

COURSE INFORMATION

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LIVE ONLINE SEMINAR

Thursday, August 13, 2020
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Registration for live online seminar must be made at www.minncle.org.

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You may use your Pass to register for the live online seminar at no charge.

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.0 CLE credits, including 1.0 ethics credit for session #303 and 1.0 elimination of bias credit for session #203.** The maximum number of credits an attendee may claim for the Institute is 6.0 credits.

SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. To obtain an application, contact Grant at gdavies@minncle.org.

CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their website account.

QUESTIONS?

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The 2020 Minnesota Environmental Institute

THURSDAY, AUGUST 13, 2020
ATTEND ONLINE – NO IN-PERSON ATTENDANCE

LIVE ONLINE SEMINAR
THURSDAY, AUGUST 13, 2020

Registration must be made online at www.minncle.org

TUITION:

\$295 MSBA member

\$295 paralegal

\$345 standard rate

Passholders attend at no charge.

Limited and Unlimited Passholders –

You may also use your Pass to register for this live online seminar at no charge.

GOVERNMENT, PUBLIC INSTITUTIONS AND NONPROFITS DISCOUNT!

Persons who work for the government, public institutions or nonprofit organizations are eligible for discounted tuition of \$100. This special tuition rate is co-sponsored by the MSBA Environmental, Natural Resources and Energy Law Section and is limited to the first 20 qualifying applicants. Call 651-227-8266 or 800-759-8840 to apply.

NEW LAWYER DISCOUNT!

New lawyers admitted to the bar fewer than 3 years receive a 50% discount.

SCHOLARSHIPS AVAILABLE!

Minnesota CLE maintains a scholarship program for those with a financial need. To obtain an application, contact Grant at gdavies@minncle.org.

JOIN THE MSBA AND PAY LESS FOR MINNESOTA CLE SEMINARS!

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DATED MATERIAL – PLEASE EXPEDITE!



The 2020
Minnesota Environmental Institute
The Most Important Event of the Year for Environmental Lawyers!

NEW DATE!
THURSDAY, AUGUST 13, 2020
LIVE ONLINE ONLY – NO IN-PERSON ATTENDANCE
REGISTER AT WWW.MINNCLE.ORG

The Most Important Event of the Year for Environmental Lawyers – direct to you in the comfort and safety of your home or office!

The 2020 Minnesota Environmental Institute



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

The Yearly In-Depth Update You Need to Stay Informed –

New cases, new laws and new ideas to improve your practice!

NEW DATE!
AUGUST 13, 2020

LIVE ONLINE ONLY – NO IN-PERSON ATTENDANCE

Includes a Free Bonus Webcast In September!

SPECIAL PRESENTATION

Indian Tribes, Environmental Regulation and Infrastructure Development



Presented by
Fond du Lac Band
Chairman
Kevin R. Dupuis

Can't attend? Get the materials!

The electronic course materials will be available for \$65 (plus tax). Purchase online after August 31 at www.minncle.org.

Register at www.minncle.org

Limited and Unlimited Passholders –
You may use your Pass to register for this online program at no charge.

SCHEDULE

Watch Again Feature!

You'll be able to view all the Small Group Sessions again for one year after the conference. Reserved for attendees; any viewing of sessions outside the listed Institute dates and times is for educational purposes only and not eligible for credit.

8:10 – 8:40 a.m.
JOIN ONLINE

8:40 – 8:45 a.m.

Welcome and Introductory Comments

Elizabeth H. Schmiesing, Course Chair

8:45 – 9:45 A.M.

KEYNOTE ADDRESSES

Indian Tribes, Environmental Regulation and Infrastructure Development

Kevin R. Dupuis, Sr., Chairman of Fond du Lac Band of Lake Superior Chippewa, will discuss the Band's efforts to protect natural and cultural resources on the Fond du Lac Reservation and throughout the Band's ceded territories, including a review of the Band's regulatory authority and its involvement in infrastructure projects, plus a focus on the cultural aspects of the environmental review process.

Kevin R. Dupuis, Chairman

9:45 A.M. – 12:00 P.M.

THE 2020 CASE LAW, REGULATORY AND LEGISLATIVE UPDATE

9:45 – 10:15 a.m.

Air and Climate Change Update

The federal government continues to propose significant rules and guidance on air quality and climate policy. Minnesota state court and administrative actions also impact state air quality practice and climate policy. This session will review those changes and discuss what may happen in 2020.

Frank L. Kohlasch

10:15 – 10:45 a.m.

Water Update

This session will consider the implications of the new Waters of the United States rule along with recent federal and Minnesota court decisions involving the Clean Water Act, Wetlands Conservation Act, the Minnesota Drainage Code and the latest developments on chloride reduction and riparian buffers.

Louis N. Smith

10:45 – 11:00 a.m. BREAK

11:00 – 11:30 a.m.

Environmental Review and Environmental Rights Update

Environmental review, a frequent target for reform, remains a cornerstone of environmental law. This session will explore the year's most significant judicial and regulatory developments with the National Environmental Policy Act (NEPA), Minnesota Environmental Policy Act (MEPA) and Minnesota Environmental Rights Act (MERA).

David J. Zoll

11:30 a.m. – 12:00 p.m.

