

OSB ENR Section Executive Committee Minutes

Friday, March 18, 2016

In person: Karen Moynahan, Mike Freese, Sarah Liljefelt, Stacy Owen (bar liaison), Rose Frances, Anzie St. Clair, Kirk Maag, Laysan Unger, Lawson Fite

By telephone: Caroline Lobdell, Kirsten Adams, Caylin Barter

Excused: Chris Winter, Dustin Till, Mary Anne Nash, Diane Lloyd

Quorum achieved

1. Approval of Minutes (Kate Moore)

2. Chair's Report (Karen Moynahan)

Reminder that meetings are third Friday of every month.

Charitable contributions. Had contributed routinely but last year EC decided to reevaluate to ensure that section members supported the contributions being made. Decision was made in to no longer make contributions. Recently received request for contribution for OLIO. IF anyone thinks we need to reconsider the issue, particularly as we near next year's budget process, please let Karen know.

3. Bar Liaison Report (Stacy Owen)

Today is deadline for House of Delegates. Main task is annual meeting where votes are made, with some periodic phone calls.

Board of Governors also has 4 vacancies and deadline is May 10. Work on more of the policy issues, e.g., changes to disciplinary system with recommendations going to Supreme Court.

4. Treasurer's Report (Lawson Fite)

Bar has new comptroller. Final financials for December just came out, but don't look much different than what we saw. Balance \$7,822. Member count 545, with 527 of those paying members. January financials not yet released. Had discussed question related to renewals in past. Amount of dues in is lower than membership number due to renewals being permitted through end of January, so likely to see those soon.

Appears that around 400 members of the 545 whose renewal dues may not be in yet. Karen will also reissue list of people who have not renewed in recent years. Stacy will ask for an updated list and provide this to the EC.

5. Publications

a. ENR Deskbook (Kirk Maag)

Karen talked to Hong about Vol. 2. Laura Maffei had environmental enforcement and Hong criminal and CERCLA, as Karen recalls. Karen reviewing now, and then will pass along to bar in next few weeks. Karen will pass CERCLA along for editing.

Kirk working on coordinating Vol. 3. with approx. 3 editors who will set timeline for confirming authors over next 12-18 months.

b. Casenotes (Diane Lloyd, not present)

c. E-Outlooks (Sarah L.)

One released in February regarding sage grouse. Working on legislative update next. Sarah expecting a baby in August. Given kudos on sage grouse article.

6. Education/CLE

a. Brownbags (Anzie St. Clair)

Had been working on combined effort with SFS on Clean Power Plan brownbag, but then stay and waiting for D.C. Circuit decision and now waiting until more timely. An idea about a potential toxic tort presentation, possible to discuss Monsanto lawsuit. Karen may have a contact who could discuss this issue, although would have to be careful given ongoing litigation. Also could include a discussion of the Bullseye Glass trespass/nuisance lawsuit that Dan Mensher filed.

Kirk also mentioned next week's spotted frog ESA Preliminary Injunction hearing next week. Case will continue moving forward, so could have opportunity to at least discuss the PI hearing. Kirk could possibly speak, and Lorrie Rule (?) may also be able to speak on this (per David Becker).

b. Field Trips (Rose Frances)

Locked down date for April 13 at 3:00 with Pollution Control Lab. Lab manager requested limit to group of 12. Still thinking about planning a happy hour (maybe at Occidental Brewing but not familiar with the facility, or Flinn's, which is more of a dive bar) to follow, which would be open to any section members. Notice will be sent to Stacy for distribution to section. If lab requires liability waivers, would want to communicate with Stacy about this and she will loop in whomever necessary.

Another possible field trip in August or September to Washougal where there is a fish passage technology that could be of interest (WHOOSHH Innovations salmon cannon).

c. Annual CLE (Kirk Maag, reported in Dustin Till's absence)

Planning group met and assignments were made. Some new ideas for topics, focusing on feedback received regarding broader scope of topics that speak to private practitioners and NGO attorneys. Date selected of October 14, 2016.

Kate will pass along to Dustin some additional people who would like to be involved: Anzie, Dave R., David Becker, and Kate would like to be included on future subcommittee emails. Kirk will ask Dustin to distribute list of topics discussed.

David Becker inquired whether someone out-of-state could present at CLE. Possibly David Hayes who was Sec. of Interior and in private practice (Latham & Watkins) at some point as well. Budget usually \$4,000 to 4,500 for CLE, but maybe there would be other events he could cover in same visit so we'd have lower cost.

Will need happy hour sponsors.

d. Legislation (Mike Freese/David Rabbino)

HB 4084 passed unanimously and will be effective soon. Wolf bill passed. Tillamook pilot program for wetlands.

Mike will provide brief synopsis for inclusion in E-Outlook with links to the bills.

Maybe next year can do more with what bar sends us at outset of session, to allow people to follow along.

7. Committees

a. Pro Bono (Chris Winter, absent)

b. Technology (Kate Moore/Anzie/Sarah L.)

Nothing to report.

c. Diversity (Mary Anne/David Becker/Kate Moore)

David B. said would be helpful to have list of OSB members to move forward with this effort. Center for Diversity in the Environment - David plans to reach out to the people here. Their effort mostly in non-legal area but might have some ideas regarding lawyers who might be involved.

Chris Ling now interim director of diversity for the Bar.

Kate will distribute information from work done last year to David B. Had spoke with then-director of diversity at bar and discussed reading out to groups representing minority attorneys, including specialty bars, etc.

In past have looked at geographic diversity within the state, but might also want to look at out-of-state members as well. List that Karen will distribute of membership can also be provided.

8. Other

WIE reception on March 31 at Tonkon Torp. In June/early July, the WIE reception at Perkins is the Sadie Hawkins version. Was big success last year.

Lawson noted AFRC annual meeting March 30-31 at Skamania Lodge (he is speaking and some congressional members also speaking). Event is open to public. Anzie suggested posting this to list-serv. On 31st and April 1st seminar Group CLE on pacific northwest timberlands management.

Anzie noted Global Climate Change event had reached out to see what our bar is doing on this issue. She pointed them towards the Sustainable Future Section. There will be an ABA event in Chicago on June 17. On June 15 there is ABA master class on CERCLA as well. Panel on climate change with folks from around the country may have opportunity for someone from our section. Nancy Klinger may be an option as she is already attending to speak and City involved in Clean Power Plan litigation.

Adjourned 10:13 a.m.

Next Meeting April 15