



----- CLE SEMINAR -----

# 30th Annual Environmental Law Update

*Co-produced with the  
Environmental Law Section  
of the State Bar of Wisconsin*

**LIVE** SEMINAR: Thursday, September 13, 2018 – Madison  
WEBCAST: Thursday, September 13, 2018

**REPLAY** WEBCAST: Friday, September 28, 2018  
WEBCAST: Tuesday, October 2, 2018  
WEBCAST: Wednesday, October 10, 2018  
WEBCAST: Thursday, October 18, 2018  
WEBCAST: Monday, October 22, 2018

CREDITS **7.5 CLE**  
**1.0 EPR**

# 30th Annual Environmental Law Update

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September 13, 2018 | Madison

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## Follow the course of nature

Our environment is always evolving – and so is environmental law. The *30th Annual Environmental Law Update* keeps you current on recent legislative changes and regulatory issues at the federal and state levels, including:

- Wisconsin DNR initiatives
- The latest air affairs
- Agricultural concerns
- Risks and implications of wetland mitigation banks
- Compliance with California's Safe Drinking Water and Toxic Enforcement Act

Plus, hear from our ethics panel on how to approach your ethical responsibilities, including permissive disclosures and duty of lawyer competence.

## Public trust doctrine particulars

A variety of recent litigation is shifting the boundaries of the public trust doctrine in Wisconsin. Examine key cases with potentially groundbreaking ramifications and discover what they may mean for your practice.

- **High-capacity wells and groundwater:**
  - ▶ *Lake Beulah v. Wisconsin DNR*
  - ▶ *Golden Sands Dairy LLC v. Town of Saratoga*
- **Navigable waters:**
  - ▶ *Movrich v. Lobermeier*

Be prepared for the environmental issues directly impacting your clients with guidance from the *30th Annual Environmental Law Update*. **Register today!**



Attend the live seminar for a special opportunity to meet and talk with the presenters and fellow attendees at a complimentary networking luncheon sponsored by the State Bar's Environmental Law Section.

## Faculty

### Program Chair

**Peter A. Tomasi**  
Foley & Lardner LLP, Milwaukee

### Presenters

**Jodi Arndt Labs**  
Law Firm of Conway, Olejniczak & Jerry, S.C., Green Bay

**Phillip R. Bower**  
Husch Blackwell LLP, Madison

**Lacey Cochart**  
Department of Agriculture, Trade and Consumer Protection, Madison

**Evan Feinauer**  
Clean Wisconsin, Madison

**John Holevoet**  
Dairy Business Association, Madison

**Christopher J. Jaekels**  
Davis & Kuelthau, S.C., Milwaukee

**Tressie Kamp**  
Midwest Environmental Advocates, Inc., Madison

**Heidi Kennedy**  
SEH, Delafield

**Paul G. Kent**  
Stafford Rosenbaum LLP, Madison

**Thomas D. Larson**  
Wisconsin Realtors Association, Madison

**Timothy J. Pierce**  
State Bar of Wisconsin, Madison

**Sarah A. Slack**  
Foley & Lardner LLP, Madison

**Vanessa D. Wishart**  
Stafford Rosenbaum LLP, Madison

**Leah Hurtgen Ziemba**  
Michael Best & Friedrich LLP, Madison

## Location

### Live Seminar

**Madison, State Bar Center**  
5302 Eastpark Blvd., American Center,  
(608) 257-3838

## Credits

This program has been submitted to the Wisconsin Board of Bar Examiners for up to **7.5 CLE credits including 1.0 Ethics and Professional Responsibility credit**. The live seminar and live webcast on September 13, 2018 will also be submitted for Minnesota credit.

