

CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM

District 4 Natural Resources Assistance Council (NRAC)

PY15 APPLICATION MANUAL

The information in this document relates directly to the NRAC District 4 Project Evaluation Methodology. The NRAC evaluation process utilizes the evaluation criteria outlined in ORC Section 164.24. The NRAC assigns points and weight factors to each of the evaluation criteria in order to determine which projects should be recommended for Clean Ohio Green Space Conservation Funding.

Visit Ohio Public Works Commission Website for more information. <https://www.pwc.ohio.gov/>

Questions? Contact Stacy Vallance, District 4 Liaison at 937-225-5402 or vallances@mcoho.org

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PY15 GUIDELINES

Available Funding

The funding available for PY15 consists of:

PY15 Allocation	\$ 1,450,667
PY15 Administrative Costs	- \$ 15,000
Total Available	\$ 1,435,667

Application Due Date

To be considered for financial assistance applications must be submitted by:

2pm Tuesday, October 27, 2020

Submit to:

Office of the Montgomery Engineer
Attn: Stacy Vallance
451 West Third Street
Dayton, OH 45422
(937)225-5402

ABSOLUTELY NO LATE APPLICATIONS WILL BE ACCEPTED

Application Materials

Applications should be organized in the following manner:

1. **Submit one (1) original hardcopy containing original signatures.**
 - a. Submit the OPWC Application and the District 4 NRAC PY15 Supplemental Application Questionnaire along with applicable supporting documentation:
 - i. Authorizations and Resolutions of Support,
 - ii. Agreements and Letters of Support,
 - iii. Maps and Photos,
 - iv. Natural Resource Information, and
 - v. Property Information (Parcel #)
 1. Conservation Easements
 2. Letters of Intent / Memorandum of Understanding
 3. Purchase Agreements
 4. Deeds and Proposed Deed Restrictions
 5. Property Value – Appraisals
 - b. All materials must be typed in 11-point font or larger and have page numbers at the bottom of each page.

It is the applicant's responsibility to ensure that all the documents are accurate, complete and in accordance with the requirements, terms, and conditions set down by the OPWC and the NRAC. Failure to meet these conditions will result in the disqualification of a project.

Site Visit

The committee will be making site visits to PY15 applications during the month of November. The District 4 Liaison will coordinate with each applicant to schedule.

Application Review

The committee will review all PY15 applications on **Tuesday, December 8, 2020** at 2pm. Applicants are encouraged to attend this meeting.

Eligible Applicants

Local Political Subdivisions

- Counties
- Municipalities
- Villages
- Townships
- Conservancy Districts
- Soil & Water Districts
- Joint Recreational Districts
- Park District / Authority

Non-Profit Corporations – A non-profit corporation is eligible to apply if it is exempt from federal income taxation pursuant 26 USC 501 (a) and one of its designated activities is directly related to the purposes for which Clean Ohio Conservation grants are issued.

Subdivision Applicant Codes

OPWC uses a unique code to identify applicants, determine their eligibility to receive funding and to manage and track project information. This code is to be provided on page 1 of the Application for Financial Assistance. Subdivision codes are assigned by OPWC at the written request of the applicant on the entity's letterhead and should be made prior to applying for financial assistance.

Reference: ORC Sections [164.20](#), [164.22](#)

Project Types

The focus of every application shall be conservation.

Open Space

Open Space projects should promote the following:

- Comprehensive open space planning.
- Aesthetically pleasing and ecologically informed design.
- Economic development that promotes local economic development and/or community development initiatives in high unemployment and/or low-income habitats
- Protection of rare, threatened and endangered species habitats.
- Protection of high quality, viable habitats for plant and animal species.
- Preservation of wetlands or other scarce natural resources.
- Pedestrian or bicycle linkages.
- Educational opportunities.
- Quality of life and the natural heritage of the state.
- Reduction or elimination of nonnative, invasive species of plants or animals.
- Balancing the natural ecosystem.

