

OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION

EXECUTIVE COMMITTEE MEETING

Thursday, January 17, 2019 – 9:00 AM

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, Maura Fahey, Sarah Liljefelt [Substitute Chair], Caroline Lobdell, Stacy Owen [Bar Liaison], Alia Miles, Ashley Carter, Lawson Fite, Dave Becker

By telephone: Dominic Carollo, Ryan Shannon, John Mellgren, Kirk Maag

Quorum (9 minimum of 17) reached

Excused: Kate Moore, Mike Freese, Mark Strandberg, Tiffany Johnson, Devin Franklin

Approval of Minutes (Caylin):

November minutes were approved unanimously.

Chair's Report (Sarah):

Nothing today; will plan to do round of introductions for new EC members when Chair Moore is back in town at next meeting. Minutes this month include a short description of duties for publications, legislation, and subcommittees so new members can make selections.

Bar Liaison Report (Stacy Owen):

Stacy provided a short update on the new requirement for Bar co-sponsorship of certain Section events that are longer than four hours. Discussions have been occurring for several years now, and prior EC meeting minutes provide a more detailed summary of the concept. The Board of Governors approved a change in the bylaws at its most recent meeting to require new policy, so it looks as if 2019 will be the first year of implementation. Dani Edwards (OSB) who coordinates the program is currently short-handed and will aim to get an announcement out in the next couple of weeks.

Details have not been completely worked out yet, so it remains to be seen how the new policy will be implemented. It is envisioned that the policy will simply require the Section to reach out to Bar this year to discuss co-sponsorship of its annual CLE as well as any other events that are four hours or longer (none are currently planned).

Treasurer's Report (Dave):

No report during meeting (December financials not yet posted), however, financials were posted and report was emailed soon after meeting adjourned and are included here. The year-end balance of \$8,018 appears to include the major December expense (the Annual Meeting). Year-end membership was 504 paid, 23 complimentary, for a total of 527 (down slightly from last year's 530 total -- 512 paid -- as of 12/31/2017).

Publications:

ENR Deskbook (Kirk/Mark)

Description: works with Bar to develop and update ENR deskbooks. Deskbooks are publications of Bar, not Section, so primary function of committee is to serve as liaison for the Bar and help arrange editors and authors.

Kirk will send email to Dani Edwards and cc Stacy (or to Stacy, who can send it to Dani) to touch base on current status and next steps.

Case Notes (Devin)

Description: drafts several short updates each year on recent cases that are of interest to Section members.

No update at this time; Lawson will reach out to Devin to touch base on schedule.

E-Outlooks (Tiffany)

Description: a deeper dive into a recent issue (longer than Case Notes, but generally shorter than a law review article). Involves coordinating with authors; will often take an article that appeared in another publication and work with author to edit it for length and relevance.

Email update from Tiffany: E-Outlook just published was a reprint and update of an article by Mac Lacy regarding recent unwinding of protections that had been put into place for sage grouse in federal resource management plans. Aiming to publish next E-Outlook in February, and looking for suggestions for topics for rest of 2019.

Education/CLE

Brownbags (Maura/Caroline/Ryan)

Description: organize and host several one-hour CLEs throughout year on current topic of interest to Section membership. Continue aiming for geographic variety, particularly outside Portland.

First brownbag of 2019 is today, in Salem: pre-session review of legislative session featuring Jason Miner, Paige Spence, and Mary Anne Cooper, and moderated by Mike Freese. Approximately 50 people registered.

Other upcoming event: speaker attorney Jillian Hishaw will be presenting at joint event co-sponsored by ENR Section, Ag Law Section, and Lewis & Clark Law School, on diversity in agriculture. All three entities collaborated to secure travel funds to bring Ms. Hishaw to Portland from Atlanta. February 7, two sessions – LC during day and Stoel Rives at 5pm in evening. 1 Access to Justice credit sought for each event (LC handling). Ms. Hishaw is also speaking at Food Law conference. Daytime event is at capacity, but there is still space at evening event at Stoel. Caroline will coordinate with Kate on approving flyer content and with Dani Edwards (cc Stacy) on sending out info for evening event to Section. Professor Janet Steverson will introduce Ms. Hishaw at law school event and Kirk will make intro at evening event. Attendees should be reminded that they will need to self-report their CLE credit to the Bar.

Subcommittee call is planned for later this week to discuss planning of 2019 brownbags; Ryan will be taking lead role. Would like to see event planned for Eugene this year.

Field Trips (Caylin/Alia/Tiffany)

Description: plan two to three field trips for CLE credit. Past trips have included Portland Harbor Cruise, Bull Run Watershed, and WHOOSHH fish ladder.

