

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION
EXECUTIVE COMMITTEE MEETING**

DRAFT MINUTES

Friday, January 8, 2010, at 9:15 a.m.

The meeting was held at Schwabe Williamson & Wyatt's offices in Portland, Oregon.

The following people were in attendance (in person and via telephone):

David Ashton, Jas Adams, Diane Henkels, Laura Maffei, Rachel Barton-Russell, Michael Campbell, Ellen Grover, Nathan Karman, Erin Madden, John Marsh, Karen Moynahan, Susan O'Toole, Patrick Rowe, Kim Stafford, Micah Steinhilb, and Scott Morrill.

excused: Hong Huynh

David Ashton introduced the new members on the committee as well as his law clerk, Mike Tanner, who attended the meeting with David. At this time, the committee has 17 members and a quorum is 9.

1. Minutes

Meeting minutes for November 13, 2009, were discussed, revisions made (per Rachel's email of December 11, 2009), and unanimously approved.

2. Chair's Report (David Ashton)

(a) 2010 Conference of Bar Leaders is Thursday, January 21, 2010. David indicated he cannot attend and asked for a volunteer to do so. Laura indicated she would look at her schedule and try to attend.

(b) Initial Section Report. David went through the four items we need to complete for the report that is due February 1, 2010 (a copy of the completed report is attached). The sections and general discussion are as following:

Part 1, Goals for Section 2010: We generally agreed to the following goals for this year: annual CLE; monthly brown bags, including climate change topics; quarterly editions of E-Alerts, casenotes, and Outlook; continued testing and use of "webinar" technology; two networking events (one at the annual meeting and perhaps one in the summer); and continued work on the Deskbook revision. Susan O. is a strong proponent of the additional networking event after a great experience at the annual meeting.

Part 2, Committees: We discussed possible committees to include. Diane raised

the possibility of a committee to work with the new Sustainable Futures section. Scott Morrill mentioned that he has asked to be the liaison to Sustainable Futures and that may help us stay in touch with them. Diane also will provide us updates as she is active with SF. We determined that the only standing committee we need to report is the CLE committee, for which we do not yet have assigned members.

Part 3, Legislative Contacts: Michael Campbell and Diane Henkels will be the legislative contacts.

Part 4, Exec Committee Meetings: Meeting will be every second Friday of the month.

(c) Annual Meeting. The Annual Meeting was a success and the speakers were a great addition – thanks to Jas for arranging that. As noted earlier, Susan O. complimented the committee on an excellent meeting and liked the networking opportunity. The nominations from the floor for new committee members also were a welcome addition. We discussed the need to document the meeting – the only business conducted was nomination of officers and members. That information has been submitted to the bar, so we have completed our reporting requirement.

3. Treasurer's Report (Hong Huynh via Jas Adams)

(a) Jas discussed the budget for 2010, including a decrease by \$4,000 in revenue, which is more realistic about our income and expenses. The beginning fund balance is not yet known because of end-of-year expenses (e.g., contributions to CEJ & Classroom Law Project), but Jas reported that our obligations for last fiscal year were met. He indicated he'll send out a final budget soon.

(b) As of November 30, 2009, we had **\$12,225** in the account.

(c) As of the end of November, there were **544** members and **15** complimentary members, for **559** total.

4. Bar Liaison Report (Scott Morrill)

(a) Scott reiterated his interest in serving as liaison to the Sustainable Futures section.

(b) The Executive Committee list has been sent out and the full section list will come out in February.

(c) Memberships. Diane asked about student memberships. There was a general discussion of the limited success we've had with student members and the need for more sustained participation. Additional outreach from the Executive Committee could help with that: Kim Stafford agreed to work with Lewis & Clark; Susan Smith will continue to work with Willamette U, with help from Karen Moynahan; Rachel and Susan O. are both interested in working with University of Oregon and will discuss that further

off-line. We generally discussed that the purpose of outreach to the schools to promote the section and to cultivate future involvement and membership. Helping with Casenotes is a perfect opportunity for law students to get involved. The school liaisons will update us next month on any progress in this process.

