



Minnesota State Bar Association
Continuing Legal Education

2550 UNIVERSITY AVE W #160-S, SAINT PAUL MN 55114

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Minnesota Continuing
Legal Education



Presented by Minnesota Continuing Legal Education
and the Environmental, Natural Resources and Energy Law
Section of the Minnesota State Bar Association

Join an
outstanding
faculty and
your colleagues
at the premier
environmental
event of the year!

DATED MATERIAL – PLEASE EXPEDITE!



RECYCLABLE



For more information

Scan code for more information
or to register for this course.

CHOOSE ONE: Live Seminar OR Live Webcast of Jonathan Foley's Presentation

REGISTRATION / ORDER FORM

The 9th Annual 278-13 / mjc

Minnesota Environmental Institute

April 17, 2013 | Minnesota CLE Conference Center

PLEASE "✓" APPROPRIATE BOX BELOW:

LIVE: 4/17/13

- \$245 MSBA member \$245 paralegal \$295 standard rate
 I have a Minnesota CLE Season PassSM. Pass # _____

NEW LAWYER DISCOUNT!

- I was first admitted to the bar after April 17, 2010, and have deducted \$60 from the registration fee marked above.

TUITION DISCOUNT!

- Persons who work for the government, public institutions, or non-profit organizations are eligible for tuition of \$100 total.

This tuition discount is co-sponsored by the MSBA Environmental, Natural Resources and Energy Law Section and is limited to the first 20 qualifying applicants.

Law students may observe the program at no cost.

- Check here if address below is new.

Name (first) _____ (mi) _____ (last) _____

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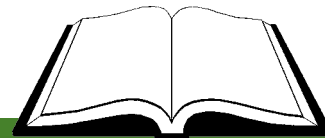
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TO REGISTER:

MAIL TO: Minnesota CLE
2550 University Ave. W
#160-S
St. Paul, MN 55114

FAX TO: 651-227-6262

GO ONLINE: www.minncle.org

OR CALL: 651-227-8266 or
800-759-8840

Special Live Webcast Option:

Jonathan Foley's Keynote Address:

"Global Challenges to Sustainability:
What Every Lawyer Needs to Know
About the Future of the Planet"

Wednesday, April 17, 2013 8:45 – 9:45 a.m. \$135

1.0 standard CLE credit (applied for)

How do I register?

It's easy. Simply go to www.minncle.org to sign up for the webcast. For assistance, call customer service at 651-227-8266 or 800-759-8840.

COURSE INFORMATION

CREDITS

Minnesota CLE is applying to the State Board of CLE for 6.0 CLE credits for the live course, including 1.0 ethics credit for breakout session #8. The maximum amount of credits an attendee may claim for the live course is 6.0.

Minnesota CLE is also applying to the State Board of CLE for 1.0 standard CLE credit for the special webcast presentation. The maximum amount of credits a webcast participant may claim is 1.0.

NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted less than three years. Those wishing to apply for such assistance should contact Grant at 651-254-2111 or gdavies@minncle.org for details.

CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the course materials at 50% of the full retail price.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

QUESTIONS?

Please call us at 651-227-8266 or 800-759-8840 or visit us online at www.minncle.org.

The 9th Annual Minnesota Environmental Institute

◆ The 2013 Case Law, Regulatory, and Legislative Update

◆ 12 Breakout Sessions – Choose the topics most relevant to your practice!

- Takings and Transmission
- Wind Energy Development
- Global Product Environmental Compliance
- Frac Sand Mining
- Stormwater Permitting and Enforcement
- Nonferrous Metallic Minerals Mining
- Agriculture and the Environment
- Public Interest Law: Obtaining Effective Review of a Project
- Ethics Credit: Building a Practice Ethically and Effectively

◆ A Basics Track covering the Clean Air Act, Administrative Law for Environmental Lawyers, and the Law of Contaminated Property

◆ The Annual Environmental Institute Reception – featuring a chance to win great prizes, including the new Apple iPad3!

