

**Outdoor Heritage Conservation Fund  
Board of Trustees Meeting  
September 30, 2009  
South Charleston, WV**

Trustees in attendance: Bob Baird, David Warner, Emily Fleming, Tom Pauley, Jeffrey Lusk, Terrell Ellis, Calvert Armbrrecht, Rodney Bartgis, George Constantz, Steve Meester (standing in for Randy Dye)

Others: Rod Graves (land trust and farmland protection interests), George Santucci (National Committee for the New River), Beth Wheatley (The Nature Conservancy), Steve Brown (WV Division of Natural Resources), Theresa Kirk (WV Ethics Commission)

**Actions:**

- George to organize the Conservation Planning Committee meeting.
- Steve to put the Conservation Planning Committee meeting and the Board meeting in the State Register and post the agenda for each meeting on DOF's web site.
- Beth to work with land conservation partners to collect sample grant applications to share with the Board.
- George to send thank you letters to the Technical Assistance partners.
- Steve to put OHCF monies into an interest-bearing account (per the motion passed by the Board – see details below).
- Beth, George Santucci, and George Constantz to begin developing a list of policies and procedures that the Board must develop to manage the OHCF and carry out its programs and purposes.
- George to invite Lavonne to participate in a future OHCF Board meeting to share an update on a possible future project.

**Minutes:**

George opened the meeting at 10:05 am by asking for introductions. Trustees and others introduced themselves.

George asked if everyone reviewed the minutes from the last meeting. Bob made a motion to approve minutes as presented, Dave seconded the motion, and all Trustees voted to approve the minutes as presented.

George asked if anyone wanted to say something about Ron and Bill. Rodney said a few words about Ron Fortney's and Bill Grafton's conservation leadership in West Virginia.

George opened the floor to Theresa Kirk of the WV Ethics Commission for a training session. Theresa shared a presentation on the Open Meetings Act and discussed scenarios and questions with Trustees, including, but not limited to, the following:

- agenda for meetings
  - Matters that will be voted on should be on the agenda, so the public knows
  - Post agenda three days before, amend up to two days before
  - Post agenda at DNR or DOF office and/or web site
  - Could include public comment as item on agenda
- Open Meetings Act
  - A meeting is taking places when Board members take action or deliberate on possible future action
  - If a quorum is together, it is generally a meeting
  - Could take a property tour as long as not voting or deliberating, could participate in an educational workshop or training
  - Committee meetings must be noticed – even if ad-hoc committee
  - Ethics Commission has a new Open Meetings Committee, also see checklists online
  - If you know that you will go into Executive Session, then you can put this in the public meeting notice
  - Emails
    - Emails between all Board members allowed? – not if deliberating or taking action, but can send emails as FYIs
    - Can you deliberate via emails if the emails are made available on public message board? - not yet, Theresa will look into this
    - What if a Board member assigned a task – for example, to write a document – and two other Board members volunteer to review the document and provide input via email – this is OK
- Board members may not accept gifts if gifts posed to all Board members and the entity offering the gifts is an interested party

George thanked Theresa for the presentation and opened the floor to Beth to discuss land conservation questions and answers. Beth distributed two documents to Trustees: a Q&A on land conservation and a Q&A on land conservation and the specific topic of minerals. Beth asked Trustees to provide input on these draft documents by October 14.

Rodney noted that a number of the items addressed in the Q&As would need to be further developed as OHCF Board policies. Terrell named off a number of items to develop as policies. George asked who would be interested in working to develop a list of needed policies.

George opened the floor to Terrell for an update on legislative rules. Terrell shared that the Legislative Rule-Making Review Committee approved the rules. Legislative counsel recommended several edits that were technical in nature and those were made. Beth distributed copies of the rules with edits visible. Terrell noted that the next step is for the rules to go through the regular legislative session, beginning in January. Beth noted that the rules will be given a bill number and may be wrapped with Department of Commerce rules. Terrell thanked Beth and the other Technical Assistance partners for their time and expertise. George asked about sending thank you letters to the Technical Assistance

partners. Beth said that she had been asked to provide such a letter at the last meeting. She shared this letter with George to send to the partners.

George asked about sample grant applications and sample forms to record volunteer time. Beth noted that she asked conservation groups for sample applications, but did not have any to share at this point. George Santucci said that he would share applications from North Carolina with the Board. Beth shared the sample form to record volunteer time and George asked that Beth provide copies to Trustees at the next Board meeting.

George asked about the MOU between the Board and the Department of Commerce. Beth said that she and Emily are working on it, but do not have a draft to share. She noted that the point of the MOU is to make it clear that funding to administer the Fund and manage the OHCF programs will come from the current revenue being directed to the Fund.

