MINUTES
NYSBA ENVIRONMENTAL LAW SECTION
EXECUTIVE COMMITTEE MEETING
Hilton, New York, New York
2:15 p.m., January 27, 2012

Attending: Maureen Leary, Jim Rigano, Robert Kafin, Gail S. Port, Ginny Robbins, Eileen D. Millett, Nicholas M. Ward-Willis, Marla Wieder, Andrew Gershon, Lemuel M. Srolovic, George Rusk, Lisa Bromberg, Laurie Silberfeld, Joan Leary Matthews, John Parker, Rob Stout, Jason Kaplan, Abigail Jones for Jim Periconi, Gary Abraham, David Cook, John Hanna Jr, Gail Suchman, Edward F. Premo, II, Rosemary Nichols, Jan Kublick, John French, David Freeman, Miriam Villani, Kevin Healy, Howard Tollin, Joel Sachs, Megan Brillault, Kristen Wilson, Ruth A. Moore, Louis Alexander, Michael Lesser, Bob McLaughlin, Alan Knauf, Walter Mugdan, Reed Super, Kevin Bernstein, Brody Smith, Barry Kogut, John Greenthal, Lisa Bataille, Nicholas A. Robinson, Philip Dixon, Carl Howard, Kevin Reilly, and Terresa Bakner.

1. The Call to Order/Opening Remarks were made by the chair, Philip Dixon, who welcomed the Executive Committee members and opened the meeting.

2. Richard Raysman made a presentation to the committee on the work of the NY Bar Foundation, including a discussion of how the funds are administered and a request for donations to the Foundation.

3. The Minutes from the October 23, 2011, Executive Committee Meeting were offered for approval by the Secretary, Terresa Bakner. The motion was made by Gail Port to accept the minutes and seconded by Alan Knauf and they were duly adopted by the Committee.

4. The Treasurer's Report was offered by Kevin Reilly, Treasurer for the Section. The report was distributed to the Committee members and explained by Kevin. A drop in membership dues was noted as well as an increase in postage. There was also a discussion concerning the size of the program book and the need to make sure that the materials are the outlines only with any other supporting documentation posted to the website.

5. Rob Stout and Jason Kaplan gave reports on the membership committee and all the measures being taken by the Section and the Bar to attract new lawyers and get them involved in the Bar activities. Much of this outreach involved attending programs at law schools set up by the Bar. Membership of new lawyers has increased.

6. Rob Stout, Jason Kaplan, Joan Matthews and John Greenthal gave a report on the Diversity Challenge and their new role as diversity liaisons. In addition to helping the President of the Bar achieve the goals of the Diversity Challenge, they are also working on ensuring speaker diversity during Section events. The Section Diversity policy was discussed and adopted unanimously with John Greenthal making the motion and Walter Mugdan seconding the motion. Anyone who is setting up a program or helping with a co-

sponsored event should work with Joan Matthews and John Greenthal to make sure that the speakers for the event are sufficiently diverse.

7. The future of the section's subsidization program is still on hold while the new Commission on Public Integrity staffs up and members to the Commission are appointed. Terresa Bakner will work on making a request to the Bar that can be brought to the Commission to confirm that there is no ethical bar to subsidizing the program cost based on a neutral criterion such level of income. Hopefully this issue can be addressed prior to the fall meeting.

8. Philip Dixon gave the Report of the Section Chair and thanked all the panel participants and those who set up the programs for both the Fall (2011) and annual meetings. Attendance was excellent at both events and the fall meeting brought in revenue to the Section.

9. Carl Howard gave an update on the planning for the October 12-14, 2012 fall meeting to take place in Lake Placid. The Friday night dinner speaker will be Bill McKibbon, who is also willing to sign books. The program is taking shape with topics including conservation easements, land preservation, taxes, zoning, climate change and invasive species control. Carl is being assisted by Elizabeth Bennett, John Caffrey, George Rodenhousen, and Tom Ulasewicz. More details to follow shortly.

10. Nick Robinson led a discussion of a possible Georgian Environmental Award Honoring Constantine Sidamon-Eristoff. Walter Mugdan volunteered to write up the statement he made at the annual lunch honoring Connie and his many extraordinary achievements. Philip Dixon is sending the statement and the plaque and memorial to Connie's family. The Executive Committee duly adopted the following three items which were moved by Gail Port and seconded by Terresa Bakner: 1. Resolved: The NYSBA Environmental Law Section mourns the passing of Constantine Sidamon-Eristoff and requests its Officers to extend deep condolences to his wife and family. We have lost a good friend and his memory will inspire us always. 2. Resolved: The NYSBA Environmental law Section Executive Committee decided to become a co-sponsor for the founding of the Constantine Sidamon-Eristoff Award for Environmental Conservation in Georgia, and welcomes the initiative by IUCN in honoring the professional and ethical legacies of Constantine Sidamon-Eristoff through the establishment of this award in his ancestral homeland of Georgia. The officers are requested to communicate this decision to the IUCN Caucasus Coordinating Center in Georgia. 3. Resolved: If approved by the Bar, the Executive Committee of the NYSBA Section on Environmental Law resolves to contribute $1000.00 to help establish the fund for the Constantine Sidamon-Eristoff Award for Environmental Conservation in Georgia, and requests its officers to transmit the donation to the IUCN CCC for support of this Award. Phil Dixon will follow up on the items set forth in this resolution with Walter's assistance.

11. NYSBA House of Delegates Report was given by Howard Tollin focusing on the bylaw amendment that was adopted to have two members of the NYSBA Executive Committee appointed by the Sections to share the views of the Sections. Howard indicated that a

process was being established for the nomination of these representatives by the Sections. Other topics discussed included the diversity challenge and its success thus far.

12. There were several committee reports/updates and new business:

    a. The Legislation Committee reported on the plans for the Spring Program.

    b. Miriam Villani addressed the Journal and the continuing dissatisfaction with the production of the Journal electronically and the requirement that members must affirmatively opt out from receiving a paper copy. She asked if a blast email could be sent to the members of the Environmental Law Section encouraging them to opt out and providing easier to follow instructions for doing so. Miriam discussed the upcoming editions of the Journal and deadlines for submission of articles.

    c. The CLE Committee, Jim Rigatoni and Maureen Leary discussed a Marcellus Shale and DEC program slated for June to be held in Albany, Binghamton and NYC. They were reminded to address diversity when choosing speakers.

    d. The Petroleum Spills Taskforce discussed the proposals that they were working on to improve the Schimminger Bill.

    e. Kevin Healey of the Climate Change Committee discussed the program to be held on March 1 at Columbia University on Indian Point and the panel speakers.

    f. An update was given by Lou Alexander on personnel changes at DEC. Lem Schrolovic gave an update on the EBP in the OAG and indicated that the four major issues for the EBP were 1) protecting air quality in NYS and focusing in particular on mercury emissions, 2) climate change issues, 3) Indian Point relicensing, 4) hydrofracking.

13. The meeting was duly adjourned.