



**ENVIRONMENTAL & NATURAL RESOURCES LAW SECTION  
EXECUTIVE COMMITTEE MEETING**

**June 20, 2018  
Brennan's Restaurant, Houston**

**ENRLS MINUTES**

**I. Welcome and Introductions**

**Present:** Rebecca Skiba, Lisa Dyar, Steve McMillan, Paulina Williams, Connie Westfall, Caroline Sweeney, Pete Wahl, Nathan Block

**Via Phone:** Walt Shelton, Mary Mendoza, Erin Chancellor, John Bull, Angela Moorman, Mike Dillinger, Cindy Bishop, Kirsten Fancher, Susan Maxwell,

**Absent:** David Klein, Lyn Clancy, Kelly Billings-Ray, Marshall Coover

The meeting was held at Brennan's Restaurant in Houston in conjunction with the Houston Bar Association Environmental Law Section's monthly luncheon. Rebecca Skiba called the meeting to order at 9:35 AM.

Rebecca began by noting that the SBOT Annual Meeting is in Houston the week of this meeting and that she and Scott Janoe (Baker Botts) will be there speaking on environmental enforcement. The ENRLS session will be at 10:00 AM, Thursday, 6/21.

**II. Minutes/Secretary's Report**

Nathan Block presented the minutes of the Executive Committee meeting held on February 22, 2018 in San Antonio. Corrections to the draft had been provided by e-mail prior to the meeting. No additional amendments or corrections were offered. Lisa Dyar moved to approve the minutes with a second from Steve McMillan. The minutes were approved.

**III. Treasurer's Report**

In David Klein's absence, Rebecca Skiba led a line item review of the budget. A discussion of a potential dues increase was continued from the February meeting. It was noted that the increase would only generate approximately \$3500 / year in additional revenue and would tie ENRLS's dues with the most expensive SBOT sections. After discussion, the Committee decided not to increase dues for the upcoming year. Pro bono donation payments

were discussed and it was confirmed that \$7500 had been paid to Tree Folks and \$2500 paid to the Galveston Bay Foundation to assist with Hurricane Harvey related activities.

Various budget items were discussed during agenda items related to the relevant committee or activity and are report under the relevant agenda item in these minutes.

Lisa Dyar moved to approve the budget. Steve McMillan seconded the motion. The budget, subject to potential revisions discussed elsewhere in these minutes, was approved.

#### **IV. Committee Reports and Discussion Items**

##### **A. Publications Committee**

###### **1. Texas Environmental Law Journal**

Via e-mail to Rebecca Skiba, Lyn Clancy reports that Volume 48, Issue 1 of the Texas Environmental Law Journal will very shortly be available for members to access on our section website. Lead articles in this issue provide reflections on the legal framework of oil spill response after the Deepwater Horizon spill, explore consultant risk under the "all appropriate inquiry" standard of CERCLA, and encourage a Zen-based approach to the ethical considerations that may arise when an attorney and a consultant represent the same client. The notes in this issue cover topics that include: the legal regime governing near-earth asteroid mining; lessons learned on increasing wind capacity; and the need for a standard federal policy that could be applied to the settlement of climate-vulnerable communities. And, as always, the issue provides brief updates on a broad range of environmental and natural resources law topics.

###### **2. Water Law Treatise**

Susan Maxwell reported that the 5<sup>th</sup> edition of the Essentials of Texas Water Resources is now available. Susan estimated that the book should generate \$800 in royalty this year. Sales typically spike with the release of a new addition but \$800 is a reasonable estimate. Susan reported that Mary Sahs has confirmed that Texas Bar Books does want to proceed to develop a 6<sup>th</sup> edition and that the Exec. Committee needs to confirm ENRLS' intention to continue as a sponsor. Mary has recruited Ben Matthews as a co-editor for the next edition. Mary has conveyed a request for administrative cost reimbursement and Susan recommends a budget of \$1000 for that reimbursement. Susan recommended ENRLS continuing as a sponsor. Rebecca moved that ENRLS continue as a sponsor. Lisa Dyar seconded the motion and the motion was passed. Steve McMillan moved to approved \$1000 for administrative cost reimbursement. Rebecca seconded and the motion passed.