Wednesday, April 17, 2013

Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370
Minneapolis

Keynote Address

Professor Jonathan Foley
Director of the Institute on the Environment at the University of Minnesota

"Global Challenges to Sustainability: What Every Lawyer Needs to Know About the Future of the Planet"

Special Webcast Opportunity!

Can't attend the program?
View Professor Jonathan Foley's Keynote Address via live webcast!

Register online:
<http://www.minncle.org>

Schedule

8:00 – 8:30 a.m. REGISTRATION & CONTINENTAL BREAKFAST

8:30 – 8:45 a.m.
Welcome and Presentation of the Distinguished Service Award

David J. Zoll, Chair
MSBA Environmental, Natural Resources and Energy Law Section

8:45 – 9:45 a.m.
KEYNOTE ADDRESS:

Global Challenges to Sustainability: What Every Lawyer Needs to Know About the Future of the Planet

Professor Jonathan Foley, Director
Institute on the Environment, University of Minnesota

9:45 a.m. – 12:00 p.m.
The 2013 Case Law, Regulatory, and Legislative Update

- 9:45 – 10:15 a.m.
Air and Climate Change Update
 EPA's first set of greenhouse gas emission regulations has been upheld in court, and the focus shifts to how EPA may regulate greenhouse gas emissions under additional Clean Air Act programs. EPA has recently issued a number of significant rules to reduce emissions of traditionally regulated pollutants, particularly affecting the utility industry and industrial boilers. This session will give you the latest news on EPA's regulations and court challenges to them, plus the status of EPA's revisions to the National Ambient Air Quality Standards.
Ann M. Seha

- 10:15 – 10:45 a.m.
Water Update
 While White Bear Lake hurts from thirst, the Red River Valley keeps looking for reasonable ways to store spring floodwaters. Minnesota's water landscape remains awash in legal intrigue. This session will examine the year's highlights in stormwater, wetlands, flood control, water quality, groundwater and other matters aquatic from around the state and the country.
Michael J. Welch

10:45 – 11:00 a.m. BREAK

- 11:00 – 11:30 a.m.
Environmental Review and Environmental Rights Update
 Issues arising under the National Environmental Policy Act (NEPA), the Minnesota Environmental Policy Act (MEPA), and the Minnesota Environmental Rights Act (MERA) continue to challenge environmental practitioners. This session will analyze the most important developments in environmental review and environmental rights, including when and how to evaluate greenhouse gas emissions and climate change impacts in environmental assessments and environmental impact statements.
Thaddeus R. Lightfoot

- 11:30 a.m. – 12:00 p.m.
CERCLA/MERLA/RCRA Update
 The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and its state law equivalent, the Minnesota Environmental Response and Liability Act (MERLA), also referred to as Superfund laws, provide that persons responsible for past releases of hazardous substances may be liable for the investigation and cleanup of sites. The Resource Conservation and Recovery Act (RCRA) provides for the proper management of hazardous wastes. This session will review case law developments in the past year, developments related to voluntary cleanup programs, and natural resource damage claims.
Joseph G. Maternowski

12:00 – 1:00 p.m. LUNCH (on your own)

