oh.us/oleo) or by calling 419-245-2514.

The fundamental principal to guide the actions of state agencies is that if local governments can agree on areas where development is to be encouraged (PDAs) and areas which are to be conserved (PCAs), the State of Ohio will align state programs to support those decisions and conversely will not utilize state programs to violate these locally based decisions.

A State Incentives Work Group with members from each Lake Erie Commission Agency plus the Ohio Water Development Authority (OWDA) was convened to assemble this *Lake Erie Balanced Growth Strategy*. In 2007, a permanent group, the State Assistance Work Group was convened. The first task of this group has been to revise and update this *Balanced Growth Strategy*. This document reflects the results of their work. A list of members of the State Assistance Work Group is found in **Appendix B**.

Process for Development of Lake Erie Balanced Growth Strategy (Incentives & Support)

The State Incentives Work Group was formed in May 2004 to identify the incentives and opportunities for state government to support locally defined balanced growth. The state agencies on this group reviewed their policies and programs pertaining to development and conservation and assembled an inventory of state programs providing financial and technical assistance that would serve as the state tools to support balanced growth. This Work Group met on several occasions and provided the information contained in this *Lake Erie Balanced Growth Strategy*.

EcoCity Cleveland (Dr. Wendy Kellogg of Cleveland State University), with grant support from the Joyce Foundation, has also conducted a review of state programs and policies that impact development and conservation decisions. After completing an inventory of all appropriate programs and policies, they convened focus groups of private developers to review the inventory and determine programs and policies that most impact private development decisions.

Using its own preliminary list and the results of the EcoCity Cleveland focus groups, the State Incentives Work Group has identified modifications that can be made to existing policies and programs. A complete list of incentives has been prepared which includes existing and modified state programs and policies that can be used to support Balanced Growth.

The June 2006 *Lake Erie Balanced Growth Strategy* called for the Lake Erie Commission to appoint a permanent work group to be known as the State Assistance Work Group (SAWG.) This was accomplished and its members have worked on revisions and updating of this *Strategy*.

This document is intended to be evolutionary with sufficient detail to identify the direction being used to support the Balanced Growth Program. However, the *Lake Erie Balanced Growth Strategy* will evolve as new programs are identified to support balanced growth and old programs are retooled to meet the needs of Balanced Growth Watershed Plans.

Specific steps in the process that have been used by the State Incentives Work Group have included:

Develop State Program and Policy Inventory – Each Agency on the Work Group has prepared an inventory of its programs and organized them as to support for PCAs or PDAs and whether they are available to support the site, infrastructure serving the sites or technical services to support the process.

Review External Information -The Work Group has looked at the results of information assembled by EcoCity Cleveland with support from Cleveland State University faculty including a literature review of state programs impacting development and Private Developer Focus Groups.

Identify All Possible Program and Policy Modifications - The Work Group then evaluated all possible program and policy modification that could be used to support balanced growth and offered these as incentives. These modifications are in addition to using the existing programs in the inventory without any further modifications or special incentives.

Develop a State Endorsement Process - The incentives would be made available in watersheds that had successfully developed a Watershed Balanced Growth Plan and a process was drafted to allow the state to make this determination and hence to approve offering the special incentives in a watershed.

Draft a State Incentives Strategy – The *Lake Erie Balanced Growth Strategy* has been drafted by the Work Group to be used to support Balanced Growth Watershed Plans. This State Incentives Strategy will also serve as a handbook of state resources to support Balanced Growth.

Provide Opportunities for Public Comment - Opportunities for public comment were offered.

Finalize the *Lake Erie Balanced Growth Strategy*: Acceptance by the Lake Erie Commission occurred on June 7, 2006.

Revision to *Lake Erie Balanced Growth Strategy*: Acceptance by the Lake Erie Commission occurred on December 12, 2007.

External Support Activities

The State Incentives Work Group was supported by information assembled by the Ohio Lake Erie Commission Staff and work developed by EcoCity Cleveland and Dr. Wendy Kellogg of the Levin School of Urban Affairs at Cleveland State University. This latter work was funded by a grant from the Joyce Foundation.

Dr. Kellogg provided a summary of the background information assembled to assist the State Incentives Work Group as follows:

The purpose of the EcoCity Cleveland study done by Cleveland State study is to assist in the state’s review of policies and programs and development of incentives by gathering information from academic and government agency research on the effectiveness of programs across the United States. The implementation of Watershed Balanced Growth Plans, in particular, and for the entire Balanced Growth Program could be influenced by three kinds of actions (see Table 1.)—the direct actions of the state agencies, their actions (policies and programs) that influence regional or inter-jurisdictional behavior, their actions (policies and programs) that influence actors at the local level (public and private sector). This study focuses on the state policies and programs that shape the actions of local (township, municipality, county) governments (acting alone or collaboratively) and private sector developers in the context of development and implementation of watershed-based balanced growth plans, otherwise known as the state “incentive package.”

The efforts toward identification and development of this incentive package included the following:

1. The research team has reviewed academic, “think tank,” and government agency literature as to the types of programs and incentives that have been used effectively in other states;
2. The research team designed and conducted two focus groups, one of residential developers and one of commercial developers, that received their input as to the market factors and public programs that shape their land development decisions;
3. The results were summarized and presented to the State Incentives Work Group

The State Role in Supporting the Balanced Growth Program through implementation of Watershed Balanced Growth Plans could be influenced by actions in all of the categories and arenas identified in Table 1. The incentives that the agencies of the Ohio Lake Erie Commission can provide/identify to shape use of the PDAs and PCAs will likely fall into Columns B and C, Lines 5 through 8, and Line 10 (in terms of actions that conform to the requirements of the Watershed Balanced Growth Plan as it has been developed).

Table 1. Categories of State Policies and Programs Shaping Land Use Change

| | | A. Direct state action | B. State policies and programs shaping regional or inter-local decision making and action | C. State policies and programs shaping local land use/land management practices |
|---|--|------------------------------|---|--|
| 1 | State land ownership/acquisition | X | | |
| 2 | State facilities (siting, permitting and construction) | X | | |
| 3 | State-“controlled” infrastructure (roads, bridges) | X | X | |
| 4 | State review/impact assessment on major development projects | X | X | |

| | | A. Direct state action | B. State policies and programs shaping regional or inter-local decision making and action | C. State policies and programs shaping local land use/land management practices |
|----|--|------------------------------|---|--|
| 5 | State tax policies | | X | X |
| 6 | State funding to regional and local jurisdictions for infrastructure (roads, sewer, water, parks, schools, etc.) | | X | X |
| 7 | State funding to regional and local jurisdictions other than for infrastructure | | X | X |
| 8 | State permitting of non-state projects | | X | X |
| 9 | State enabling law for planning and zoning | | X | X |
| 10 | State requirements for local plans | | X | X |

Working with the Ohio Lake Erie Commission, the research team designed and implemented two focus groups of development professionals in Northeast Ohio during March and May, 2005. One focus group was comprised of professionals whose work is primarily focused on commercial or industrial development. A second focus group was comprised of professionals working primarily in residential development.

The participants were asked several questions to stimulate an interactive conversation. Participants were asked to respond to the following questions (with considerable discussion and interaction occurring for each question):

- As you plan your next round of development projects, what key factors you take into consideration in determining what to develop and where to develop? To what things do you pay the most attention?
- What are the priorities? What has the most influence?
- What difference would the following state actions make in the development decisions you make? (financial incentives, tax structure, changes in regulatory rules, etc.).
- Are there any other types of actions the state agencies could have to influence your development decisions?

Overall, several key themes emerge from the sessions. Both groups suggested that provision of water and sewer infrastructure, followed by roads, were the most important factors shaping the location and type of development they provide. As such, these factors are the most amenable to influence from the state, whether it is in terms of direct state construction or funding.

For the residential group, compliance with regulations regarding surface water (streams and wetlands) was the second most critical factor, and therefore suggests an opportunity for influence. It should be noted that this group agreed that they understood the community's will in protecting wetlands and streams, and their problem was not with

the regulations per se, but with the unpredictability and long time frame typically needed to secure permits. These conditions presented significant challenges to successful practice, given that extended permit review periods and conflicting information across regulatory agencies jeopardized their ability to finance projects reasonably and bring a project to completion to meet market demand.

Both groups noted the role that the state agencies could play to increase predictability and professional efficiency for regulatory implementation. Some State of Ohio agencies received high praise in their management of permitting, but as mentioned above, they were overall negative in their appraisal of the management of the wetland permit system. Their experiences strongly suggest a key opportunity for implementing the Balanced Growth Program in streamlining the regulatory process for the development in PDAs. It should be noted that some participants suggested their willingness to pay higher fees if it would ensure more timely service from the agencies.

One developer suggested (in a conversation after the session ended) that the Balanced Growth Program administrators could learn from how development is done in Florida, where, at the beginning of all large projects, one staff person from the county (where development is controlled) assembles a team of all relevant local and state agencies. This team meets with the developer and communicates precisely what is required under their mandates. Discussion clarifies for the developer what is needed, and any inconsistencies among agencies are usually resolved then. This model would seem to have great relevance as an incentive for implementation of a Balanced Growth Plan.

Results from both sessions indicate that the private sector would prefer a greater role by the state in securing regional uniformity in key regulations. This appeared in terms of storm water regulations, building codes, and zoning for conservation development and setbacks. A lower variability across a region would hypothetically lower costs for developers in terms of the time devoted to learning and complying with different sets of regulations.

Lastly, while it has little to do with Lake Erie water quality, it was of note how animated the discussion was in both sessions regarding school funding inequities and how these distort the commercial and residential housing markets and change development patterns. The need for school districts to attract new tax base, given their inability to capture increasing value when existing homes appreciate, stimulates new construction. Other factors present obstacles to infill development, which strengthens perceptions in the development community that building at the urban fringe is easier. The participants recognized, however, that there were significant issues with equity regarding school funding, and suggested that the state needed to address the overall funding formula to lessen school quality as a market factor.

