State of West Virginia
Office of the Attorney General

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WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE COUNSEL ON BEHALF OF THE DIVISION OF FORESTRY

The Division of Forestry (hereinafter the "Division" or "DOF") has requested legal representation to assist the DOF with the completion of several conservation easements. More specifically, the Division is seeking legal representation to update title reports and conduct closings for several conservation easements that have been approved by the U.S. Forest Service under its Forest Legacy Program ("FLP"). In conjunction with the needed legal services, the Division has requested the re-appointment of Mr. Lowell Greenwood to allow for the completion of work that has already been performed with respect to the Smoke Hole 2, Island Ridge 1, 2, and 3, McNeil Ware, Rago, Hicks, and Criss properties (collectively referred to herein as the "conservation properties").

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint Mr. Lowell Greenwood for purposes of concluding the needed legal services for the conservation properties in question, based on the following factors:

- The Division seeks to conduct a closing for the Smoke Hole 2 property in the next few weeks, with closings for the Island Ridge 1, 2, and 3 properties to following shortly thereafter.
- Pursuant to his previous appointment as outside counsel, Mr. Greenwood has already performed a substantial amount of the legal services in question for these conservation properties.
- Specifically, Mr. Greenwood has prepared a title report and four title addendums for the Smoke Hole 2 property, easements and title reports for the Island Ridge 1, 2 and 3 properties, and preliminary title reports for the McNeil Ware, Rago, Hicks, and Criss properties.
- While the Office of the Attorney General has the particular expertise in real estate law needed to perform the legal services in question, it is not feasible for the Office to perform the requested services in the necessary time frame.

- It would not be cost-effective for the Office of the Attorney General to provide the requested legal services for these specific instances, given that Mr. Greenwood has already performed much of the work needed by the DOF for the conservation properties.
- The Office of the Attorney General will be handling all necessary real estate work for the Division on future FLP easements.
- Mr. Greenwood has agreed to perform the legal services in question at a rate of $135 an hour.
- The needed legal services are to be provided in the counties of the respective conservation properties, and will require travel to such counties for performance of the legal services.
- Given the totality of the circumstances, it is more cost-effective and in the interest of the public to allow Mr. Greenwood to complete his performance of the legal services in question.

Because this matter involves both the continuation of a previous legal appointment which is necessary to avoid the disruption of pending legal matters, as well as a situation that requires the performance of time-sensitive legal services that cannot be adequately provided by the Office of the Attorney General, and for which insufficient time exists to complete the customary competitive bidding process, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Section (D)(1) & (2) of Policy #WVAGO-004.

Daniel W. Greear
Chief Counsel

Date Signed: April 10, 2014