



**ENVIRONMENTAL & ENERGY LAW SECTION
EXECUTIVE COMMITTEE AGENDA**

Wednesday, February 9, 2022

12:00 P.M. – 1:30 P.M.

Via Zoom -- <https://nysba.zoom.us/j/5184875682>

Audio only - Dial 1-888-475-4499 US Toll-free | Meeting ID 518 487 5682

1. Welcome by the Chair Linda Shaw
2. Approval of Minutes from October 2021 Executive Committee Meeting (page 3)
3. Budget Report (Julia O’Sullivan, Budget Director) (page 8)
4. Annual Meeting (J. Rigano)
5. October 29th NYSBA Executive Committee Brownfield Extender Bill Presentation (L. Shaw)
6. Diversity & Inclusion Fellowship and Committee Update (C. Leas/ S. Lobe)
7. Membership Committee – (M. Hecker)
 - Bring A Colleague
 - Government Attorney Assistance
 - Law Students/Young Lawyers
8. Newsletter/Social Media/Webpage (R. Partington, D. Gamils)
9. Awards Committee – Nick Ward-Willis has been appointed the Chair for this Committee
10. EELS Proposed Committee Reorganization (L. Shaw) & Committee Reports by Chairs or Co-Chairs (page 9); Adirondack Committee to discuss their future programming (page 11)
11. Green Amendment Update (K. Kuh)
12. Climate Change Blog Update (C. Howard)
13. Future programming (Y. Hennessy)

- Law Student Meet and Greet
- Energy Spring Webinar
- Legislative Forum

14. Nomination Committee (M. Hecker)

15. New Business

16. Motion to Adjourn

Environmental & Energy Law Section
EXECUTIVE COMMITTEE MEETING MINUTES
October 23, 2021
Noon – 1:30 p.m.

In Attendance: Please see Attached Attendance List

Welcome by the Chair (L. Shaw)

- General welcome and overview of Fall 2021 event.
- Discussed reorganization of the Cabinet, with creation of the Budget Director role, and intent to discuss consolidation of the committees later in the session.

Approval of May 2021 Executive Committee Minutes

- Motion to approve by Helen Mauch, seconded by Michael Hecker. Approved unanimously.

Budget Report (Julia O’Sullivan, Budget Report)

- Submitted this year’s budget in August 2021, and awaiting NYSBA approval.
- Last year, the section was able to provide a larger Diversity scholarship due to last year’s wine fundraiser.
- G. Robbins inquired as to what is included in the EELS section awards. J. O’Sullivan and L. Shaw discussed the nature of the events, and how fundraising needs to be included to meet the expected payments to be made. Further clarification was provided on line item considerations.

Annual Meeting (J. Rigano)

- A. Jasiewicz provided clarification on the NYBSA President’s letter, dated October 22, 2021, regarding the Annual Meeting and remote considerations. All section events will be remote; the only in-person events will be the marquee NYSBA events
- Standard 4-hour program, including presentations on: renewable energy; NYS Brownfield Program and related updates; Green Amendment; and, Agency Update. We will still have our standard Executive Committee and Committee meetings. Final agenda due by November 5, 2021.

2021 Essay Contest Winners (M. Villani)

- 34th annual essay contest. Worked hard to increase entries this year, with Columbia (8), Pace (4), and Albany (1) having participation.
- 6 winners:
 - 1st place – Tied with two students from Columbia Law
 - 2nd place – Tied with a student from Columbia Law and Albany Law
 - 3rd place – Tied with a student from Pace Law and Columbia Law
- The winners will be splitting the award allocations for each position.
- Miriam thanked the various EELS committee members that judged the essays.

- W. Mugdan raised potentially allocating additional funds to the prize pool so that the winnings are not diluted. L. Shaw raised considering this issue after the Fall 2021 conference, depending on how the finances turn out, given lower turnout.