Eligible Open Space projects include:

- Acquisition of open space.
- Acquisition of easements.
- Acquisition of land or rights in land for parks, forests, wetlands or natural areas that protect an endangered plant or animal population.
- Connecting corridors for natural areas.
- Construction or enhancement of facilities to make open space accessible and usable by the general public.

Not eligible – Acquisition of open space for activities such as baseball diamonds, tennis courts, soccer fields, etc.

Riparian Corridors

Riparian Corridor projects should promote:

- Habitat protection.
- Stream corridor-wide or watershed planning.
- Recreational, economic and aesthetic preservation benefits.
- Floodplain and streamside forest functions.
- Headwater stream preservation.
- Restoration and preservation of aquatic biological communities.

Eligible Riparian Corridor projects include:

- Reforestation of land or the planting of vegetation for filtration purposes.
- Fee simple acquisition of lands to provide access to riparian corridors or watersheds.
- Acquisition of easements for the purpose of protecting and enhancing riparian corridors or watersheds.

Not eligible – Riparian corridor projects that initiate or perpetuate hydromodification such as dams, ditch development or channelization.

Acquisition

Acquisition must be done one of the following methods:

- Fee Simple Purchase
- Easement Purchase or Donation
- Land Donation

Funding

GRANTS: 75% of the estimated total project cost: a minimum 25% local match is required.

Eligible Local Match Sources:

- Contributions of money by any person, local political subdivision, or state or federal government.
- Contributions in-kind through the purchase or donation of equipment, land, easements, interest in land, labor and materials necessary to complete the project.

Resolutions of Support

Ohio Statute requires that certain project applications include Resolutions of Support. If the applicant is a county, township or municipality and the project is located wholly within the applicant's boundaries, then no resolutions are needed from any other local government. Park districts, regardless of the location of the property, are not required to obtain any resolutions but must consult with each county, township, and municipality in which the project is located. All other applicants must obtain a county resolution for each county in which the project is located and from the impacted township or municipality. If the project is in two to four townships or municipalities, then resolutions are needed from at least one-half. If the project is in five or more communities, then resolutions are needed from at least three-fifths.

Resolutions of Support do not apply to Improvements Only projects since the requirement was met for the property's acquisition.

Reference: ORC Sections [164.23\(B\)](#), [164.23\(C\)](#)

Access and Architectural Barriers Act

The [Architectural Barriers Act \(ABA\)](#) contains the most currently available information regarding the accessibility of trails. There is an important distinction between trails, shared use paths, and sidewalks, all of which have a different set of accessibility standards that apply. Trails are described in the ABA and shared use paths and sidewalks fall under a similar category but have a separate set of [ABA rules](#).

Appraisals

Please review OPWC's appraisal requirements at:

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

Compensatory Mitigation

Compensatory Mitigation refers to the restoration, establishment, enhancement, or in certain circumstances preservation of wetlands, streams or other aquatic resources for the purpose of offsetting unavoidable adverse impacts. In some instances, public entities and non-profit organizations can seek approval to collect payments from permit applicants and consolidate those funds in order to conduct wetland and stream restoration activities in those same watersheds. Such projects are selected and undertaken with careful review by a team made up of federal and state agencies that jointly oversee mitigation programs and projects, including the Army Corp and the Ohio Environmental Protection Agency, using a variety of considerations including the likelihood of long-term success and the ability to permanently protect aquatic resources.

Protected Clean Ohio properties are suitable for these efforts but with the following stipulations. First, mitigation money cannot be used as local match for Clean Ohio Funds. Second, Clean Ohio Funds cannot generate mitigation credits for the preservation of the land or associated water resources since the state is paying for/or has paid for the land acquisition and protection and mitigation funds cannot be used as part of the match. Lastly, projects cannot conflict with the Clean Ohio statutory hydromodification prohibition. OPWC can, on a case by case basis, determine if any suggested mitigation work on a Clean Ohio purchased property is a good project.

Consulting Fees

If the Commission has determined that the scope of services and/or the associated fees are not clearly indicated, the engineer of record will be asked to clarify services with their fees. Administrative costs for application and disbursement preparation are ineligible.