##### **B. Law School Committee**

###### **1. Law School Programs**

Walt Shelton reported that, in the academic year, programs had been conducted at UNT, Baylor, Texas Tech, and St. Mary's. Several new presenters have begun participating in the programs. At St. Mary's a new format was tested where the speakers did short introduction talks and then the students rotated among tables with the speakers for individual discussions. This

format was well received. Programs for the combined Houston law schools as well as programs for A&M, SMU and UT are still in consideration / development for the fall of 2018.

The group discussed the continuation of our program of having the fall quarterly meeting coincide with a law school program. The Executive Committee was supportive of continuing this effort. Walt and Kristen proposed having the fall meeting at the Texas A&M law school. Rebecca Skiba made a motion to approve the proposal. The motion was seconded by Nathan Block and approved. Walt and Kristen will coordinate with Scott McDonald, the Law School Committee's liaison to A&M, to select potential dates for the program and quarterly meeting.

## 2. Internship and Scholarship Programs.

Walt Shelton reported that the Law School Committee had gotten feedback and considered modifications to the Buck Wynne Scholarship and the ENRLS Summer Internship programs. The committee made the following recommendations:

- a. Buck Wynne Scholarship: The Committee recommends increasing the award from \$1000 to \$1500 per student and allowing up to two awards per school per year. In addition to an Environmental Law survey course, the Committee recommends expanding the list of courses eligible for the award to include Natural Resources Law, Water Law, advanced environmental electives or Administrative Law. If a school offers more than two eligible courses in a year, the school will be allowed to decide which two courses get the awards. The recommendation would increase the total budget to \$30k. However, because course offerings vary from year to year and school to school we may not actually spend the budget in any given year.
- b. ENRLS Summer Internships: The Committee recommends adding an additional internship to be placed with EPA Region 6, beginning in the summer of 2019. Although we do not anticipate any impediments with EPA R6, the LCRA was discussed as a possible alternative in the event a program cannot be established at EPA R6. The Committee further recommends increasing the internship stipend from \$4200 / student to \$4500 / student. The recommended change would increase this budget line item to \$36k / year.

The Executive Committee discussed both recommendations jointly. Pete Wahl asked to clarify that the EPA internship would be in addition to other non-ENRLS sponsored internships already at EPA and Walt confirmed it would be in addition to the existing programs. Susan Maxwell expressed support for both proposals and asked whether internships remain at the agency where they are initially placed. Walt confirmed that they do remain and tend to become "institutionalized" at the agencies. Nathan Block expressed concern for the proposal but asked whether or not adding Administrative Law to the Buck Wynne scholarship infringes on any activity of the Administrative Law Section. Rebecca Skiba took an action item to check with the Administrative Law Section on the issue. Erin Chancellor offered to assist in setting up the internship at EPA.

Paulina Williams moved to accept and approve the Law School Committee's recommended changes to the Buck Wynne Scholarship. Pete Wahl seconded the motion. The motion was passed.

Steve McMillan moved to accept and approve the Law School Committee's recommended changes to the ENRLS Summer Internship Program. Paulina Williams seconded the motion. The motion was passed.

The total impact to the ENRLS budget from the changes will increase the Law School Committee spend by approximately \$22k / year. Rebecca Skiba will confer with ENRLS Treasurer on any necessary adjustments to the ENRLS budget.

