

Seminar Agenda

Identifying Wetlands

M. Schweisberg

Identifying and delineating resource areas under the Massachusetts Wetlands Protection Act (WPA), and wetlands and other waters under the federal Clean Water Act (CWA)

- Wetland Resource areas under the Mass WPA — types and definitions
- Waters of the United States under the federal CWA
- Boundary determination for resource areas, including buffer zones
- Delineating bordering vegetated wetlands under the WPA and wetlands under the CWA

Identification and delineation under the federal CWA, Mass WPA and municipal bylaws — similarities and important differences

Understanding Federal Law and Massachusetts' Wetland Laws

J. Shea

The Federal Clean Water Act
Rivers and Harbors Act
Massachusetts Wetlands Protection Act and regulations
Municipal Home Rule Laws
Implementing/enforcing agencies

- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- Massachusetts Department of Environmental Protection (MassDEP)
- Local Conservation Commissions

Enforcement defense

- Conservation Commissions
- MassDEP/ Attorney General
- Army Corps of Engineers/ EPA

Wetlands Permitting Process

J. Shea

State and Local

- Jurisdictional determinations
- Determination of applicability
- Order of resource area delineation
- Notice of intent
- Order of conditions
- Variance
- Appeals: MassDEP and courts

Federal

- Jurisdictional determinations
- Massachusetts general permits
- Self-verification
- Individual permits
- Appeals

Wetland Preservation, Restoration, Creation and Enhancement

M. Schweisberg

Compensatory mitigation: restoration, replication/creation, enhancement, and preservation
Protected interests under the Massachusetts Wetlands Protection Act
Ecological functions of wetlands and other waters under section 40A of the federal Clean Water Act
Compensatory mitigation — types and definitions

- Restoration
- Creation/replication
- Preservation
- Regulatory requirements
- Enhancement

Design considerations

- Reference areas
- Pre-design factors — water source
- Topography
- Soils
- Monitoring and performance standards
- Long-term protection
- Location, location, location
- Hydrology
- Plants

Best practices

- Planning
- Contractors
- Budget
- Oversight

Massachusetts Wetlands Law and Compliance
Natick, MA - Thursday, May 26, 2016

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Learning Objectives

You'll be able to:

Understand how wetlands are delineated under the Massachusetts Wetlands Protection Act and the federal Clean Water Act.

Learn how wetlands regulations are enforced by the US Army Corps of Engineers, the US Environmental Protection Agency and the Massachusetts Department of Environmental Protection.

Understand the federal, state, and local processes of wetland permitting.

Explore techniques for compensatory mitigation, including restoration, replication and enhancement.

Discuss design considerations for areas proposed for compensatory mitigation.



Massachusetts Wetlands Law and Compliance



Natick, MA
Thursday, May 26, 2016

Learn how wetlands are identified and delineated

Discuss federal and Massachusetts wetland laws including the federal Clean Water Act and the Massachusetts Wetlands Protection Act

Review federal, state and local wetland permitting processes

Understand compensatory mitigation, including wetland restoration and replication

Continuing Education Credits

This seminar is open to the public and offers a 6.5 hour continuing education opportunity to attorneys, professional engineers, floodplain managers, and other interested professionals (more information inside brochure).



Faculty

Matt Schweisberg, PWS *Principal, Wetland Strategies and Solutions, LLC*

Matt Schweisberg provides policy, regulatory and technical advice and assistance for clients seeking to navigate a wide range of regulatory and non-regulatory issues related to wetlands and other aquatic resources. He works throughout the U.S. Mr. Schweisberg is a professional wetland scientist under the Professional Certification Program of the Society of Wetland Scientists. He is a retired federal wetlands ecologist and wildlife biologist who spent over 32 years with the U. S. Environmental Protection Agency at its headquarters office in Washington, D.C., and New England Region office in Boston. Mr. Schweisberg served as chief of the New England Region's Wetlands Protection Program, as senior wetland ecologist, and on national work groups developing guidance and regulations on Clean Water Act jurisdiction. He has testified before federal grand juries and has served several times as an expert witness in federal, state, and private litigation. Mr. Schweisberg co-instructs a week-long intensive course on wetland identification and delineation at the Eagle Hill Institute in Maine, and he has taught courses in wetland regulation, restoration and creation; wetland ecology; and wetland identification and delineation for federal and state agencies, academic organizations, and environmental consultants. He received his degree in Wildlife Management from the University of Maine.