October 29, 2021 NYSBA Executive Committee Brownfield Extender Bill Presentation (L. Shaw)

- L. Shaw and A. Kendall will be present for the NYSBA Executive Committee meeting, where the NYS Brownfield Task Force's legislative proposal is being considered. The package was delivered by the August 2021 deadline for consideration.
- D. Freeman commented on the importance of this process, the benefit of utilizing it in the future, and thanked all members for their commitment, including L. Shaw. L. Shaw seconded this point, and discussed the importance of having access to NYSBA's legislative outreach for support during the budget season process.
- L. Shaw indicated she had heard that certain Upstate groups are likely to object to the administrative fee portion of the proposal.

Diversity and Inclusion Fellowship and Committee Update (G. Robbins)

- G. Robbins indicated that a fundraiser is being planned to support the fellowship. Last year, the Section raised over \$11,000.00 through the virtual fundraiser, which funded two fellows.
- Law schools are contacted directly regarding the fellowship, with outreach by committee members to begin shortly. The application deadline is February 4, 2022.

Newsletter/Social Media/Webpage (R. Partington)

- We will be using a hashtag for the Fall 2021 Meeting: #NYSBAFall21
- Total social media followers: 317 on Twitter; 257 on LinkedIn. The LinkedIn followers is particularly strong, given the recent nature of that account. Planning is underway for an Instagram account.
- Followers have been added through linking to the Section's Climate Change Blog.
- Planning to do more virtual events and a Section podcast. L. Shaw commented on the potential podcast title as "Meet Me in the Middle," which emphasizes the intended focus to discuss two extreme positions, with a moderate approach being discussed between the two. The podcast would be moderated by a Section member.

Awards Committee (N. Ward-Willis)

- N. Ward-Willis will Chair, and will be appointing other committee members.
- Two awards will be presented at the Annual Meeting.

EELS Committee Reorganization & Committee Reports by Chairs (L. Shaw and Committee Chairs)

- L. Shaw raised the issue of reorganizing the committee roster, and placing committee oversight under the purview of individual Cabinet members.
- R. Partington discussed the need to add additional members to the Social Media committee to assist in regular posting.

- D. Freedman discussed the December 8, 2021 Annual Superfund/Brownfield Update, which will be held virtually, on behalf of the Hazardous Waste/Brownfield/Site Remediation committee. The event will include 4 panels. Keynote speaker will be Walter Mugdan.
- J. Cavaluzzi discussed the environmental insurance program that has been conducted semi-annually by the Environmental Insurance committee, with the intent to do an in-person event next year. There is the potential for another virtual 1/1.5 hour event to be held in the Spring 2021.
- H. Mauch discussed the April 2021 well-attended Environmental Business Transaction committee meeting, and the need to create sub-committees, given the breadth of areas covered. Planning to hold workshops or webinars on various topics, including SEC disclosure on Climate Change; environmental in rep and warranty insurance; legislative case law update; and, effects on the potential Federal infrastructure bill.
- H. Tollin discussed the importance of the Corporate Counsel committee, and the need to bring in greater in-house into the Section.
- T. Putsavage discussed the priority of agricultural issues over pesticides in the Pesticides, Agricultural & Rural Issues committee, and suggested a possible reorganization. L. Shaw indicated S. Wyner intends to potentially coordinate a Spring 2021 webinar.
- L. Shaw indicated she will discuss topics with the Solid Waste committee on Part 360 landfills.
- M. Wieder reported that the Continuing Legal Education committee does not have that much to do at this point, given the Fall and Annual meetings, plus committee-based webinars/in-person events. Happy to coordinate with the committees on their programs.
- G. Robbins indicated that the Global Climate Change committee will be hosting another April 2022 Earth Day event. The committee is also proposing to review the CLCPA scoping plan once its available, and that the Section consider providing comments on it.
- K. Bernstein reported on the Mining committee. He indicated that they would like to remove the "Oil & Gas Exploration" title from the committee, given the lack of ongoing oil & gas exploration in the State. The committee will be considering a program.
- J. Kublick reported on the Adirondacks committee. He indicated that there are knock-on issues with regard to the protect the Adirondacks matter to be considered, and there has not been any substantive updates to the Adirondack Park Agency's regulations.
- L. Shaw reported on the Petroleum Spills program, and the positive program handled this Fall.
- A. Kendall reported on the Water Quality committee, with the upcoming November 18, 2021 CLE program. That is a co-programmed webinar with the Toxic Torts committee.
- M. Sinkman reported on the Enforcement & Compliance committee, with the publishing of two articles in The New York Environmental Lawyer, and a future potential panel on law enforcement.
- J. Almanzar reported on the Environmental Justice committee, with a meeting earlier this year. A number of presentations are underway or planned, including at the Fall 2021 CLE and the December 2021 Brownfields update.
- Given timing considerations, L. Shaw reserved on the remaining committee updates.