State Programs Inventory (development and conservation)

State programs that affect development decisions have been inventoried and are presented as the State of Ohio's State Programs Inventory to support development and conservation. These reflect existing State of Ohio programs that have been identified as specifically impacting development decisions. These programs currently exist. Their impact on balanced growth is dependent upon how they are used and whether or not

they are directed toward support of a Balanced Growth Watershed Plan. The intention here is that they can and will be directed to support balanced growth. The State Programs Inventory is organized by whether or not the program is best oriented to support the Priority Conservation Areas or Priority Development Areas. The programs are then organized into three categories: primarily support infrastructure; directly impact the site; or provide support in the form of planning, technical assistance and state regulatory programs. This State Programs Inventory will be a resource for watersheds to help identify programs that will support conservation in PCAs and development or redevelopment in PDAs. The Balanced Growth State Programs Inventory is in **Appendix A**.

The Balanced Growth State Programs Inventory includes a variety of program that can be used in specific instances to support PDAs or PCAs. However, there are two elements that are not covered in the current version of the State Programs Inventory: the impact of tax policies and the relative magnitude of the impact of each program as dependent upon the size of the program and the frequency of its use. The work performed at Cleveland State University includes a review of the magnitude of this impact.

Action Item: SAWG will review the work on relative magnitudes of program and policy impacts being performed at Cleveland State University and update the State Programs Inventory as appropriate.

The State Programs Inventory is constantly being changed in terms of program and policy changes as well as resource levels. This will require periodic updates (at least each biennium) to the State Programs Inventory to reflect these changes.

Action Item: The Lake Erie Commission should annually update the Balanced Growth State Programs Inventory to maintain it as a valuable working resource for aligning state programs and policies with the Watershed Balanced Growth Plans.

Application Process: Each action by state government requires some form of application. Each state agency application form will need to include the addition of Balanced Growth information. The application would have to identify if any relevant proposal for state action (award of funding assistance, issuance of permits, etc.) is within a Watershed Balanced Growth Plan area and if it is consistent with the PCA or PDA designation. If the Agency chooses not to include the Balanced Growth information in the application process, then they will need to incorporate a provision for balanced growth into the review process and rely upon their reviewers to identify whether or not the project is in a PCA or PDA and is consistent with this designation.

Programs that are eligible for state incentives should be highlighted to reflect that fact.

Programs that depend upon local recommendations (e.g. ODOT in MPO areas, 208 plans, etc.) will determine that projects are consistent with a locally adopted and state endorsed Watershed Balanced Growth Plan.

Action Item: Each program identified in the Balanced Growth State Programs Inventory will need to either incorporate this as an item in the application or as an item to be considered during the review process.

State Assistance Work Group: Accessibility

Overview of Accessibility to State Agencies– A Balanced Growth State Assistance Work Group has been formed. The work group of personnel from each state department involved in supporting Balanced Growth will be made available to meet with representatives of the Watershed Planning Partnerships (WPP). This Committee will be charged with assisting the WPPs (and participating local governments) in identifying technical and financial resources that can be used to support PCAs and PDAs. This special access to state agencies should assist in identifying sources of support, obtaining agency guidance on utilizing support and making the agencies aware of the local watershed intentions. The Balanced Growth State Assistance Work Group is patterned after a related effort to assist local communities in obtaining assistance from the state and federal government for support of water and sewer projects. A description of the existing SCEIG is helpful in understanding the basic concept of the SAWG.

Description of SCEIG

The model to be used is the Small Communities Environmental Infrastructure Group (SCEIG) which is an association of federal and state agencies, local governments and groups, service organizations, and educational institutions designed to help small communities in meeting their environmental infrastructure needs.

The SCEIG was formed in 1990 by state, federal, local, educational, and service agencies that provide regulatory, technical, financial, and educational assistance for environmental infrastructure projects. These agencies saw a need to coordinate efforts to assist small governments with the difficult task of developing, improving, and maintaining their water and wastewater systems. This group of experts has meetings to discuss the needs of small communities and what responses or remedies are appropriate and feasible.

The goal of the group is to assist small communities in identifying the most appropriate resources to help the communities resolve problems associated with environmental infrastructure.

The group was formed to coordinate the financial resources administered by state and federal agencies to address environmental infrastructure needs of small communities. The group meets to address the needs of specific communities if a member agency feels that a project cannot be funded without a coordinated effort.

SCEIG GOALS

1. Provide useful information for small community leadership for developing, improving and maintaining their environmental infrastructure.
2. Assist small communities in identifying the most appropriate resources to help them resolve problems associated with environmental infrastructure.
3. Develop additional technical and financial resources to help small communities resolve problems associated with environmental infrastructure.

(Information from draft SCEIG website).

Description of SAWG

The Balanced Growth State Assistance Work Group has been formed by six agencies that are on the Lake Erie Commission plus the Ohio Water Development Authority. These members have prior knowledge and involvement in the Lake Erie Balanced Growth Program and will be considered the chartering members. Additional state partners may be invited to participate.

Federal agencies that provide funding for development and conservation projects as well as appropriate institutional partners will also be invited as deemed appropriate by the state agencies.

This work group of personnel from each state department (and perhaps others) involved in supporting Balanced Growth will meet with representatives of the Watershed Planning Partnerships (WPP) during plan development and periodically during plan implementation.

This Committee will be charged with assisting the WPPs (and participating local governments) in identifying and using technical and financial resources that can be used to support PCAs and PDAs. This special access to state agencies should assist in identifying sources of support, obtaining agency guidance on utilizing support and making the agencies aware of the local watershed intentions.

The specific goals for the Balanced Growth SAWG would include:

1. Assist Watershed Planning Partnerships and local governments to identify the most appropriate tools (programs identified in this Balanced Growth Strategy) to support the PDA and PCA areas in the watershed.
2. Provide the agencies with knowledge and familiarity with each Balanced Growth Watershed Plan and the local development and conservation goals so that they can be aware of potential state supported projects.
3. Evaluate the balanced growth impact of proposed rule changes being developed by the state agencies and provide comments to the state agency to best incorporate balanced growth considerations into their programs as new rules or rule revisions are developed. Also, review funding priorities for programs to provide suggestions on how they can be supportive of balanced growth.
4. Identify any additional programmatic resources or policy changes that will help align state programs and policies with Balanced Growth Watershed Plans.
5. Develop public information resources (fact sheets and websites) to assist Watershed Planning Partnerships.

Action Item: The Balanced Growth SAWG will initiate meetings with Watershed Planning Partnerships in 2008.

Action Item: Identify any additional programs or policies that will support Balanced Growth Watershed Plans. This should include review of the program with federal agencies, other state agencies, Metropolitan Planning Organizations (MPOs), County Engineers Association of Ohio, Natural Resources Assistance Councils (Clean Ohio Funds), local planning organizations, and other local agency organizations.

Action Item: SAWG should review the pilot watershed project experience and identify revenue support for continuing balanced growth activities in the existing pilot watersheds and in future watersheds. These would constitute the planning incentives.

Action Item: SAWG should review incentive programs for redevelopment to create a strong link to redevelopment areas and to reinforce the importance that they be identified as Priority Development Areas.

Action Item: SAWG will further develop the website and fact sheets to highlight state programs and resources available for implementation of the Balanced Growth Program.

State Regulatory Program Improvements: Streamlining/Predictability/Consistency

State Regulatory Program Improvements: Streamlining/Predictability/Consistency
The Balanced Growth Task Force was very clear that providing greater predictability for private sector decisions was a significant objective for this program. This need was further identified in the private developer focus group work performed by Cleveland State University. The State Agency Work Group has looked at methods to provide more advance predictability pertaining to site-related decisions. This would help private developers to understand they could anticipate streamlined decision making for development in the PDAs and greater levels of difficulty in PCAs. A review of some of the significant regulatory streamlining efforts that are currently underway are described below. While these regulatory changes will generally be available statewide, they also will address the need for state regulatory streamlining and predictability in Balanced Growth Watersheds. Programs that require federal, state or local actions to be consistent with specifically adopted plans are one other method that Watershed Planning Partnerships and local governments can use to assure that state and federal actions are consistent with their Watershed Balanced Growth Plans.

Ohio EPA Regulatory Program Improvements 401 Wetlands Program

The Ohio EPA-Division of Surface Water (DSW) rule package focuses on three major areas. They are stream mitigation, wetland mitigation, and 401 certification rules. The development of these rules should provide some improvements to predictability and timeliness in the permitting process. The federal Clean Water Act requires anyone discharging dredged or fill material into Ohio waters to obtain a water quality certification from Ohio EPA and a permit from the U.S. Army Corps of Engineers. Ohio EPA's review is to ensure the project will comply with Ohio's water quality standards. As a condition of

approval, all wetland or stream impacts need to be compensated by restoring, creating, enhancing or preserving other wetland or stream areas.

Ohio EPA is accepting comments on draft rule changes that would improve wetland mitigation procedures and add new guidelines to evaluate streams for mitigation.

The draft rules are designed to: 1. improve the quality of and ability to evaluate mitigated wetlands and streams; 2. ensure greater clarity and predictability regarding Ohio EPA's requirements; 3. make the project review process more efficient, saving time; and 4. bring Ohio's rules in line with current scientific knowledge. The wetland water quality standards first became effective on May 1, 1998. Since then, Ohio EPA has gained considerable experience using those rules during its review of water quality certification applications. Changes to the wetland water quality standards would bring them up to date with current knowledge about how wetlands work and how the existing rules can be improved.

Revisions also are being considered for wetland mitigation, including the amount of mitigation required, the appropriate location for mitigation and new criteria to measure the success of wetland mitigation projects. In the past, Ohio hadn't established detailed rules to guide stream mitigation projects. A new mitigation credit and debit system, which assigns scale values for various aspects of stream degradation or improvement, is now being considered to rate stream quality. The draft rules describe how to score stream impacts based on aquatic life use, habitat quality and other factors that can indicate stream quality, such as the presence of endangered, threatened or rare species, and the quality of the flood plain and stream bank. The final calculated mitigation credits would need to equal or exceed calculated debits for a proposed project to be eligible for a water quality certification.

Wetland and Stream Mitigation - The development of acceptable mitigation for unavoidable stream and wetland impacts has historically been a very time consuming process. In the case of stream impacts there were no administrative rules dealing specifically with this issue. The addition of stream mitigation rules will provide the regulated community with the precise method that Ohio EPA will be using to gauge the acceptability of mitigation proposals relative to the impacts that are being generated. This assessment will be able to be conducted by the applicant prior to the submission of any application, thereby shortening the application process and reducing the amount of uncertainty that is currently experienced.

