

OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION

EXECUTIVE COMMITTEE MEETING

Friday, November 16, 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: Dave Becker, Ashley Carter, Maura Fahey, Lawson Fite, Sarah Liljefelt, Kate Moore, Mark Strandberg, Matt Shields (Bar liaison)

By telephone: Caylin Barter, Dominic Carollo, Tiffany Johnson, Caroline Lobdell, Kirk Maag, David Rabbino

Guest: Scott Jerger

Quorum (9 minimum of 17) reached

Excused: Devin Franklin, Michael Freese, Ryan Shannon, Dustin Till

Approval of Minutes:

October minutes, as revised, were approved unanimously.

Chair's report (Lawson):

He attended the Bar House of Delegates meeting on November 2nd as Section Chair. Several interesting resolutions at that meeting:

Next year there is a new requirement for Substance Abuse/Wellness/Mental Health as part of our CLE requirement – keep an eye out.

In 2019, we likely will be moving meetings to the Third Thursday of each month (except for August and December) at 9:00 am.

Annual Meeting and Section Award (Lawson & Dave)

Discussion of upcoming elections – Devin is considering stepping off. She is mid-way through a two-year term and not up for election in 2018. Consensus is to wait until our January meeting to confirm her status and, if necessary, appoint someone to fill

out her term. Lawson or Mark will circulate the chart of statements of interest from the other candidates who were not nominated for this year's slate.

Dave will arrange to send a notice of the annual meeting again next week, specifying "cash bar only (no credit cards)" and that an ATM is available in the hotel lobby.

Dave announced the Award Committee's recommendation of Joan Snyder to be the 2018 ENR Section Award recipient. There was unanimous approval. Thanks to Ashley Carter, Dominic Carollo, Jan Neuman, and Stephanie Parent for their work on the Award Committee this year! Dave will coordinate with Kirk and Laura Kerr to determine who will formally present the award to Joan; Dave will coordinate getting a photo framed for the award (and will reach out to the ExCom for photo recommendations); Ashley will email the people who wrote recommendations for Joan to offer to have them say a few words at the December 11th meeting.

Bar Liaison Report (Matt Shields):

Matt noted that he is a staff attorney with the Bar's Public Affairs Department, which is responsible for tracking legislation and, specific to ENR, running the Bill Track process for the Section. More formally, the Department is described on the Bar website as follows:

The Public Affairs Department advances the bar's mission of promoting respect for the rule of law and increasing access to justice by advocating in the legislature for adequate funding of the judicial system and legal services for the poor, responding appropriately to challenges to a fair and impartial judiciary and to the court's authority to regulate the legal profession, and pursuing improvements to the administration of justice.

The Board of Governors Public Affairs Committee develops the policies that guide the department's work and recommends positions the bar should take on public policy issues affecting the bar and the legal profession.

With the oversight of the Public Affairs Committee, the Public Affairs team provides information and assistance to bar groups, bar members and government bodies on a wide variety of bar-related legislation and public policy issues facing the profession, with special emphasis on access to justice and preserving the independence of the judiciary. The Public Affairs team works closely with OSB sections and committees on law improvement legislation and to identify responses to significant legal trends that affect the practice of law and the bar.

Matt was advised that David Rabbino, who has been one of the Legislation contacts, will be coming off the ExCom in 2019 – we should let Matt know once new committee assignments are set who will be the new second Legislation Committee contact.

Matt noted that other Sections provide input to legislation that is more technical in nature, related to their areas of expertise. The Bar itself is more cautious, staying away from issues that are controversial.

Lawson noted that there is likely to be carbon-related legislation in 2019, but that it is unlikely that the ENR Section will take a position on it.

Treasurer's Report (Sarah):

Sarah finished and filed the 2019 Budget with the Long Range Plan form. Our Section does not have the sort of revenue levels the Bar is concerned about.

The end-of-October fund balance is \$11,105. We added 10 new unpaid members; now our total membership is 527, of whom 504 are paid and 23 are unpaid (at the same point in 2017 we had 530 total, of whom 512 were paid and 18 were unpaid). We pay the Bar the

NB: The Bar has membership lists available, usually by early February, but we need to ask for them to be able to follow up with members who have dropped off.

Publications:

ENR Deskbook (Kirk/Mark)

Kirk and Mark need to get together and put out an email blast to the Section membership to find a third editor for the next volume.

Case Notes (Devin)

The latest Case Notes was distributed on November 6th. Devin is aiming to send the next one out in January 2019. The *Juliana* case may be one that is of interest depending on developments; another is the litigation against the Commerce Department regarding the 2020 Census and the Supreme Court's grant of a review on the issue whether the court's review can go beyond the administrative record.

E-Outlooks (Tiffany)

Tiffany has two leads on articles. One is from Ariel Stavitsky at Stoel Rives (recommended by Laura Kerr) who is interested in writing an article related to the BUILD Act as it relates to CERCLA, particularly brownfields. She has also connected with Mac Lacy regarding a sage grouse article that would update one he has previously published in the *Federal Lawyer*. Dates for publication to be determined.

Tiffany noted that Susan Jane Brown and Mike Blumm may still be interested in writing an article on the Monuments litigation after some decisions come out (note that one decision did come out, holding that the Exclusive Economic Zone is part of the Northeast Canyons and Seamounts National Monument).

Education/CLE

Brownbags (Maura/Caroline/Ryan)

Maura and Mike have set up a “2019 Oregon Legislative Session: Preview of Environmental and Natural Resource Bills” Brownbag in Salem on January 17, 2019 at Willamette University (Ford Hall). A call-in option will be available. Speakers will be Jason Minor (Governor Brown’s Environment Policy Advisor), Paige Spence (OLCV Conservation Network Director), and Mary Anne Cooper (Public Policy Counsel for the Oregon Farm Bureau). Mike will serve as moderator.