Green Amendment Update (K. Kuh)

- The Green Amendment legislation subject to vote passed the Senate and Assembly in February 2021. The EELS Section took a prior vote to support the event, but NYSBA has an internal policy of not taking a position on ballot initiatives. This issue will be decided at the ballot box.

Future Programming (Y. Hennessey)

- Next event on November 4, 2021, being put on by the Siting and Utility Regulation committee, discusses Public Service Commission issues and related effects on climate change and sustainability.
- Mid-November 2021 CLE will be held on PFAS, which will touch on groundwater and air contamination.
- Spring 2022 Energy Law CLE will be planned.

New Business & Nomination Committee Update (M. Hecker)

- M. Hecker discussed the approach of the Nominating Committee, and asked members to provide recommendations for Secretary and At-Large positions.
- Reverted back to certain committee updates.
- L. Alexander mentioned that there has been a significant change in the Office of General Counsel for the DEC in Regional offices. A roster will be provided to the Cabinet.
- Discussion was raised regarding reduced membership pricing for governmental attorneys based on a question by M. Sinkman. A. Giuda mentioned the State's lobbying and gift law would be a bar to it. L. Alexander indicated that the DEC does offer CLE credits, which does off-set some interest, and the potential to influence and promote changes to the existing gift law. W. Mugdan indicated that the Federal rules would not prohibit a discount providing universally to all government employees.

Motion to Adjourn

- Motion to adjourn by Alan Knauf, seconded by Kevin Bernstein. Unanimously approved.

PARTICIPANTS BY ZOOM/CONFERENCE CALL
October 23, 2021 EXECUTIVE COMMITTEE MEETING

Nick Ward-Willis
Linda Shaw
James P. Rigano
Yvonne Hennessey
Howard Tollin
John Greenthal
Amy Jasiewicz - NYSBA
Catherine Carl – NYSBA
Marla Wieder
Simone Smith - NYSBA
Kevin Bernstein
Claudia Braymer
Helen Mauch
Philip Dixon
Michael Hecker
Alan Knauf
Katrina Kuh
Walter Mugdan
Daniel Riesel
Nicholas Robinson
Matthew Sinkman
Miriam Villani
Ginny Robbins
Jan Kublick
Martin Baker
Lou Alexander
John Parker
Gregory Brown
Daniel Richmond
Jerry Cavaluzzi
Dave Quist
Teresa Bakner
Julia O’Sullivan
Alita Giuda
Adam Schultz
Jose Almanzar
David Freeman
Telisport Putsavage
Amy Kendall
Rachel Partington
Rosemary Nichols

NY State Bar Association
Environmental and Energy Law Section
For the Twelve Months Ending Friday, December 31, 2021

