

OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION

EXECUTIVE COMMITTEE MEETING

Friday, June 15, 2018 – 12:00 Noon

LOCATION

In person: Dunn Carney
851 SW 6th Ave, 15th Floor
Portland, OR 97204

By phone: Dial 1-888-891-0496 and enter 150048

MINUTES

In person: Caylin Barter, Dave Becker, Ashley Carter, Maura Fahey, Tiffany Johnson, Caroline Lobdell, Sarah Liljefelt, Kate Moore, Mark Strandberg,

By telephone: Lawson Fite, Kirk Maag, Ryan Shannon, Stacy Owen (Bar liaison)

Quorum (9 minimum of 17) reached

Excused: Dominic Carollo, Devin Franklin, Michael Freese, David Rabbino, Dustin Till

Guest – Rebeka Dawit (summer associate at Crag Law Center)

Approval of Minutes:

May minutes approved unanimously, after clarification by consensus that any issues raised by the minutes subsequent to the meeting should be included in the *following* meeting minutes, rather than as an edit to the minutes of the previous meeting.

Chair's report (Lawson):

Lawson raised the proposal of offering complementary membership to new bar admittees – e.g. if someone is admitted in 2018, they get a complementary ENR membership through the end of 2019. The idea is that if someone becomes a complementary member for a year, they're more likely to remain paying members in the future. A motion was made and duly seconded to adopt complementary memberships for new admittees through the end of the year following their admission. The motion passed unanimously.

The Alternative Dispute Resolution Section is looking for a chapter author for their publication to cover mediation of environmental matters. If interested, please contact Sam Imperati at samimperati@icmresolutions.com.

Bar Liaison Report (Stacy):

Lawson will be receiving the annual meeting information packet. Vanessa Nordyke (OSBAR President) has constituted a committee to propose alternatives to 3-year law school (such as “reading the law” that is approved in other jurisdictions). If you are interested reach out to Stacy for the contact information for the committee members or directly to Vanessa Nordyke.

Also a reminder to be mindful of major holidays when planning CLEs and other events (including major religious holidays of all faith traditions).

Treasurer’s Report (Sarah):

The end-of-May fund balance is \$15,354. Several large checks written lately haven’t cleared in Accounting, but they *have* been received and cashed by the vendors. The fund balance once those are cashed will still exceed \$10,000. One additional non-paying member since last month – brings our paid membership to 496, with 9 non-paying, for a total membership of 505.

Publications:

ENR Deskbook (Kirk/Mark)

Kirk is still working to schedule a meeting with Linda at the Bar – Lawson asked to be included in the next meeting.

Case Notes (Devin)

No update.

E-Outlooks (Tiffany)

The next E-Outlook will be published later this month – it will be a reprint of Lawson’s *The missing piece: Presidential action on monuments highlights congressional abdication of responsibility*, originally published by the American Bar Association.

Tiffany is looking for authors for future publications. She will reach out to the ENR list serve and OWLS list serve, as well as law schools’ environmental/legal writing programs and will also reach out to environmental law reviews.

Education/CLE

Brownbags (Maura/Caroline/Ryan)

The next Brownbag will be on June 28th on groundwater regulation hot topics. Sarah Liljefelt and Lisa Brown (WaterWatch) will be presenting. It will be at Tonkon Torp. The next reminder will go out on June 18th; Sarah will post materials for the Brownbag on the website.

Maura had a call with the CLE subcommittee of the Indian Law Section regarding co-sponsoring the Brownbag on Tribal natural resource issues in Bend in September. They will take it to their Executive Committee about getting someone on the panel. We will look into getting Access to Justice CLE credit, too. Can we pay travel for another speaker? We *are* allowed to, and have generally done so on a case-by-case basis. Sarah will send Maura information about how much is coming out of the budget and how much might be available for travel.

Maura will follow up with Mike about a pre-session CLE in Salem.

Field Trips (Caylin/Michael/Tiffany)

Portland Harbor Tour – August 9th – 28 people are currently registered, 75 spaces available (4 will be for speakers). Julie Weis, Kevin Parrette (ODEQ) and Sarah Greenfield (ODEQ) confirmed. Kirk is working to get a representative from the Port of Portland or another speaker. Boarding will be at 2:45 pm, cruise for 3:00 to 5:00 pm. Caylin will send another blast email in a week or two.

After last month's meeting and our consensus to use Eventbrite for registration *and* payment, subsequent communications with the Bar revealed that, due to data security concerns, the Section is precluded from collecting payment by credit card unless it uses the Bar's CLE services. The Section has elected to move forward with the Eventbrite online registration format to track attendees but will only accept payment by cash or check. Maura helped Caylin with Eventbrite, but – as a future learning point – it is worth the \$8.00 per person to have the Bar handle all registrations and payments (instead of Eventbrite).

Bull Run Watershed Tour – July 13th – 14 of the 24 spots are filled. Caylin will send a reminder next week. There is a June 30th deadline to register; after that, Portland Water Bureau will open up any leftover seats to the general public.

Both of the tours on August 9th and July 13th will be 1 CLE credit. If you have summer interns interested in attending, please contact Caylin.

Annual CLE (Kate)

The space is reserved and the date is set (Thursday, October 11). After the meeting today there will be a meeting to put together topics and assign leads. Topics we have discussed before include: Tribal issues (could be stand-alone or worked into another); follow up on “changes under the Trump Administration” panel from last year (Lawson has a friend who just left DOJ who might be willing to participate); topics not covered last year (CWA, CAA, RCRA); aquaculture (Kathy Hessler, Diane Meyers, Brian Knutsen); Atmospheric Trust case (standing, Public Trust Doctrine, maybe Mike Blumm?); Supreme Court decision in culverts case.

