

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

MINUTES

Friday, March 12, 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: David Ashton, Jas Adams, Diane Henkels, Laura Maffei, Pamela Hardy, Erin Madden, John Marsh, Karen Moynahan, Susan O'Toole, Patrick Rowe, and Kim Stafford.

Via Telephone: Rachel Barton-Russell, Michael Campbell, Nathan Karman, Scott Morrill and Micah Steinhilb.

Excused: Hong Huynh

1. Minutes

Meeting minutes for February 12, 2010, were discussed, revisions made, and unanimously approved.

2. Chair's Report (David Ashton)

The Chair had nothing in addition to topics covered under other agenda items.

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

(a) Dues came in at \$7,485 total, with the bar's assessment at \$3,263. The ending balance at the end of February was [REDACTED].

(b) As of the end of February, there were **502** paid members and **8** complimentary members, for **510** total. This is a bit of a drop, but not significant. For students, the fee is waived and the section essentially covers the bar's assessment for those members. The section must decide every year whether we will waive the fee for students.

4. Bar Liaison Report (Scott Morrill)

(a) Sustainability. Scott reported on the sustainability team for the bar. The mission is to raise awareness of sustainability issues for OSB employees as well as in member's personal lives. Scott noted that there is something of a disconnect between departments at the Bar – for example, someone may make two-sided copies to save paper, but the disciplinary section “undoes” that and makes everything single-sided. Scott will continue to keep us up to date on sustainability initiatives at OSB.

(b) Membership Services. Scott reminded us that the deadline for proposing legislation for the 2011 session is April 1. If the section wants to propose legislation we must have something by then.

Scott was asked to contact us about some boxes of recycled paper originally purchased for Outlook. We need to make a decision what to do with the paper. Scott will find out if the Bar has any use for it, but in the mean time ENR may be able to use it for our CLE materials.

The membership list for the section will come out soon and we will also get a list of those who did not renew.

David inquired who we work with on the annual conference: Karen Lee in CLE/Seminars Department. For IT questions, Karen's department would handle it, but if it's strictly technical, Anna Zanolli is the head of the Bar's IT department and can help.

5. Casenotes (Micah Steinhilb)

The March Casenotes are coming together and should come out the week of March 22. This round is going much more smoothly than the last and Micah is happy with the product.

Micah reported that he has been working on a succession plan document, including (among other things): (1) where to look for cases; and (2) lessons learned. Micah will revise after the March edition with new things learned. He also will invoice ENR after the March issue. He reported that we are still on budget.

The March edition covers cases as well as new regulations on construction stormwater, the Clean Air Act and some other minor rules. This issue is primarily made up of federal cases and regs.

Micah reported that he will be starting work at the Bodyfelt firm in April. He expects to do at least a couple more Casenotes after he starts at Bodyfelt, and perhaps more than that, depending. He would like to continue as Casenotes editor.

6. Newsletters

We generally discussed the quarterly publication schedule and agreed it is ambitious, but we are not locked in to this.

(a) Climate Change and Renewable Energy. (David Ashton/Laura Maffei) David and Laura reported that they met and began to sketch out topics and potential authors for the newsletter. They generally described the topics they are considering. Susan O. recommended Karen Reed as a potential author. Laura will send around a list of topics for others to review so they can suggest authors.

(b) Upcoming Outlook Topics. We renewed our discussion about topics for upcoming Outlook editions:

- Dam removal: Michael has talked with some folks about this topic, particularly Ellen Gerber, who suggested a focus on “greening” dams. Other potential contributors still on the list are Liam, Don Pyle and Kirk Burkholder of DEQ (who Don may be able to ask). Michael suggested that he might be managing editor for this newsletter, but also suggested that Ellen would be a good choice.
- Natural Law. Rachel reported on her research into natural law and that she and Diane had a constructive discussion about the topic. Some possible topics are: places with micro-ecosystems; changing management from top-down to ground up; and local adaptation.
- Integrated Water Resources. Karen & Michael reported that there has been only one meeting of the advisory group so far, so it will likely be another 6 months or more before there is anything substantive on this topic.
- Portland Harbor. David has nothing new on this topic. He will work with Erin and Kim on this topic.
- NEPA 40th Anniversary. Erin did not have anything new to report, but indicated that she may not have time to pursue this herself. David suggested that Ian Whitlock may be interested and will contact him.