	2021		December	2020		Percent	2020		Percent	2019		2018	2017	
	Budget	Year To Date		Budget	Year To Date		Year To Date	Year To Date		Year To Date				
Income														
Dues	\$28,000.00	\$26,757.50	\$210.00	\$28,200.00	95.56%	\$26,705.00	\$27,932.50	94.70%	\$28,586.59	\$27,932.50	\$28,586.59	\$28,656.25	\$28,656.25	
Meetings	20,000.00	2,852.00	(13,437.00)	35,000.00	14.26%	18,570.00	45,405.00	53.06%	27,172.00	45,405.00	27,172.00	39,574.50	39,574.50	
Sponsorship	34,000.00	27,350.00	6,000.00	25,000.00	80.44%	20,150.00	34,550.00	80.60%	38,950.00	34,550.00	38,950.00	27,800.00	27,800.00	
Newsletters	1,000.00	540.00		300.00	54.00%	675.00		225.00%	1,270.00		1,270.00	905.00	905.00	
Prior Years Surplus Used				27,000.00	0.00%			0.00%						
Total Income	83,000.00	57,499.50	(7,227.00)	115,500.00	69.28%	66,100.00	107,887.50	57.23%	95,978.59	107,887.50	95,978.59	96,935.75	96,935.75	
Expenses														
Postage & Shipping	1,500.00	319.44	4.47	1,500.00	21.30%	564.29	1,791.17	37.62%	963.69	1,791.17	963.69	1,332.79	1,332.79	
Awards & Grants	6,500.00	11,187.01		10,000.00	172.11%	13,620.62	11,641.04	136.21%	3,846.88	11,641.04	3,846.88	2,442.26	2,442.26	
Car Rental		328.44			0.00%			0.00%						
Meals		78.80			0.00%			0.00%						
Misc Travel Costs	1,000.00	965.63	(915.90)	1,000.00	96.56%	295.97	250.00	0.00%	403.20	250.00	403.20			
Diversity	250.00	(7,331.25)		1,500.00	-2932.50%			0.00%						
Membership Initiative	1,000.00			1,500.00	0.00%	680.00		45.33%						
Meeting Rooms	2,500.00			1,500.00	0.00%			0.00%	1,626.50		1,626.50			
Catering & Banquets	20,000.00	7,571.39	(7,571.40)	40,500.00	37.86%	24,570.61	43,611.25	60.67%	39,695.41	43,611.25	39,695.41	38,233.79	38,233.79	
Beverage Service & Receptions	10,000.00	3,226.63	(1,054.54)	20,000.00	32.27%	5,380.00	25,381.69	26.90%	8,207.50	25,381.69	8,207.50	9,402.36	9,402.36	
Speaker & Guest Expense	1,000.00	521.85	88.74	1,500.00	52.19%	466.10	975.74	31.07%	1,712.03	975.74	1,712.03	360.30	360.30	
Audio/Visual Expense	6,000.00	919.10	(919.10)	8,000.00	15.32%	8,893.97	5,670.01	111.17%	3,680.26	5,670.01	3,680.26	5,281.45	5,281.45	
Promotional Costs	1,000.00			1,500.00	0.00%	1,192.19	1,991.95	79.48%	272.84	1,991.95	272.84			
Ground Transportation		492.60	(492.60)	1,500.00	0.00%		567.00	0.00%		567.00				
Activities & Entertainment	500.00	250.00	(250.00)	500.00	50.00%		150.00	0.00%		150.00		10.00	10.00	
Gratuities				500.00	0.00%		150.00	0.00%		150.00				
Section Executive Committee Meetings	4,000.00	1,631.99	(305.30)	8,500.00	40.80%	9,850.47	7,716.60	115.89%	6,923.57	7,716.60	6,923.57	3,264.06	3,264.06	
Officers Expense	150.00	305.30		2,000.00	203.53%		134.20	0.00%	386.70	134.20	386.70	357.75	357.75	
Miscellaneous Meeting and Program Costs	7,500.00			8,000.00	0.00%	726.88	2,028.02	9.09%	8,044.42	2,028.02	8,044.42	9,413.87	9,413.87	
Section Subcommittee Meetings	1,000.00			500.00	0.00%		46.19	0.00%	98.12	46.19	98.12	274.67	274.67	
Newsletters	5,000.00	7,478.23	(254.58)	6,000.00	149.56%	3,291.26	5,311.16	54.85%	3,374.65	5,311.16	3,374.65	6,751.99	6,751.99	
Graphic Department Allocations	1,500.00	399.10		1,500.00	26.61%	1,044.96	2,047.44	69.66%	1,515.99	2,047.44	1,515.99	1,548.69	1,548.69	
Total Expenses	70,400.00	28,342.26	(11,670.21)	115,500.00	40.26%	70,577.32	155,476.33	61.11%	80,751.76	155,476.33	80,751.76	78,673.98	78,673.98	
Net Income over Expense	12,600.00	29,157.24	4,443.21		231.41%	(4,477.32)	(47,588.83)	0.00%	15,226.83	(47,588.83)	15,226.83	18,261.77	18,261.77	