Contingency Line Item

If the Commission's Project Agreement with the local subdivision contains a contingency line item it may be used to resolve construction site problems which result in unforeseen

but necessary and legitimate construction expenses. The Commission may request documentation it considers appropriate, including the subdivision's agreement with the consulting engineer.

Deed Restrictions

The OPWC requires that its deed restrictions be placed upon and recorded for all acquired property, easements, and property upon which improvements are made. Deed restrictions are enforced.

More information on the Project Managers page: <https://www.pwc.ohio.gov/Project-Administration/Clean-Ohio>

Demolition

NRAC District 4 will allow demolition as part of funding package. However, the project must include restoration as part of the application.

Dog Parks

Dog parks are permissible on Clean Ohio property if the footprint is small in proportion to the total property. The committee will consider the location and impact on the site. The applicant is required to have a maintenance plan as part of the application. Dog parks cannot be paid by Clean Ohio funding or serve as a match.

Eligible / Ineligible Items

Grant funds are available for open space acquisition, including easements (on unprotected property), and/or related development necessary to make the open space accessible and useable by the general public, and for educational purposes. Eligible related development/access improvements include trails, pedestrian bridges, observation decks, kiosks/signs, benches, trash receptacles, invasive species removal (one time only), parking lots, portable restroom enclosures, restoration, naturalizing, and fencing; however, public access is not mandated. Eligible costs include planning, design, engineering, appraisals, environmental assessments, and archaeological surveys. Related development may either be included in the application for acquisition or as a subsequent application on a previous Clean Ohio property acquisition. Improvements are eligible under a subsequent application if not included in a previous project.

Generally, project components that do not lend themselves to conservation are not allowable. However, components allowing for passive recreation (e.g. shelter houses, restrooms) or that are aesthetic (e.g. fountains, statues) are permitted on the property but cannot be paid by Clean Ohio funding or serve as match. Clean Ohio funds may not be used for beautifying with non-native plants and formal gardens. Additional ineligible costs include: hydromodification, mitigation, administrative and monitoring costs, maintenance

items, seller paid items/seller settlement costs, taxes, etc. Any questions regarding eligibility should be directed to the OPWC.

Items such as mountain biking, equestrian trails, disc golf and dam removal may be allowed on the site with the approval of the District 4 NRAC. The committee will consider the location and impact on the site. The applicant is required to have a maintenance plan as part of the application.

Reference: [ORC 164.22](#)

[OPWC Eligible / Ineligible Items List](#)

Farmland Preservation

The OPWC is without authority to approve grant projects for the primary and express purpose of protecting land for continuing agricultural purposes. From a practical standpoint a project may contain agricultural land that would: 1) be allowed to revert to its natural state; 2) serve as a buffer for a riparian corridor; or 3) that could be used for the demonstration of historical farming. Applications containing active farmland in production or for grazing of livestock must include a timely exit strategy. Clean Ohio funds may be used to buy out a farm lease as a right in land.

Forest Management Practices

An untended, poorly managed forest eventually produces disease, insects, and overcrowding. Proper administration is needed to provide a forest with sunlight, water, critical nutrients, and healthy wildlife habitat. The Ohio Public Works Commission encourages recipients of Clean Ohio funds for land acquisition to develop forest management plans. Such plans, typically written for a ten-year period, provide for methods to maintain or improve forest health, sustainability, and productivity. For this reason, harvesting methods and techniques may be used on Clean Ohio protected properties if done so in a manner that is scrupulous, responsible, and well managed. Harvest methods, including even-aged and uneven-aged systems each have benefits and drawbacks so must be taken into consideration depending on the situation. Any revenues from timber harvesting are required to be used for maintenance and management of the property.

Forest management plans are required to be developed by a professional forester certified by the Society of American Foresters. The Society's Certification Program ensures that foresters are vested in education and experience, providing the knowledge and skills necessary for proper forest management that adhere to standards of professional practice. Even if the organization that owns and manages the Clean Ohio protected property does not have an existing forest management program, a Certified Forester is required to administer any harvests. For assistance in locating a Certified Forester, see <https://www.eforester.org/Main/Certification/Find a Certified Professional.aspx?WebsiteKey=0605da36-47de-48f7-b626-a9e9d693e2ad>.

