

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

MINUTES

Friday, September 10, 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, Laura Maffei, John Marsh, Karen Moynahan, and Patrick Rowe.

Via Telephone: Jas Adams, Diane Henkels, Hong Huynh, Rachel Barton-Russell, Nathan Karman, Susan O'Toole, Kimberlee Stafford, and Scott Morrill.

Excused: Erin Madden.

1. Minutes

June and July minutes were unanimously approved, with one abstention. May minutes were also re-approved because the record of their approval in June was incomplete.

2. Chair's Report (David Ashton)

EPA Civ /Crim Enforcement CLE: David reported on the Gordon Reese all-day CLE on EPA civil and criminal enforcement to take place on November 3. David sent out a copy of the agenda to the committee earlier this morning. The CLE will include headquarters and regional EPA staff. The Port of Portland commission room is available for the event. We will promote the CLE through the usual channels, and will also include the RELU & Litigation sections of the bar. It will be a free event.

UECA: David asked for volunteers for a work group to review and evaluate Uniform Environmental Covenants Act that may be considered in the next OR legislative session. Patrick and David will spearhead this effort. Patrick joined the meeting later and indicated that the idea is to have consistent enforcement and maintenance of environmental covenants by passing this into law (even though OR already uses the standard form). John DiLorenzo is leading the workgroup next session. The workgroup is trying to determine whether this should be adopted; legislative counsel is already drafting a bill. Patrick is interested in having a developer in the work group to weigh in. David and Patrick are both participating in the work group as individuals, not as representatives of ENR.

Bar Mentoring Program: This is a new program the bar is developing and will be looking for help from the sections to recruit volunteers. Scott indicated that the bar is waiting for an opinion from the OR S. Ct. approving this program. There are questionsa

bout confidentiality that need to be resolved. David indicated that – when the program is approved – we will need to form an ad hoc group to look for interested mentors. Sylvia Stevens and Helen Herschbiel are the bar contacts for this program Karen and David volunteered to work with the bar on this program.

Swearing In Ceremony: The new bar members will be sworn in October 7. If we want to provide materials about the section, we need to do so by September 29. John Marsh indicated he did this last year for the section – we provide the electronic files and Michelle at the bar prints it out.

3. Treasurer’s Report (Hong Huynh) (taken out of order from agenda)

- (a) There were **\$642** in net revenue in August, including CLE registrations.
- (b) We got **4** new members in August for a total of **544**.

Hong reported that Michelle Peterson, OSB Controller, has contacted sections to ask that all contracts be executed by OSB’s general counsel or deputy general counsel; sections cannot enter contracts on behalf of the bar. We discussed the contracts related to the upcoming CLE: Jas reported that he sent the Edgefield contract to the bar for review. John Marsh will follow up with Helen Herschbiel to determine whether the contract was signed.

4. Bar Liaison Report (Scott Morrill)

Karen asked a question about registering law students for the section. Scott will find out about this.

Scott indicated that David and Hong already hit the highlights of his report: Bar mentoring program & contracting issues.

The big news around the bar is the departure of Teresa Schmidt. Sylvia Stevens will be ED and Helen Herschbiel will be General Counsel as a result of this.

Friday October 29 is the House of Delegates meeting. The deadline for resolutions is September 14. David needs to attend on behalf of the section or find a substitute if he cannot.

Scott noted a couple procedural issues about the upcoming annual meeting: if we are raising fees, we need to let the membership know by October 15. We also need to appoint a nominating committee 60 days prior to the Annual Meeting and provide notice to the membership about the candidates 14 days prior to the meeting. Regarding the question of raising fees, the committee determined there is no reason to do this because we are already running a surplus.

5. Casenotes

Micah was not on the call so we did not update Casenotes this meeting.

6. Newsletters

Rachel reported that she met with John & Diane and made a plan for her idea on natural law. She is putting together a statement to send to potential authors.

David, Kim and Erin will confer on a newsletter on Portland Harbor.

We discussed the potential to have a newsletter on the upcoming legislative session. It could be a preview of environmental issues. David sent around a copy of the Capitol Report for reference. Patrick suggested it could be like the eAlert sent out earlier this year.

Susan suggested using the conference materials to do a newsletter. Karen and Nathan volunteered to help with this effort.

7. Deskbook

The Deskbook committee will meet the first week of October.

8. CLEs and Brownbags

(a) Annual CLE. The subgroup will meet next week. We discussed cost for subcommittee members and voted unanimously that they can register for the NGO rate of \$95. There also was a motion, second and unanimous approval that speakers get free admission to the CLE.

We discussed ongoing publicity and promotional activities. Save the date notes have gone out we'll send out a couple more email flyers. There were a couple suggestions and corrections regarding the flyer, which John will address.

(b) Brownbags. (David Ashton)

David indicated there is nothing new at this point but had a number of suggestions for new topics to cover: update citizen suit law (point/counterpoint), Safe Harbors and spotted owls, power transmission and associated environmental issues on siting, coal exports from the PNW.

9. E-alert Topics

The two write-ups on the logging road case were very well received. Other potential topics include:

- 9th Circuit case on ESA & federal jurisdiction; Northern Cal Riverwatch case
- Karen suggested a write up on her Daubert hearing in the Hood River Juice case – it's the first one in Oregon on an enviro issue. Diane mentioned that Sustainable Futures in thinking of having a CLE on the topic.

10. New Business

Rachel suggested that we add a new item to the regular agenda re: outreach to law schools and bar liaisons' reports on same.

We also discussed the need to have a backup to Pam Hardy's role as our website guru. Rachel volunteered to do this.

David adjourned the meeting at 10:35 a.m.

Next Meeting Date: Thursday October 7, 2010, at 6:00.m., at McMenamins Edgefield (night before Annual CLE).