### **C. Education Committee**

#### **1. Texas Environmental Superconference**

Lisa Dyar reported that Superconference registration is open and that there are already 109 registrations. The Four Seasons is remodeling and this will result in some inconvenience including having to serve lunch in the foyer. Mary Mendoza will seek concessions from the hotel to compensate for these inconveniences. Mary projects that revenue for this year's Superconference will be consistent with that of last year and that revenue and expenses will continue to track very closely. Mary raised the need to procure additional IT support for the conference. One of Haynes & Boone's in-house IT professionals had provided support in previous years but recently retired. Although retired from the firm, that individual is available to us on a consulting basis. He has provided an estimate of \$5,000. The Executive Committee was supportive of maintaining continuity and paying for the suggested IT consulting arrangement. Mary and Lisa confer with David Klein and make any necessary adjustments to the budget.

The Superconference planners had floated the idea of hiring a videographer to allow for taping of skits ahead of the conference. The cost was estimated at \$2000. The Committee was not able to support the request without additional explanation / justification.

The process for awarding scholarships for Superconference attendance was discussed. Earth X provides \$10,000 with the understanding that a portion will be used to provide scholarships to attorneys from non-profit organizations with a primary mission related to environmental law and policy. ENRLS has not yet developed a policy on how recipients should be selected. To date, providing scholarships on a first come, first served basis and allowing only one per organization has been adequate. David Klein suggested that the Education Committee develop a 'playbook' to guide administration of this program. Lisa Dyar will follow-up with the Education Committee on the development of a playbook.

Financing and sponsorship for Superconference were discussed. All of the consultant sponsors have paid. Most of the law firm sponsors have paid but the list is not yet complete. A question was raised about whether or not ENRLS would consider expanding the sponsorship pool beyond law firms and consultants to include product vendors. Space limitations in the Four Seasons may be a significant impediment. A recommendation from the Superconference Planning Committee will be sought and the issue discussed again at a later meeting.

## 2. Changing Face of Water Law

Greg Ellis was been selected and has agreed to serve as the ENRLS representative for the Water Law conference. The REPTLE Section is organizing planning for the 2019 conference.

### **D. Website / Technology**

Connie Westfall has reconnected with Workhorse and is close to finalizing a contract to have Workhorse update and upgrade the ENRLS website. Connie noted that she will need assistance updating content for the Webpage. Rebecca Skiba and Susan Maxwell volunteered to assist took the action to set up a discussion with Workhorse. Updating and developing content for the website is expected to occur primarily during 3Q 2018.

### **E. Pro Bono Committee**

The budget for next year's pro bono donations was discussed. In Mary Koks' absence, Mary Mendoza agreed to reach out to Mary Koks and the Pro Bono Committee for a recommendation on the allocation of the budget to various charities. The possibility of raising the budget above \$10,000 was discussed. The question was tabled pending a recommendation from Mary Koks and the Pro Bono Committee. The Exec. Comm. discussed our pro bono efforts and expressed a preference to continue to support efforts at Hurricane Harvey relief efforts in the upcoming year.

## **V. Other Business**

### **1. Incoming Officers / New Exec. Committee Members**

Potential candidates to fill officer roles were discussed. Members of the Executive Committee with terms expiring in 2018 are presumptive candidates for those roles. Any interested were asked to contact Rebecca Skiba to express interest. Rebecca will also be seeking nominations for incoming members of the Executive Committee. The current slate of officers will serve as a nominating committee.

### **2. Committee Participation and Organization**

The Exec. Comm. discussed increasing the level of activity in and support for our various subcommittees. Ideas such as amending the by-laws to reflect the existing standing committees and to expressly provide for the use of ad hoc committees / subcommittees was discussed. The idea of developing guidance in the form of playbooks was discussed. Formalized guidance / playbooks are expected to improve continuity from year to year. Rebecca Skiba proposed and will schedule a working session the week of Superconference for the Exec. Comm. to work on the development of playbooks.

Upon motion from Rebecca Skiba and second from Steve McMillan, the meeting was adjourned at 11:55 AM.

**VI. Next Meeting**

The next Exec. Comm. meeting will be held August 2, 2018, in Austin, Texas, in conjunction with the Environmental Superconference.

DRAFT