Trustees discussed the fact that the current revenue stream is very low and could only accomplish a couple of projects per year. Therefore, it is important to be frank with land trusts and landowners, as unrealistic expectations will upset people. George noted the need to look strategically at funding for the OHCF.

George opened the floor to Steve Brown of WV Division of Natural Resources to share an overview of the State Wildlife Action Plan. Beth noted that OHCF funding is tied to this Plan in the legislation. Steve shared an overview of the Plan, including the following points that the Plan is congressionally mandated, the synergy with OHCF programs, and the possibility of working together to pool funding to complete larger projects.

George summarized the first Conservation Planning Committee meeting, noting that the Committee is made up of Tom, Dave, Rodney, and himself. George noted that not all interests were represented on the Conservation Planning Committee to flesh out some of the criteria and the Committee will need to reach out to others.

- Dave shared a document to begin to flesh out the criteria in statute. George asked Trustees to send comments back to Dave by October 14. This document paints the big picture – describes the kind of places that Board members are likely to consider as priorities. Dave noted this document is not providing a framework to quantify or measure, but rather describe the criteria.
- Rodney recommended not re-inventing the wheel to develop ranking criteria for applications, noting principles for ranking such as transparency, objectivity, etc. Rodney presented an example process for ranking applications for one of the criterion in statute: “an ecosystem or natural community”. He talked about various factors to consider, including the Natural Heritage Biodiversity Rank, the number and quality of natural community occurrences, remote sensing natural community data, size and natural condition, representation, and proximity. He

recommended not re-creating the wheel, but rather using existing frameworks and fine-tuning existing ranking systems.

George asked Trustees about the question of using existing models to develop an OHCF ranking system or to start fresh. Trustees discussed this and agreed to not re-invent the wheel, but use existing models to help to develop its ranking system. Rodney suggested that he could work with DNR on the ranking criteria and share those with Trustees at a future meeting.

George said he will set the date of next Conservation Planning Committee meeting and get back to Steve Meester to ensure the meeting is put on the State Register.

George asked about the next meeting of the Board. It was decided that the Board will meet on Wednesday, Nov. 18, at 10 am in Gassaway. Steve Meester agreed to check on availability of a room.

George opened the floor to George Santucci of the National Committee for New River. George S. said NCNR is part of the Coalition of West Virginia Land Trusts. Its first project in WV is at Grandview – found black-bellied salamander, donated conservation easement and mineral interests. George S. said that NCNR is also working on project in Summers County. He said that NCNR is known as an advocacy group and that it was founded when New River dam project proposed that would have destroyed habitat. George S. said he is willing to support the Board's committees' work and that there are three trust funds in NC – he said he was happy to share information from these programs with the Board.

George opened the floor to Steve Meester to give the financial report. Steve said the cash balance is \$971,140.42. He reviewed the budget process calendar. Steve said that the OHCF is a non-appropriated special revenue account and that the budget may be amended at any time. Trustees asked if the money is in an interest bearing account. Steve said no and noted that he could put the money into an interest bearing account and that he would need to check with Treasury. Steve suggested leaving money for reimbursement in a non-interest bearing account for easier access.

Jeffrey made a motion to keep \$5000 cash on hand, have Steve move \$950,000 into an interest-bearing account and put all subsequent monies into the interest-bearing account. Tom seconded this motion and all voted in favor of doing so.

Steve reviewed the following documents: financial statement, budget overview, and the report to Legislature (can be found on WV Legislature web site).

George asked for an update on possible projects. Rodney noted that George was to invite Lavonne to share an update. George said he would do so for the next meeting.

George opened the floor to discuss the need for a fundraising committee to look at bringing additional monies into the OHCF for conservation projects. Jeff expressed

concern about the competition with other land conservation partners, taking funding opportunities away from partners, etc. After some discussion, George asked Trustees what they would like to do in terms of setting up a fundraising committee. Emily suggested waiting to further discuss this topic at the next meeting. George said that he will put this on the agenda for the next meeting.

Steve noted that federal money can only be received into an appropriated special revenue account and that he would need to start working on this immediately to set up such an account if the Board would pursue federal money.

George said he wanted to follow up on the earlier discussion about development of policies and procedures. Beth suggested that the Board may want to set up a committee to first develop a list of needed policies and procedures. George asked who would like to serve on such a committee. Beth and George S. volunteered, and George said that he would help.

Again, it was stated that the Board will meet on Wednesday, Nov. 18, at 10 am in Gassaway.

George adjourned the meeting at approximately 2:00 pm.