Accumulated Surplus (Deficit) \$62,397

Environmental & Energy Law Section Officer – Committee Liaison Responsibilities: February 2022

<u>Mike Hecker</u>	<u>Linda Shaw</u>	<u>James Rigano</u>	<u>Yvonne Hennessey</u>
<p>Social Media & Communications</p> <p>Co-Chair Drew Gamils dgamils@kblaw.com</p> <p>Co-Chair Rachel Partington r.partingtonlaw@gmail.com</p> <p><i>* Twitter, LinkedIn & Communities</i></p>	<p>The NY Environmental Lawyer Journal</p> <p>James Simpson James.Simpson@dec.ny.gov</p> <p><i>* TNYEL + Essay Contest</i></p>	<p>Hazardous Waste/Brownfield/Site Remediation</p> <p>Co-Chair David Freeman dfreeman@gibbonslaw.com</p> <p>Co-Chair Amy Lynn Reichhart areichhart@nixonpeabody.com</p> <p>Co-Chair Lawrence Schnapf Larry@Schnapflaw.com</p>	<p>Environmental Insurance</p> <p>Co-Chair Michele Schroeder mschroeder@environrisk.com</p> <p>Co-Chair Jerry Cavaluzzi jerrycavaluzzi@kennedyjenks.com)</p>
<p>Environmental Business Transactions</p> <p>Co-Chair Jon Schuyler Brooks jbrooks@freeborn.com</p> <p>Co-Chair Donna Mussio Donna.Mussio@friedfrank.com</p> <p>Co-Chair Helen Mauch helen@mintzermrauch.com</p> <p>Co-Chair Adam Stolorow Astolorow@sprlaw.com</p> <p>Co-Chair Adam Schultz aschultz@couchwhite.com</p>	<p>Pesticides, Agriculture & Rural Issues</p> <p>Co-Chair Scott H. Wyner shwyner@gmail.com</p> <p>Co-Chair Telsport W. Putsavage putsavagelaw@gmail.com</p> <p>Co-Chair Mackenzie Schoonmaker mschoonmaker@bdlaw.com</p>	<p>Solid Waste</p> <p>Co-Chair Michael S. Bogin mbogin@sprlaw.com</p> <p>Co-Chair Steven C. Russo russos@gtlaw.com)</p>	<p>Continuing Legal Education</p> <p>Co-Chair Genevieve M. Trigg gtrigg@barclaydamon.com</p> <p>Co-Chair Marla Wieder Wieder.Marla@epa.gov</p> <p>Co-Chair Lawrence Schnapf Larry@Schnapflaw.com</p>
<p>Mining</p> <p>Co-Chair Alita Giuda agiuda@couchwhite.com</p> <p>Co-Chair Kevin Bernstein bernstkt@bsk.com</p>	<p>Global Climate Change</p> <p>Co-Chair Carl Howard howard.carl@epa.gov</p> <p>Co-Chair Michael Gerrard michael.gerrard@aporter.com</p> <p>Co-Chair Kevin Healy jkhealy@bryancave.com</p> <p>Co-Chair Ginny Robbins vrobbsins@bsk.com</p> <p><i>* Earth Day Event</i></p>	<p>Adirondacks, Catskills, Forest Preserve & National Resource Management</p> <p>Co-Chair Claudia K. Braymer claudia@braymerlaw.com</p> <p>Co-Chair Thomas A. Ulasewicz tau@fmbf-law.com</p> <p>Co-Chair Jan Kublick Jan.kublick@gmail.com</p>	<p>Corporate Counsel</p> <p>Co-Chair Nicholas M. Ward-Willis nward-willis@kblaw.com</p> <p>Co-Chair Howard Tollin HTollin@sterlingrisk.com</p>

Environmental & Energy Law Section Officer – Committee Liaison Responsibilities: February 2022

