

ODOT Agreement No: 35162
ODOT-ODNR SFY 2021
ODOT Pollinator Habitat & Vegetation Management

**MEMORANDUM OF AGREEMENT
BETWEEN
THE OHIO DEPARTMENT OF TRANSPORTATION
AND
THE OHIO DEPARTMENT OF NATURAL RESOURCES
TO MONITOR AND EVALUATE POLLINATOR HABITATS**

This Memorandum of Agreement (“Agreement”) is made by and between the Ohio Department of Transportation, hereinafter referred to as “ODOT”, having an address of 1980 West Broad Street, Columbus, Ohio 43223 and the Ohio Department of Natural Resources, hereinafter referred to as “ODNR”, having an address of 2045 Morse Road, Columbus, Ohio 43229. Either may be referred to singularly as “party” and collectively as “the parties”.

A. Purpose:

ODOT and ODNR are state departments within the State of Ohio. Section 121.17 of the Ohio Revised Code provides that Directors of state departments are required to cooperate and coordinate their operational needs with each other. ODOT and ODNR are willing to coordinate for the mutual benefit of both departments.

Pursuant to section 5501.03(A)(3) of the Ohio Revised Code, ODOT shall coordinate its activities with other appropriate state departments and enter into any contracts with state departments as may be necessary to carry out its duties, powers and functions.

Pursuant to section 5501.31 of the Ohio Revised Code, ODOT has general supervision of all roads comprising the state highway system, including maintenance of state highways and bridges.

In response to declining populations of pollinators across the state, ODOT has established more than 1,200 acres of high-value pollinator habitats on roadsides, at rest area and weigh stations, at ODOT facilities, and on ODOT remnant properties, including brownfields.

ODOT seeks the assistance of ODNR to monitor and evaluate these pollinator habitat sites and to evaluate and revise ODOT’s practices to further benefit pollinators and other wildlife and reduce ODOT’s roadside maintenance cost.

This Agreement sets forth the respective responsibilities of the parties.

B. Term:

This Agreement shall be effective upon the date of the last signature below and shall end on June 30, 2021, unless terminated sooner as provided herein. ODOT and ODNR may renew this

Agreement for subsequent one or two-year intervals or may modify this Agreement as needed. Any renewals and modifications shall be in writing and signed by both parties. Either party may suspend or terminate this Agreement upon thirty days written notice to the other party.

C. Appropriation and Certification of Funds:

The obligations of this Agreement, and any renewal thereof, shall be contingent upon determination by ODOT that a sufficient amount has been appropriated to pay for the obligation incurred herein, in accordance with Article II, Section 22 of the Ohio Constitution and upon ODOT's receipt of certification of available funds from the Office of Budget & Management, in accordance with O.R.C. 126.07.

D. Compensation:

1. In consideration of the promises and performance of ODNR as set forth herein, ODOT agrees to pay ODNR:
 - a. A flat fee of \$200.00 per site visit for each of the 50 Monarch, Milkweed, and Potentially Blooming Nectar Plant Monitoring sessions.
 - b. A flat fee of \$200.00 per site visit for each of the 195 High-Value Pollinator Habitat Stand Evaluations.
2. It is mutually agreed and understood by the parties that the total amount paid by ODOT to ODNR shall in no event exceed the sum of \$49,000.00.
3. ODNR shall invoice ODOT quarterly by intra-state voucher for reimbursement of the Work, as defined below in Section E(1). ODNR shall use origin code A84 for intra-state voucher reimbursement from ODOT.

E. ODNR Responsibilities:

1. ODNR shall perform the services, hereinafter "the Work", as set forth in Exhibit A, Scope of Work, attached hereto and made a part hereof.
2. Unless otherwise stated in Exhibit A, ODNR shall furnish its own staff, by employment or contract necessary for completing the Work.
3. ODNR shall designate an appropriate contact person who supervises all employees and contractors performing the Work and communicate this person's contact information to ODOT. If a new person is assigned during this MOU, ODNR will contact ODOT with the newly assigned contact person's information.
4. ODNR shall ensure that all traffic control conforms to Typical Application 1 (Work Beyond the Shoulder) in the Ohio Manual of Uniform Traffic Control Devices, current edition and utilize the traffic control signs provided by ODOT.

