

Environmental Law Section 2005-2006 Annual Report

The Environmental law Section is celebrating its 25th anniversary this year. Over the past year, the Section continued to provide professionally useful programs, meetings, and publications to its members, and also increased its outreach to students and professors at law schools in Michigan who have interests in environmental law.

The Council, as well as Chairs of Section Committees, meets four times a year. Section meetings traditionally have been held in Lansing at the State Bar building, except for the annual meeting, which is held in conjunction with the State Bar's annual meeting, and the June meeting, which is held at the MacMullen Center in Higgins Lake, Michigan. This year, as part of our outreach to area law schools, the February meeting was held at Ave Maria Law School in Ann Arbor in conjunction with a panel discussion described below. The success of that effort suggests that the Section should continue to hold some of its meetings or programs at area law schools.

The Program Committee, directed by Susan Topp, continued its yeoman's work in presenting several useful and well-attended programs. The fall update program in Lansing covered air issues, Part 201 developments, enforcement issues, Sarbanes-Oxley disclosures, the refined petroleum fuel advisory board and Brownfields. A panel discussion on two Michigan wetlands cases currently before the U.S. Supreme Court – *Rapanos* and *Carabell* – was presented at Ave Maria Law School in February 2006. In addition, a February 2006 program at Crystal Lake, chaired by Joe Quandt, addressed EPA's "all appropriate inquiry"

rule, revisions to ASTM 1527 (Phase I Environmental Site Assessments), Brownfield redevelopment, and environmental issues in business and estate planning. In May, the spring program in Lansing covered Michigan's new water withdrawal legislation, the *Glass v Goedal* case on public trust rights applicable to private lands bordering the Great Lakes, and regulation of concentrated animal feed lots.

The Higgins Lake program in June will include MDEQ speakers and lawyers in private practice discussing MDEQ's remedial action plan process and uniform administrative consent orders. The annual program in September 2006, to be held in Ypsilanti in conjunction with the State Bar's annual meeting, will highlight wetlands issues and another discussion of the *Rapanos* and *Carabell* cases, which are expected to be decided by the U.S. Supreme Court this summer. Finally, as another example of our outreach to area law schools, the Section will co-sponsor a Great Lakes Symposium with the University of Michigan Law School Environmental Law Society next fall.

The Section is participating, through Steve Kohl, in the State Bar's Task Force on Attorney-Client Privilege.

The Section continued to publish the Michigan Environmental Law Journal, which includes articles by Section members and case summaries prepared by the University of Michigan Environmental Law Society. It also included the winning essay in the Section's 4th Annual Environmental Law Essay Contest, submitted by Tammy Helminski of the University of Michigan, and the runner-up essay submitted by Melissa Bozell of Thomas M. Cooley Law School.

That Essay Contest was named in honor of Stewart Freeman, a dedicated and highly regarded environmental lawyer in the Office of the Attorney General, who had died the previous year. This year's Essay Contest is being named in honor of David Tripp, a former Section Chair and one of the preeminent environmental lawyers in Michigan, who died last year.

Jeff Haynes and Gene Smary have been organizing a complete updating of the Michigan Environmental Law Deskbook, with a planned publication in late 2006. Many members of the Section have volunteered their time to draft or edit deskbook chapters.

As a result of activities taken by my predecessors, the Section's budget preserves a healthy balance. Section committees have undergone further reorganization and reinvigoration.

I would especially like to thank Chair-Elect John Byl and Secretary/Treasurer Susan Topp for their many contributions and invaluable assistance this year. Special thanks also should go to John Tatum, our technology wizard, for all his work on our website.

It has been a real honor to work with so many talented colleagues in the Section; I have learned much from them and appreciate all their efforts in support of the Section.

Peter D. Holmes
Chairperson