John F. Shea *Shareholder, Mackie Shea P.C.*

John F. Shea has practiced environmental and land use law for over 35 years. He focuses on wetlands, water, wildlife and hazardous waste laws. He is recognized as a master strategist in securing approvals for complex and controversial projects, developing environmental compliance plans for proactive and troubled companies, and successfully defending permits in administrative and court appeals. Mr. Shea represents developers, businesses and high net worth individuals in permitting, siting, enforcement defense and litigation. His development projects include coastal homes, subdivisions, subsidized housing, hotels, assisted living facilities, hospitals, colleges, and banks. He handles permitting and litigation for coastal erosion protections, docks, marinas, aquaculture farms, radio antennas, industrial plants, office parks, and retail complexes. Mr. Shea is recognized as a leader in environmental and land use law by Chambers USA's *America's Leading Lawyers for Business*. The 2013 edition described Mr. Shea as a "Dean of the Environmental Bar," and the 2015 edition praised him as a valuable advisor to developers and businesses. The 2014 edition reported "there's nothing he hasn't seen or done." He was selected as the 2013 Boston Environmental Law "Lawyer of the Year" by *The Best Lawyers in America*®, and as one of the four best environmental lawyers in New England. Since 2004, he is designated a Massachusetts and New England SuperLawyer by *Boston Magazine* and Thomson Reuters. He enjoys an AV Preeminent rating for the highest levels of professional excellence from Martindale-Hubbell. He is a member of the USA 500 Club, a national community of professionals who serve as senior-level trusted advisors and share the highest standards of integrity, performance and accountability.

About the Seminar

Courtyard by Marriott Natick
342 Speen Street
Natick, MA 01760
(508) 655-6100

Tuition

\$269 for individual registration
\$249 for three or more simultaneous registrations. Each registration includes one copy of the seminar manual.

Receive a reduced tuition rate of \$101 by registering to be our on-site coordinator for the day. For availability and a job description, go online to www.halfmoonseminars.org.

Four Easy Ways to Register Today!

Register online at www.halfmoonseminars.org, mail in the registration form to **HalfMoon Education Inc., PO Box 278 Altoona, WI 54720-0278**, fax the form to (715) 835-6066, or call a customer service representative at (715) 835-5900.

Cancellations: Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the CD/manual package. You may also send another person to take your place.

Registration
8:00 - 8:30 am
Morning Session
8:30 am - 12:15 pm
Lunch (On your own)
12:15 - 1:15 pm
Afternoon Session
1:15 - 4:30 pm

Continuing Education Credit Information

This seminar is open to the public and offers an education opportunity to attorneys, engineers, floodplain managers, and other interested professionals.

HalfMoon Education is certified by the New York State CLE Board as an Accredited Provider of CLE programs. This traditional format course offers 7.5 CLE hours, consisting of 7.5 Areas of Professional Practice hours. HalfMoon Education is an approved CLE provider in Vermont, and this course offers 6.5 CLE hours to attorneys.

Massachusetts engineers licensed in states with a continuing education requirement will be able to apply the hours earned at this seminar toward those requirements, in most cases. Since the topics covered in this seminar are specific to Massachusetts, it will not qualify for New York engineer continuing education credit. Refer to specific state rules to determine course eligibility.

The Association of State Floodplain Managers has approved this course for 6.5 CECs.

Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Webinar Series

Shallow Foundation Design and Construction

- **Evaluating Building Sites**
Thurs., April 14, 12:00 - 1:30 PM EDT
- **Shallow Foundation Design**
Thurs., April 14, 2:00 - 3:30 PM EDT
- **Special Considerations in Foundation Design and Construction**
Fri., April 15, 12:00 - 1:30 PM EDT
- **Soil Improvement and Foundation Diagnosis and Repair**
Fri., April 15, 2:00 - 3:30 PM EDT

For more information visit:
www.halfmoonseminars.org/webinars/

CD Manual

An audio recording of this seminar is available for \$279 (including shipping). Allow five weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

Massachusetts Wetlands Law and Compliance

Natick, MA - Thursday, May 26, 2016

How to Register

Online:
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Tuition

- () **I will be attending the live seminar.** Single Registrant - **\$269.00**. Three or more registrants from the same company registering at the same time - **\$249.00** each.
- () **I am not attending.** Please send me the CD manual package for **\$279.00**. (S&H included. Please allow five weeks from seminar date for delivery)

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