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- Conservation Law Foundation, Massachusetts Advocacy Center
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- Massachusetts Environmental Policy Act Office
- Massachusetts Executive Office of Energy and Environmental Affairs
- Rubin and Rudman LLP
- Sherin and Lodgen LLP
- Tech Environmental
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### Who Should Attend:

Legal advisors, environmental professionals, corporate managers and governmental representatives

An Advanced One-Day Workshop on

# MEPA & NEPA

New developments in implementation, litigation and legislation

June 11, 2008

Boston, Massachusetts

Hilton Boston Back Bay Hotel

Credits: AICP pending (call about others)  
Quick when/where: 8:30 a.m., 40 Dalton Street

### MEPA & NEPA Workshop

June 11, 2008 | Boston, Massachusetts  
Hilton Boston Back Bay Hotel

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08SEPAMA WS



**8:00** Registration and Continental Breakfast

**8:30** Introduction and Overview  
**Margaret B. Briggs**, *Program Co-Chair, Managing Principal*  
 Epsilon Associates Inc. ~ Maynard, MA  
**Seth D. Jaffe, Esq.**, *Program Co-Chair*  
 Foley Hoag LLP ~ Boston, MA

**8:45** The State's Environmental Policy Goals for the Coming Year and How the MEPA Review Process Fits into the State's Permitting Structures  
**Kenneth Kimmell, Esq.**, *General Counsel*  
 Massachusetts Executive Office of Energy and Environmental Affairs ~ Boston, MA  
**Deerin Babb-Brott, Director**  
 Massachusetts Environmental Policy Act Office ~ Boston, MA

**10:00** Integration of MEPA and NEPA Review and Related Statutes and Activities  
**Edward W. Ionata**, *Senior Vice President*  
 Tetra Tech Rizzo ~ Framingham, MA

**10:45** Break

**11:00** MEPA/NEPA Case Law Update  
 MEPA Including Ten residents of Boston v. University Associates; what the cases tell us about dos and don'ts for making your record  
**Ronald W. Ruth, Esq.**  
 Sherin and Lodgen LLP ~ Boston, MA  
 Recent developments in case law under NEPA  
**Mark C. Kalpin, Esq.**  
 WilmerHale ~ Boston, MA

**12:00** Lunch (on your own)

**1:15** New Chapter 91 Coastal Development Licensing Processes and Public Benefit Review  
 Lawyer's perspective on the 2007 revisions to Chapters 91 and 30 in response to Moot v. Dept of Environmental Protection (including the new Public Benefit Review provisions), and current legal issues  
**Richard A. Nysten, Jr., Esq.**  
 Lynch DeSimone & Nysten, LLP ~ Boston, MA

Consultant's perspective on current technical issues  
**Jamie M. Fay, AICP**, *President*  
 Fort Point Associates, Inc. ~ Boston, MA

**2:15** MEPA Greenhouse Gas Emissions Policy and Protocol  
 New standards for complying with the state's Greenhouse Gas Initiative  
 Lawyer's perspective on the legal issues  
**Lauren A. Liss, Esq.**  
 Rubin and Rudman LLP ~ Boston, MA  
 Consultant's perspective on the technical issues  
**Peter H. Guldberg**, *President*  
 Tech Environmental ~ Waltham, MA

**3:15** Break

**3:30** Putting it All Together: Practical Tips for EIS/EIR Design and Preparation  
 Defining the proposal; determining which provisions of NEPA and MEPA apply; identifying the lead agency; tips for preparing notification forms and EIS/EIR documents; Phase I waivers; combined DEIR & FEIR; categorical exemptions; cumulative impacts  
**Douglas M. McGarrath, Esq.**, *Moderator*  
 Foley Hoag LLP ~ Boston, MA

Lawyer's perspective on mapping out a strategy for identifying and resolving the legal issues  
**R. Jeffrey Lyman, Esq.**  
 Goodwin Procter LLP ~ Boston, MA  
 Consultant's perspective on selecting the best approach and methodology for complying with technical requirements  
**Samuel G. Mygatt, Esq.**, *Managing Principal*  
 Epsilon Associates Inc. ~ Maynard, MA

Intervenor perspective on scope and content  
**Peter Shelley, Esq.**, *Vice President and Director*  
 Conservation Law Foundation,  
 Massachusetts Advocacy Center ~ Boston, MA  
 Agency perspective on best practices: Pet peeves, what drives us crazy, what makes us happy  
**Richard Bourré**, *Assistant Director*  
 Massachusetts Executive Office of Energy and Environmental Affairs ~ Boston, MA

**5:30** Evaluations and Adjourn



## About the Workshop

### LAW SEMINARS INTERNATIONAL

#### Advanced Workshops

offer busy practitioners intensive up-to-date information in a one-day program.

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*This workshop will cover the entire range of current MEPA/NEPA compliance processes, from developing proposals and alternatives through judicial review. The program will provide both a broad outline of requirements under NEPA and MEPA, for large and small projects, and address more advanced issues of interest to experienced practitioners, including a discussion of recent developments under MEPA and current case law under both MEPA and NEPA.*

*In recognition of the interdisciplinary nature of MEPA/NEPA compliance teams, the respective roles of lawyers, environmental professionals, and governmental officials will be a pervasive theme, as will similarities and differences between MEPA and NEPA and joint compliance processes.*

~ Program Co-Chairs: Margaret B. Briggs, and Seth D. Jaffe, Esq.



