

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION  
EXECUTIVE COMMITTEE MEETING – MARCH 9, 2012**

**FINAL MINUTES**

The meeting was held at Miller Nash's office in Portland, Oregon.

Attendance (A quorum of 15 members attended):

*In person:* Jas Adams, Larry Burke, Hong Huynh, Karen Moynahan, Patrick Rowe, Dustin Till

*Via Telephone:* Regina Cutler, Lawson Fite, Brett Kenney, Sarah Liljefelt, Laura Maffei, Kate LaRiche Moore, Scott Morrill, Anzie Nelson, Kim Stafford

*Others in Attendance:* Matt Preusch (2L, Lewis & Clark); Jared Ogden (Case Notes Editor)

*Excused:* John Marsh, Sarah Winter Whelan

**1. Approval of Minutes from February 2012 Meetings (Patrick)**

February Minutes were approved, with grammatical corrections.

**2. Chair's Report (Hong)**

Last month's trip to PDX was a great success. Attendance was substantial and participants were able to see many interesting activities that the Port is working on.

Sarah Hackbart has sent an updated membership list, including new members and persons who have dropped off. Hong will prepare an e-mail to former members encouraging them to re-join. Some folks may have simply forgotten to check the box on the State Bar form. Hong will send cc of this e-mail to EC members, and ask them to also inquire with former members as to rationale for allowing membership to lapse and to see if they care to rejoin.

**3. Treasurer's Report (Patrick to report on John's behalf)**

No report. Bar has not yet posted January and February financials.

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

Nothing to report this month.

**5. 2012 State of the Salmon Conference (Brett)**

This conference, hosted by the Coho Tribe addresses conservation of wild salmon. The conference will take place in North Bend, most likely in November. It's a 2 ½ day conference. Last year there were approx. 200 attendees. Possible opportunity for the Section to get involved

- Section could sponsor, or host a happy hour at the conference.
- Could pair with a tour of interesting tribal projects nearby.

Brett will inform us more about the agenda at the April EC meeting, and seek to determine how many attorneys attended last year.

## **6. OLCV Conference**

Brett reported that there are eight seats left on the ENR Section table at the OLCV conference (April 27). Karen will doublecheck with OLCV to confirm registrants.

## **7. Updating ENR Deskbook (Laura)**

Moving forward, and on track to meet deadlines. Karen volunteered to edit Laura's chapter.

Laura was contacted by State Bar to see if Section is sponsoring legislation. Laura will confirm that Section is not.

## **8. Brownbags (Anzie)**

Anzie and Sarah will contact Dan Mensher re: brownbag on *NEDC v. Decker (Brown)*. Jas recommends also contacting Paul Garrahan, DOJ, to discuss the State's position. He will contact Paul and get back to Anzie and Sarah. We will plan for a brownbag in April or early May. It is expected that the U.S. Supreme Court will decide whether to accept cert in June.

The group discussed possible presentation on the wolf bill. Anzie proposed speaking with Kate Moore. Jas suggested we also consider asking a non-attorney to draft an article, perhaps someone from ODFW.

Jas also noted that there is pending litigation – *Cascadia Wildlands v. ODFW*, presently in the Court of Appeals. Challenge to authority of ODFW to lethally take wolves. We will wait to have the brownbag after the briefs are filed. (Opening brief filed last week).

Anzie suggested possible joint event with Oregon Ass'n of Environmental Professionals. Topic to be determined, including perhaps something on sediments or Portland Harbor.

Anzie also suggested a joint event with Green Drinks.

Larry suggested co-sponsoring brownbag with Air & Waste Mgmt Ass'n.

Jas suggested we ask chairs of Senate and House environmental committees (Jackie Dingfelder and Jules Bailey) to talk about what happened this past legislative session.

Hong suggested an expert on locating and interpreting GIS and Sanborn maps used in the due diligence process. These maps impact Phase I reports and conclusions as to whether there are any RECs. It should include someone from EDR and a consultant to provide a broad perspective addressing the various maps and how to read them. This section could possibly seek RELU co-sponsorship. Hong will assist Anzie. This will be second in the queue and will target for sometime in May.

## **9. Casenotes (Jared)**

Jared is working on the next issue. He has contacted editor-in-chief of Willamette On-Line (Willamette Law School summary of case law) regarding a possible opportunity to partner with them and utilize their articles. Jared seeks EC input on such a relationship. Willamette would, of course, want acknowledgement as the source. General consensus is that this is a good idea and we would readily state “originally published” in the Willamette publication, with link to the website. Jared will provide additional information as he learns more.

## **10. E-Outlooks (Sarah L.)**

Sarah suggested sending short e-mail to Members for ideas. We want to maintain high level of E-Outlooks and request any suggestions for articles. Possible topics include:

- Forest Services' new directive re: special use permits for ski areas, requiring lessees convey water rights to federal govt. after lease period ends.
- Nat'l Ski Area Ass'n has brought a lawsuit.

Sarah will contact to inquire if they would like to draft an article.

Lawson suggested federal litigation re: water takings in context of ESA may pose interesting contract to the Forest Services directive.

Regina proposed article on plans for Nestle bottling plant in Hood River. CRAG Law Center may be challenging. Possible future article. Hong asked Regina to track this case and periodically update the EC. Regina will approach someone to write article when timing is right. Jas suggests that a brownbag may be appropriate while it is still in litigation, with a point counterpoint.

Patrick suggested that we should again do an E-Outlook tracking/summarizing state legislative bills of interest. Newsworthy items include DEQ budget untouched, marine reserves, tax compensation credit to ranchers whose livestock have been impacted by wolves. Laura agreed to do a quick summary of what has passed.

Matt P suggested an article on the Columbia River Treaty. He offered to reach out to John Schurtz at Northwest Power Conservation Council to write an article. Matt will coordinate with John Marsh, who also said he may be able to locate authors for this article.

Dustin proposed an article on CAA developments concerning litigation over cross-state air pollution; controls impacting generation He may be able to write article on boiler MACT/CAA.

Laura suggested that she and Dan M. do a point/counterpoint on temperature standard. Sarah will follow-up with Dan to see if he is willing to co-author an article.

#### **10. Law School Liaison Reports (Karen, Kim)**

No news to report.

#### **11. Pro Bono project update (Sara W.)**

Since February, Sara has spent time reviewing online directories and identifying what we might need in the section email soliciting attorneys to participate in the directory. She still plans to call George Wolf and will reach out to Hong, Dan and Emily Reid, a section member (recommended as someone interested in helping) to discuss the “next steps” in more detail so we have concrete actions at the April meeting.

Scott M. stated that George Wolf informed him that the Public Service Advisory Committee will be reaching out to the sections to address this area.

#### **12. Field Trips (Adam Orford if available)**

Greenbelt Land Trust (Corvallis) has inquired if we would like to visit one of their project sites. Has been added to list of potential field trips. Greenbelt will work with Adam to choose date and potential site. Dustin will ask Adam to schedule something in the summer on a Thursday or Friday.

Lawson still working on Bonneville Dam field trip. He is looking at a date in May or late April. Jas noted that NOAA will be issuing permit to take seals near the dam.

#### **13. Annual CLE**

No report this month; John out of the country. CLE will be Oct. 5 at McMenamins.

#### **14. New Business (Hong)**

No new business

The meeting was adjourned at approximately 10:40 AM.