Hydromodification

Hydromodification is prohibited by statute. Hydromodification activities are manmade or engineered modifications of natural drainage or streams, and activities include dams, dredging, sedimentation, bank clearing, and other actions that accelerate untreated water runoff or encourage invasive nonnative species. Permitted activities include restoring the natural stream and drainage conditions.

Reference: [ORC 164.22\(A\)\(6\)](#)

Life Estate

Life estates are permitted in which the original landowner (seller) has occupancy rights limited to their lifetime (referred to as the “life tenant”).

Local Match (Prepaid and In-kind)

The local match is the participation percentage rate that is made up of non-OPWC funds. It consists of other agency funds (federal, state, or local) or local pre-paid for engineering or in-kind work (labor, equipment, materials). Prepays may either be reimbursed (up to one year prior to the date of the agreement) or credited toward the local match.

Reference: [ORC 164.05\(D\)](#)

More information: *OPWC In-kind Instructions:*

<http://www.pwc.state.oh.us/Documents/PMInKindReportingInstructions.pdf>

Long Term Ownership and Control

Properties or rights to properties obtained with Clean Ohio funds are required to remain in the ownership and control of the grant recipient in perpetuity. A request to transfer ownership and control must be made in writing to the OPWC Director.

Mineral Rights / Oil & Gas Leasing

Oil and gas leases in place at the time the Natural Resources Assistance Council approves the project will be treated as pre-existing easements which the applicant has little or no control. Requests to engage in new oil and gas leasing on Clean Ohio properties is denied.

Minority Business Enterprise (MBE)

On OPWC-funded projects a percentage, as specified in ORC 125.081, of local subdivision direct contracts for procurement of equipment, materials and supplies must be made from state certified MBE vendors.

Reference: [ORC 125.081](#), [ORC 164.07](#)

Procurement of Professional Design Services

Ohio law, [ORC Sections 153.65 to 153.73](#), requires all public authorities to use a qualifications-based selection process in choosing professional design services (i.e. architect, landscape architect, professional engineer, and surveyor) or design-build services.

Restoration

It is critical to District 4 NRAC that the open space selected for funding initiates or hastens the recovery of the ecosystem on the land. To be eligible for points, restoration work must comprise a portion of the project scope, budget, or local match and supporting documentation must be included. Restoration projects should be designed to provide one or more of the following benefits:

- Enhancing or rehabilitating an open space to an appropriate ecological state or to what it would have become before societal interference;
- Ensuring the integrity and sustainability of the species (flora or fauna) introduced are both native and resilient (can resist disturbance);
- Integrating the community's cultural heritage;
- Providing opportunities for people to appreciate and understand cultural and ecological relationships; and
- Promoting a common vision for greenspace for Montgomery County.

Revenue-Producing Activities

Any revenue-producing activity requires approval of the OPWC and may only be conducted in which proceeds are used to maintain the conservation values of the property. Revenue records must be maintained for a period of three years and be made available to the OPWC upon request.

Structures

NRAC District 4 will allow demolition of existing structures on Clean Ohio properties. Existing structures may be used for nature or outdoor education centers, park offices, and/or conservation-related storage but cannot be used as a caretaker's residence. Existing cabins may be retained for use for overnight lodging, if approved by the NRAC. Any profit producing venture may only be conducted in which proceeds are used to maintain the conservation values of the property.

Timber Value

If applicable, the stumpage value of timber (the "Timber Value") may also be considered as a credit in a bargain sale and be used for match. A qualified forester or appraiser may perform a timber appraisal to determine the on-site inventory and estimate of stumpage value of timber on the property. The stumpage value of timber generally considers the

volume of timber on the property, the species composition, the quality, and other related factors to determine the current Timber Value.

