

# OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION EXECUTIVE COMMITTEE MEETING

## MINUTES

**Friday, June 11, 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, Laura Maffei, John Marsh, Karen Moynahan, and Patrick Rowe.

*Via Telephone:* Rachel Barton-Russell, Nathan Karman, Erin Madden, Kimberlee Stafford, Scott Morrill and Micah Steinhilb.

Excused: Diane Henkels, Hong Huynh, Michael Campbell, Pamela Hardy, and Susan O'Toole.

### **1. Minutes**

We did not have a quorum to approve the minutes, but minor revisions were suggested and noted.

### **2. Chair's Report (David Ashton)**

The Chair had nothing in addition to topics covered under other agenda items, but noted that he had investigated and purchased a gift for our past Chair of ENR.

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

The accounting numbers are the same as appear in the May meeting minutes for the end of April.

### **4. Bar Liaison Report (Scott Morrill)**

(a) The big news is about BarBooks™, OS Bar's new program for providing its publications online. BarBooks is intended to be a benefit of membership and free to OSB members. The BOG has requested funding from the PLF who will vote today whether to approve that. Scott will email the link to the BOG minutes approving the program: go to <http://www.osbar.org/leadership/minutes/toc.html> and click on the minutes for April 30, 2010. David asked whether this will impact our revised Deskbook; Scott indicated that it will and we will need to coordinate with the CLE/Publications folks.

(b) Scott reminded us that we will need a meeting by October 15 to vote on whether to raise our section fees for 2011.

(c) David mentioned that he hasn't yet spoken to DiLorenzo about UECA and the potential for the Section to comment on it. Scott suggested David contact Susan Grabe at the bar [(503) 620-6380]. Jas also mentioned that Lynne Perry is the representative for DOJ on the matter.

## **5. Casenotes (Micah Steinhilb via David Ashton)**

Micah indicated that Casenotes #3 is in progress and will be out at the end of June.

There was a general discussion about the scope of the Casenotes and whether it should include material other than case summaries such as federal appellate cases, US S. Ct. or administrative decisions? The group recognized that it may be difficult to get authors for federal rules (example: recent CAA rules) because they are lengthy. It was suggested that the Executive Committee could provide guidance to Micah on hot topics. Micah indicated that we can continue to discuss this next month; he suggested that we look for more volunteers that have experience specific to the rules we might want to cover. David asked whether we should perhaps cover legislative issues in our eAlerts, with not decision on this.

There was a discussion of transition planning for the next Casenotes editor. Micah said that he is keeping good notes and will send info he has to David in July after the next issue is out.

## **6. Newsletters**

(a) Portland Harbor. David will provide a better update next time, but he reported he is moving forward with Erin and Kim on this topic.

(b) Natural Law. Rachel indicated that she will meet with John and Diane next Thursday to discuss the topic in more detail.

(c) Climate Change. David and Laura will set a time to meet and discuss.

(d) Oil Spills. A very topical issue and Oregon has a good Oil Spill Act. David and Diane will meet and discuss whether it's possible to get a newsletter out before the fall CLE b/c the topic will be discussed there.

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

Laura reported that she and Michael Campbell met and made progress on the structure of the new Deskbook. She handed out a new outline of topics for the Executive Committee to review.

## 8. CLEs and Brownbags

(a) Gordon & Reese CLE (Dan Nichols). There is a proposal for a joint CLE with G&R and the National Enforcement Training Institute. They both would like to partner with a local bar organization in this. It would be a 1-day seminar on enforcement with G&R picking up the cost and ENR co-sponsoring. John Dougdale, formerly of EPA, would teach the course.

This is a pre-packaged program with training modules and a panel discussion at the end. ENR would not have a ton of control of the content of the program

David was concerned that we not take attendants away from our annual CLE. ENR would be sending out announcements, etc., so we should be careful about promoting another event so close in time. There was a general discussion about who can attend and whether we can co-host a brownbag with a law firm.

The Committee unanimously voted to move forward with the idea, provided it is OK with the bar and there is no interference with our October 7-8 CLE. David, Jas and Scott will follow up on this.

The final discussion was whether the Port of Portland's commission room might be available as a venue for this event.

### (b) Brownbags. (David Ashton)

*Sustainability*. This brownbag will occur June 24 at the Department of Justice in Salem. Elin Shepard of DAS will be presenting. ENR will be advertising to state employees because the topic is the state's efforts on sustainability.

*Green Remediation*. This is rescheduled to July 16. It will feature Paul Slyman of PDC and AECComm. The Port commission room is not nailed down yet, so a downtown location may be necessary.

(c) Annual CLE. The subgroup met and is making good progress toward firming up the schedule for the CLE. Several decisions were made: no speaker on Thursday night, the October ENR meeting will be held on Thursday instead, there will be 5 sessions total (6 with lunch). The speakers will be locked in by June 15. Diane is leading that effort because she is responsible for getting CLE credit with the Bar.

The Save-the-Date went out earlier this week and the flyer will go out in early to mid July. The subgroup will meet again in two weeks.

Pam is working on getting a notice on the ENR web page for the event.

We discussed a speaker on oil pollution law – potentially Mike Zollitsch of DEQ or Richard Franklin of EPA's OR Superfund office. We are looking for a federal level speaker for this.

(d) Awards?. This should be on the agenda for next month.

**9. E-alert Topics**

One eAlert went out since our last meeting on the ESA. Suggestions for new topics are the Arrowjet case, ONDA v. USFS, USEPA v. WashDOT (Maffei volunteered for this), and coverage of the next legislative session (next month).

**10. New Business**

Pro Bono listserve. We had additional discussion about this topic. Dallas Deluca is going to start with the directory as a pilot, as suggested in our meeting last month. Erin will help find organizations interested in the services the listserve will offer. Dallas will also begin to collect names and topic areas to include on the listserve.

The Executive Committee approved a motion to survey members to determine who is willing to participate.

Provisionally, the pro bono directory would be published on ENR's website and would be publicized by sending the link to target organizations as well as legal aid. We would have to monitor referrals as they come in.

(a) Spring Social. Good work by Susan on the Spring Social!

David adjourned the meeting at 11:00 a.m.

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