F. ODOT Responsibilities:

1. In every county where ODOT has a high-value pollinator habitat, ODOT will make available the name and phone number of the respective Transportation Administrator who can assist with questions specific to the county.
2. ODOT shall provide initial safety training to ODNR personnel who will train and supervise those performing the work. This training will address roadside hazards and topics related to roadside maintenance work.
3. ODOT shall provide safety vests to ODNR for use by those performing the Work.
4. ODOT shall furnish all traffic control signs to ODNR for use and placement while performing the Work.
5. When appropriate and depending on the work being performed, ODOT will provide county personnel to perform traffic control, provide guidance or address other concerns as necessary to complete the Work in a timely manner with minimal interruption to traffic
6. ODOT shall furnish all tools necessary for projects to be performed by ODNR.

G. Notice:

All required notices will be sent to the following:

with respect to ODOT:

Ohio Department of Transportation
Operations - Maintenance
1980 West Broad Street
Columbus, Ohio 43223
Attn: Joel Hunt

with respect to ODNR:

Ohio Department of Natural Resources
Division of Wildlife
2045 Morse Road
Columbus, OH 43229
Attn: John Kaiser

H. Liability:

Each party to this Agreement recognizes that the other is self-insured. Nothing in this Agreement shall be construed as an indemnification by one party of the other for liabilities of the other party or third parties for property loss or damage or personal injury or death arising out of and/or during the use described in this Agreement. Any liability for claim for property loss or damage or personal injury or death by a party, its employees, agents, invitees, or contractors, or by third persons, arising out of and during the activities associated with the Agreement shall be determined in accordance with Chapter 2743 of the Ohio Revised Code.

I. Signatures:

Any person executing this Agreement in a representative capacity hereby warrants they are duly authorized by the Director of their agency to execute this Agreement on their behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or email. Each party hereto shall be entitled to rely upon a facsimile or electronic signature of another party delivered in such a manner as if such signature were an original.

The parties have executed this Memorandum of Agreement on the dates shown below.

OHIO DEPARTMENT OF TRANSPORTATION

OHIO DEPARTMENT OF NATURAL RESOURCES

Director

Director

Date

Date

EXHIBIT A - Scope of Work:

The Ohio Department of Natural Resources (ODNR) hereby agrees to perform the following services:

TASK 1 – MONARCH BUTTERFLY, MILKWEED, AND POTENTIALLY BLOOMING NECTAR PLANT MONITORING

ODNR will perform Monarch butterfly, milkweed, and potentially blooming nectar plant monitoring at 50 locations, once per year at locations described in Subtask 1a, bullet three, in accordance with requirements of the CCAA (**Appendix I**). A flat fee of \$200 per site visit will be paid for each of the completed 50 Monarch, Milkweed, and Potentially Blooming Nectar Plant Monitoring sessions.

Subtask 1a – PERFORM MONARCH BUTTERFLY, MILKWEED, AND POTENTIALLY BLOOMING NECTAR PLANT MONITORING

- ODNR will obtain a statewide right of way access permit from Joel Hunt at ODOT’s Office of Maintenance Operations (Joel.Hunt@dot.ohio.gov or 614-466-7173) prior to work beginning
- ODNR employees will wear a Type 3 safety vest and helmet, and utilize a revolving or flashing light on top of their vehicle anytime they are stopped or working on roadsides
- Utilizing Monarch Joint Venture’s Rapid Assessment Protocol (**Appendix II**), ODNR will select 50 random sites (excluding ODOT high-value pollinator habitats) from the high-priority monitoring ‘blocks’ assigned to ODOT on Monarch Joint Venture’s website at: <https://umn.maps.arcgis.com/apps/webappviewer/index.html?id=409aa8ddb48446a89c9ce2cb704a729d> ODNR will select sites from the red blocks first, then orange blocks. No more than 5 monitoring sites are to be monitored within a monitoring block. Monitoring sites can be any combination of urban and rural 2-lane or 4-lane highways, rest stops (both open and retired), weigh stations (both open and retired), interchanges, ODOT county and district garages, or ODOT remnant properties, especially excess right of way held for future road expansion
- ODNR will mark their monitoring starting location and measure a 150-foot length transect, parallel to the road, toward traffic, making a rectangular study area on the backslope (from the ditch to the right of way fence). ODNR will observe and document the presence of Monarch butterfly eggs, larvae, and adults; milkweed stems; and the species of potentially blooming nectar plants
- ODNR will utilize an editable PDF version of the “Rapid Assessment of Roadside Habitat for Monarchs” assessment form (**beginning on page 8 of Appendix II**) to compile Monarch butterfly, milkweed, and blooming nectar plant survey data. ODNR will submit to ODOT a PDF, or hard copy, of the assessment to Joel Hunt, ODOT Highway Beautification and Pollinator Habitat Program Administrator, at Joel.Hunt@dot.ohio.gov or Ohio Department of Transportation, Office of Maintenance Operations, Attn: Joel Hunt, MS 5150, 1980 West Broad Street, Columbus, OH 43223, with the subject line containing the following: “**CCAA Rapid Assessment for ODOT Site Code (codes are listed in the second column of Appendix III)**” ODOT will use the data to upload quarterly reports to the Monarch Conservation

Database. If desired, ODNR may use the Esri *Survey123* field application to perform the Rapid Assessments (user guide available at: <https://www.nap.edu/read/25693/chapter/15#129>).

