

NYSBA

MINUTES OF THE MAY 23, 2018 EXECUTIVE COMMITTEE MEETING OF THE NYSBA ENVIRONMENTAL AND ENERGY LAW SECTION

The meeting of the NYSBA Environmental and Energy Law Section Executive Committee was convened on May 23, 2018 at the NYSBA Bar Building in Section's Annual Meeting in Albany, New York. A list of the meeting attendees are attached at the end of the Minutes.

1. Welcome

Chair Kevin Bernstein ("KB") provided a general welcome to the attendees, and an overview of the agenda for the Executive Committee meeting as well as observations regarding the Legislative Forum and a notation regarding the spirited presentations, audience participation and informative speakers. Kevin thanked the Co-Chairs, John Parker and Jillian Kasow.

2. Approval of Minutes

The Minutes from the Section's January 25, 2018 Executive Committee meeting were attached to the agenda packet and reviewed by the members. Motion to approve the Minutes was made by John Parker and seconded by Marla Wieder and were unanimously approved.

3. Financial Report

Treasurer Howard Tollin ("HT") provided an overview of the financial report which was included in the agenda packet, noting that the Section's surplus remained at \$99,236.00 and none had been spent as all expenses had been paid out of the operating budget. HT noted that Section income was trending above budgeted projections and that Section expenses were also trending, overall, below budgeted expectations, and that the Section should add to its surplus at the end of the 2018 fiscal year. There was then an extended discussion regarding potential expenditures of the surplus with agreement being reached that the funds should be used towards membership retention and targeting young attorneys and energy law attorneys.

4. Membership Report

The Membership Committee reported current membership of 939 members as of May 1st, which is a reduction in total membership due to membership drops from those members that did not renew their membership by March 31st. Lisa has provided the list of dropped members to Rob Stout and Rob will continue to email and call members. There was also a reference to the template letter to retain members that Lisa will circulate. Lisa advised that the NYSBA places a lot of effort to retain members and sends out dues notices in September and reminder notices thereafter and does not drop a member unless they have not paid by March 31st.

There was also a discussion about how to recruit new members and it was agreed that Lisa would provide the Cabinet and Membership Committee a list of NYSBA members who expressed interest in environmental and energy law but were not a member of the Section. There was also a discussion about having a special rate for nonmembers who join the Section as well as continued discussion regarding how to attract new members and designating surplus funds towards recruiting new members and offering a discount for NGO and Members of Federal Agencies. Lisa reminded the Executive Committee of the prohibition about providing discounted membership to State employees. KB repeated a theme that the Section's Executive Committee needs to focus on building the base and using the surplus to bring younger members into the Section and that Executive Committee members need to play a larger role in growing the base. All concurred in noting that senior attorneys should be bringing younger attorneys to Section events. In response to the question, Lisa advised that only two or three members take advantage of the dues waiver program and all agreed that should be advertised. There was also a discussion that the Section should prepare and coordinate a student membership drive in the Fall. John Parker inquired if there was any exit interviews to determine why people leave and the Membership Committee agreed to follow-up with some members. There was a general recognition that the Section, as does the Bar in general, needs to get younger attorneys involved and there should be outreach to determine what would attract younger attorneys.

5. 2018-2019 Programs

There was a discussion about the *Basics of Environmental Law* CLE held in April that the NYC session had to be cancelled and that perhaps there needs to be better outreach when this basic CLE is offered. It was agreed that the basic CLE should be done periodically. There was a general discussion of the Legislative Forum and Columbia Law School Conference which will be held on June 6th. Alan Knauf provided an overview of the Oil Spill Symposium and noted there were four sponsors for the program. Howard Tollin provided an overview of the *Environmental Insurance* program scheduled for November 2nd and noted there is no charge to attend and the program will be webcast. Larry Schnapf provided an overview of the *Bronxfield Update* program scheduled for December 5th and while the

program was in development, there would be a focus on recent decisions and upcoming regulations and DEC's implementation of the 2015 Brownsfield amendments. Marla provided an overview of the 2018 Fall meeting. It was noted the annual meeting in 2019 would be one week earlier and the program Chairs should be mindful of the earlier date. HT then led a discussion on sponsors and providing an overview of the previously agreed upon concept of dual sponsorship, whereby the sponsor would be both a sponsor of the Fall and Annual Meeting.