Maura is open to topic suggestions for other brownbags in 2019. Once John Mellgren is on the ExCom he has offered to help coordinate a brownbag in Eugene. Let Lawson know if we are looking for venues in Eugene/Springfield area.

We have also set up a CLE for February 7, 2019 at 5:15 pm at Stoel Rives for a talk by Jillian Hishaw related to racial diversity in environmental and natural resources practice and barriers to entry and how we can increase diversity in the practice of ENR and agricultural law. We should send out a “save the date” soon – the Lewis & Clark Law School will do the public relations; once a pdf is available, Dave can post to the website as an upcoming event and have the Bar circulate it to the Section.

Field Trips (Caylin/Michael/Tiffany)

No updates.

Annual CLE (Kate)

Professor Wood requested reimbursement for her train ticket to the October CLE. Ashley will forward the request to Sarah.

Legislation (Michael/David Rabbino)

No update beyond the likely brownbag in January 2019 described above.

Committees:

Pro Bono (Ashley/Lawson/Devin/Ryan)

Lawson will be making developing resources for wild fire recovery the focus of his efforts as Past Chair in 2019.

Technology (Dave/Sarah)

No updates.

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

No updates beyond what is covered above; Committee will regroup after the first of the year.

Executive Committee Membership

No updates beyond what is covered above.

Annual Award/Meeting (Dave, Dominic)

See report above on pages 1 & 2.

Other/New Business (Lawson)

None.

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

Description	October 2018	YTD 2018	Budget 2018	% of Budget	October Prior Year	YTD Prior Year
REVENUES						
Annual Event				0.0%	\$60	\$60
Membership Fees		10,080	10,300	97.9%	120	10,240
Registrations - Conferences/Seminars	4,860	6,655	3,000	221.8%	1,422	3,527
Total Revenue	4,860	16,735	13,300	125.8%	1,602	13,827
EXPENSES						
Annual Meeting			2,200	0.0%		
Case Law Summaries		291	600	48.5%		
Committee - Executive		404	400	100.9%		
Committee - Subcommittee		123	200	61.6%		
Computer - Internet / Web			100	0.0%		
Conferences / Seminars Expense	5,632	5,634	5,000	112.7%	2,075	2,115
Education	40	3,992	2,200	181.5%		
Gifts & Awards		242	600	40.3%		
Newsletter & Case Law Summaries				0.0%	499	499
Telephone - Conference Calling		104	200	51.8%	15	109
OSB Support Services Assessment	72	4,112	4,120	99.8%	48	4,096
Miscellaneous Expense	146	790	1,000	79.0%		
Total Expense	5,889	15,692	16,620	94.4%	2,636	6,819
Net Revenue (Expense)	(1,029)	1,043	(3,320)		(1,034)	7,009
Beginning Fund Balance		10,063				
Ending Fund Balance		11,105				
Section Member Count - Paid		504				512
Section Member Count - Complimentary	10	23				18
Section Member Count - Total	10	527				530

E & NR Detail

Account Numbe	Account Description	Date	Vendor	Reference	Debit Amour	Credit Amount
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/8/2018		Aptify BatchID = 186	\$0.00	\$1,545.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/10/2018	COLUMBIA RIVERKEEPER	CLE SEMINAR-TRIBAL NAT RESOU	\$0.00	\$10.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/10/2018	ENVIRONMENTAL&NATURAL RESOUR	CLE-TRIBAL NATURAL RES.ISSUES	\$0.00	\$20.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/11/2018		Aptify BatchID = 188	\$0.00	\$1,025.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/11/2018	ENVIRONMENTAL&NAT.RESOURCE	CLE TRIBAL NATURAL RES.ISSUES	\$0.00	\$10.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/17/2018		Aptify BatchID = 193	\$0.00	\$145.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/23/2018	ENVIRON & NATURAL RESOURCES	2 CHECKS-BATCH# 180713	\$0.00	\$225.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/31/2018	CAYLIN BARTER-CLE	E&N PDX HARBOR SUPERFUND	\$0.00	\$1,480.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registratio	10/31/2018	ENVIRON-NATURAL RESOURCE	PDX HARBOR SUPERFUND CLE	\$0.00	\$400.00
813-7245-000	Conferences / Seminars	10/1/2018	Braintree	09/2018 BrainTree CC Fee	\$32.28	\$0.00
813-7245-000	Conferences / Seminars	10/24/2018	McMenamins	10/2018 Catering + ENR Mtg	\$2,761.35	\$0.00
813-7245-000	Conferences / Seminars	10/1/2018	BluePay	09/2018 BluePay CC Fee	\$13.03	\$0.00
813-7245-000	Conferences / Seminars	10/31/2018		various funds transfers	\$75.00	\$0.00
813-7245-000	Conferences / Seminars	10/31/2018		Oct 2018 Prepaid - Deposits	\$2,000.00	\$0.00
813-7245-000	Conferences / Seminars	10/31/2018		SENR18 CLE reg services	\$750.00	\$0.00
813-7320-000	Education	10/31/2018		various funds transfers	\$40.00	\$0.00
813-7745-000	OSB Support Service Assessment	10/31/2018		Oct Section Admin Fee	\$72.00	\$0.00
813-7999-000	Miscellaneous Expenses	10/24/2018	Elephants Delicatessen Inc	10/2018 Cater ENR MTG	\$145.78	\$0.00
813-U004-000	Environmental & Nat'l Resource Sect Comp Memb	10/31/2018		Oct Sec HC adj	10	0