Legislation (Michael/David Rabbino)

No update.

Committees:

Pro Bono (Ashley/Lawson/Devin/Ryan)

The committee has had a couple of good meetings about setting up some pro bono activity related to disaster response – thanks to Ashley, Devin and Ryan for doing a lot of research. They have contacted Texas and California bar folks who worked on disaster assistance programs. Observations: it is fairly complex to train people to staff a hotline during emergency; the uptick in calls may not justify around-the-clock staffing of a hotline. So: we will start with an “Information” page (of which Ryan sent around a mock-up that’s based on the California and Texas websites). Texas’s website is pretty comprehensive, California’s less so.

The benefit of a website is that it is relatively passive, a lot of the work can be done before hand by members of the bar, but can be informative and help people navigate beginning of a disaster (flood, fire damage, etc). At the most basic level, it can be a gathering place for resources – FEMA, SBA, IRS, etc. The California and Texas websites included several brief instructional videos from local firms regarding how to begin a process with these agencies. We could offer links to different firms or non-profits that people can access if they need more information. We also potentially could coordinate with the Oregon Office of Emergency Management, or FEMA, or other Oregon groups or non-profits. There are technical questions re: who will host the website; can the Bar host it? An independent provider (which might allow key word search optimization)? Oregon Law Help has a fairly generic set of information, but nothing on disaster response.

The website can be a first step towards providing more concrete services. In the past, we’ve had list of people interested in pro bono, but hasn’t been used. Ryan asked, if anyone has experience in developing a website, how to get it out there effectively and appear to individuals seeking assistance after a disaster, please let the Committee know. Sarah suggested having the Bar do the development for us

(\$40/hour), and that it could be a tab on our Section website, and then we could do outreach to the media and figure out how to get our tab linked on other pages (and then link to other groups that are useful resources). Stacy says that Bar could issue a press release once the website goes “live.”

Technology (Dave Becker/Sarah)

Everything on the website is updated.

Diversity (Dave/Ashley/Maura/Caroline/Kate)

Amber Hollister shared concerns with Stacy about the discussions we have had about a diversity-based scholarship. First, the Bar cannot authorize sections engaging in race-based analyses, because the Bar does not have the staff resources to support that sort of analysis. That said, she indicated that she could help the ENR Section to develop an approach intended to help those who have experienced barriers or oppression, more generally. Second, the Bar has concerns about collecting sensitive information from applications, such as financial information, because of the need to safeguard that information. Dave will follow up with Amber – including asking whether ENR could sponsor a scholarship *through* the Bar, thus allowing the Bar staff to handle the financial information and apply safeguards.

Caroline will continue to put together a list of resources. Ashley spoke with Jon Patterson of the Diversity Section – their big fall CLE is focused on immigration, but he is interested in working with ENR if we have ideas in the future. Dave will get in touch with Jonathan Puente about a meeting with our Committee.

Executive Committee Membership

Last year’s Membership Committee was Mark, Sarah, and Dustin.

This year: Mark is willing to do it again. Lawson also will be on it. Suggestions for a third, non-ExCom member included Jan Neuman, Stephanie Parent, and Laura Maffei. Mark and Lawson will connect on this, and probably try Laura first. The Committee will send issues and requests for input to all ExCom members.

Annual Award/Meeting (Dave Becker, Dominic)

We have a date/time/place for the Annual Meeting: Tuesday, December 11th, 5:30 pm to 7:30 pm at The Cleaners (Ace Hotel). Dave will coordinate getting the contract approved and deposit for the space submitted.

Danielle Edwards gave feedback that our Section’s award nomination form was better than Bar’s template – kudos to Kirk on having updated that last year.

Dave will plan to send out first request for nominations in late June. At the July meeting we should discuss the composition of the Award Committee, and set a schedule with the aim of bringing back a nomination of the Awardee to the ExCom at the November 16th meeting.

8. Other/New Business (Lawson Fite)

None

OREGON STATE BAR
Environmental & Natural Resources - 813
Statement of Revenue and Expense
For the Five Months Ending May 31, 2018

Description	May 2018	YTD 2018	Budget 2018	% of Budget	May Prior Year	YTD Prior Year
REVENUES						
Membership Fees		\$9,920	\$10,300	96.3%	\$20	\$10,080
Registrations - Conferences/Seminars			3,000	0.0%		
Total Revenue		9,920	13,300	74.6%	20	10,080
EXPENSES						
Annual Meeting			2,200	0.0%		
Case Law Summaries		155	600	25.8%		
Committee - Executive			400	0.0%		
Committee - Subcommittee			200	0.0%		
Computer - Internet / Web			100	0.0%		
Conferences / Seminars Expense			5,000	0.0%		
Education		40	2,200	1.8%		
Gifts & Awards		242	600	40.3%		
Telephone - Conference Calling	9	62	200	31.1%	12	51
OSB Support Services Assessment		3,968	4,120	96.3%	8	4,032
Miscellaneous Expense		161	1,000	16.1%		
Total Expense	9	4,628	16,620	27.8%	20	4,083
Net Revenue (Expense)	(9)	5,292	(3,320)		0	5,997
Beginning Fund Balance		10,063				
Ending Fund Balance		15,354				
Section Member Count - Paid		496				504
Section Member Count -	1	9				13
Section Member Count - Total	1	505				517

E & NR Detail

Account Number	Account Description	Date	Vendor Reference	Debit Amount	Credit Amount
813-7885-000	Telephone - Conference Calls	5/12/2018	May 2018 PGI Billing	\$8.73	\$0.00
813-U004-000	Environmental & Nat'l Resource Sect Comp Membr	5/31/2018	May Sect HC adj	1	0