# Schedule

**8:00 AM Registration**

**8:30 AM Keynote Address:  
State of the Wisconsin  
Department of Natural  
Resources**  
*Speakers to be announced*

**9:30 AM High Capacity Wells,  
Groundwater, and the  
Public Trust Doctrine**

- An overview of Wisconsin's laws regulating high capacity wells
- Summary of known impacts to surface waters caused by groundwater withdrawals, and trends in groundwater use
- History of the Public Trust Doctrine in Wisconsin
- How the Public Trust Doctrine relates to high capacity wells: Lake Beulah and Clean Wisconsin's current litigation against the Department of Natural Resources  
*Evan Feinauer*

**10:15 AM Break**

**10:30 AM Clean Air Act: State and  
Federal Updates**

- Update on federal and state rules, including the Clean Power Plan
- Recent changes to federal and state policies
- Enforcement priorities
- Emerging trends (e.g., citizen monitoring)  
*Phillip R. Bower*

**11:30 AM *Movrich v. Lobermeier*  
and the Evolving  
Public Trust Doctrine**  
*Paul G. Kent  
Thomas D. Larson*

**12:00 PM Lunch – Networking  
Opportunity – Meet the  
Speakers**  
*All attendees at the live seminar are invited to enjoy a complimentary lunch sponsored by the Environmental Law Section of the State Bar of Wisconsin*

**1:00 PM Wetland Mitigation  
Banking: State and  
Federal Developments**

- How the banking process is like residential development
- The risks and costs of mitigation banking for project sponsors and consultants
- Legal implications for your clients in setting up and running a mitigation bank  
*Heidi Kennedy*

**2:00 PM Beyond DNR: Updates on  
Agriculture & DATCP**

- Local ordinances: opportunities and challenges
- Recent citizen appeals to Livestock Facility Siting Review Board  
*Lacey Cochart  
John Holevoet  
Tressie Kamp  
Vanessa D. Wishart  
Leah Hurtgen Ziemba*

**2:45 PM California's Prop 65: What  
Wisconsin Lawyers Need to  
Know**

- What is Prop 65?
- What are the Warning Requirements?
- How will changes in the regulations impact internet and catalogue sales?
- What is a company's potential exposure for failure to comply?  
*Sarah A. Slack*

**3:15 PM Break**

**3:30 PM Ethical Issues Arising  
During Environmental  
Lawyering Today**

- Includes a panel discussion on:
  - ▶ Duty of lawyer competence
  - ▶ Duty of thoroughness and preparation
  - ▶ Permissive disclosures
  - ▶ Duty to render candid advice  
*Jodi Arndt Labs  
Christopher J. Jaekels  
Timothy J. Pierce*

**4:20 PM Program Concludes**

*Following program start time, webcast replay schedule will vary slightly from above listed times.*

## Who should attend:

- Environmental law attorneys
- Real estate lawyers
- Agricultural law attorneys
- Business lawyers
- Construction law attorneys
- Municipal lawyers

## How you'll benefit:

- Learn what's new at the Wisconsin Dept. of Natural Resources
- Understand the importance of recent high-capacity wells litigation
- Learn what Wisconsin attorneys should know about California's Proposition 65
- Look at recent developments in wetland mitigation banking
- Understand the ethical issues and obligations in environmental law today
- Receive updates on agriculture and Wisconsin's Dept. of Agriculture, Trade, and Consumer Protection
- Discover how *Movrich v. Lobermeier* impacts the evolving public trust doctrine
- Find out about the latest air issues

**Save 20%**

## Commercial Real Estate Transactions in Wisconsin

Save 20% on *Commercial Real Estate Transactions in Wisconsin*. Plus, all seminar attendees receive a free two-week trial of the **Books UnBound®** version. Use discount code **CA2786** when you order online or by calling (800) 728-7788.\*

Explore every aspect of business property transactions from both the buyer's and seller's perspectives, including:

- Analyzing a commercial real estate investment
- Listing contracts
- Environmental considerations
- Financing
- Closing issues and documents

**Print Book:** #AK0341; 680+ pp.; 2nd ed., 2015-2016 (Includes 2017-18 supplement)

**Member:** ~~\$179~~ \$143.20

**Nonmember:** ~~\$229~~ \$183.20

**Books UnBound Subscription:** #AE0341

**Member:** ~~\$159~~ \$127.20

**Nonmember:** ~~\$199~~ \$159.20

\*Discount applies to both print and digital Books UnBound® editions of this title and cannot be applied to previous purchases. Offer valid as long as CLE credit is available for this program. For Books UnBound users, discount may be applied to purchase of individual Books UnBound title only and may not be used on purchase of full library.



