

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 by laws – similarities and important differences

Understanding Federal and Massachusetts' Wetlands Laws and Regulations

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

Wetlands Permitting Process

J. Shea

- State and local
- Jurisdictional determinations
 - Order of resource area delineation
 - Notice of intent
 - Variance (local, state)
- Federal
- Jurisdictional determinations
 - Self-verification
 - Appeals
 - Determination of applicability
 - Order of conditions
 - Appeals: MassDEP and courts
 - Massachusetts general permits
 - Individual permits

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
- Design considerations
- Reference areas
 - Pre-design factors – water source
 - Topography
 - Soils
 - Monitoring and performance standards
 - Long-term protection
- Best practices
- Planning
 - Contractors
 - Location, location, location
 - Hydrology
 - Plants
 - Budget
 - Oversight

Massachusetts Wetlands Law and Compliance
Natick, MA - Thursday, December 5, 2019

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Learning Objectives

You'll be able to:

Learn criteria for identifying wetlands and wetland buffer zones under federal, state and local law.

Reference, interpret and comply with federal and state laws that protect wetlands from development, including the federal Clean Water Act and the Massachusetts Wetlands Protection Act.

Identify federal, state and local wetlands permitting requirements and procedures to assure that development projects are in compliance with applicable rules.

Discuss strategies for wetland preservation, restoration, creation and enhancement to increase the environmental value that wetlands provide.



Massachusetts Wetlands Law and Compliance

Natick, MA - Thursday, December 5, 2019



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

Continuing Education Credits

Architects & Landscape Architects

- 6.5 HSW Contact Hours
- 6.5 AIA LU|HSW
- 6.5 LA/CES HSW PDHs

Professional Engineers

- 6.5 PDHs/CE Hours

Review federal, state and local wetland permitting processes

Understand wetland preservation, restoration, creation and enhancement

Floodplain Managers

- 6.5 ASFPM CECs

Massachusetts Attorneys

- Non-Credit CLE

Contractors

- Non-Credit Continuing Ed.



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Matt Schweisberg *PWS Principal, Wetland Strategies and Solutions, LLC*
 Mr. 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 at the 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, among other issues. He has testified before federal grand juries and has served several times as an expert witness in federal, state, and private litigation. Mr. Schweisberg 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.*
 Mr. Shea has practiced environmental and land use law for over 35 years. He focuses on wetlands, water, wildlife and hazardous waste laws. Mr. Shea 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. He represents developers, businesses and high net worth individuals in permitting, siting, enforcement defense and litigation. Mr. Shea's development projects include coastal homes, subdivisions, subsidized housing, hotels, assisted living facilities, hospitals, colleges, banks, coastal erosion protections, docks, marinas, aquaculture farms, radio antennas, industrial plants, office parks and retail complexes. He 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;" the 2014 edition reported "there's nothing he hasn't seen or done;" and the 2019 edition observed that "he is great at permitting disputes as well as working effectively with regulators to reach a compromise." 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. Mr. Shea enjoys an AV Preeminent rating for the highest levels of professional excellence from Martindale-Hubbell. He chairs professional programs and lectures to lawyers, engineers and business groups. Mr. Shea is a member of The Planetary Society and The Mars Society and lectures on space law.

Seminar Information

Courtyard by Marriott Natick

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

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

Tuition

\$289 for individual registration
\$269 for three or more registrations.

Each registration includes a complimentary continental breakfast and printed seminar manual.

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

How to Register

- Visit us online at www.halfmoonseminars.org
- Mail-in or fax the attached form to 715-835-6066
- Call customer service 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 self-study package. You may also send another person to take your place.

Continuing Education Credit Information

This seminar is open to the public and offers 6.5 HSW contact hours to architects in most states, including Massachusetts. Educators and courses for Massachusetts architects are not subject to pre-approval.

This course offers 6.5 PDHs/CE hours to professional engineers in most states and 6.5 HSW CE hours to landscape architects in most states. Continuing education is not mandatory in Massachusetts. Refer to specific state rules to determine eligibility. This course is not eligible for New York engineer, architect, and landscape architect continuing education credit, as it contains information specific to Massachusetts.

This course is approved by the American Institute of Architects Continuing Education System for 6.5 LU|HSW (Sponsor No. J885) and the Landscape Architecture Continuing Education System for 6.5 HSW PDHs. Only full attendance is reportable to the AIA/CES and LA/CES. Visit www.halfmoonseminars.org for complete AIA/CES information.

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

This courses offers a continuing legal education opportunity to Massachusetts attorneys. Massachusetts does not require CLE for attorneys.

This seminar offers a non-credit continuing education opportunity to construction contractors. It has not been approved by any state with a construction contractor continuing education requirement.

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.

Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!

Audio recordings of this seminar are available for purchase starting at \$269. See registration panel for more information and 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, December 5, 2019

How to Register		Registrant Information
Online: www.halfmoonseminars.org		Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____
Phone: 715-835-5900		Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____
Fax: 715-835-6066	Code:	Name: _____ Occupation: _____ Email: _____ Phone: _____
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		Name: _____ Occupation: _____ Email: _____ Phone: _____
Complete the entire form. Attach duplicates if necessary.		Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred. () I need special accommodations. Please contact me.

Tuition

- () **I will be attending the live seminar.** Single Registrant - **\$289.00**. Three or more registrants from the same company registering at the same time - **\$269.00** each.
- () **I am not attending.** Please send me the self-study package:
 - Downloadable MP3 Audio/PDF Manual for **\$269.00**.
 - CD/Manual Package for **\$289.00**. USB/Manual Package **\$289.00**.
 (Please allow four weeks from seminar date for delivery)

Checks: Make payable to HalfMoon Education Inc.

Credit Card: *Mastercard, Visa, American Express, or Discover*

Credit Card Number: _____
 Expiration Date: _____ CVV2 Code: _____
 Cardholder Name: _____
 Billing Address: _____
 City: _____ State: _____ Zip: _____
 Signature: _____
 Email: _____