While there are existing rules governing wetland mitigation, Ohio EPA believes that the proposal improves upon those rules in a number of different ways. The proposed rule package would simplify the process of determining how much mitigation is required for a given impact. The proposed rules also expand upon the use of wetland preservation and non-wetland buffers to satisfy mitigation requirements. Additionally, there have been significant problems with wetland mitigation identified on both the state and federal levels. Improvements in wetland mitigation procedures are required in order to comply the Clean Water Act. Ohio EPA is trying to provide the regulated community with the necessary guidance before the permit application is submitted by providing specific, detailed mitigation monitoring and performance guidelines.

401 Water Quality Certification - Changes to the rules governing the issuance 401 water quality certifications were made to address a number of issues. Some of the changes

were needed to address the changes required by revision to ORC 6111. Other changes were implemented to spell out some of the procedures that Ohio EPA would follow for actions such as transferring a certification or extending the time period of a certification. By laying out specific procedures and requirements in the rules, Agency staff can spend less time performing these tasks and spend more time on the technical review and processing of applications. Obtaining a 401 water quality certification does not eliminate the need for the applicant to obtain any local permits that may be required. The issuance of the 401 does not override local requirements or ordinances that may exist. Increasingly, local jurisdictions are adopting controls, such as set-back ordinances to protect water resources. The application of the local ordinances eliminates many of the activities for which a 401 would be required. Granting of a 401 should never be considered as an authorization for an activity that is prohibited by local control.

General Permits

There are several permit related improvements that will be available in all watersheds but which can be utilized to more effectively implement Watershed Balanced Growth Plans. Whenever a municipality, industry, or other entity wishes to discharge water to a surface water of the State, they must first obtain a permit from the Ohio EPA Division of Surface Water (DSW). This permit is called a National Pollutant Discharge Elimination System (NPDES) permit.

There are two types of NPDES permits: individual and general. An individual NPDES permit is unique to each facility. The limitations and requirements in an individual permit are based on the facility's operations, type and amount of discharge, and receiving stream, among other factors.

Because some of the individual permits contain very similar, or in many cases, identical effluent limitations and requirements, their contents have been compiled into one permit that can be applied to certain categories of discharges. This is a general permit. A general permit is one permit that covers facilities that have these similar operations and type of discharge. A general NPDES permit is a potential alternative to an individual NPDES permit and affords coverage to new and existing dischargers that meet the eligibility criteria given in the general permit.

There are several advantages to obtaining coverage under a general NPDES permit instead of an individual NPDES permit, such as;

- Simplified one-page application form;
- The one-page application form doesn't require the inclusion of effluent data;
- Ohio EPA processing time is reduced, allowing quicker review time;
- Permit consistency with other similar facilities;
- Permit requirements are available prior to applying; and
- Annual discharge fee may not apply.

Ohio EPA is in the process of developing and issuing general permits for a variety of discharges in order to increase efficiency and to help make it easier for various dischargers to obtain an NPDES permit.

General permits offer the opportunity for a local government or private developer to expedite the process of obtaining a permit while providing water quality protection during and after development.

The following is a complete list of general permits that have been **issued**. Several of these may be of benefit to the Balanced Growth efforts in watersheds:

- Discharges from petroleum-related corrective action sites - effective 1/1/06
- Non-Contact Cooling Water Discharges - effective 3/1/05
- Concentrated Animal Feeding Operations (CAFOs) - effective 2/1/05
- Small Sanitary Discharges (Less Than 25,000 Gallons Per Day) - effective 2/1/05
- Small Sanitary Discharges That Cannot Meet Best Available Demonstrated Control Technology Standards - effective 2/1/05
- Discharges from petroleum-related corrective action sites - effective 1/1/05
- Construction storm water - effective 4/21/03
- Small Municipal Separate Stormwater Systems (MS4) storm water - effective 12/27/02
- Small MS4 storm water within rapidly developing watersheds - effective 12/27/02
- Discharges from petroleum-related corrective action sites - effective 11/1/00
- Industrial storm water - effective 8/1/00
- Small sanitary discharger - effective 7/1/99
- Coal strip mining activities effective 6/3/94

There are **draft** General Permits that may have significant impacts on the implementation of Balanced Growth Plans as well:

- Water Treatment Plants
- Household Sewage Treatment Systems
- Storm Water Associated with Construction Activity in the Big Darby Creek Watershed
- Storm Water Discharges Associated with Industrial Activity
- Petroleum Bulk Storage Facilities
- Satellite Collection Systems

ODH Home Sewage Rules

The Ohio Department of Health establishes statewide minimum sewage treatment system rules for the installation and alteration of sewage systems across the state through statutory authority established under Ohio Revised Code Chapter 3718 and Ohio Administrative Code Chapter 3701-29 as described on page ___ of the Inventory of State Programs. Portions of ORC Chapter 3718 are currently suspended through July 1, 2009 pending further review and discussion of system standards and designs affecting the cost of systems and level of treatment achieved. The rules in effect from January 1 through July 1, 2007 were rescinded, and the prior rules (1977-2006) were adopted by the Public

Footnote: The General Permit description reflects information on General Permits from the OEPA website and more detail is available at <http://www.epa.state.oh.us/dsw/permits/gpfact.html>

Health Council for this interim period. Sewage systems regulated include one, two and three family dwellings, and small flow sewage treatment systems (facilities that treat up to 1000 gallons per day.) This regulatory structure establishes minimum state rules that are implemented by permitting, inspections and enforcement by the local health districts. Local health districts may adopt stricter local rules, and this has resulted in significant variability for rule requirements across the state. A study commission has been established to provide further recommendations regarding possible statutory changes and rule revisions for standards for the siting, design, permitting, installation, alteration, operation, monitoring, maintenance, and abandonment of sewage treatment systems serving homes and small non-residential facilities. The registration of sewage system installers, service providers and septage haulers is conducted by the local health districts. The state level program is funded by collection of a state permit fee by the local health districts. Local fees are set and collected by each health district to fund local program activities. Significant funding is still needed to assist current system owners with replacements or upgrades of failing systems, and areas where discharging or failing systems are impacting surface and ground water resources.

Program Consistency Requirements

Ohio Coastal Management Program Federal Consistency

Federal Consistency is the Coastal Zone Management Act requirement that federal actions having reasonably foreseeable effects on any land or water use or natural resource of Ohio's designated coastal area must be consistent with the enforceable policies of the Ohio Coastal Management Program. Federal actions include agency activities, permits, and financial assistance to state and local governments. Federal Consistency, which is a limited waiver of federal supremacy and authority, provides states with an important tool to manage coastal uses and resources and to facilitate cooperation and coordination with Federal agencies.

Applicants for certain federal permits, such as those issued by the U.S. Army Corps of Engineers, must submit a signed Consistency Certification and other necessary information describing the project to ODNR for review by the Office of Coastal Management. The reviews consider comments and concerns of local, state, and federal agencies, as well as those of the general public. Projects are also reviewed to assure that the proposed activities receive all necessary State permits and authorizations.

When ODNR has completed its review, it will issue a concurrence, conditional concurrence, or an objection to the Consistency Certification. If ODNR issues a concurrence, then the federal agency may issue the required federal permit or license. However, the federal agency may, at any time, deny the applicant's request under its own authority. If ODNR issues a conditional concurrence, the federal agency may issue the authorization only if the specific conditions are met. If ODNR issues an objection to the

Footnote: More information on Coastal Management Consistency Program is available in the Inventory of State Programs on page 24.

Footnote: More information on the Section 208 program is available in the Inventory of State Programs on pages 46-47.

Consistency Certification, then the federal agency cannot issue the required federal permit or license. In its objection, ODNR may provide a description of alternatives to consider, if any exist, that would make the proposed activity consistent with the OCMP if adopted by the applicant.

Ohio EPA Section 208 Plan Consistency

Section 208 Water Quality Management Plans prepared under the auspices of either the State of Ohio or one of the six Areawide Planning Agencies offer a special venue to memorialize decisions agreed upon by local governments regarding PCAs and PDAs. A 208 Plan identifies all the publicly owned treatment works that operate wastewater collection and treatment systems. Where local communities have agreed upon “specific prescriptions” that describe in some detail the wastewater treatment options applicable within discrete geographic areas, these may be included in the Plan. If these specific prescriptions are included in the 208 Plan, then Ohio EPA cannot issue permits for sewers or treatment plants that conflict with the approved 208 Plan. Thus, in the context of a Balanced Growth Watershed Plan, there is the opportunity.

Transportation Plan Consistency

Ohio has a statewide Long Range Transportation Plan called ACCESS OHIO 2004-2030. This plan identifies projects and funding need during the stated planning horizon. This long range plan is then implemented through a State Transportation Improvement Program that identifies funding for projects for the next four years. Both of these plans are developed with local input in all areas but in the Metropolitan Planning Organization (MPO) areas (urban and urbanizing); these plans are developed by the MPO with direct involvement and approval by the participating local governments. There are four primary MPOs that directly impact significant areas of the Lake Erie Basin (Toledo Metropolitan Area Council of Governments, Northeast Ohio Areawide Coordinating Agency, Erie Regional Planning Commission, and Akron Metropolitan Area Transportation Study.) Once these plans have been completed and approved by the Ohio Department of Transportation, then federal or state funding for transportation projects must be in conformance with these plans.

Special Incentives: Program Supporting Balanced Growth

State incentives for Balanced Growth are those programs from the list of programs in the State Program Inventory which offer special access to financial or technical assistance in Balanced Growth Watersheds. They are intended to assist local governments and other entities in implementing these plans and in encouraging the development of the plans. These technical and financial incentives will generally be available in watersheds that have a state endorsed Balanced Growth Plan. A complete description of the program is contained in the inventory and Table 2. is a short summary of what is offered as a special incentive in Balanced Growth Watersheds.