Attendees receive a **FREE** two-week trial of this **Books UnBound** title

## Additional Learning Opportunities

### The Changing Landscape of Administrative Law

Learn the ins and outs of rulemaking under Act 21 and lobbying in Wisconsin. Discover the administrative specifics of various agencies, including the DNR, DWD, and LIRC. In addition, gain insight into the judicial review process from an Administrative Law Judge. **7.5 CLE/1 EPR**

**Live Madison Seminar & Live Webcast:** Oct. 12, 2018

**Webcast Replays:** Oct. 30, 2018 | Nov. 5, 2018 | Nov. 16, 2018 | Nov. 21, 2018 | Nov. 29, 2018

### Current Issues in Land Use – 2018

Delve into current laws on cell phone and transmission towers. Look at public-private partnership examples from around Wisconsin. Learn how Tax Incremental Financing impacts development. Plus, explore rental property ordinances and the problem of bad landlords. **8 CLE**

**CLE OnDemand Seminar:** #CA2746D; **Member:** \$249 | **Nonmember:** \$329

### 29th Annual Environmental Law Update – 2017

Learn about local government efforts to regulate environmental activities in Wisconsin. Explore recent legislative changes to Wisconsin's shoreland zoning and riparian rights. Understand the changes being implemented by the amended Toxic Substances Control Act, and much more. **7.5 CLE**

**CLE OnDemand Seminar:** #CA2646D; **Member:** \$249 | **Nonmember:** \$329

### Condemnation Law and Practice in Wisconsin

Understand the perspectives of the condemning authority and property owner. Explore the circumstances under which the state may undertake a condemnation, and know the requirements for doing so. Plus, learn the processes a property owner must follow to contest a proposed condemnation or to receive compensation for a taking.

**Print Book:** #AK0310; 265+ pp.; 1st ed. 2009 (Includes 2014-15 supplement)

**Member:** \$149 | **Nonmember:** \$189

**Books UnBound® Subscription:** #AE0310; **Member:** \$159 | **Nonmember:** \$199

### Wisconsin Law of Easements and Restrictive Covenants

Receive a thorough look at the full range of statutes, case law, and evolving issues impacting easements and restrictive covenants. Learn about utility and conservation easements. Also, find a review of the general concepts underlying restrictive covenants.

**Print Book:** #AK0202; 270+ pp.; 5th ed. 2017-18; **Member:** \$129 | **Nonmember:** \$159

**Books UnBound® Subscription:** #AE0202; **Member:** \$159 | **Nonmember:** \$199

### Wisconsin 2018 Municipal Codebook

The *Municipal Codebook* is an annual compilation of the statutes lawyers deal with the most when handling matters that fall under municipal jurisdiction. Quickly find the laws governing municipal governance and lands, revenue and taxation, public emergency services, and more.

**Print Book:** #AK0427E18; 876+ pp.; 2018; **Member:** \$69 | **Nonmember:** \$89

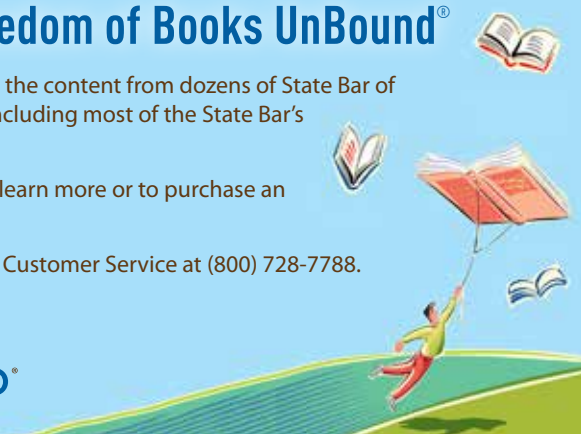
**E-Book:** #AP0427E17; **Member:** \$69 | **Nonmember:** \$89

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For firm subscriptions contact Customer Service at (800) 728-7788.