TASK 2 – HIGH-VALUE POLLINATOR HABITAT STAND EVALUATIONS

ODNR will perform stand evaluations at the Department’s high-value pollinator habitat sites listed in **Appendix III**. A flat fee of \$200 per site visit will be paid for each of the completed 195 High-Value Pollinator Habitat Stand Evaluations.

Subtask 2b – PERFORM HIGH-VALUE POLLINATOR HABITAT STAND EVALUATIONS

- Utilizing the “ODOT Statewide Roadside Pollinator Program Stand Evaluation Form” (**Appendix IV**), ODNR will perform stand evaluations at ODOT’s pollinator habitat sites listed in **Appendix III**
- Based on findings from High-Value Pollinator Habitat Stand Evaluations, ODNR will make recommendations to ODOT on ways to improve existing pollinator habitat sites

ONGOING REPORTING - ODNR will submit to ODOT a PDF, or hard copy, of the CCAA Rapid Assessment and High-Value Pollinator Habitat Stand Evaluation to Joel Hunt, ODOT Highway Beautification and Pollinator Habitat Program Administrator as follows:

- a. CCAA Rapid Assessment: Joel.Hunt@dot.ohio.gov with the subject line containing the following: “**CCAA Rapid Assessment for county/route/milepost or interchange**”
- b. High-Value Pollinator Habitat Stand Evaluation: Joel.Hunt@dot.ohio.gov with the subject line containing the following: “**Pollinator Habitat Stand Evaluation for ODNR Site Code ____**”
(site codes are listed in column B of Appendix III)

In no case shall this Agreement exceed \$49,000.00.

Statewide Roadside Pollinator Program

Stand Evaluation Form

Site:	Date:
County:	District:
Original Planting Date:	Field (s) No.:
Assessors:	

DOMINANT HERBACEOUS VEGETATION

If known, what was the last management in this field?	
Current Vegetation	
Grasses (% cover)	Forbs/Legumes (% cover)

STAND DIVERSITY AND STRUCTURE

On average, the stand is:	
<input type="checkbox"/> 1 uniform height / Height _____ inches OR <input type="checkbox"/> 2-3 heights/ Height ranges	
Is the vegetation so thick as to be difficult to walk through? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there bare ground present? <input type="checkbox"/> Yes <input type="checkbox"/> No	Percent bare ground _____ %
Are there any species of Milkweed Present <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of stems present
Milkweed Species:	Milkweed Species in Patches (indicate if present in blocks or strips):
Note: please draw Milkweed location(s) on map	

WOODY VEGETATION

	Woody Species	% Cover
Is there woody vegetation present? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Planted <input type="checkbox"/> Natural <input type="checkbox"/>		
Scattered <input type="checkbox"/> Blocks <input type="checkbox"/> Linear <input type="checkbox"/>		

UNDESIRABLE COVER

Species (include noxious weeds, invasive, other undesirable herbaceous or woody vegetation)	Weed Pressure	Threat To Stand	Spots/ Widespread
	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W

BENEFICIAL SPECIES

Species (List all other beneficial species you find in Comments section below)	Amount of species	Adequate amount to be beneficial in stand?	Distribution: spots/ widespread
Aster spps.	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Beggarticks	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Black-eyed Susan	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Boneset	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Brown-eyed Susan	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Butterfly Milkweed	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Clover spps.	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Common Milkweed	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Compass Plant	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Culvers Root	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Cup Plant	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Daisy fleabane	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Dense Blazing-star	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Goldenrod spps. (other than Canada)	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Hoary Vervain	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Ironweed	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Phlox	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Prairie Coreopsis	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Purple Coneflower	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Rattlesnake Master	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Rough Blazing-star	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Spotted Joe-Pye Weed	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Sunflower spps.	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Swamp Milkweed	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Wild Bergamot	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Blackberry/raspberry	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Black Cherry	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Blackhaw	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Chokeberry	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Crabapple	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Dogwood	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Elderberry	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Maple	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Ninebark	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Plum	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Redbud	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Sassafras	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Sumac	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> H	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> S <input type="checkbox"/> W
Comments:			

RECOMMENDED ACTIONS

Comments on condition of site.:

Required enhancement actions:

Notes:

OTHER INFORMATION