Table 2. Financial and Technical Assistance Incentives:

| Program & Agency | Purpose | Incentives |
|---|---|---|
| Ohio Agricultural Easement Donation Program (ODA) | Allows land owners to donate development rights to their land to the State of Ohio or local governments for the purpose of protecting productive farmland from conversion use of the land. | Align for protection of PCAs. |
| Agricultural Security Area (ODA) | ASAs are a partnership. Local governments commit not to initiate, approve, or finance any non-farm development activity, such as extending water and sewer lines, building new roads, housing subdivisions, commercial or industrial facilities, etc., with the ASA during a 10-year term. Landowners commit not to undertake any non-agricultural development on their farmland. | Align for protection of PCAs. |
| Clean Ohio Agricultural Easement Purchase Program (ODA) | To preserve productive farmland for future generations. | Modify to support PCAs. |
| 166 Direct Loan Program (ODOD) | Provides long-term, fixed-rate, low-interest loans to businesses willing to commit to create new jobs or preserve existing employment opportunities in the state of Ohio. Businesses that are engaged in, but not limited to, manufacturing, research and development and distribution are eligible. Retail projects are ineligible. | Strongly encouraged for businesses planning to expand within Priority Development Areas (PDAs.) |
| Ohio Job Creation Tax Credit (ODOD) | This is a refundable state franchise or income tax credits that minimize expenditures to encourage business expansions and/or relocations in Ohio. Business must create at least 25 new full-time positions at a facility in Ohio and pay a minimum of 150 percent of the federal minimum wage (in certain circumstances, as few as 10 new full-time positions may be eligible.) The tax credit must be a major factor in the company's decision. | Tax credit would be strongly encouraged for businesses planning to expand within Priority Development Areas (PDAs.) |
| Rapid Outreach Grant (ODOD) | Grant could be used as an incentive to attract business expansion and could be used for infrastructure needs, the purchase of machinery and equipment and the purchase of land, building or renovation. Retail projects are ineligible. | Strongly encouraged for businesses planning to expand within Priority Development Areas (PDAs.) |

| Program & Agency | Purpose | Incentives |
|--|--|---|
| Roadwork Development (629) Account (ODOD) | Grant funds are available for public roadway improvements, including engineering and design costs. This fund is available for projects primarily involving manufacturing, R&D, high technology, corporate headquarters, and distribution activity. Projects must typically create or retain jobs. Grants are usually provided to the local jurisdiction and require local participation. | Strongly encouraged for businesses planning to expand within Priority Development Areas (PDAs.) |
| 208 Planning (aka State Water Quality Management Plan) (OEPA) | To meet requirements in federal regulations; to apply knowledge of water quality problems and threats in a region developing plans that identify what steps will be taken, by what entities and by when to help improve and maintain good water quality. Nine specific planning “elements” are covered in the plan. | Provides a mechanism to strengthen local land use and sewer infrastructure planning; OEPA review of wastewater discharge permits and sewer PTIs in PDAs. “Specific prescriptions” regarding wastewater treatment and disposal options would be binding upon OEPA in permitting actions; permits must be consistent with approved 208 plans. |
| Clean Water Act Section 319 Implementation Grants Program (OEPA) | To provide financial assistance to local governments, soil & water conservation districts, local watershed groups, and others to implement watershed management actions designed to eliminate impaired waters and reduce non-point source pollution in Ohio. | OEPA provides additional scoring/credit for projects that are proposed in watersheds where a Balanced Growth Plan has been completed. |
| Water Pollution Control Loan Fund (OEPA) | To provide financial and technical assistance to public and private entities for the planning, design, and construction of wastewater treatment facilities and non-point source pollution control actions. | Align to support PCAs and PDAs including: <ul style="list-style-type: none"> • Funding for best water quality management practices for land development • Fund for municipal storm water best management practices • Funding for land and water conservation and restoration actions with water quality benefits Additional priority points for qualifying Balanced Growth projects. |
| Water Supply Revolving Account (OEPA) | To provide financial and technical assistance to community public water systems and non-profit non-community water systems for the planning, design, and construction of drinking water infrastructure. | Utilize priority point system for potential loan projects to recognize consistency with balanced growth plans. |
| Coastal Management Assistance Grant Program (ODNR) | To provide financial assistance to local governments, state agencies, non-profits and educational institutions for projects that preserve, protect and enhance Lake Erie coastal resources or improve public access to them. | Technical and/or financial support for Balanced Growth Plan or proposed Projects in PCAs. |

| Program & Agency | Purpose | Incentives |
|---|---|--|
| Watershed Coordinator Grant Program (ODNR, OEPA) | To provide non-profits, and local governments with six year declining grants to employ watershed coordinators to plan and implement non-point pollution programs via stakeholder compiled watershed action plans. | Additional points to applicants that indicate they have or are working on a Balanced Growth Plan or proposed projects in PCAs. Endorsed Balanced Growth Watershed Plans will be considered as a partial endorsement in the Watershed Action Plan program leading to added incentives. |
| Recycling Market Development Grant Program (ODNR) | To provide grants to Ohio businesses, through their local city, county or solid waste management district for costs associated with the development of Ohio markets for scrap tires and other waste material collected in Ohio. | Additional points to applicants that indicate they have or are working on a Balanced Growth Plan or proposed projects in PCAs. |
| Scrap Tire Grant Program (ODNR) | To provide grant funds to Ohio businesses and educational institutions, thru their local government sponsor for costs associated with the development of markets for scrap tires or scrap tire material. | Additional points to applicants that indicate they have or are working on a Balanced Growth Plan or proposed projects in PCAs |
| Land & Water Conservation Fund Program (ODNR) | To provide financial assistance to local governments to acquire and/or development properties for outdoor recreation. | Additional points to applicants that indicate they have or are working on a Balanced Growth Plan or proposed projects in PCAs. |
| Nature Works Program (ODNR) | To provide financial assistance to local governments to acquire and/or development properties for outdoor recreation. | Additional points to applicants that indicate they have or are working on a Balanced Growth Plan or proposed projects in PCAs. |
| Clean Ohio Trails Program (ODNR) | To provide financial assistance to local governments to acquire and/or development recreational trail properties. | Additional points to applicants that indicate they have or are working on a Balanced Growth Plan or proposed projects in PCAs. |
| Recreational Trails Program (ODNR) | To provide financial assistance to all levels of local government and non-profits to acquire and/or development recreational trail properties. | Additional points to applicants that indicate they have or are working on a Balanced Growth Plan or proposed projects in PCAs. |
| Streams & Storm Water Program (ODNR) | The technical assistance in the areas of site development, storm water management, stream mitigation, rehabilitation and restoration (mitigation review and design assistance.) | Prioritize staff resources toward watersheds with endorsed Watershed Balanced Growth Plans. |
| Ohio Lake Erie Conservation Reserve Enhancement Program (CREP) (ODNR) | To improve water quality by reducing sediment pollution and field runoff throughout six of the northwest Ohio's watersheds that drain into Lake Erie through the installation of filter strips, riparian buffers, wetland, hardwood trees, wildlife habitat and field windbreaks. | Set aside an undetermined amount of funds from each fiscal year allocation of \$1 million toward PCAs, for eligible practices within eligible agricultural land use. |
| Grassland Restoration Program (ODNR) | To provide grants to individuals and organizations for costs associated with prairie restoration projects on private land in Ohio. | Provide additional points to applicants that are working on a Balanced Growth Plan or propose priority projects in a focus area. |

| Program & Agency | Purpose | Incentives |
|---|--|---|
| Wetland Restoration Program (ODNR) | To provide grants to individuals and organizations for costs associated with wetland restoration projects on private land in Ohio. | Provide additional points to applicants that are working on a Balanced Growth Plan or propose priority projects in a focus area. |
| National Flood Insurance Program Community Rating System (ODNR) | The NFIP provides subsidized flood insurance in communities that adopt and enforce flood damage reduction regulations. Also, communities participating in the NFIP have access to all aspects of disaster assistance. The CRS rewards those communities that are doing more than the minimum National Flood Insurance Program requirements to help their residents prevent or reduce flood losses. | Discounts to flood insurance premium rates on flood insurance policies sold for properties within the community. |
| Floodplain Mgmt. Tech Asst. Program (ODNR) | To provide technical and planning assistance to local governments in order to reduce flood loss and preserve natural benefit and function of floodplain resources in Ohio. | FEMA approved flood mitigation plans result in local community eligibility for a full array of pre- and post- disaster mitigation funds and assistance. Inclusion of strategies & actions to address flood risk and protect floodplain resources in Balanced Growth Plans can easily be incorporated into mitig. plans. |
| Dam Safety Tech Asst. (ODNR) | To provide technical asst. to communities in the location and extent of dam failure inundation areas. | FEMA approved hazard mitigation plans result in local community eligibility for a full array of pre- and post- disaster mitigation funds and assistance. Inclusion of strategies and actions to address dam failure risk in Balanced Growth Plans can easily be incorporated into mitigation plans. |
| Statewide Geologic Mapping Program (ODNR) | To perform the necessary field, laboratory and administrative tasks to map and make public reports on the geology and mineral resources of each county in Ohio | Technical (geological) information in support of Balanced Growth Plan. |
| Remapping of Ohio's Lake Erie Coastal Erosion Area (ODNR) | To prepare an updated designation of lake Erie coastal erosion areas. | Technical (geological) information in support of Balanced Growth Plan. |
| Side-scan Sonar Substrate Mapping Program (ODNR) | To document changes in the Lake Erie nearshore environment and in selected Lake Erie tributaries. | Technical (geological) information in support of Balanced Growth Plan. |
| Small City Program (ODOT) | The program provides federal funds to cities with populations of 5,000 to 24,000 that are not located within Metropolitan Planning Organizations. | Participating in and meeting the Balanced Growth Initiative will be criteria that goes into selection of projects. |
| Transportation Enhancements (ODOT) | Federally funded, community based projects that expand travel choices and enhance the transportation experience. | Participating in and meeting the Balanced Growth Initiative will be criteria that goes into selection of projects. |

| Program & Agency | Purpose | Incentives |
|--|--|---|
| Lake Erie Protection Fund (OLEC) | | Priority for projects to develop and implement Balanced Growth watershed plans. |
| Dam Safety Linked Deposit Program (OWDA) | To provide below market rate loans to individuals or home owner associations to protect dam structures. | Below market rate loans for the removal of dams. |
| Dam Safety Loan Program (OWDA) | To provide below market rate loans to local governments to protect dam structures. | Below market rate loans for the removal of dams. |
| Fresh Water Loan Group (OWDA) | The program provides market rate loans to local governments that are making improvements to their drinking water treatment, wastewater treatment or storm water treatment systems. | Additional ½ percent discount on loans. |
| Community Assistance Loan Program (OWDA) | The program provides below market rate loans to local governments that are making improvements to their drinking water treatment or wastewater treatment systems. | Additional ½ percent discount on loans. |

Developing Additional State Support

The State Assistance Work Group has identified additional tools of programs that would allow the Watershed Planning Partnerships to strengthen the implementation of their Balanced Growth Watershed Plans. Each of these will require more effort to move to a level of full implementation. Watershed Planning Partnerships may benefit from the further development of ideas and tools to strengthen the intergovernmental relationships that exist between them. This may require further exploration of potential funding sources and assistance in developing organizational structures that are both locally acceptable and effective. Transfer of development rights programs would be strengthened by the enactment of state enabling legislation. Wetland mitigation banking within each watershed will require further funding support for Watershed Planning Partnerships to develop this tool to encourage development in the Priority Development Areas. Revenue sharing between units of government will help assure that development locations are dictated by sound planning while assuring that all units of local government benefit from the revenues derived from new development.