**Margaret Briggs**, *Program Co-Chair*, Managing Principal at Epsilon Associates Inc., assists clients through the regulatory processes associated with development, institutional, and infrastructure projects. She has played a major role in numerous MEPA, Article 80, and NEPA projects.

**Seth D. Jaffe**, *Program Co-Chair*, partner at Foley Hoag LLP, specializes in environmental compliance and related litigation, representing clients in the permitting/licensing of new facilities and offering ongoing guidance on permitting and enforcement related matters under federal and state Clean Air Acts, Clean Water Acts, RCRA, and TSCA, and was listed in *The Best Lawyers in America* and *Massachusetts SuperLawyers*.

**Douglas M. McGarrah**, *Moderator*, partner at Foley Hoag LLP, is co-chair of the Real Estate/Land Use and Development Practice, providing counsel and advice for large-scale development projects including MEPA, Wetlands, Chapter 91, highway access, transit oriented development, historic preservation and zoning-based approvals.

**Deerin Babb-Brott** is Director of the Executive Office of Environmental Affairs at the Massachusetts Environmental Policy Act Office.

**Richard Bourré** is Assistant Director of the Massachusetts Executive Office of Energy and Environmental Affairs.

**Jamie M. Fay**, President and founder of Fort Point Associates, Inc., has been the principal-in-charge and lead consultant for a variety of master planning and real estate development projects as well as public infrastructure projects.

**Peter H. Guldberg** is President and founder of Tech Environmental, providing air quality, odor and noise solutions for clients in the energy, manufacturing, commercial real estate and municipal services sectors.

**Edward W. Ionata**, Senior Vice President at Tetra Tech Rizzo, oversees all of Tetra Tech Rizzo's services for public and private sector clients, specializing in the management of multi-disciplinary projects from inception through design, permitting and construction.

**Mark C. Kalpin**, partner at WilmerHale, is a member in the firm's Regulatory and Government Affairs and Corporate and Transactional Departments and the Environmental and Real Estate Practice Groups, and co-chair of the Emerging Energy Technology Group.

**Ken Kimmell** is general counsel at the Massachusetts Executive Office of Energy and Environmental Affairs.

**Lauren A. Liss**, partner at Rubin and Rudman LLP, specializes in environmental, land use and zoning, and regulatory law, representing developers of large mixed-use projects in all aspects of permitting.

**R. Jeffrey Lyman**, partner at Goodwin Procter LLP, represents clients in all aspects of commercial real estate development, including site acquisition, project permitting, debt and equity financing, and property disposition. Previously he was Assistant Environmental Secretary and MEPA Director.

**Samuel Mygatt**, Managing Principal at Epsilon Associates Inc., is experienced in environmental analysis, permitting review, and project management and has been head of the Massachusetts Environmental Policy Act Office.

**Richard A. Nysten**, partner at Lynch DeSimone & Nysten LLP, specializes in business litigation, real estate valuation and land use, including eminent domain litigation, tax abatements, federal and state environmental and regulatory law, permitting and zoning and commercial leasing and conveyancing.

**Ronald W. Ruth**, partner at Sherin and Lodgen LLP, is chairman of the Real Estate Department and co-chair of the Environmental Law Group, concentrating on environmental, real estate and land use law and Brownfield issues.

**Peter Shelley** is Vice President and Director of Conservation Law Foundation's Massachusetts Advocacy Center where he works to implement projects that have demonstrable environmental gain and economic advantage.



## Registration & Other Workshop Information

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for this program is \$595 with a group rate of \$520 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$445. For students and people in their job for less than a year, our rate is \$297.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we

receive your cancellation by 5:00 p.m. on Thursday, June 5, 2008. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The workshop will be held at the Hilton Boston Back Bay Hotel at 40 Dalton Street in Boston, MA 02115. Call the hotel directly at (617) 236-1100 for reservations. Rooms are on a first come, first served basis.

### Continuing Education Credits:

This program qualifies CLE credits. AICP credits are pending. Upon request, we will apply for CLE credits and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$605. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).



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## You Will Learn About:

- The State's environmental policy goals for the coming year
- MEPA/NEPA interaction with related statutes
- Case law updates
- New Chapter 91 coastal development licensing processes
- MEPA greenhouse gas emissions policy and protocol
- Practical tips for EIS/EIR design and preparation

## Watch for our telebriefings on major legal developments.

Members of our distinguished faculties will present analyses of major decisions and other developments as soon as they happen in a one-hour telephone conference.

If you wish to receive announcements for telebriefings that affect you, please make sure we have your email address—send it to me, H. Kate Johnson, President:

[kate@lawseminars.com](mailto:kate@lawseminars.com)

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Shoreline Permitting & Development	August 8, 2008	Boston, MA
Growth Management Act	October 16-17, 2008	Tampa, FL
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