If using Timber Value as bargain sale match, it is the Client and/or Applicant's responsibility to provide this information to the property/land appraiser (and appraisal reviewer if applicable). The appraiser uses this information to determine the impact of the Timber Value on the overall property/land value appraisal and reconciles the Timber Value within the Appraisal Report.

The Ohio Public Works Commission recommends using an individual certified by the [Association of Consulting Foresters of America, Inc. \(ACF\)](#) or the [Society of American Foresters \(SAF\)](#).

Utility Easements

Utility easements are permitted for property usage such as for restrooms and lighting. Costs cannot be part of the Clean Ohio funding or Match. Utility easements must be specified in the Use & Development section in the Deed Restrictions, if known at the time of application. Approval for utility easements after Clean Ohio restrictions are in place or for development of property blocked by the Clean Ohio protected property must be first granted by the NRAC and will then ultimately be at the Director's discretion.

Planning and Implementation

- Certified Appraisal – which must be performed by an ODOT Prequalified Appraiser
- Closing Costs
- Title Search
- Environmental Assessments
- Design
- Restoration work must comprise a portion of the project scope, budget or local match and must include documentation in the application.

PROJECT EVALUATION PROCESS

The NRAC evaluation process utilizes the evaluation criteria outlined in ORC Section 164.24. The NRAC assigns points to each of the evaluation criteria in order to determine which projects should be approved for Clean Ohio Conservation Funding. This document, along with the “Ohio Public Works Commission Application for Financial Assistance” will be used by the NRAC to evaluate projects.

It is the applicant’s responsibility to ensure that all the documents are accurate, complete and in accordance with the requirements, terms, and conditions set down by the OPWC and the NRAC. Failure to meet these conditions will result in the disqualification of a project.

The NRAC has established a three-phase process to select the projects that will be recommended to the OPWC for final evaluation and approval.

Phase 1: Eligibility, Completeness and Error Checking

The district liaison will review all applications for eligibility, completeness, and check for errors. A cure letter will be sent to applicants by the liaison to give them an opportunity to correct items on their application. All corrections must be made within ten (10) business days from the date of the letter. A due date will be clearly stated in the letter. If the applicant does not respond, the project will be scored using the original information.

An application deemed ineligible will not be scored by the NRAC.

The NRAC will reject applications that are missing required items such as an appraisal, authorizations and/or resolutions of support.

Phase 2: Preliminary Project Evaluation

- 2.1** Applications will be reviewed by the NRAC members for compliance with OPWC and NRAC policies and procedures.
- 2.2** Using the Evaluation Criteria, the NRAC members evaluate each application and assign a preliminary score in each of the evaluation categories.
- 2.3** Prior to the scoring meeting, the committee will schedule a time in which a site visit can be conducted.

Phase 3: Project Scoring and Selection

- 3.1** NRAC members will meet to review and discuss the project applications and to allow any interested applicants the opportunity to give a brief presentation and answer any questions.
- 3.2** If NRAC members need to reconsider a project or allow an applicant to refine their project application, the NRAC will reconvene to review and discuss the revised application.

- 3.3** An application must score a minimum of 42 points in order to be funded. However, a supermajority of 8 NRAC members may overrule the minimum score and allow the application to be funded. 42 points constitutes half the available score in section 3 (Benefits) and section 4 (Needs of the District).
- 3.4** In the case of a tie between two or more projects, the NRAC through discussion will attempt to re-score the projects. If the discussions do not result in a tie breaker then the project with the highest score in section 3.1 will be selected. If the last qualified project on the funding list cannot receive its full funding request, the NRAC will consider a request for partial funding along with a revised budget and project scope.
- 3.5** The district liaison will immediately forward an approved slate to OPWC upon its ratification by the NRAC.

PY15 APPLICATION QUESTIONNAIRE INSTRUCTIONS

Project Checklist

The checklist must be completed by the applicant.

Section One – Project Emphasis

Depending upon the type of project submitted, open space or riparian corridor; check each factor that will be achieved by the project.