Each of the following ideas are recognized as being important for the future success of Balanced Growth but will require further development by the State Assistance Work Group, the agencies of the Lake Erie Commission and others. Specific action items to move each topic area forward are identified.

Strengthening Regional Watershed Planning Partnerships

What it is

Regional planning partnerships are organizations or coalitions of local governments that perform various planning functions at a scale broader than that of the individual local governments. Regional planning makes sense to many local communities because economic and environmental resources are not spread evenly across the landscape. As a result, tax base or water quality may be affected by factors out of the control of the local community. This problem can be as local as the relative location of the nearest intersection of two major roadways, or as broad as a large watershed of hundreds or thousands of square miles. Local government support for a regional approach to planning in Ohio is exemplified by the following two cases. The first example, the Chagrin River Watershed Partners, Inc. (CRWP), is an incorporated non-profit organization. The second example, the Big Darby Accord, is a framework laid out in a planning accord document that guides the actions of the participating jurisdictions.

Chagrin River Watershed Partners, Inc. (CRWP) was formed by 16 cities, villages, townships, counties, and park districts in 1996 in response to increasing concerns about flooding, erosion, and water quality problems in the Chagrin River watershed. Today, there are 36 members, representing 94% of the land area in the watershed. The organization is funded by annual dues payments from member communities, foundation grants, and grants from State and Federal agencies. Member dues are based on the amount of land in the watershed and the assessed value of the community. CRWP provides technical assistance to members, performs studies of watershed functions, and develops cost effective solutions to address and minimize both existing and anticipated water quality and quantity problems. CRWP staff also share information and collaborate with organizations and communities facing similar issues statewide.

In 2006, ten jurisdictions in the Big Darby Watershed within Franklin County cooperatively developed a multi-jurisdictional plan, called the Big Darby Accord, to preserve and protect the Big Darby Creek and its tributaries. Six of the ten member jurisdictions have since formally adopted the Accord, representing 95% of the land within the planning area. The Accord includes preservation and growth strategies, is capable of implementation, and provides mechanisms for monitoring and oversight. Part of the mission of the Big Darby Accord is to create a partnership that recognizes the identity, aspirations, rights, and duties of all jurisdictions, and that develops methods of cooperation among the partners through means which include the cooperative utilization of public services and facilities. A fundamental goal of the Accord is to ensure that the zoning and site development review processes are fair, consistent and apply evenly to all areas of the planning area. A Big Darby Accord Advisory Panel will fulfill a non-binding oversight function to the review process and create a mechanism for collaboration among the jurisdictions.

Relationship to Balanced Growth

The Balanced Growth program is a state strategy for encouraging voluntary changes in land use planning and practices by local governments that will ultimately protect and enhance the economy and the environment of the Lake Erie basin. Because of the focus on Lake Erie, it makes sense to use a watershed approach to regional planning under the program. The Balanced Growth Planning Framework document states: “Watershed

Balanced Growth Plans will be developed by local Watershed Planning Partnerships. The partnerships should be a regional effort that, depending on the watershed, can be organized in flexible ways to respond to local conditions, existing planning structures, and available resources. The partnerships can be composed of representatives of local governments, planning agencies, councils of governments, special purpose authorities (such as metropolitan planning organizations, sewer districts, or transit authorities), or nongovernmental organizations (such as watershed organizations, chambers of commerce, or land trusts).”

As a home-rule state, Ohio defers land-use planning to local municipalities, counties, and townships. The Balanced Growth task force called for a lead role for local governments, with state government providing strong support and encouragement for strengthened partnerships. Support from the state includes the alignment of state policies, incentives, funding, and other resources to support watershed balanced growth planning and implementation. Through these measures, the state can provide the necessary encouragement for local governments to overcome political fragmentation and collaborate on larger, regional planning issues for the greater benefit of all the participating communities.

The Balanced Growth task force also recommended that the state invite the initiation of pilot projects that would demonstrate variations of possible organizational options and planning approaches. The CRWP, described previously, was a successful applicant for a pilot grant. Approaches by the other pilot projects take advantage of, and add support for, various existing regional planning networks. As the pilots complete their work, it is hoped that the lessons learned in these pilots can be applied to other watersheds in the Lake Erie basin.

What is needed!

The Balanced Growth planning framework document calls for state support for the Watershed Planning Partnerships to include technical assistance and facilitation to assist local governments in the formation of the partnerships. This could be facilitated by case studies of regional relationship options (in Ohio and other states) to provide guidance and encouragement. The state could also encourage local support and the formation of regional relationships by offering a stronger set of incentives and a more responsive relationship with state government for local governments participating in watershed planning partnerships.

State support should also include financial and technical assistance for planning and a public education component. For example, funding for the update of two local government comprehensive planning updates was included in the CRWP pilot proposal. The Balanced Growth planning framework also recommended coordination between existing watershed education efforts at the state level, and the addition of education materials specific to the Balanced Growth Initiative for local governments interested in participating.

Action Item: Develop a plan for start up funding for watershed planning partnerships to assist local governments in establishing regional planning relationships.

Action Item: Develop case studies of successful watershed planning partnerships that will help to identify and explain alternative organizational and financial structures.

Action Item: The Lake Erie Commission’s Balanced Growth State Assistance Work Group should provide an ongoing process to assist watershed planning partnerships to access state incentives.

Action Item: Develop a plan for ongoing funding for watershed planning partnerships continuing to show progress in implementation of endorsed Balanced Growth Plans.

Wetland Mitigation Banking

What it is

Under existing law (Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899), and to reflect the national goal of no net loss of wetlands, the Army Corps of Engineers requires compensatory mitigation to replace wetland acreage adversely affected by Corps-authorized activities. For efficient and optimal compliance with these requirements, permittees or other interested parties may create wetland mitigation banks. In November 1995, five federal agencies jointly issued a “Federal Guidance for the Establishment, Use and Operation of Mitigation Banks.” The guidance defines wetland mitigation banking as:

“wetland restoration, creation, enhancement, and in exceptional circumstances, preservation undertaken expressly for the purpose of compensating for unavoidable wetland losses in advance of development actions, when such compensation cannot be achieved at the development site or would not be as environmentally beneficial.”

The bank provides mitigation through establishment of a larger wetland that furnishes credits to compensate for the loss of numerous smaller wetlands. Mitigation banking provides an opportunity to create larger sites that are more sustainable, professionally constructed and maintained, and better monitored. It is also possible to observe the success of a mitigation project prior to the use of most or all of the credits.

Two state agencies, the Ohio Environmental Protection Agency (Ohio EPA) and the Ohio Department of Natural Resources (ODNR), are involved with wetland mitigation banking in Ohio. Under Section 401 of the Clean Water Act, Ohio EPA is responsible for certifying that federal actions are in accordance with state water-quality standards, including those for wetlands. ODNR is responsible for the protection of wildlife and wildlife habitat, and for management of wildlife areas. For mitigation banks developed on ODNR-owned land, ODNR is responsible for long term management of the sites.

Relationship to Balanced Growth

The first plan for a wetland mitigation bank in Ohio was submitted in 1994. Since that time, a total of three banks have been created and have sold out. A number of other banks are in various stages of planning, construction, monitoring, or sales. Thus, the concept has a relatively successful history in the state.

There is a demand for mitigation sites **within** the respective watersheds, so that there is no net export of wetland capacity from one watershed to the next. Once a wetland mitigation bank exists within a watershed, it becomes substantially more likely that wetland losses can be mitigated within that same watershed. In most cases, this maximizes the benefit of the mitigation while supporting local development. This method for balancing land uses within the ecological framework of the watershed is a natural fit for the Balanced Growth planning process.

What is needed!

The wetland mitigation bank planning and construction process specified in the guidance requires a substantial effort to complete. Although wetland mitigation banks have the potential to raise funds, these funds are not available until the bank is approved and operational. For example, the Ohio Wetlands Foundation (OWF), a non-profit organization with the specific purpose of developing mitigation banks, was initially funded with loan support (\$80,000) from Ohio’s Homebuilders Association. The Balanced Growth Watershed pilot projects have expressed an interest and need for funding to support the development of wetland mitigation banks within the BGI watersheds as another tool to assist them in the implementation of the Balanced Growth Watershed Plans.

Action Item: Explore wetland mitigation banks in Ohio and other states and the opportunities for utilizing these banks within watersheds.

Action Item: The Ohio Lake Erie Commission will seek funding for the development of wetland mitigation bank(s) in the basin to facilitate mitigation within the impacted watersheds.

Action Item: Ohio EPA is in the state rule making/review process for the Section 401 requirements, and will work toward encouraging mitigation within the watershed.

Action Item: Consider expanding this discussion to stream mitigation as Ohio EPA establishes specific mitigation requirements for streams.