5. Newsletters

(a) Casenotes (David Ashton): David congratulated Micah on the first Casenotes issue. Micah reported that the document went out electronically through the listserv and Pam Hardy has already uploaded it to the website. The next issue will come out in March and Micah believes he will be able to get 4 issues out this year. David commented on the challenges to getting Casenotes off the ground and the need for continuity. We discussed the need for Micah to document his procedures. Micah reported that he is committed for a year and possibly after that, but he cannot say for sure at this point. He is committed to a good transition when the time comes, and will provide a clear record which he is already keeping.

(b) Public Trust Doctrine. (Susan O'Toole) The issue is going out today or Monday. Susan gave a run-down of the articles that will be included: two on the Public Trust and climate change litigation; Patrick's summary of Public Trust cases; Diane's summary of bills in Congress; a report on Copenhagen; a discussion of Oregon and Public Trust law; and an article on international climate change litigation. There was a general discussion of citation format for Outlook. We agreed that authors should give sufficient information to identify the source, but this is not a law review and more casual citation is appropriate. Volunteer authors need some discretion, especially non-lawyer authors.

(c) Climate Change and Renewable Energy. (David Ashton/Laura Maffei) Given the emphasis on climate change in the Public Trust issue, this one should focus on renewable energy. Some ideas for articles are: BETCs & Kathleen Callison's article on geothermal energy. We also can include a summary of OSB's energy use for the new offices, probably as a sidebar. David and Laura will touch base before the next meeting.

(d) Upcoming Outlook Topics. We had a general discussion about topics for upcoming Outlook editions:

- We revisited dam removal, for which Michael, Liam Sherlock & Don Pyle originally volunteered. There is nothing new to report, but Karen and Ellen are both interested in helping with this topic.
- Ellen suggested "integrated water resources strategy" (e.g., integrating quality and quantity), which is required by the legislature. Michael and Karen both volunteered to help with this topic.
- Rachel suggested an emerging area: indigenous law and natural law. This is generally a question of legal management vs. working with natural systems. She is just beginning research in this area, but would like to develop it further.

Diane and John volunteered to help with this topic.

- David suggested an update on Portland Harbor cleanup. Kim volunteered to help with this.

6. Updating E&NR Deskbook (Laura Maffei)

Laura had nothing new to report, but will arrange a meeting of the ad hoc committee (Laura, David, Diane, Kim and Michael) before the next meeting.

7. CLEs and Brownbags

(a) Brownbags. (David Ashton) Alex Sifford of Sifford Energy Services may present a brownbag on geothermal projects in Oregon, but we do not have a date certain for this yet. We need to try to line up other speakers to meet our goal of one brownbag per month. David will set up a call with the following volunteers to begin to explore upcoming topics: Pam, Susan O., Kim, Karen, Patrick, Nathan, and John.

We do not currently have a brownbag for January and February is not set either. John M. suggested an ethics CLE and Scott Morrill volunteered because he regularly speaks on ethics. He could do this as a brownbag or with a CLE, or both.

Diane asked if we need a committee for brownbags and David indicated he would appreciate the help. After discussion, a standing committee for both brownbags and CLEs was selected, including David, Jas and Diane. It may be helpful to ask for volunteers from the general membership to serve on this committee.

(b) Joint CLE with RELU. David is still working on the brownfield redevelopment CLE/brownbag involving University of Portland and the old Mac & Bax site. UP must approve David Blount's presentation on this, but David Ashton is targeting February. Patrick Rowe also indicated that he had met with Tod Bassham of RELU to move the process along.

8. E-alert Topics

A number of potential eAlert topics were discussed:

- The Zidell appeal (David): It will be argued this month at the Oregon Supreme Court. This is an environmental insurance case with coverage issues involving CGL policies and P&I vessel coverage. It could have a major impact on sediment cleanups in Oregon.
- MS4 Litigation (Karen & Laura): This is litigation over NPDES permits for municipal storm sewer systems. A decision from the Oregon Court of Appeals should be out soon.
- NEDC & Miners v. DEQ (Jas & Patrick): This involves DEQ's ability to regulate placer mining & COE permit rules. Patrick will contact the miners'

attorney, James Buchel.

- February short session (Diane & Michael)
- Newport homeport for NOAA (Diane)
- Port of Portland & public records (David Ashton)

9. New Business

None.

David adjourned the meeting at 10:50 a.m.

**Next Meeting Date: Friday, February 12, 2010, at 9:15 a.m., at Schwabe
Williamson & Wyatt; 1211 SW 5th Ave, 19th Floor;
Portland, OR.**