

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION**

**EXECUTIVE COMMITTEE MEETING**

Friday, September 21, 2018 – 12:00 Noon

**LOCATION**

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

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

**MINUTES**

In person: Dave Becker, Maura Fahey, Lawson Fite, Tiffany Johnson, Caroline Lobbell, Sarah Liljefelt, Kirk Maag, Mark Strandberg,

By telephone: Stacy Owen (Bar liaison)

Quorum (9 minimum of 17) not reached – only 8 attendees

Excused: Caylin Barter, Dominic Carollo, Ashley Carter, Devin Franklin, Michael Freese, Kate Moore, Ryan Shannon, Dustin Till

Absent Unexcused: David Rabbino

**Approval of Minutes:**

Approval of July minutes was tabled until September meeting due to lack of quorum.

**Chair's report (Lawson):**

(discussion of Nominating Committee activity described in that section, below)

There is an upcoming swearing in of newly-admitted attorneys on October 4th ... we will want to mark up a flyer indicating the change to a complementary membership for newly-admitted attorneys – Dave and Lawson will coordinate with Bar on this.

**Bar Liaison Report (Stacy):**

Michael Dunlap at the Bar sent information to Section Treasurers on August 22nd regarding preparation for the 2019 budget.

### **Treasurer's Report (Sarah):**

Sarah received the information from Michael Dunlap and will prepare a draft 2019 budget before the next meeting. The end-of-August fund balance is \$12,750, with one check to Portland Spirit (for the Harbor cruise) still to process (the other checks for Portland Spirit and the McMenemy's deposit for the CLE have cleared). We had three new paid members in July from the events Caylin organized, and one new unpaid member in August – brings our paid membership to 504, with 11 non-paying, for a total membership of 515.

### **Publications:**

#### **ENR Deskbook (Kirk/Mark)**

Kirk and Mark had a conversation with Linda at the Bar, and the Bar is willing to work with us to move forward on Volume 3. Mark and Kirk need one more editor for high-level editing; the Bar has an in-house editor to do detailed cite-checking. If no one on the Executive Committee is interested, Kirk will send a blast email to the Section asking for self-nominations. It is estimated that it will take 12 to 18 months between starting the Volume 3 updating process until it is completed. Linda is going to share the guidelines about the editor position, but emphasized it is NOT a law review-type position. Mark will follow up with Linda.

#### **Case Notes (Devin)**

Devin emailed an update: the volunteer numbers were up for the last edition, which is great. She is starting to compile cases for the next edition, which will be sent out next month – if anyone has worked on, or heard of, exciting new environmental cases over the last couple of months, please email her with suggestions.

#### **E-Outlooks (Tiffany)**

Tiffany has a couple of leads on articles – potentially a Courtney Lord article regarding public lands, and a Mac Lacy article regarding sage-grouse. She may also tap into the set of presenters at the October CLE to see if one of them might be interested in writing an article, for example, one of the Environmental Justice panelists has a law review article that might be pared down.

Tiffany also had a conversation with Susan Jane Brown who, with Mike Blumm, wanted to prepare a “response” to Lawson’s article, *Dude, Where’s My Congress?: Presidential Action on Monuments Highlights Congressional Abdication of Responsibility*. The Executive Committee was not comfortable with publishing a “response,” but Tiffany conveyed that they would be welcome to write another article about the Monuments issues so long as it was not framed as a response to the previously-published article. Susan Jane indicated they will wait for some of the litigation results and submit an article at that point, possibly this fall.

## **Education/CLE**

### **Brownbags (Maura/Caroline/Ryan)**

Maura reported that the brownbag in Bend on Tribal Natural Resources (jointly with the Indian Law Section) went very well, with eight people appearing in person and another 25 on the telephone. The attendees in Bend expressed delight that they could do a local presentation.

As of right now, we do not have another brownbag planned. We have done four this year (counting the one on National Monuments that Lawson participated in and our Section tagged on to)—she will try to coordinate with Mike Freese to do a pre-legislative-session CLE in Salem some time in November.