Transfer of Development Rights

What it is

The Balanced Growth Task Force recommended an approach for protecting farmland and open space while allowing for development that has been successful in other states and is known as “Transfer of Development Rights” (TDR). The “Best Local Land Use Practices” document approved by the Lake Erie Commission includes the recommendation that TDR be permitted and encouraged in Ohio as a voluntary tool to “allow rural landowners the flexibility to choose to develop or to sell the development rights on their land to another landowner who can apply them to a more compact development proposal. For example, a landowner with 100 acres in a 2-acre zoning district would be permitted 50 homes to be built on his property. Instead of selling land for development, this “sending” landowner could sell the 50 development rights to another landowner, perhaps in a village, with 100 acres, thus allowing the “receiving” landowner the right to build 50 additional homes on the receiving property. The sending landowner places a conservation easement on the sending

property and retains ownership and the ability to farm or use the property for other open space oriented uses.”

Relationship to Balanced Growth

If applied properly in Ohio, TDR could allow interested landowners and local governments to work together to transfer development from rural areas to more compact development areas in areas that are already urbanized or suburbanized, thereby encouraging balanced growth and retaining the quality of life and watershed in the countryside, while enhancing the small town feel and vibrancy of the village site.

The strengths of TDR as a tool for Ohio are that a TDR program can be set up as entirely voluntary, with incentives to encourage participation without impinging on private property rights. Local governments can decide if a TDR program offers them an opportunity to assist in balancing growth and conservation. TDR is voluntary for the developers and landowners as well. TDR is typically done on the private real estate market, requiring very little public regulation and revenue. The transfer of development rights can be coupled with a variety of financing mechanisms in the development area, such as Tax Increment Financing, to provide additional incentives. TDR is a voluntary, market-based program that offers options to landowners, developers, and local government without changing underlying property rights in any way.

The Balanced Growth Watershed pilot projects have expressed an interest and need for TDR as an essential tool to assist them in the implementation of the Balanced Growth Watershed Plans.

What is needed!

The Balanced Growth Task force made the following recommendation:

Legislation is needed at the State level to ensure that strong programs can be established across jurisdictions.

TDR can and has been used within a municipality but there is a question when the process is to be used between cities or villages and townships. State enabling legislation to formalize this authority would remove any uncertainty and provide a mechanism for a development rights bank that would expedite development and conservation decisions. There is a need for education and accurate information about the concept and the passage of legislation.

Action Item: The Ohio Lake Erie Commission should support an education and information program and accompanying materials to assist the interested parties in understanding the concept of TDR.

Action Item: Lake Erie Commission should provide information to the General Assembly and interested parties concerning the role of TDR as a local government option to help guide land use change.

Action Item: Develop a plan for funding to communities to establish a TDR program as a part of an endorsed Balanced Growth Plan.

REVENUE SHARING

What it is

Typically, development and conservation suitable lands are not spread evenly through a Lake Erie tributary watershed at the scale of the local governments. In their efforts to ensure resources for the local community, local officials may be forced to make land use choices that result in less suitable lands being used inappropriately by being developed or set aside for conservation in spite of their suitability for such uses. A great deal of inefficiency can result, as wetlands, flood plains or other less suitable lands are developed in one community while more suitable neighboring community lands remain in lower intensity use. Revenue sharing mechanisms allow local governments to recapture revenue from developments in other parts of the region, making it possible to improve the overall efficient use of land based resources.

The two main revenue sharing programs currently in existence in Ohio are Enterprise Zones and Tax Increment Financing*. These are economic development programs are under the oversight of the Ohio Department of Development. Enterprise Zones enable local governments to share revenue from region based commercial and industrial activity. Tax Increment Financing provides a mechanism for local governments to redirect tax revenue from new developments (including residential developments) towards infrastructure that supports the new development. Local governments may fund a number of infrastructure needs including public roads and highways, water and sewer lines, remediation, land acquisition, demolition, the provision of gas, electric, and communications service facilities, and the enhancement of public waterways.

Relationship to Balanced Growth

Revenue sharing between units of government will help assure that development locations are supported by sound planning in the watershed-wide region, while assuring that all units of local government benefit from the revenues derived from new development. This should assist local governments in making sensible decisions between suitable locations for residential and commercial development and places where conservation is the most appropriate land use.

What is needed!

The Balanced Growth Watershed pilot projects have expressed an interest and need for revenue sharing as another tool to assist them in the implementation of the Balanced Growth Watershed Plans. Revenue sharing mechanisms can be coupled with a variety of other development concepts like the transfer of development rights or sharing of services to provide layers of support for land use decision making.

There is a need to explore the concepts of revenue sharing to determine if adequate authority exists for local government cooperation through existing programs. There may be a need for further enabling legislation to allow local governments to enter into revenue sharing agreements. This would be particularly applicable to those units of government who wish to cooperatively plan for land use on a multi-governmental basis (such as in the context of a Balanced Growth Watershed Plan).

Action Item: The Lake Erie Commission should work with its member agencies to analyze existing programs and develop recommendations for their expanded use. If

necessary they should make recommendations pertaining to enabling legislation to allow voluntary revenue sharing by local governments.

*For more information on Enterprise Zones (Commercial and industrial development only), see the Ohio Department of Development website at:

<http://www.odod.state.oh.us/edd/ez/>. For more information on Tax Increment

Financing (TIF), see the Ohio Department of Development website at:

<http://www.odod.state.oh.us/TIFSummary1.31.pdf>.

Endorsement Process for Balanced Growth Plans

Objective of the Endorsement Process

Provide official recognition of Balanced Growth Watershed Plan to allow state incentives to be awarded to local governments in the watershed.

The intention is not to have the State of Ohio second guess the selections of the Priority Conservation Areas (PCA) or Priority Development Areas (PDA) during this review, but rather to assure that the Plan was prepared in an open and inclusive manner and does, in fact, achieve the fundamental goal of identifying locations for development and conservation that support the restoration of Lake Erie.

State agencies do have a role in the identification of PCAs and PDAs as these agencies own interest in land and provide funding for both development and conservation activities. Such activities may create a vested interest by the State in a particular area or parcel(s). They must be consulted during the preparation of the Watershed Balanced Growth Plan to resolve any state interests during plan preparation. It is up to the Watershed Planning Partnership to assure that such consultation occurs, and it is up to the state agencies to be certain that any such interest in particular parcels is identified as early as possible in the process. The endorsement process is not the time for such issues to be identified and resolved

Relationship Between Endorsed Watershed Action Plans and Endorsed Balanced Growth Watershed Plans

Ohio EPA and Ohio DNR have supported the development of Watershed Action plans to address water quality problems in watersheds. The Watershed Balanced Growth Plans address the issue of land use impacts on watersheds and could be considered one portion of a Watershed Action Plan.

Each program has an endorsement process which is being coordinated with the other program. The Watershed Action Plan "endorsement" typically includes both "full" and either of the "conditional" categories, pending and partial. This process is further described in **Appendix C**. Once endorsed, the watershed becomes eligible for program incentives. The following funding programs recognize watersheds with completed, and/or endorsed watershed action plans.

- Section 319 Grants - Ohio EPA
- WRRSP - Ohio EPA (PDF 18kb)
- WPCLF - Ohio EPA
- Environmental Quality Incentive Program
- AML Program
- Recreational Harbor Dredging Grants
- Ohio Environmental Education Fund
- Ohio Watershed Coordinator
- Coastal Management Assistance Grants
- Great Lakes Basin Program for Sediment and Erosion Control grants

However, some programs such as 319 and the watershed coordinator grant programs award more points for full endorsement.

The "partial" category is used to grant Watershed Action Plan endorsement to plans that are addressing a specific stressor within a watershed. In the case of Balanced Growth Watershed Plans (BGWP) the stressor would be development impacts and/or sensitive area protection. Therefore, once a Balanced Growth Watershed Plan is endorsed by the Lake Erie Commission, then the Watershed Action Plan program would also grant partial endorsement as a Watershed Action Plan. The Balanced Growth Watershed Plan communities would be able to access additional funding such as 319, WPCLF, etc. to implement growth management strategies according to the Balanced Growth Watershed Plan.

Review Criteria

The endorsement process will determine whether the plan and the process used for its preparation meet basic criteria:

- Addressed the goals of the *Lake Erie Protection & Restoration Plan (LEPR)*, as described in *Linking Land Use and Lake Erie: Planning Framework* – This specifically includes addressing the 10 Guiding Principles of the LEPR;
- Identified PCAs and PDAs and provides a rationale for the selection of each area that can be used to assure that everyone understands the basis for the decision;
- Process was open and inclusive allowing for any and all interested parties to review and comment on the selection of the areas identified as PCA or PDA;
- Process had adequate local representation. The partnerships also should seek to have a diverse group of nongovernmental organizations and other applicable watershed interests represented;
- Process included coordination with state agencies so that they have the opportunity to provide state input and concerns during the PCA and PDA selection process to assure that state interests are represented during planning;

- Achieved local consensus as the Watershed Planning Partnership must demonstrate the support of local governments with land-use planning and implementation authority (counties, townships and municipalities) through the submission of written concurrence in the form of a resolution from each of these local governments within the watershed. The Balanced Growth Task Force recommended that each Balanced Growth Watershed Plan will require a demonstration of significant support from local governments representing at least:
 - 75% of the geographic land area of the watershed; and
 - 75% of the of local governments in the watershed; and
 - 75% of the of the population of the watershed.

Review Process

1. WPP submits draft plan and documentation to Ohio Lake Erie Commission for informal review.
2. Ohio Lake Erie commission distributes to members of commission and solicits any comments from other agencies. Comments will be assembled and returned to the WPP within 45 days. The OLEC will clearly identify any deficiencies that could cause the plan to not be endorsed by the Commission and identify steps needed to correct such deficiencies.
3. WPP makes any needed additions or adjustments and seeks public input and local government support.
4. WPP submits recommended Balanced Growth Watershed Plan to Ohio Lake Erie Commission along with the background documentation, process used for solicitation of public comments and the required local government support resolutions.
5. OLEC will distribute to state agencies for final review.
6. The Balanced Growth Watershed Action Plan will be scheduled for action at the next quarterly Commission meeting.
7. The commission upon endorsement of the plan will notify state agencies of the endorsement and will invoke the state incentives programs.

