



New York State Bar Association
Environmental & Energy Law Section



EXECUTIVE COMMITTEE MINUTES

September 26, 2023 – 4:30 PM



Present: J. Almanzar; M. Baker; T. Bakner; K. Bernstein; M. Bogin; C. Braymer; H. Carlock; A. Cinamon; D. Freeman; D. Gamils; A. Guida; K. Healy; M. Hecker; Y. Hennessey; C. Howard; A. Jasiewicz; R. Kafin; A. Kendall; Z. Knaub; R. Knoer; D. Krainin; J. Kublick; K. Kuh; A. Knauf; K. Kennedy; C. Leas; A. Legland; S. Lobe; H. Mauch; J. McClymonds; M. MacDonald; K. Mintzer; W. Mugdan; D. Mussio; I. Norman; J. Poach O’Sullivan; J. Parker; T. Putsavage; D. Quist; A. Reichhart; D. Richmond; V. Robbiins; J. Rigano; N. Rigano; N. Robinson; D. Ruzow; S. Russo; A. Sargente; L. Shaw; J. Simpson; M. Sinkman; H. Tollin, M. Valle; M. Weider; M. Zoghlin

Welcome - Yvonne Hennessey, Chair

Approval of Minutes: Approved unanimously.

Budget: As of the time of the meeting, the section is below its budget and on track to stay that way by close of year.

Membership Initiative: Yvonne Hennessey outlined the section’s membership initiative. The Cabinet appointed a committee to develop ideas on increasing membership and ensuring that attorneys from government and NGOs participate. The Committee will address issues such as affordability of NYSBA and section membership and also considering reduced rates to events for attorneys not in private practice to encourage attendance, especially when it comes to virtual events.

Bar Foundation: Michael Hecker reported on the section’s recent submission of a grant application to the NYSBA Foundation seeking a \$10,000 grant for the EELS diversity fellowship. More than 10 years ago the section applied for this type of grant funding and received it, but have not applied recently. Rather than expanding grant efforts to seek funding from outside foundations, Mike reported that the section is considering soliciting contributions for the fellowship from law firms. We should hear back on the grant application by February 2024.

Annual Meeting: Steven Russo gave an update on the planning underway for the CLE program for the Annual Meeting in January 2024. Dates are January 17 and 18 and panels are being assembled on wetlands post Sackett, onshore and offshore renewable energy and Artificial Intelligence. Lunch will again be at Mastro’s. Program title, playing off the AI panel, is “2024 A Legal Odyssey.”

2023 Essay Contest: Yvonne Hennessey announced the winners of the 2023 Essay Contest on behalf of Miriam Villani. There were nine entries, 4 from Columbia Law School, 3 from Pace Law School and 1 each from Albany Law and CUNY Law. The winners were: Celeste Fleetwood (Columbia Law) for “The Feasibility and Challenges of Converting Retiring Coal Plants Into Nuclear Plants” (First Place); Caroline Chen (Pace Law) for “Climate Change:

Decarbonizing New York City From the Bottom Up,” (Second Place); and Elizabeth Schanz (Albany Law) for “Marine Wildlife Considerations For a Convention Governing Floating Offshore Wind Turbines” (Third Place).

Committee Reports

Brownfield Committee: David Freeman discussed the recent work of the Brownfield Task Force. There will be a Brownfield Program on December 5, with DER head Andy Guglielmi from DEC giving the keynote address. It will be a virtual program with presenters from state and federal government and private practice. The Task Force is also hoping that the program will discuss the new draft Part 375 regulations which are expected to be released by that date. Linda Shaw also discussed further work of the task force with regard to a NYSDEC draft policy that has been circulated that includes plans to require significant financial assurance from BCP volunteers and participants. The task force has serious concerns with this component of the draft policy and the potential for this change to create a major disincentive for applicants to join the program.

Diversity and inclusion fellowship – Ginny Robbins gave a report on the committee’s recent efforts which have focused on making changes to the application form to ensure that it is inclusive and obtains information that will be helpful to the committee reviewing the applications. The Committee had 14 applicants last year and is hoping to grow the applicant pool to over 20 this year, given the increased funding. Last year two NYU Law students were awarded the fellowship.

Global Climate Change – GCC Committee presented for approval a draft letter to go to N.Y. Governor Hochul to stress the need to provide assistance to small municipalities and community groups to apply for Environmental Justice grant funding which is available under the recently enacted federal IRA law for energy efficiency/sustainability/renewable energy projects that focus on mitigating impacts to environmental justice/disadvantaged communities. The funding even includes access to grant writers to assist in preparing applications for these federal grants. However, the IRA provides that the grant money has to be obligated by 2024, which is aggressive. The hope is for NYSBA to put on a conference or perform trainings to get the word out to municipalities about the existence of this federal money. The letter asks the Governor to appoint a contact in the Executive Chamber to work with the Governor to spur this work. The NYC Bar Association is working on a similar letter to go to Mayor Adams. Our section is working with the NYSBA Local and State Government Law Section to get to the attorneys who work with these small governments offices to get attendees to the conference, which likely will be virtual, to ensure that parties have an understanding of the substantial resources that are available for government and community programs focusing on sustainability, renewable energy, energy efficiency. The EC unanimously approved recommending that NYSBA send the letter on behalf of the EELS section as well as the NYSBA Local and State Government Law Section and the NYC Bar Association.

Environmental Justice – Jose Almanzar and Ivonne Norman presented the report of the EJ committee. The Committee has successfully recruited younger attorneys from diverse backgrounds to the section and the EJ committee. The committee is working with the GCC

Committee on the project to raise awareness for local governments and community groups to access the IRA EJ grant funding.

Housing Task Force: Dan Richmond introduced the work of the Housing Task Force to the EC. This group recently formed and is looking for additional participation, especially folks from upstate New York. The task force is targeting the next legislative session to generate a white paper with various ideas to facilitate housing construction throughout the state. The effort cuts across the following NYSBA sections, EELs, Land Use, Real Estate and Local Government.

EELS Newsletter: Jay Simpson updated the EC on the work on the Section journal, with a goal to make the journal more of a tool to market the section as a whole. Recent articles covered topics such as environmental justice and the green amendment.

Future Programming: Amy Kendall highlighted that on November 1 there will be a program in Buffalo on environmental issues. Amy made a pitch for ideas and volunteers for a couple of additional one hour lunch time virtual CLEs.

New Business: Walter Mugdan presented request to fund the 18th annual NYCELLI program. Walter made a motion that the Section contribute \$1,500 to assist in funding the program, and the EC unanimously approved the motion. Nick Robinson made an announcement about the Pace Elizabeth Haupt award.

Meeting adjourned at 5:50 PM.

Next meeting: January 2024.

Respectfully Submitted,

Steven C. Russo, Section Secretary