There was a suggestion to do a brownbag (or CLE panel) on the *Lucia v. SEC* case, 138 S. Ct. 2044 (2018), which has led to the Interior Board of Land Appeals staying all cases on the merits (although it is still ruling on stays). Maybe jointly with Administrative Law section? Possible speakers: Bill Funk (Lewis & Clark Law School), John Manning (Harvard Law School).

### **Field Trips (Caylin/Michael/Tiffany)**

Caylin submitted a report that we secured six CLE credits for the July 13th Bull Run Watershed tour, and one CLE credit for the Portland Harbor cruise. The speakers at the Bull Run Watershed tour were Anna Buckley of Portland Water Bureau and Karen Moynahan of the City Attorney's Office. We might consider doing the Bull Run Watershed tour every year for six CLE credits, if we can get the same speakers.

About 50 people attended the Portland Harbor cruise in August. No further field trips are scheduled for 2018.

### **Annual CLE (Kate)**

Everything seems to be coming together for the Annual CLE, as we have been coordinating speakers and other logistics by email. Kate will have the flyer prepared by in-house people at Dunn Carney – we need to confirm she has all the necessary information. Sarah wants to make sure that registration can begin as soon as possible. Lawson will follow up with Kate.

We should try to get biographies and presentation materials to Sarah as far in advance of the CLE as possible so she can apply for CLE credit as soon as possible.

## **Legislation (Michael/David Rabbino)**

No update on legislation. Lawson noted that a pretty big legislative package regarding wildfire passed in California and there is a ballot measure in Washington State regarding a carbon tax, and that it is likely there will be major carbon legislation in Salem during the next Oregon legislative session.

## **Committees:**

### **Pro Bono (Ashley/Lawson/Devin/Ryan)**

The plan for an informational website related to disaster response is at something of a standstill – after we came up with the idea, Lawson got busy and the timeliness (related to the wildfire season) may be past for this year. He will make it his project next year as Past Chair.

### **Technology (Dave Becker/Sarah)**

Everything on the website is updated, and one CLE presentation (from Billy Barquin) is already posted on that page.

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

Caroline presented an update on Lewis & Clark Law School's plans to bring Jillian Hishaw, founder of Family Agriculture Resource Management Services, to Portland to speak. She has three topics she could speak on: race and inclusion; race-based solutions to increase diversity; and racial barriers to lawyers of color being involved in environmental and natural resources law. The Executive Committee is very interested in the last of these topics, while the Law School is more interested in the first two. Her speaker's fee is \$4,500—Lawson and the ExCom generally felt that the Law School should pay the bulk of it, but our Section (and potentially the Agriculture Law Section) may be able to contribute something.

Potentially, we could have her speak at a separate brownbag (the same day she speaks at Lewis & Clark Law School), possibly with Queta González, Director of the Center for Diversity and the Environment.

### **Executive Committee Membership**

The Nominating Committee (Lawson, Mark, and Laura Maffei) met. It appears there will be two vacancies—David Rabbino and Dustin Till. The Nominating Committee has received names of several good candidates so far.

The question arose of whether, with two open slots and three or four good candidates, whether we should have a competitive election, or ask a couple of the candidates to step aside for a year but stay involved? After discussion, the consensus

was that Bylaw VI.8 requires the Nominating Committee to make a nomination for each open position, which will then be the slate presented to the Section for election to those positions. This nomination process also requires the Nominating Committee to make reasonable efforts to ensure that the members nominated reflect the diversity of the Section membership, the state Bar, and the community at large. Bylaw VI.10 then provides that additional nominations may be made from the floor at the annual business meeting (to be held on December 11, 2018 this year), and an election for any contested position then held.

We also flagged that, under Bylaw VI.9, we should make every effort possible to not have more than one person from any law firm, company, or organization on the ExCom.

The Nominating Committee's goal is to present a slate of nominees to the ExCom at the October 19th meeting.