CERCLA/MERLA/RCRA Update

In December 2019, the U.S. Supreme Court heard arguments on whether landowners at the Anaconda Smelter Superfund Site in Montana have a right to pursue cleanup remedies under state law above and beyond that approved by EPA under CERCLA. This session will explore the implications of that case, highlight other key CERCLA, MERLA and RCRA decisions and provide an update on developments in federal and state cleanup and waste policies during the past year.

Sara J. Peterson

12:00 – 1:00 p.m. BREAK

A Toast to Earth Day and the Environmental, Natural Resources and Energy Law Section

Elizabeth H. Schmiesing, Course Chair

Presentation of the Distinguished Service Award

Elizabeth Henley, Chair, MSBA Environmental, Natural Resources and Energy Law Section

1:00 – 2:00 P.M.

SMALL GROUP SESSION A

101 **CERCLA / MERLA Basics**

An analysis of the elements and liabilities of the Comprehensive Environmental Response Compensation Liability Act (CERCLA) and its Minnesota counterpart (MERLA), along with their implications for contaminated property transfers, cleanups and emerging contaminants such as PFAS.

Lindsey A. Remakel & Jeffery A. Sepesi

102 **The Intersection of Agriculture and Water: Hot Topics, Flashpoints and Regulatory Complexity**

Production of agricultural resources bumps up against natural resources, particularly water. This session will analyze regulatory and other processes involving agriculture and the environment.

John C. Kolb & Elise Larson

103 **An Introduction to OSHA**

Learn about the Minnesota Occupational Safety and Health Act (OSHA), including procedures for conducting inspections, employer responsibilities and strategies to address compliance through injury/illness prevention programs.

Ron C. Anderson & Eugene A. Mitchell

2:00 – 2:15 p.m. BREAK

2:15 – 3:15 P.M.

SMALL GROUP SESSION B

201 **Perspectives on Climate Change and Environmental Review**

Lawyers representing three different client perspectives – government, regulated parties, and advocacy organizations – will discuss the rapidly evolving role of climate change in environmental review and how it impacts their clients.

Jocelyn Bremer, Jeremy P. Greenhouse & Amelia Vohs

202 **Auditing and Self-Reporting: Protections and Potential Pitfalls of Disclosure**

A discussion of MPCA and private party perspectives on completing audits and disclosing environmental violations, including how parties can avoid administrative, civil or criminal penalties or sanctions by maintaining compliance through audit and self-reporting.

Sarah Kilgriff, Joseph G. Maternowski & Dana J. Wagner

203 **The Tyranny of Maps**

1.0 elimination of bias credit applied for

Project maps by outside agencies can send signals about the meaning of land, unintentionally disregarding important tribal cultural issues. This session will discuss how differing perceptions of space and place impact tribal negotiations and propose strategies for responding to challenges.

*Jon Berkin & Aimee R. Gourlay
Sara K. Van Norman (moderator)*

3:15 – 3:30 p.m. BREAK

3:30 – 4:30 P.M.

SMALL GROUP SESSION C

301 **The Minnesota Environmental Policy Act and The Minnesota Environmental Rights Act: Two Pillars of State Environmental Law**

An overview of environmental review under Minnesota's Environmental Policy and Environmental Rights Acts, including when review is required, what it must address and how it may be challenged, plus discussion of private rights of action under MERA and similarities/differences between the two statutes.

Richard A. Duncan & Stacey Person

302 **Perspectives on Environmental Enforcement and Compliance**

Perspectives on environmental enforcement and compliance differ depending on whether a person is within government, a nonprofit, a regulator or a member of the public. Hear how the MPCA Deputy Commissioner's perspective has (and has not) changed since joining the agency.

Peter Tester & Joseph Dammal

303 **What Can I Say?**

Doubling Down on Confidentiality

1.0 ethics credit applied for

A look at how Rules 1.6 and 1.9(c) are interpreted and what lawyers should watch for regarding confidentiality, including obligations to former clients, potential malpractice claims, loose lips, blogging and social media and more.

Eric T. Cooperstein

POST-INSTITUTE BONUS WEBCAST

Choose 1 of the following 5 webcasts from the September Environmental Webcast Series to view for free. Instructions on how to register for free will be available during the Institute. Dates and times to be determined.

The Intersection of Agriculture and Water: Hot Topics, Flashpoints and Regulatory Complexity

Production of agricultural resources bumps up against natural resources, particularly water. This session will analyze regulatory and other processes involving agriculture and the environment.

John C. Kolb & Elise Larson

Perspectives on Environmental Enforcement and Compliance

Perspectives on environmental enforcement and compliance differ depending on whether a person is within government, a nonprofit, a regulator or a member of the public. Hear how the MPCA Deputy Commissioner's perspective has (and has not) changed since joining the agency.

Peter Tester & Joseph Dammal

Environmental Protection at the Local Level

An examination of environmental protection issues faced by local and county governments, including hazardous and solid waste, conservation easements, vapor intrusion, organic waste, invasive species, light rail and transit-oriented development.

John Ristad & Charles Salter

Energy Transitions under Trump: A Law and Policy Perspective

A review of recent developments in energy law, policy, economics and technology, including shifts towards natural gas and renewable energy, the use of federal public lands in achieving energy goals and state and federal climate and clean-energy policies.

Gabriel Chan & Alexandra B. Klass

Toxicology and Epidemiology for Environmental Lawyers

An overview of key toxicology and epidemiology concepts used in evaluating exposure to environmental agents and human health effects of concern.

Sarah Kleinschmidt

FACULTY & PLANNERS

* PLANNING COMMITTEE

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