1:00 – 2:00 p.m.
SMALL GROUP SESSION A

2:15 – 3:15 p.m.
SMALL GROUP SESSION B

3:30 – 4:30 p.m.
SMALL GROUP SESSION C

BASICS	1 Air Basics The basic regulatory structure of the Clean Air Act and how it translates into regulation of specific emissions from specific sources, including discussion of greenhouse gas emissions regulation. <i>Jonathan H. Bloomberg</i>	5 How to Sue the Government An overview of the basics of litigating under the Administrative Procedure Act. <i>Richard A. Duncan</i>	9 Contaminated Property Basics An overview of key issues in transactions involving contaminated property and the tools used to allocate or mitigate the associated risks. <i>Sara J. Peterson</i> <i>Daniel S. Schleck</i>
	2 Takings and Transmission A discussion of the use of eminent domain to build electric transmission lines to transmit renewable energy from resource-rich areas to population centers in other states, as well as the regulatory implications of transmission line siting and construction. <i>Alexandra B. Klass</i> <i>Eric F. Swanson</i>	6 Wind Energy Development – Perspectives on Moving Forward An analysis of changes in the legal framework for wind energy development in Minnesota from three different perspectives – the developer, the local landowner, and the county. <i>Stephen N. Betcher</i> <i>Katherine A. Roek</i> <i>Daniel S. Schleck</i>	10 Global Product Environmental Compliance An overview of trends that affect a company's ability to grow in the global marketplace and practical information about environmental and sustainability management. <i>Larisa Vishkovetsky</i>
EMERGING ISSUES	3 Frac Sand Mining: Environmental and Regulatory Developments A discussion of regulatory and permitting developments in frac sand mining, including the perceived environmental, health, and safety risks. <i>James S. Aiken</i> <i>Frank L. Kohlasch</i>	7 Stormwater Permitting and Enforcement: Current Developments An overview of the regulation of stormwater runoff, including permits and compliance requirements. <i>Keith Hanson</i>	11 Nonferrous Metallic Mining in Minnesota: Regulatory and Legal Issues An agency perspective on nonferrous mining in Minnesota, including applicable environmental regulations and evolving regulatory issues. <i>Michael R. Kunz</i> <i>Brian Timerson</i>
	4 How to Obtain Effective Review of a Project The methods of obtaining governmental review and regulation of controversial environmental and land use development projects. <i>James P. Peters</i> <i>Scott R. Strand</i>	8 Building Your Practice Professionally and Ethically <i>(1.0 ethics credit applied for)</i> How to develop relationships with clients, potential clients and referral sources to build your practice, and how to avoid violations of the Rules of Professional Conduct. <i>Roy S. Ginsburg</i>	12 Agriculture and the Environment The Minnesota Agriculture Water Quality Certification Program, the role of shared governance in achieving environmental outcomes, and other environmental issues affecting agriculture. <i>Timothy M. Gieseke</i> <i>Matthew Wohlman</i>
MINING & NATURAL RESOURCES ISSUES			
ONGOING CONCERNS			

2:00 – 2:15 p.m. BREAK

3:15 – 3:30 p.m. BREAK

4:30 – 5:30 p.m.
Annual Environmental Institute Reception

Join us for complimentary food, beverages, and the chance to win great prizes, including an Apple iPad3!



Faculty & Planners

- ◆ **Thaddeus R. Lightfoot**
Course Chair
 Dorsey & Whitney LLP; Minneapolis

James S. Aiken
 Barr Engineering Company; Minneapolis

Stephen N. Betcher
 Goodhue County Attorney's Office; Red Wing

Jonathan H. Bloomberg
 Bloomberg & Podpeskar LLP; Mendota Heights

Richard A. Duncan
 Faegre Baker Daniels LLP; Minneapolis

Jonathan Foley
 University of Minnesota; Minneapolis

Timothy M. Gieseke
 Ag Resource Strategies, LLC; New Ulm

Roy S. Ginsburg
 Attorney at Law; Minnetonka

Keith Hanson
 Barr Engineering Company; Minneapolis

- ◆ **Eldon G. Kaul**
 Retired, Minnesota Attorney General's Office; Blaine

Alexandra B. Klass
 University of Minnesota Law School; Minneapolis

Frank L. Kohlasch
 Minnesota Pollution Control Agency; St. Paul

Michael R. Kunz
 Minnesota Department of Natural Resources; St. Paul

- ◆ **Joseph G. Maternowski**
 Hessian & McKasy, P.A.; Minneapolis

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Sara J. Peterson
 Parkway Law, LLC; Minneapolis

- ◆ **Katherine A. Roek**
 Lindquist & Vennum PLLP; Minneapolis

- ◆ **Daniel S. Schleck**
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 Minnesota Center for Environmental Advocacy; St. Paul

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- ◆ **Jacob S. Woodard**
 Morrison Sund PLLC; Minnetonka

Matthew Wohlman
 Minnesota Department of Agriculture; St. Paul

◆ **Planning Committee Member**