<p>Legislation</p> <p>Co-Chair John Parker (parkerjlp@gmail.com) Co-Chair Linda Shaw (lshaw@nyenvlaw.com)</p> <p><i>* Legislative Forum in Spring</i></p>	<p>Environmental Justice</p> <p>Co-Chair Jose Almanzar (jalmanzar@bdlaw.com)</p> <p><i>* Coordinate on Minority Fellowship</i></p>	<p>Land Use and Environmental Impact Assessment</p> <p>Co-Chair Dan Richmond (dmrichmond@zarin-steinmetz.com) Co-Chair Frank Piccininni (fpiccininni@sterlingrisk.com)</p>	<p>Enforcement & Compliance</p> <p>Co-Chair Susan Amron (SAmron@planning.nyc.gov) Co-Chair Matthew Sinkman (matthew.sinkman@ag.ny.gov) Co-Chair Karen Mintzer (karen@mintzermach.com)</p>
<p>Petroleum Spills</p> <p>Co-Chair Jeffrey Stravino (jstravin@hodgsonruss.com) Co-Chair Melissa M. Valle (mvalle@nyenvlaw.com)</p> <p><i>* Annual Spills Conference</i></p>	<p>Energy</p> <p>Co-Chair Haley Carlock (hcarlock@scenicudson.org) Co-Chair Gregory Brown (gbrown@bdflegal.com)</p>	<p>Toxic Torts</p> <p>Co-Chair Cheryl P. Vollweiler (cvollweiler@traublieberman.com) Co-Chair Dan Krainin (dkrainin@bdlaw.com)</p>	<p>Future of Federal Envntl Policy Taskforce</p> <p>Co-Chair David Freeman (dffreeman@gibbonslaw.com) Co-Chair Gail Port (gport@proskauer.com) Co-Chair Kevin Healy (jkhealy@bryancave.com)</p> <p><i>* Coordinate response to federal issues of import</i></p>
	<p>Utility Siting and Regulation</p> <p>Co-chair Jeff Greenblatt (jeffrey.greenblatt@pseg.com) Co-Chair Ekin Senlet (esenlet@barclaydamon.com)</p>	<p>Water Quality, Coastal & Wetland Resources</p> <p>Co-Chair Amy K. Kendall (akendall@nyenvlaw.com) Co-Chair Terresa M. Bakner (tbakner@woh.com) Nicholas C. Rigano (nrigano@riganollc.com)</p>	<p>Membership, Diversity & Inclusion</p> <p>Co-Chair Christine Leas (cleas@sprlaw.com) Co-Chair Sarah Lobe (Sarah.lobe@gmail.com)</p> <p><i>* Coordinate on Minority Fellowship</i></p>
<p>Representative to the House of Delegates:</p> <ul style="list-style-type: none"> • EELS Liaison with Young Lawyers Section • Representative to the NYSBA Executive Committee: • Counsel to Cabinet: • Liaison to NYSBA Cannabis Section: • Awards Committee: Nick Ward-Willis + rotating members; propose awardees + Coordinate on Minority Fellowship • Nominating & By Laws Committee: Current Secretary + rotating members (3-5 Total) to nominate next cabinet member + members at large, etc. 			

Memo from Claudia Braymer, Tom Ulasewicz, Jan Kublick

Outline of Committee Items for Discussion

Goal: We intend to review the items below and prepare a report on areas that need regulatory updates and revisions to meet the needs and challenges of the 21st century in the Adirondacks and Catskills. We will want to identify and prioritize current problems and suggest a path forward to be taken by the Committee and/or regulatory agencies.

We plan to contact other relevant Section committees and stakeholders for input. Please contact any one of us if you are interested in participating in the process.

Review of the APA regulations, suggested areas (in no particular order):

1. carrying capacity
2. subdivision rules (are statutory changes needed?)
3. rail corridors
4. climate change (including carbon sequestration in privately-owned forests; Climate Advisory Council's Scoping document)
5. invasive species (aquatic & terrestrial)
6. septic systems (are statutory changes needed?)
7. adjudicatory hearings (e.g., White Lake Quarry)
8. siting of renewable energy and broadband projects within the Park

Forest Preserve concerns:

1. Classification of lands (especially recently/newly acquired)
2. Guidelines for tree cutting (based upon Protect! v. DEC/APA decision)
3. Usage (overuse)/signage (e.g., Catskills Strategic Advisory Group report re recommendations)
4. Forever Adirondacks campaign
5. DEC's new Catskills/ADKs coordinators

Braymer Law, PLLC
Claudia K. Braymer