Appendices

- A. Inventory of State Programs
- B. State Assistance Work Group Members
- C. Clarification of Watershed Action Plan State Endorsement Definitions

Inventory of State Programs

Affecting Growth, Development and Conservation

Index by Category

1. Priority Conservation Areas

A. Infrastructure

| | |
|---------------------------|---|
| Metro Park Program - ODOT | 1 |
|---------------------------|---|

B. Site

| | |
|---|-----------|
| Boating Infrastructure Program- ODNR-Division of Watercraft | 2 |
| Cooperative Boating Facility Grant Program- ODNR-Division of Watercraft | 3 |
| Land and Water Conservation Fund- ODNR-Division of REALM | 4 |
| Nature Works- ODNR-Division of REALM | 5 |
| Clean Ohio Trail Funds- ODNR-Division of REALM | 6 |
| Clean Ohio Conservation Fund- OPWC | 7 |
| Clean Ohio Agricultural Easement Purchase Program- ODA-Office of Farmland Preservation | 8 |
| Agricultural Security Areas- ODA-Office of Farmland Preservation | 9 |
| Ohio Agricultural Easement Donation Program- ODA-Office of Farmland Preservation | 10 |
| Agricultural Pollution Abatement Program- ODNR-Division of Soil & Water Conservation | 11 |
| Ohio Lake Erie Conservation Reserve Enhancement Program- ODNR-Division of Soil & Water Conservation | 12 |
| Recreation Marine Loan Program- ODNR-Division of Watercraft | 13 |
| Recreational Trails Grant Program- ODNR-Division of REALM | 14 |
| Coastal Management Assistance Grant- ODNR-Office of Coastal Management | 15 |
| Coastal and Estuarine Land Conservation Program (CELCP)- ODNR-Office of Coastal Management | 16 |
| Watershed Coordinator Grant Program- ODNR-Division of Soil & Water Conservation | 17- 18 |
| Ohio Water Trails Program- ODNR-Division of Watercraft | 18 |
| Clean Vessel Act Program- ODNR-Division of Watercraft | 19 |
| Recreational Harbor Evaluation Program-ODNR-Division of Watercraft | 20 |
| Grassland Restoration Program- ODNR-Division of Wildlife | 21 |
| Wetland Restoration Program- ODNR- Division of Wildlife | 22 |
| Submerged Land Lease Program- ODNR-Office of Coastal Management | 23 |
| State and Federal Consistency- ODNR-Office of Coastal Management | 24 |
| Shore Structure Permit- ODNR-Office of Coastal Management | 25 |
| Stream Wetland Mitigation Program- ODOT-Waterway Permit Unit | 26 |
| Water Quality Standards- Ohio EPA-Division of Surface Water | 27 |

| | |
|---|----|
| Total Maximum Daily Load Program- Ohio EPA-Division of Surface Water | 28 |
| Clean Water Act Section 319 Implementation Grants Program- Ohio EPA-Division of Surface Water | 29 |
| 401 Water Quality Certifications and Isolated Wetland Permits- Ohio EPA-Division of Surface Water | 30 |
| Water Pollution Control Loan Fund (WPCLF) – Water Resource Restoration Program (WRRSP) – Ohio EPA | 31 |

C. Services

| | |
|--|-------|
| Biological and Water Quality Sampling – Ohio EPA | 32 |
| Urban Forestry- ODNR-Division of Forestry | 33 |
| Forestry Watershed Program- ODNR-Division of Forestry | 34 |
| Lake Erie Protection Fund – Ohio Lake Erie Commission | 35 |
| NW Ohio Windbreak Program- ODNR-Division of Forestry | 36 |
| Lake Erie Erosion Management Plan- ODNR-Geological Survey | 37 |
| Remapping of Ohio’s Lake Erie Coastal Erosion Area (CEA)- ODNR-Division of Geological Survey | 38 |
| Side-scan Sonar Substrate Mapping Program- ODNR-Division of Geological Survey | 39 |
| Statewide Geologic Mapping Program- ODNR-Division of Geological Survey | 40 |
| Stewardship Program- ODNR-Division of Forestry | 41 |
| Streams and Storm Water Program- ODNR-Division of Soil & Water Conservation | 42 |
| Lake Erie Lakewide Management Plan- bi-national program with USEPA-GLNPO, Environment Canada, federal and state agencies | 43 |
| Great Lakes Remedial Action Plans- Ohio EPA-Division of Surface Water | 44-45 |
| 208 Planning- Ohio EPA-Division of Surface Water | 46-47 |

2. Priority Development Areas

A. Infrastructure

| | |
|---|----|
| Emergency Relief Grant Program- OWDA | 48 |
| Research and Development Grant Program- OWDA | 49 |
| Roadwork Assistance (629)- ODOD | 50 |
| Transportation Enhancements- ODOT | 51 |
| Airport Grant Program- ODOT | 52 |
| Federal Discretionary Funds- ODOT | 53 |
| TRAC (Transportation Review Advisory Council) Funds- ODOT | 54 |
| County Local Bridge Funds- ODOT | 55 |
| County Surface Transportation Program- ODOT | 56 |
| Local Major Bridge Program- ODOT | 57 |
| Municipal Bridge Program- ODOT | 58 |
| Noise Walls Program- ODOT | 59 |
| Small City Program- ODOT | 60 |

| | |
|--|----|
| Urban Paving Program- ODOT | 61 |
| Ohio Coordination Program- ODOT | 62 |
| Elderly and Disabled Transit Fare Assistance- ODOT | 63 |
| Ohio Public Transportation Grant Program (OPTGP)- ODOT | 64 |
| Rural Transit Program- ODOT | 65 |
| Specialized Transportation Funds- ODOT | 66 |
| State Capital Improvement Project- OPWC | 67 |
| Local Transportation Improvements Program (LTIP)- OPWC | 68 |
| Fresh Water Loan Group- OWDA Master Program- OWDA | 69 |
| Community Assistance Loan Program- OWDA | 70 |
| Local Economic Development Loan Program- OWDA | 71 |
| Rural Development Loan Program- OWDA | 72 |
| Solid Waste Loan Program- OWDA | 73 |
| Water Pollution Control Loan Fund- Ohio EPA | 74 |
| State Infrastructure Bank- ODOT | 75 |
| Private Industrial Revenue Bonds- OWDA | 76 |
| Water Supply Revolving Loan Account- Ohio EPA-Division of Drinking and Ground Water and OWDA | 77 |
| Village Capital Improvement Fund- OWDA and Ohio EPA-Division of Environmental and Financial Assistance | 78 |
| Permits to Install – Ohio EPA-Division of Surface Water | 79 |
| Water and Sanitary Sewer Program – ODOD | 80 |

B. Site

| | |
|--|----|
| Ohio Coastal Management Assistance Grant – ODNR-Office of Coastal Management | 81 |
| Coastal Erosion Area Permit – ODNR-Office of Coastal Management | 82 |
| Submerged Land Lease Program- ODNR-Office of Coastal Management | 23 |
| State and Federal Consistency- ODNR-Office of Coastal Management | 24 |
| Shore Structure Permit- ODNR-Office of Coastal Management | 25 |
| Market Development Grant- ODNR-Division of Recycling & Litter Prevention | 83 |
| Scrap Tire Grant- ODNR-Division of Recycling & Litter Prevention | 84 |
| Clean Ohio Assistance Fund- ODOD-Office of Urban Development | 85 |
| Clean Ohio Revitalization Fund- ODOD-Office of Urban Development | 86 |
| Safety Program- ODOT | 87 |
| Ohio Export Finance Initiative (OEFI)- ODOD-International Trade Division | 88 |
| Economic Development Program- ODOD | 89 |
| Comprehensive Downtown Revitalization Program- ODOD | 90 |
| Microenterprise Business Development Program- ODOD | 91 |
| Community Development Program- ODOD | 92 |
| Community Housing Improvement Program- ODOD | 93 |
| Homeless Assistance Request for Proposals Program- ODOD | 94 |
| Housing Opportunities for Persons with AIDS Program- ODOD | 95 |
| Housing Assistance Request for Proposals Program- ODOD | 96 |
| Erosion Control Loan Program- Local Counties with assistance from ODNR- | 97 |

| | |
|---|---------|
| Office of Coastal Management | |
| Brownfield Loan Program- OWDA | 98 |
| County Coastal Erosion Control Loan Program- OWDA | 99 |
| Dam Safety Loan Program- OWDA | 100 |
| Dam Safety Linked Deposit Program- OWDA | 101 |
| Minority Business Direct Loan- ODOD-Division of Minority Business Affairs | 102 |
| 166 Direct Loan Program- ODOD-Economic Development Division | 103 |
| Innovation Ohio Loan Fund Program-ODOD- Economic Development Division | 104 |
| Ohio Capital Access Program (CAP) ODOD-Division of Minority Business Affairs | 105 |
| Ohio Enterprise Bond Fund Loan Program– ODOD-Economic Development Division | 106 |
| Pioneer Rural Loan Program- ODOD-Economic Development Division | 107 |
| Research and Development Investment Loan Fund Program- ODOD-Economic Development Division | 108 |
| Energy Loan Fund- Business and Institutional Program- ODOD-Community Development Division | 109 |
| Energy Loan Fund- Distributed Energy Resources Grant Program- ODOD Community Development Division | 110 |
| Business Bonding and Guarantee- ODOD-Division of Minority Business Affairs | 111 |
| Technology Investment Tax Credit- ODOD-Technology Division | 112 |
| Community Reinvestment Area Program- ODOD-Economic Development Division | 113 |
| Enterprise Zone Program- ODOD-Economic Development Division | 114 |
| Conversion Facilities Tax Exemption- ODOD-Community Development Division | 115 |
| Ohio Foreign Trade Zones Program- ODOD-Economic Development Division | 116 |
| Ohio Job Creation Tax Credit- ODOD-Economic Development Division | 117 |
| Ohio Job Retention Tax Credit- ODOD-Economic Development Division | 118 |
| Manufacturing Machinery and Equipment Sales Tax Exemption- ODOD Economic Development Division | 119 |
| Research and Development Sales Tax Exemption- ODOD-Economic Development Division | 120 |
| Enterprise Zone Program Tier II- ODOD-Economic Development Division | 121 |
| Enterprise Zone Program Tier III- ODOD-Economic Development Division | 122 |
| Warehouse Inventory Tax Exemption- ODOD-Economic Development Division | 123 |
| Warehouse Machinery and Equipment Sales Tax Exemption- ODOD-Economic Development Division | 124 |
| Worker Guarantee Program- ODOD-Economic Development Division | 125 |
| Construction & Demolition Debris Disposal- Ohio EPA-Division of Solid & Infectious Waste Management | 126 |
| Sewage Sludge Management Program- Ohio EPA-Division of Surface Water | 127 |
| Storm Water- Ohio EPA-Storm Water Program | 128 |
| Source Water Assessment and Protection Program- Ohio EPA-Division of Drinking and Ground Waters | 129-130 |
| Scrap Tire Program- Ohio EPA- Division of Solid & Infectious Waste Mgt. | 131 |

