



**Section Chair**

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# NYSBA

## Environmental Law Section

### Fall Meeting

Gideon Putnam Resort  
Saratoga Springs, NY

October 2-4, 2015

Special pricing for Friday's  
MCLE Transitional Program  
(1:30 – 4:45 p.m.) is only \$75

THIS PROGRAM PROVIDES UP TO **8.0 MCLE CREDIT HOURS**  
**CONSISTING OF 2.0 CREDIT HOURS IN SKILLS** (Transitional),  
**5.0 CREDIT HOURS IN PROFESSIONAL PRACTICE** AND  
**1.0 CREDIT HOURS IN ETHICS** (Transitional)



# SCHEDULE OF EVENTS

## Friday, October 2

- 1:00 p.m.**                      **Registration** - Gallery
- 1:30–4:45 p.m.**                **CLE FOR TRANSITIONAL ATTORNEYS** – Orenda Geysler  
**(Experienced Attorneys Also Welcome!)**
- 1:30–3:10 p.m.**                **DEC Enforcement Hearings: Procedure 101** (2.0 Skills)  
During this two-part mock enforcement hearing, observe mock proceedings and learn about general procedural guidelines while hearing from DEC representatives about how to effectively present an administrative case, introduce evidence and elicit witness testimony.
- Part I:**                              **Procedural Argument**
- Participants:**                    **Administrative Law Judge & Moderator:**  
**James McClymonds, Esq.**, Chief Administrative Law Judge, New York State Department of Environmental Conservation, Albany, NY
- New York State Department of Environmental Conservation Attorney:**  
**Scott Abrahamson, Esq.**, New York State Department of Environmental Conservation, Raybrook, NY
- Part 2:**                              **Witness Examination**
- Participants:**                    **Administrative Law Judge & Moderator:**  
**Scott Crisafulli, Esq.**, Deputy Counsel, New York State Department of Environmental Conservation, Albany, NY
- “Role for Mock Hearing”**        **New York State Department of Environmental Conservation Attorney:**  
**Benjamin Conlon, Esq.**, Office of General Counsel, New York State Department of Environmental Conservation, Albany, NY
- Attorney Representing Respondent:**  
**Meave Tooher, Esq.**, Partner, Tooher & Barone, LLP, Albany, NY
- Witness:**  
**Mr. Frank Peduto, P.E.**, Senior Environmental Engineer, Spectra Environmental Group, Inc. Spectra Engineering, Architecture & Surveying, P.C., Latham, NY
- 3:10–3:55 p.m.**                **Dessert and Coffee Break**
- 3:55–4:20 p.m.**                **Effectuating Judicial Relief Related to DEC Orders** (.5 Professional Practice)  
This session will discuss the role of the New York State Attorney General in enforcement of administrative orders from the New York State Department of Environmental Conservation, the referral process, and next steps.
- Moderator:**                      **Loretta Simon, Esq.**, Assistant Attorney General, New York State Office of the Attorney General, New York City
- Speaker:**                         **Marie Chery-Sekhobo, Esq.**, Assistant Attorney General, New York State Office of the Attorney General, Albany, NY
- 4:20–4:45 p.m.**                **Public Officers’ Code of Ethics – Practical Considerations** (.5 Ethics)  
This presentation will address Public Officers Law Sections 73 and 74 issues—involving the 2 year and lifetime bars—and offer practical recommendations of how to address potential ethical issues when raised in the context of an administrative enforcement hearing.
- Speaker:**                         **Robyn Adair, Esq.**, Special Counsel for Ethics, Risk & Compliance, New York State Department of Environmental Conservation/NYS Parks, Recreation and Historic Preservation, Albany, NY

# SCHEDULE OF EVENTS

6:00–7:00 p.m. **Welcoming Cocktail Reception (Cash Bar)** – Portico

7:00–9:00 p.m. **Dinner** – Arches

**Dinner Speaker:** **Mr. Neil Gifford**, Conservation Director, Albany Pine Bush Preserve Commission.  
This discussion will focus on the regionally rare pine barrens communities and interspersed forest and wetland communities that support the local Karner Blue Butterfly habitats.

## Saturday, October 3

**BREAKFAST IS ON YOUR OWN. COFFEE/TEA/WATER WILL BE AVAILABLE.**

8:00 a.m. **Registration** – Gallery

8:45 a.m. – 12:35 p.m. **GENERAL SESSION** – Orenda Gallery

8:45 a.m. **Welcoming Remarks** **New York State Bar Association Update**

**Michael Lesser, Esq.**  
Environmental Law Section Chair  
Of Counsel Sive, Paget & Riesel, P.C.

**Claire P. Gutekunst, Esq.**  
President-Elect  
New York State Bar Association

9:00–9:50 a.m. **Current Developments in New York’s Oil & Gas Activities** (1.0 Professional Practice)  
These panelists will discuss recent events in New York in the aftermath of the recent ban of high volume hydraulic fracturing, including a proposed propane gel drilling project in the Southern Tier, and issues related to the disposal of drilling waste in New York.