### **Annual Award/Meeting (Dave Becker, Dominic)**

Dave reported that the Award Committee has been constituted (Dave, Ashley, Dominic, Jan Neuman, Stephanie Parent) and that three nominations have been received. The nomination deadline will be extended to October 12, with the first meeting of the committee by telephone on October 16. The Award Committee will present a recommendation to the ExCom for a vote on November 16th.

Dave will have nomination forms to put on the registration table at the October 11th CLE.

### **8. Other/New Business (Lawson Fite)**

None

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

Description	August 2018	YTD 2018	Budget 2018	% of Budget	August Prior Year	YTD Prior Year
<b>REVENUES</b>						
Membership Fees		\$10,080	\$10,300	97.9%		\$10,120
Registrations - Conferences/Seminars	100	140	3,000	4.7%	210	1,139
<b>Total Revenue</b>	<b>100</b>	<b>10,220</b>	<b>13,300</b>	<b>76.8%</b>	<b>210</b>	<b>11,259</b>
<b>EXPENSES</b>						
Annual Meeting			2,200	0.0%		
Case Law Summaries		291	600	48.5%		
Committee - Executive		404	400	100.9%		
Committee - Subcommittee			200	0.0%		
Computer - Internet / Web			100	0.0%		
Conferences / Seminars Expense			5,000	0.0%		40
Education	1,800	1,955	2,200	88.9%		
Gifts & Awards		242	600	40.3%		
Telephone - Conference Calling	8	104	200	51.8%	12	95
OSB Support Services Assessment	8	4,040	4,120	98.1%		4,048
Miscellaneous Expense	336	498	1,000	49.8%		
<b>Total Expense</b>	<b>2,152</b>	<b>7,533</b>	<b>16,620</b>	<b>45.3%</b>	<b>12</b>	<b>4,183</b>
<b>Net Revenue (Expense)</b>	<b>(2,052)</b>	<b>2,687</b>	<b>(3,320)</b>		<b>198</b>	<b>7,076</b>
<b>Beginning Fund Balance</b>		<b>10,063</b>				
<b>Ending Fund Balance</b>		<b>12,750</b>				
<b>Section Member Count - Paid</b>		<b>504</b>				<b>506</b>
<b>Section Member Count -</b>	<b>1</b>	<b>11</b>				<b>15</b>
<b>Section Member Count - Total</b>	<b>1</b>	<b>515</b>				<b>521</b>

## E & NR Detail

Account Number	Account Description	Date	Vendor	Reference	Debit Amount	Credit Amount
813-4565-000	Conferences / Seminars-Conf/Seminar Registrations	8/30/2018		Aptify BatchID = 155	\$0.00	\$100.00
813-7320-000	Education	8/1/2018	Portland Spirit	8/9/18 ENR Portland cruise	\$2,024.80	\$0.00
813-7320-000	Education	8/6/2018	Portland Spirit	Adj to Inv 159401	\$0.00	\$27.60
813-7320-000	Education	8/6/2018	Portland Spirit	Offset Bal due to pymt w/CC	\$0.00	\$1,997.20
813-7320-000	Education	8/31/2018		Aug 2018 Prepaid - Deposits	\$1,800.00	\$0.00
813-7745-000	OSB Support Service Assessment	8/31/2018		Aug Section Admn Fee	\$8.00	\$0.00
813-7885-000	Telephone - Conference Calls	8/12/2018		Aug 2018 PGI Billing	\$7.68	\$0.00
813-7999-000	Miscellaneous Expenses	8/29/2018	Elephants Delicatessen Inc	06/2018 ENR EC Mtg caterin	\$189.15	\$0.00
813-7999-000	Miscellaneous Expenses	8/29/2018	Elephants Delicatessen Inc	07/2018 ENR EC Mtg caterin	\$147.03	\$0.00
813-U004-000	Environmental & Nat'l Resource Sect Comp Membe	8/31/2018		Section HC update	1	0