| | |
|---|---------|
| Solid Waste Disposal- Ohio EPA-Division of Solid & Infectious Waste Management | 132 |
| Infectious Waste Management- Ohio EPA- Division of Solid & Infectious Waste Management | 133 |
| Drinking Water Assistance Fund-Water Supply Revolving Loan Account (includes Disadvantaged Community Loan Program)- Ohio EPA & OWDA | 134 |
| Source Water Assessment and Protection Program- Ohio EPA-Division of Drinking and Ground Waters | 135-136 |
| Underground Injection Control Program- Ohio EPA-Division of Drinking and Ground Waters | 137 |
| Resource Conservation and Recovery Act Hazardous Waste Closure Program Ohio EPA-Division of Hazardous Waste Management | 138 |
| Resource Conservation and Recovery Act Hazardous Waste Corrective Action Program- Ohio EPA-Division of Hazardous Waste Management | 139 |
| Water Quality Standards- Ohio EPA-Division of Surface Water | 140 |
| Targeted Brownfield Assessment (TBA) – Ohio EPA-Division of Emergency & Remedial Response | 141 |
| Total Maximum Daily Load Program- Ohio EPA-Division of Surface Water | 142 |
| Clean Water Act Section 319 Implementation Grants Program- Ohio EPA-Division of Surface Water | 143 |
| 401 Water Quality Certifications and Isolated Wetland Permits- Ohio EPA Division of Surface Water | 144 |

C. Services

| | |
|--|-----|
| Biological and Water Quality Sampling – Ohio EPA | 32 |
| Remapping of Ohio’s Lake Erie Erosion Area (CEA)- ODNR-Division of Geological Survey | 38 |
| Side-scan Sonar Substrate Mapping Program- ODNR-Division of Geological Survey | 39 |
| Statewide Geologic Mapping Program- ODNR-Division of Geological Survey | 40 |
| Streams and Storm Water Program- ODNR-Division of Soil & Water Conservation | 42 |
| Ohio Procurement Technical Assistance Centers- ODOD-Division of Minority Business Affairs | 145 |
| International Trade Division- ODOD | 146 |
| Minority Contractors and Business Assistance Program- ODOD | 147 |
| Metropolitan Planning Program- ODOT | 148 |
| State Planning and Research Program- ODOT | 149 |
| Residential Sewage Treatment Program- ODH | 150 |
| Ohio Investment in Training Program- ODOD-Economic Development Division | 151 |
| Ohiosites.com- ODOD-Economic Development Division | 152 |
| Economic and Community Data Web Site- ODOD-Operations Division/ Office of Strategic Research | 153 |
| State Air Quality Implementation Plan- Ohio EPA-Division of Air Pollution Control | 154 |
| Bathing Beach Program- ODH | 155 |

| | |
|---|-------|
| Lake Erie Lakewide Management Plan – bi-national program with USEPA, Environment Canada, federal and state agencies | 43 |
| Great Lakes Remedial Action Plans- Ohio EPA-Division of Surface Water | 44-45 |
| 208 Planning- Ohio EPA-Division of Surface Water | 46-47 |

Appendix B

STATE ASSISTANCE WORK GROUP

| Agency | Name/Title | Address | Phone/Fax | Email |
|---|--|---|---|--|
| Ohio Dept of Agriculture (ODA) | Michael Bailey, <i>Senior Program Manager, Marketing Division</i> | 8995 East Main Reynoldsburg, OH. 43068 | Ph: (614) 644-5812 Fax: (614) 644-5017 | mbailey@mail.agri.state.oh.us |
| Ohio Dept of Development (ODOD) | Kim Gibson, <i>Special Assistant for Energy, Transportation & Regional Collaboration</i> | 77 South High St., Columbus, OH. 43215 | Ph: (614) 466-2643 Fax: (614) 644-0475 | kgibson@odod.state.oh.us |
| Ohio Dept of Health (ODH) | Gene Phillips, <i>Chief; Bureau of Environmental Health</i> | 246 North High St., P.O. Box 118, Columbus, OH. 43212 | Ph: (614) 644-8480 Fax: (614) 466-4556 | gene.phillips@odh.ohio.gov |
| Ohio Dept of Natural Resources (ODNR) | Vicki Deisner, <i>Environmental Policy Coordinator</i> | 2045 Morse Rd., Bldg. D-3, Columbus, OH. 43229 | Ph: (614) 265-6873 Fax: (614) 261-9601 | vicki.deisner@dnr.state.oh.us |
| Ohio Dept of Transportation (ODOT) | Tim Hill, <i>Administrator; Office of Environmental Services</i> | 1980 West Broad St., Columbus, OH. 43223 | Ph: (614) 644-0377 Fax: (614) 728-7368 | tim.hill@dot.state.oh.us |
| Ohio Environmental Protection Agency (OEPA) | George Elmaraghy, <i>Chief; Division of Surface Water</i> | 50 West Town St, Suite 700, Columbus, OH 43215 | Ph: (614) 644-2041 Fax: (614) 644-2745 | george.elmaraghy@epa.state.oh.us |
| Ohio Water Development Authority (OWDA) | Steven J. Grossman, <i>Executive Director</i> -and- Susan Smith Farmer | 480 S. High St., Columbus, OH. 43215 | Ph: (614) 466-5822 Fax: (614) 752-5197 | steve@owda.org sue@owda.org |

Ohio Lake Erie Commission (OLEC) Representative: Ed Hammett, Executive Director
Ph: (419) 245-2514; Fax: (419) 245-2519 edhammett@ameritech.net



Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

Division of Soil & Water Conservation

David Hanselmann, Chief

2045 Morse Road - Bldg. B-3

Columbus, OH 43229

Phone: (614) 265-6610 Fax: (614) 262-2064

E-mail: dswc@dnr.state.oh.us

MEMORANDUM

TO: Watershed Action Plan Reviewers, Watershed Coordinators, Local Watershed Sponsors, and other interested parties.

FROM: David Hanselmann, Chief Division of Soil and Water Conservation

DATE: March 15, 2006

SUBJECT: **Clarification of Watershed Action Plan State Endorsement Definitions**

Watershed planning is an iterative process; therefore the best watershed management plan is always a work in progress. However, it is important to recognize the significant achievement of producing a watershed action plan that meets Ohio and U.S. EPA guidance while addressing important local water resource concerns. Furthermore, important implementation funding programs have developed eligibility or priority conditions linked to State endorsement.

Although a significant amount of guidance and literature is available on the subject, experience has shown that the watershed planning process is neither linear nor predictable; local conditions and social dynamics surrounding any given watershed action planning process makes each unique. Thus, in order to accommodate varied and sometimes unanticipated circumstances a number of categories of State endorsement have arisen. The endorsement categories as currently used are defined as follows:

1. **Full State Endorsement:**

The Watershed Action Plan (WAP) has undergone review by Ohio Department of Natural Resources (ODNR), Ohio Environmental Protection Agency (Ohio EPA), Ohio State University Extension, and other State officials as warranted, and all agree that the WAP has been developed according to Ohio EPA's *A Guide to Developing Local Watershed Action Plans in Ohio*, including Appendix 8, and meets the U.S. EPA *Nonpoint Source Program and Grants Guidelines for States and Territories*. In short, the inventory is thorough, the scope is comprehensive, and actions are measurable, geographically and temporally specific, and will address identified water quality problems. The watershed entity receives an endorsement letter signed by the chiefs of ODNR Division of Soil and Water Conservation (DSWC) and Ohio EPA Division of Surface Water (DSW).

2. Conditional Endorsement:

Until recently, “conditional endorsement” has been applied as a single designation and included WAPs that were either partially endorsable or close to full endorsement. Those WAPs classified with one of the following designations are considered “conditionally endorsed” for the purpose of grant or program eligibility. Both categories of conditional endorsement are intended to be temporary, and may be revoked with insufficient progress toward full endorsement.

A. Full Endorsement Pending:

State reviewers agree that the WAP is close to achieving Full Endorsement in that the inventory is generally complete, the scope is sufficiently comprehensive, most actions are measurable and closely related to identified water quality problems. Comments may be numerous yet relatively minor, and reviewers anticipate comments can be addressed in a relatively short timeframe. The watershed entity will receive a letter stating, “full endorsement is pending” (previously “conditional endorsement”) with comments and suggested revisions from DSWC and DSW staff. When re-submitted, the WAP will NOT undergo a fresh review. Instead, previous reviewers will check whether revisions have satisfactorily addressed concerns as expressed in the comment letter.

B. Partial Endorsement:

The WAP is not comprehensive in addressing all major causes and sources of water quality impairment, or sections of the plan do not meet requirements related to specificity and measurable outcomes. However, a portion of the plan does merit Full State Endorsement criteria. The watershed entity will receive a letter signed by DSWC and DSW staff granting “partial endorsement” (previously “conditional endorsement”) specifying the portions of the plan meeting full endorsement criteria, e.g. one or more specific sub-watersheds. The letter will also include comments and instructions for revising the plan in order to achieve full state endorsement. Partial Endorsement may necessitate a fresh review of the WAP, or portions therein, depending on the extensiveness of additions or revisions needed.

3. No Endorsement

The WAP does not meet criteria for State Endorsement. The extensiveness or content of comments suggest that the planning process or the WAP document itself requires fundamental improvement.