EC is supportive of idea of getting out to Gorge for post-fire tour of Eagle Creek. Lawson will reach out to his contacts and Dave will assist, as he has been working with Trailkeepers of Oregon and Oregon State Parks on Eagle Creek recovery. Government shutdown will likely hinder planning in short-term (U.S. Forest Service), but will aim to start nailing down details once shutdown ends. There is interest in looking at invasive species perspective, and idea of structuring it as a family hike was well-received.

Other ideas for 2019 field trips included a mill tour (perhaps White Salmon?), a hatchery tour (perhaps Eagle Creek?), a tour of lands under tribal management (perhaps Coquille Tribe?), and some kind of tour with a water law nexus.

Annual CLE (Sarah & Dave/Ashley/Ryan/John/Dominic/Alia/Maura/Mark)

Description: plan annual Environmental Law – Year in Review CLE, held every year in October. Members help come up with topic ideas and find speakers and panelists, as well as assist with other tasks. Goal is to deliver interesting event that covers wide variety of practice areas and doesn't repeat content from last year or two. Heavy lift, lots of members needed.

See update above regarding new Bar requirement to offer co-sponsorship with Bar. There may be some changes this year as a result. Sarah will coordinate with Bar and adjust planning template as needed.

There was discussion of whether/how to include a remote speaker again this year, as it is an avenue to increase diversity of speakership within Section membership, but it comes with technical challenges.

Subcommittee will coordinate initial planning call by email and start planning soon.

Legislation (Mike)

Description: coordinate legislative updates for Section members on bills with ENR nexus.

See previous update regarding legislative brownbag. More updates next time as session gets going.

Committees:

Pro Bono (Ashley/Lawson/Devin/Ryan)

Description: develop resources to promote pro bono work by Section members.

Lawson will be making developing resources for wildfire recovery the focus of his efforts as Past Chair in 2019, with similar California resources providing a roadmap.

Technology (Dave/Sarah)

Description: keep ENR Section website functional and up-to-date.

This subcommittee carried a significant load over the past several years as the old ENR website was migrated to a new platform hosted by the Bar. The migration was completed in 2018 and the new website is now functioning well with only minor periodic updates to content (e.g., posting EC minutes). This subcommittee will be eliminated and the topic will be removed from future agendas and minutes unless there is an unforeseen change in website maintenance needs.

Executive Committee members should work with Dave for any content that needs to be posted to website (case notes, e-outlooks, brownbag events, minutes), and Sarah will handle CLE content.

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

Description: works to ensure that EC and Section have diverse representation and serve diverse needs. Defines diversity broadly to include background, practice area, geographic area, ethnic, racial, socioeconomic, etc.

There was a discussion of the need to consider the economic impacts of the Bar's existing policy of requiring speakers to accrue costs and then seek reimbursement; this has access-to-justice implications. Complicating matters, the Bar's training for Section Treasurers discouraged using personal or firm check to cover costs of speakers, which made it complicated and difficult to cover significant travel costs for out-of-town speaker. Dave will follow up with Bar comptroller to try to make the process smoother and not put speakers in an awkward position (i.e., perhaps there could be an initial screening question regarding whether Bar's policy of requiring speaker to seek reimbursement would inflict hardship).

No additional updates beyond what is covered above.

Executive Committee Membership (TBD - need two EC and one non-EC)

Description: tracks terms of EC members, solicits applications for new members, makes nominations, suggests appointments when vacancies arise, seeks to enhance diversity of representation on EC from Section membership.

One current EC member has an ongoing conflict with new meeting time and is reevaluating membership for 2019. Sarah will reach out for update. If member resigns, EC may appoint replacement for remainder of term but there is no requirement for vacancy to be filled (i.e., EC does not have to maintain maximum allowable number of members).

Annual Award/Meeting (Dave/Dominic/Ashley)

Description: plans required annual Section meeting in December (generally held at The Cleaners), solicits nominations for annual Section award, convenes award selection committee, coordinates commemorative award for recipient.

No updates at this time. Joan Snyder was 2018 awardee. Subcommittee will ramp up activities when annual meeting is closer.

Other/New Business (Sarah)

Lawson finalized the 2018 Annual Report as Past Chair and will submit it to the Bar by the end of this week.

The Bar has a new substance abuse requirement for CLE credits. As a Section, we should endeavor to create a safe and welcoming environment for people who choose not to consume alcohol. For example, we should look at options for tasty non-alcoholic beverages at all of our evening events. For our annual CLE, we should look at whether we can incorporate some kind of activity that would satisfy a wellness credit (for example, if our CLE continues to be hosted at Edgefield, perhaps there is a way to do an outdoor element that makes use of their grounds). In general, we should look at getting outside as an alternative to substance abuse – Ryan has connections with veterans’ groups and will reach out for ideas/resources. John works with Judges Aiken and Kasubhai and works on putting on CLE programming at federal courthouse in Eugene, so he can also assist with marrying up efforts.