7. **Updating E&NR Deskbook (Laura Maffei)**

Laura had nothing new to report and will set up a meeting of the ad hoc committee before the next Exec Committee meeting. Pam Hardy mentioned that there has been discussion at the BOG about changing CLE publications to all electronic. She is involved in the small/solo bar section, who has met with the BOG to discuss the disproportionate amount small firms must pay for access to OSB CLEs. There is a resolution pending with the BOG to allow small/solo section to pay for CLEs as one “law firm” and therefore get the discounted rate. The Deskbook committee will include Pam in its next meeting as this idea may fit in with our “all electronic” proposal to the BOG.

8. **CLEs and Brownbags**

(a) Brownbags. (David Ashton) The brownbag on geothermal projects was very successful and the materials have been posted to our web page.

Nathan reported that he met with David to discuss upcoming topics. They have a topic for April (ethics with Scott Morrill, see below), but nothing for March. Other potential topics are:

Environmental Ethics: April 9 at noon at Port of Portland. This is the last one at the Port’s downtown offices.

Sustainable management of Sediments/Greening Cleanups: new suggestion for a topic.

NEPA: there was consensus that we can have a NEPA brownbag even if we have an Outlook dedicated to NEPA.

Invasive Species in Oregon: Jas suggested Lisa DeBruyckere, the current invasive species coordinator for Oregon. She is very dynamic and is looking for help drafting legislation for the next session.

UP/Triangle Park: David is still working on this.

Wind Power & Biomass: This would potentially be a point-counterpoint presentation.

Update on Citizen's Suits: Tom Lindley has done this in the past, but there is a danger this year of overlapping with the annual conference.

(b) Annual CLE. The annual conference committee includes John, Pam, David, Diane, & Erin; in addition, Patrick, Kim, Susan and Jas asked to be included in planning. Several of the committee members met this morning before our Exec Comm meeting to discuss topics, location & dates, with the following results:

- **Topics/Substance**: updates to the law, using the Deskbook format to some degree: haz waste, CWA/CAA, ESA, global warming, alternative energy. There was some discussion of having concurrent sessions. Our attendance in the past has not been sufficient to do this, but we may have enough this time because of the subject matter. In addition, the conference may include plenary sessions on the Supreme Court & 9th Circuit decisions as well as ethics.
- **Location**: The decision on location is delegated to the committee. There are many options around Portland & the Willamette Valley that offer conference as well as hotel space. The committee will meet March 19 to make this decision.
- **Date**: Suggested dates (based in part on availability of the facility) are Oct. 7 and 8.

9. E-alert Topics

The legislative wrap up went out yesterday. We were updated on some of the other topics previously discussed:

- **Placer mining case**: Patrick talked to Allison LaPlante and there may be some interest there.
- **Klamath Irrigators case**. Patrick asked for a volunteer to sum up this Oregon Supreme Court case. Laura will find a volunteer to do this.

10. New Business

(a) 2011 Legislative Session. David suggested that it will be hard to get consensus from the section on legislation, so it's probably better to pass on this. The committee generally agreed.

(b) Pro Bono listserve. Erin will follow up with Dallas Deluca on this proposal.

(c) OLCV Dinner. ENR has a table for this event. It is filling up and Jas asked for a few additional Exec Committee members to sign up for the table.

(d) Spring Social. Susan reported on the proposed social at Red Star in downtown Portland: the room is available May 20 from 5:30-7:30. Red Star will waive the room fee, but has a \$500 minimum on drinks and snacks. There was a suggestion that we ask Sustainable Futures to co-sponsor this event and make it a "mixer" for the sections. Susan will contact them to ask. Once she has input from SF, we will need to have an email vote to expend the funds for the event. Susan will coordinate that within the next week.

Jas adjourned the meeting at 10:45 a.m.

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