For Example: If an open space project will incorporate aesthetically-pleasing and ecologically informed design, protect high quality viable habitats for plant and animal species and will provide educational opportunities, then all four factors should be checked.

Section Two – Project Description

2.1 Type of Project for which funds are being requested:

Check one of the types of projects:

- Acquisition of land
- Open Space Development or Enhancement of Clean Ohio Properties;
- Riparian Corridor project

2.2 Appraisal or Conservation Value and Property Information

For acquisition projects a certified appraisal performed by an ODOT Prequalified Appraiser who is credentialed in value analysis. An appraisal is required at the time of application.

For open space development projects, provide the executed settlement statement and recorded deed and deed restrictions or conservation easement.

For riparian corridor projects, provide a conservation easement agreement or recorded deed and proposed Deed Restrictions.

2.3 Project Description:

Provide a project description that includes the project benefits, attach a map showing the project location(s) and the local setting(s), and explain if applicable:

- Whether the project is part of a phased project. If so, briefly explain the larger project and the specific phase that is included in the application.
- Whether there are existing structures on the property. If so, include the appraised value of the structure, proportion of value to the overall value, and the intended (e.g. demolition, re-use).

Section Three – Project Benefits

ORC 164.22

Indicate the applicable benefits that are anticipated as a result of this project. In the comments under each section provide specific examples of how this project will accomplish the item(s). Benefits should be based on items that will be accomplished as part of this project. Future plans and development will not be considered for points.

Section Four – Needs of the District

Explain how the project:

- Is part of an adopted regional, county, community or watershed plan. Provide project plan documentation?
- Is of regional or county significance?

Section Five – Other Relevant Factors

5.1 Other Project Funding

Projects will be awarded points based on the total local match provided. The higher the percentage of match, the higher the points that will be awarded.

Percentage of Local Match	Score
More than 75%	8
61 - 75%	6
46 - 60%	4
26 – 45%	2
25%	0

5.2 Level of Coordination

Projects that involve more than one agency or organization will be given extra consideration. The level of coordination can be financial contributions, the donation of property, assistance in planning and implementing the project or responsibility for completing a part of the project. If applicable, explain:

- The agencies and organizations that have been involved in the planning and preparation of this project application.
- The level of coordination that each agency or organization has provided.
- Attach Letters of Support.

Two points will be awarded to projects that have coordinated with other agencies or organizations.

5.3 Readiness to Proceed

Projects not scheduled for acquisition within 12 months of the date of the Project Agreement will be rejected by OPWC.

In the case of riparian corridor and open space development projects that do not include land acquisition, applicants must include at least one of the following:

- Project schedule
- Formal estimate or quote by architect, landscape architect, or another qualified professional
- Documentation of appropriate permits, or permitting process

5.4 Immediacy

Applicants should indicate and explain if the project area is vulnerable to being developed as something other than open space (e.g. commercial development) and how this development would be detrimental to the community.

5.5 Mineral Rights

In accordance with the OPWC guidelines regarding gas and oil leasing, projects that acquire and maintain available mineral, oil, gas and/or extraction rights, on properties with no active gas and oil wells, as part of the property acquisition will be awarded the full points.

The applicant must provide the following information on the property being acquired:

1. The date, if applicable, of any pre-existing lease or similar arrangement on the mineral rights, including oil, gas and/or extraction leases and if the lease or agreement allows for surface disturbance within the property.
2. Property rights such as:
 - The current landowner will retain the mineral rights

- The mineral rights will be purchased and transferred to another entity
- The mineral rights will be purchased and maintained, with no active gas or oil wells
- The applicant has obtained legal agreements with Lessee to minimize the impacts of the lease and/or can show how current oil and gas well will not impact sensitive natural areas.

EVALUATION POINTS

CRITERIA	MAXIMUM POINTS
Benefits	
Environmental	44
Economic	12
Social	18
Subtotal	74
Needs of the District	10
Other Relevant Factors	
Other Project Funding	8
Level of Coordination	2
Readiness to Proceed	2
Immediacy	2
Mineral Rights	2
Subtotal	16
Total	100