Caroline will attend OSB Wellness Summit at State Bar Center on January 25 (Caylin to send Caroline info).

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

Description	December 2018	YTD 2018	Budget 2018	% of Budget	December Prior Year	YTD Prior Year
REVENUES						
Annual Event				0.0%		\$60
Membership Fees		10,080	10,300	97.9%		10,240
Registrations - Conferences/Seminars		6,655	3,000	221.8%		3,577
Total Revenue		16,735	13,300	125.8%		13,877
EXPENSES						
Annual Meeting	2,156	2,156	2,200	98.0%	2,034	2,034
Case Law Summaries		408	600	67.9%	185	185
Committee - Executive		404	400	100.9%		
Committee - Subcommittee		123	200	61.6%		
Computer - Internet / Web			100	0.0%		
Conferences / Seminars Expense		5,777	5,000	115.5%		5,576
Education		3,992	2,200	181.5%		40
Gifts & Awards	273	720	600	119.9%	375	375
Newsletter & Case Law Summaries				0.0%		499
Telephone - Conference Calling	32	141	200	70.7%	15	147
OSB Support Services Assessment		4,112	4,120	99.8%		4,096
Miscellaneous Expense		947	1,000	94.7%		
Total Expense	2,460	18,779	16,620	113.0%	2,609	12,952
Net Revenue (Expense)	(2,460)	(2,044)	(3,320)		(2,609)	926
Beginning Fund Balance		10,063				
Ending Fund Balance		8,018				
Section Member Count - Paid		504				512
Section Member Count - Complimentary		23				18
Section Member Count - Total		527				530

E & NR Detail

Account Numbe	Account Description	Date	Vendor	Reference	Debit Amoun	Credit Amount
813-4405-000	Membership Fees	12/6/2018		Aptify BatchID = 246	\$0.00	\$100.00
813-4405-000	Membership Fees	12/6/2018		Aptify BatchID = 248	\$0.00	\$80.00
813-4405-000	Membership Fees	12/7/2018		Aptify BatchID = 252	\$0.00	\$60.00
813-4405-000	Membership Fees	12/7/2018		Aptify BatchID = 253	\$0.00	\$0.00
813-4405-000	Membership Fees	12/11/2018		Aptify BatchID = 257	\$0.00	\$360.00
813-4405-000	Membership Fees	12/11/2018		Aptify BatchID = 258	\$0.00	\$40.00
813-4405-000	Membership Fees	12/18/2018		Aptify BatchID = 270	\$0.00	\$520.00
813-4405-000	Membership Fees	12/19/2018		Aptify BatchID = 274	\$0.00	\$40.00
813-4405-000	Membership Fees	12/20/2018		Aptify BatchID = 281	\$0.00	\$80.00
813-4405-000	Membership Fees	12/21/2018		Aptify BatchID = 284	\$0.00	\$160.00
813-4405-000	Membership Fees	12/26/2018		Aptify BatchID = 288	\$0.00	\$140.00
813-4405-000	Membership Fees	12/28/2018		Aptify BatchID = 293	\$0.00	\$660.00
813-4405-000	Membership Fees	12/31/2018		Aptify BatchID = 299	\$0.00	\$200.00
813-4405-000	Membership Fees	12/31/2018		2019 Section Rvn Rcls	\$2,440.00	\$0.00
813-7040-000	Annual Meeting	12/31/2018		Dec 2018 Prepaid - Deposits	\$137.50	\$0.00
813-7040-000	Annual Meeting	12/31/2018	Clyde Common	12/2018 ENR Sect Annual Mtg	\$2,018.50	\$0.00
813-7245-000	Conferences / Seminars	12/31/2018	BluePay	Dec 2018 BluePay CC Fees	\$273.09	\$0.00
813-7245-000	Conferences / Seminars	12/31/2018		Dec 2018 BluePay ACH 1241529	\$10.41	\$0.00
813-7245-000	Conferences / Seminars	12/31/2018		Dec 2018 BluePay CC Fee Adj	\$0.00	\$273.09
813-7245-000	Conferences / Seminars	12/31/2018		Dec 2018 BluPay ACH Fee Adj	\$0.00	\$10.41
813-7395-000	Gifts & Awards-	12/12/2018	Becker, David F	12/2018 Exp ENR Awards	\$272.99	\$0.00
813-7885-000	Telephone - Conference Cal	12/6/2018		Nov 2018 PGI Billing	\$19.18	\$0.00
813-7885-000	Telephone - Conference Cal	12/12/2018		Dec 2018 - PGI Billing	\$12.32	\$0.00