**Moderator:** **Michael Fogel, Esq.**, Partner, Brown Sharlow Duke & Fogel, P.C., Syracuse, NY

**Speakers:** **Adam Schultz, Esq.**, Partner, Couch White, LLP, Albany, NY  
**Larry Shilling**, VP LF Marketing & Business Development, Casella Waste Systems, Inc., Angelica, NY

9:50–11:05 a.m. **Crude Oil by Rail: Recent Updates in Safety Regulation** (1.5 Professional Practice)  
This session will provide up to date information on increased inspection, safety and environmental efforts by State and Local agencies to address the substantial increase in rail traffic transporting crude oil through New York State, as well as the perspective and experience of the local community.

**Moderator:** **Edward McTiernan, Esq.**, General Counsel, Office of General Counsel, New York State Department of Environmental Conservation, Albany, NY

**Speakers:** **Sheriff Craig D. Apple, Sr.**, Albany County Sheriff, Albany, NY  
**Dorcey L. Applyrs, DrPH, MPH**, Common Council Member-First Ward, City of Albany, Public Health Faculty Program Director, Excelsior College  
**Dennis Farrar**, Chief, Emergency response Coordination, New York State Department of Environmental Conservation, Albany, NY  
**Clifford Thomas, Esq.**, Director, Rail Safety and Intermodal Security Bureau, New York State Department of Transportation, Albany, NY

11:05–11:20 a.m. **Refreshment Break**

11:20 a.m.–12:10 p.m. **Off and Running With the BOA Program** (1.0 Professional Practice)  
This program will provide a case study of successfully seeking grant funding, developing, and implementing a Brownfield Opportunity Area, as well as lessons learned.

**Moderator:** **Eugene Kelly, Esq.**, Senior Counsel, Harris Beach PLLC, Albany, NY

**Speakers:** **Jason Molino**, City Manager, Batavia, NY  
**Val Washington, Esq.**, Of Counsel, Allen & Desnoyers LLP, Albany, NY

# SCHEDULE OF EVENTS

12:10 p.m. – 12:35 p.m. **Ethics and Time Theft by NYS Employees** (.5 Ethics)

**Speaker:** **Michael J. Lesser, Esq.**, Of Counsel, Sive, Paget & Riesel, P.C., New York City

**Afternoon Free for Recreational Activities**

6:00 – 7:00 p.m. **Cocktail Reception (Cash Bar)** – Portico

7:00 – 9:00 p.m. **Dinner** – Arches

**Dinner Speaker:** **Bruce Gyory, Esq.**, Senior Advisor, Manatt Phelps Phillips, Albany, NY  
In this engaging presentation, Mr. Gyory will discuss the emerging climate change gap in our politics and how the flawed conventional wisdom that climate change is a second tier political issue formed in the immediate wake of the Great Recession and why voters are changing, now demanding that climate change be taken seriously.

## Sunday, October 4

**BREAKFAST IS ON YOUR OWN. COFFEE/TEA/WATER WILL BE AVAILABLE.**

8:30 a.m. **Registration** – Gallery

**General Session** – Orenda Geysler

9:00 – 10:00 a.m. **Recent Developments in Regulating Endangered Bat Species** (1 Professional Practice)  
This program will provide an overview of recent regulatory developments to protect the Northern Long-eared bat and Indiana bat species.

**Moderator:** **John Lyons, Esq.**, Co-Founder, Grant & Lyons, LLP, Rhinecliff, NY

**Speakers:** **Michael Fishman**, Certified Wildlife Biologist, Natural Resource Group, LLC, Syracuse, NY  
**Robyn Niver**, Biologist, U.S. Fish and Wildlife Service, New York Field Office, Cortland, NY

10:05 a.m. – 12:00 p.m. **Executive Committee Meeting** – Coesa

## IMPORTANT INFORMATION

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider. **Under New York's MCLE rule**, this program has been approved for up to 8.0 MCLE credit hours. The break down is 2.0 hours in Skills (Transitional), 5.0 hours in Professional Practice and 1.0 hours in Ethics (Transitional).

**Discounts and Scholarships:** New York State Bar Association members and non-members may receive financial aid to attend this program. This discount applies to the educational portion of the program only. Under this policy, any member of our Association or non-member who has a genuine basis for his/her hardship, if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to: Lori Nicoll via email: [lnicoll@nysba.org](mailto:lnicoll@nysba.org) or to her attention at New York State Bar Association, One Elk Street, Albany, New York 12207

**Accommodations for Persons with Disabilities:** NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518-487-5563