# Registration

**Online:** [www.wisbar.org/seminars](http://www.wisbar.org/seminars) » credit card or Ultimate Pass only

**Phone:** (800) 728-7788 » credit card or Ultimate Pass only

**Fax:** (608) 257-5502 » credit card or Ultimate Pass only

**Mail:** State Bar PINNACLE Registrations  
P.O. Box 7158, Madison, WI 53707-7158  
check, credit card, Passbook, or Ultimate Pass

**STATE BAR CLE/PINNACLE PASSBOOK REGISTRATIONS:** Passbook Certificates must be received by the State Bar at least one business day prior to the event. For live and video seminars, walk-in registrations with the Passbook Certificates are welcome.

**REGISTRATION CANCELLATIONS:** Please visit [www.wisbar.org/cancellation\\_policy](http://www.wisbar.org/cancellation_policy) for information on PINNACLE registration cancellation policies.

## Course materials for those attending the seminar

Course materials are provided to seminar attendees in PDF format and are downloadable from *myStateBar* on [wisbar.org](http://wisbar.org) up to four days prior to and 90 days after your seminar. The PDF format is ideal for creating an electronic library that is easily stored, searched, and shared. PDFs allow you to search multiple files at once, copy and paste desired paragraphs, or send the entire PDF to a colleague without leaving your desk.

Use Adobe Reader, GoodReader for iPad, or another free downloadable program to access the files from your computer, tablet, or mobile device during the seminar to make notes electronically, or print relevant sections ahead of time.

For live seminar attendees who prefer to receive course materials in printed format, please select the tuition option that includes printed materials for an additional \$20. You will also have access to the PDFs to get the benefit of both options.

## Scholarships available for this program

For a limited time, the Environmental Law Section will be offering five full scholarships to section members to attend the *30th Annual Environmental Law Update* live seminar. Applicants must be within three years of their graduation date from law school and employed with a nonprofit or government organization or unemployed. For more information about this opportunity, visit [wisbar.org/EnvironmentalScholarship](http://wisbar.org/EnvironmentalScholarship).

## 30th Annual Environmental Law Update

Priority Code: S 3 6 0 0 B

SEMINAR TUITION	LIVE SEMINAR: With PRINTED Course Materials	LIVE SEMINAR: With Downloadable (PDF) Course Materials	WEBCAST SEMINAR: With Downloadable (PDF) Course Materials
<input type="checkbox"/> State Bar Member	<input type="checkbox"/> \$239	<input type="checkbox"/> \$219	<input type="checkbox"/> \$249
<input type="checkbox"/> Nonmember	<input type="checkbox"/> \$319	<input type="checkbox"/> \$299	<input type="checkbox"/> \$329
<input type="checkbox"/> Ultimate Pass Subscriber	<input type="checkbox"/> \$20	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0
<input type="checkbox"/> Passbook Certificate User	<input type="checkbox"/> \$20 + 1 Certificate	<input type="checkbox"/> 1 Certificate	<input type="checkbox"/> 1 Certificate

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To purchase written course materials for those **not** attending this program, contact the State Bar at (800) 728-7788.

**NOTICE:** By attending this State Bar event, you understand and agree that you may be photographed and/or electronically recorded during the event and you hereby grant to the State Bar the right to use and distribute your name and likeness for promotional or educational purposes without monetary compensation. The State Bar assumes no liability for such use.

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