

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

MINUTES

Friday, April 9, 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, Erin Madden, Karen Moynahan, Susan O'Toole, Patrick Rowe, John Marsh, Pamela Hardy and Diane Henkels.

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

Excused: Laura Maffei and Hong Huynh.

We also had a guest: Dallas DeLuca of the Markowitz Herbold law firm.

1. Minutes and Agenda

Meeting minutes for March 12, 2010, were discussed, revisions made, and unanimously approved. Rachel suggested that law school liasons should be a standing item on the agenda.

2. Chair's Report (David Ashton)

Request to identify 2 community representatives to participate in Uniform Environmental Controls Act next session. David had to respond prior to our meeting. He and Patrick Rowe will participate with the workgroup, anyone else who wants to participate can let David know. Jas raised concerns about a split in the section so the committee decided that the participants will not represent the section. David stated that the participants will come back to the section to see if there is a section position on the decisions of the workgroup, and try to get a consensus on some or all of the decisions and will bring any consensus back to the workgroup.

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

Jas spoke with Hong's assistant and learned that she will return in July. There is not new financial information—it is the same as last month.

4. Bar Liaison Report (Scott Morrill)

(a) Scott reported that the Board of Governors instructed Bar staff to do a top to bottom review of current programs for efficiency. BOG wants Bar books to be

completely electronic and online at little to no cost, which will require significant restructuring because the books make money for the Bar. BOG wants the review done in the next couple of months.

(b) The Bar Sustainability team had its second meeting and is encouraging employees to participate in bike-to-work day, using Tri-Met, getting lights and monitors turned off, using 2-sided copying, using more efficient copiers.

(c) David asked about the donation of the recycled paper in stock. The Sustainability Section is interested in it but hasn't gotten word back from them. Diane mentioned that because the newsletter comes in more than one color the section can't use the paper, so Scott will talk to the Facilities person at the Bar to find a home for it. Other alternatives discussed were to hold it to see if it can be used for the CLE materials.

(d) Scott stated that the section received a letter from the Oregon Minority Lawyers expressing appreciation for the section's contribution last year.

5. Casenotes (Micah)

Second edition went out last week. Cases are accumulating for the next issue. Micah will get Dave and Jas an invoice and succession planning documents to Dave.

6. Newsletters

(a) Climate Change and Renewable Energy. (David) Nothing new to report.

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

- Dam Removal –Michael is trying to get a meeting together. There is enough information to expand the topic to “Dam Greening” and removal, maybe an article on the dam removal issues related to the Klamath Settlement, legal challenges of removal. Michael is shooting for late summer, early fall. Michael is managing editor, Ellen is issue editor. David requested outlines of Climate Change and Dam newsletters for next meeting.
- Natural Law-Rachel was ill and hasn't made any progress. She will be an editor.
- Integrated water resources- Nothing to report. Michael stated that the issue is at least 6 months out because the advisory committee has to meet.
- Portland Harbor-David will set up a conference call to discuss with other editors and authors.
- NEPA- Karen will look into putting it together.
- Klamath Basin- Susan and Karen had a phone conversation and divided up the

stakeholders. They are working on contacting potential authors.

7. Updating E&NR Deskbook (Laura)

David reported that Laura “valiantly” attempted to schedule a meeting but schedules didn’t coincide. The group will try to meet over the next month.

8. CLEs and Brownbags

(c) Brownbags. (David Ashton) The Ethics CLE to be held today, April 9th. Others being planned are Invasive Species with Lisa De Bruckere for May 6th, a June 24th CLE on DAS’s sustainability efforts for State agencies, perhaps in Salem (Karen). A point/counterpoint on citizen suits with Tom Lindley and PEAC at Perkins Coie is being planned for the end of June or July (David). David Blount has committed to a brownbag on UP’s acquisition of Triangle Park Superfund site. The date will depend upon when the UP contact person will be available. (David). City of Portland’s River Plan is up for a council vote-may be a good topic for a point/counterpoint. Diane suggested that Nancy Klinger from the City Attorney’s office could participate. Other suggestions should be sent to David or Nathan.

(b) Annual CLE. (John Marsh)

Subcommittee met this morning. Pam confirmed the Edgefield Manor for October 8th, committee voted to commit to that date. We discussed the Thursday night option, whether to have a formal session with an hour of CLE credit. It’s expensive to get the room (\$1000-\$1600 minimum food and beverage costs). The committee’s monthly meeting will be held at the Edgefield on Thursday night. It might be just an informal session or an exec committee meeting only. David suggested that we have an informal meeting Thursday night and invite speakers and moderators to attend, focus our efforts on the full day session. Jas endorsed David’s proposal, Pam agreed. Pam will look into reserving a section of the bar at Edgefield rather than incurring the \$1000-\$1600 obligation.

John reported that there’s no further progress on the topics, which are hazardous waste, CWA, CAA, ESA and global warming/alternative energy. The CLE will be 9-4:30, and we need a luncheon speaker (perhaps from DOJ, a professor or a judge). David suggested the Attorney General, Jas to follow up. Next CLE committee meeting is in 2 weeks. John needs \$300 for advertising- unanimous approval of folks in attendance. John to follow up with email to get a quorum.

9. E-alert Topics

The KID eAlert went out. Laura did an excellent job. We were updated on some of the other topics previously discussed:

- David suggested an e-alert Superfund/constitutional due process issues in response to the recent US Supreme Court case. He talked to Patrick about it, he is interested in writing it.

- David also suggested the Vannatta case, regarding bringing a claim in equity to clarify constitutional rights and possibly getting attorney fees. David will talk to Patrick.
- Peconic Baykeepers v. Suffolk Co. –Second Circuit case ruling on application of FIFRA and CWA to spraying pesticides for mosquito control. Karen to ask Larry Kundsens .
- Diane will check into National Historic Preservation Act case, decision coming out on wind facilities impacting traditional cultural properties.

10. New Business

Spring Social (Susan)- Maybe May 27th, 2 possible locations. Susan needs final approval to book. All were in favor of booking.

List Serve -Dallas DeLuca from the Markowitz firm circulated a memo regarding the potential for creating a list serve for pro bono opportunities involving environmental issues. He discussed matching the needs of the community with pro bono attorneys. There was discussing about the memo, including questions regarding who would run the website? How would information be collected? Would the service be available to nonprofits only? Low- income people? How will clientele be screened? Should positions be screened? How would distribution be handles? Emails, website? Would conflict checks be performed? By whom?

David stated that the section represents diverse interests, so we should take a hard look at these issues. Particularly, Dallas should check for precedence for something like this at OSB. Dallas to check to see how environmental sections in other states handle these issue. David asked the committee to read the memo and comment. Dallas will come to the next meeting. This should be the first agenda item so we can maximize participation.

Webpage-Pam maintaining it. Webpage needs to be updated on executive committee membership.

University Liasons- Rachel –U of O liason- she will do a quick study on what we can offer students. Susan looking at what career services offer between the students and general membership. David to email request for other schools.

Jas adjourned the meeting.

Next Meeting Date: **Friday, May 14, 2010, at 9:15 a.m., at Schwabe Williamson & Wyatt; 1211 SW 5th Ave, 19th Floor; Portland, OR.**