6. House of Delegate's Report

Linda Shaw and David Quist provided an overview of the April 14, 2018 House of Delegate's meeting. Reference was made to the points outlined in the Report attached to the agenda. The House discussed that dues revenue is declining, but at a lower pace than in prior years, and while overall membership was down, retention is improving. There was reference that the Bar offers large firms a discount if all of their associates joined the Bar. Dave and Linda also provided a reminder that House of Delegate meetings are webcast and the meetings are archived so that one can review the video or transcript of the meeting for further information.

7. Task Force

David Freeman provided an overview of activities since the last FFEF Task Force noting the Task Force provided supplemental comments to the EPA on the Clean Power Plan and provided an overview of the comments. David also explained the letter the Task Force sent to New York Congressional representatives regarding the proposed EPA budget. Task Force members also mentioned the Task Force was about to circulate comments on the EPA Science Rule which would preclude EPA from considering a study when all underlying data is not made available. The Task Force believed the Rule is not consistent with EPA's mandate. David noted the Section has established a good rapport with Ron Kennedy who is the NYSBA Government Liaison and that he has been responsive, which has enabled the Task Force to timely submit comments with NYSBA's support. Gail Port extended appreciation towards Task Force members and Bar staff for their support and was pleased how the Task Force has been functioning and the positive impact it has had on the larger issues.

The Part 622 Task Force prepared comments on the revised Part 622 Uniform Enforcement Hearing procedures. A draft comment letter was included in the agenda packet. As it was noted, DEC would like comments by the end of the month, Nicholas Ward-Willis made a motion seconded by Telisport W. Putsavage to authorize submission of the Task Force comments to DEC. The motion was unanimously approved with David Quist abstaining.

8. Social Media Report

KB made reference to the May 17, 2018 Social Media Task Force Update Report provided in the agenda packet and noted the Section's appreciation of the work Meaghan Colligan was doing to ensure the Section was engaged on social media both with respect to Twitter and the Community's page.

9. Committee Reports

Reference was made to the Committee Reports including the agenda packet and general discussion was held regarding the fine work performed by the Committees. There was also a discussion regarding the Committee Manual which would be emailed to the Section Committee Chairs after the latest draft is finalized.

10. Miscellaneous

It was noted the essay submissions are due June 1, 2018 which the review would be coordinated by Marian. The New York Environmental Law Magazine will be circulated in June.

The Global Climate Change Committee indicated it is working with the City Bar to prepare a CLE on October 26th at the City Bar Center. The Section did not receive the funding it requested from the Westchester Community Fund for the Minority Fellowship and there was a request that the Section budget \$10,000.00 for the minority fellowship in 2019.

Kevin Bernstein thanked John Greenthal and Joan Matthews for co-chairing a Diversity Committee and noted John will remain as a member of the Committee. Their hard work towards this effort was noted and appreciated by all in attendance.

In closing, Kevin thanked the Cabinet Committee Members for their support during his tenure and all attended thanked Kevin for his fine leadership and passing of the gavel to Marla as he rode off into the sunset.

There being no further business, a motion to adjourn was made by Nicholas Ward-Willis and seconded by Howard Tollin with all in favor and one last banging of the gavel by Kevin.

**LIST OF ATTENDEES AT MAY 23, 2018 EXECUTIVE COMMITTEE
MEETING IN PERSON OR BY PHONE**

Martin S. Baker
Kevin M. Bernstein
Claudia Braymer
David J. Freeman
John L. Greenthal
Amy K. Kendall
Alan J. Knauf
John L. Parker
Gail S. Port
Telisport W. Putsavage
David W. Quist
Virginia C. Robbins
Lawrence P. Schnapf
McKenzie Spring Schoonmaker
Linda R. Shaw
Adam M. Stolorow
Howard M. Tollin
Melissa M. Valle
Nicholas M. Ward-Willis
Marla E. Wieder