

## Matthew Schweisberg, PWS

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### EXPERTISE

- Coastal and inland wetland, stream, aquatic resource
    - identification and delineation
    - ecological function and condition assessment
    - compensatory mitigation
  - Coastal and inland wetland, stream, and aquatic resource restoration and creation
  - Coastal and inland wetland, stream, aquatic resource assessments, compliance issues at CERCLA sites
  - Expert in the Clean Water Act (CWA) Section 404 Program, especially CWA jurisdictional determinations, permitting regulations (§404(b)(1) Guidelines), controversial cases, and enforcement issues
  - Testimony: Federal grand jury, expert witness, expert witness team supervision on wetland regulatory, science, and technical matters for federal, state, and private civil litigation involving energy exploration and production, residential development, agricultural conversions, and Superfund remedies
  - Instructor for courses in wetland regulation, restoration and creation, wetland ecology, and wetland identification and delineation for EPA, other federal agencies, NGOs, and at the university level
  - Policy, regulatory and technical advice and assistance for clients seeking to navigate regulatory issues related to coastal and inland wetlands and other aquatic resources.
  - Mediation and facilitation, all aspects of alternative dispute resolution
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### CERTIFICATIONS and AWARDS

Professional Wetland Scientist (PWS) Certification #723, Society of Wetland Scientists  
Professional Certification Program  
Mediator, Commonwealth of Massachusetts  
U.S. EPA: 7 Bronze Medals, 11 Superior Achievement Awards  
U.S. Department of Justice: 2 Certificates of Commendation  
U.S. Army Corps of Engineers, New England District: 2 Special Commendations

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### EDUCATION

B.S., Wildlife Management, University of Maine

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## **WORK EXPERIENCE - Current**

### **Principal, Wetland Strategies and Solutions, LLC** **Merrimac, MA** ([www.wetlandsns.com](http://www.wetlandsns.com))

WSS provides scientific expertise, unsurpassed regulatory knowledge, and exceptional negotiation skills for clients to avoid and minimize delays, meet critical interests, and achieve project objectives. WSS provides key insight to develop practical strategies and achieve sensible solutions for timely, cost-effective, and environmentally sensitive results. WSS employs a technical approach that is always based upon landscape and watershed considerations to ensure that wetlands, streams, and other aquatic resources, including the fish and wildlife that depend on those resources, are viewed in their proper ecological context. WSS supports interactions with regulators at the federal, state, and local levels to ensure that science, regulation, policy and decision-making are integrated appropriately.

### **Associate, Burnside Environmental Group, LLC** **Boston, Massachusetts** ([www.burnsidegroup.com](http://www.burnsidegroup.com))

Burnside Environmental Group works on behalf of clients throughout the United States to provide specialized litigation support services and develop legal strategies for civil or criminal environmental enforcement actions.

### **Instructor** **Eagle Hill Institute** **Steuben, Maine** ([www.eaglehill.us](http://www.eaglehill.us))

Co-instructor for five-day, intensive course in wetland identification, delineation, and ecology

### **Member, Board of Directors** **Massachusetts Association of Conservation Commissions** **Belmont, MA** ([www.maccweb.org](http://www.maccweb.org))

The MACC provides policy, technical, and educational assistance to the municipal Conservation Commissions of the 351 towns and cities in Massachusetts.

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## **WORK EXPERIENCE - Past**

### **Chief, Wetlands Protection Program** **Senior Mediator, Alternative Dispute Resolution Program** **U.S. EPA** **New England Region, Boston, MA**

As Chief of the Wetlands Protection Program, managed all aspects of the Region's Wetlands Protection Program, including controversial policy and technical matters, major project review, impact analysis, represented the Region in all matters related to the CWA Wetlands Program.

As Senior Mediator for the Region's Alternative Dispute Resolution Program, mediated and facilitated multi-party environmental and public policy disputes.

**Member, International St. Croix River Watershed Board**  
**International Joint Commission**  
**Washington, D.C.**

As a U.S. Member on the International Joint Commission's International St. Croix River Watershed Board, represented the U.S. Government's interests on the Board that manages this international waterway.

**Senior Wetland Ecologist**  
**Enforcement Coordinator**  
**U.S. EPA**  
**New England Region, Boston, MA**

- Major project review and impact analysis, including team leader for controversial project management
- Technical, policy and regulatory training for internal/external parties
- Ecological assessment of non-wetland ecosystems/habitat
- Special policy-related projects and issues (e.g., Superfund, agriculture industries)
- Design, review, and monitoring of coastal / inland wetland, stream, other aquatic resource restoration and creation projects; identification and boundary determination of wetlands and other waters for Clean Water Act jurisdiction; and assessment of wetland and stream ecological functions
- Planned/managed/implemented all aspects of Region's wetlands enforcement program, including long-term direction/targeting
- Managed enforcement staff and coordinated contractor support staff; oversight of all enforcement cases
- Developed and implemented outreach/education efforts for regulated public, local, state, and federal officials

**Secretary-General**  
**Society of Wetland Scientists**  
**Board of Directors**  
<http://sws.org>

Served as Secretary-General for the Board of Directors, managing membership policies, society by-laws, and annual elections of officers.

**Adjunct Professor**  
**Northeastern University**  
**Environmental and Regulatory Management Program**  
**Boston, MA**

Taught courses in wetland/stream/aquatic resource identification and delineation, ecology, and restoration.

**Instructor**  
**New England Wild Flower Society**  
**Framingham, MA**

Taught coastal / inland wetland/stream/aquatic resource restoration and creation; wetland identification and delineation; and wetland/stream/vernal pool ecology

**Environmental Scientist**  
**U.S. EPA**  
**Office of Water**  
**Wetlands Division**

Supported technical/policy issue management, state program assumption, and management of controversial cases for the National Wetlands Program

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## **PROJECT EXPERIENCE**

Management/coordination of projects involving wetland, stream, and other aquatic resource issues (e.g., impact assessment, restoration/creation) involving transportation, energy, agriculture, commercial and port development, and Superfund cleanup. Among others, managed and/or served as the technical expert for projects involving:

- Transportation, such as major highway and large rail line extensions;
- Energy, such as wind turbine fields, ground-mounted solar panel fields, oil and natural gas exploration and production, and natural gas and electrical transmission lines;
- Agriculture conversion, such as turf farms, rice culture, and cranberry bogs;
- Marine cargo port construction and marina development;
- Residential subdivision development;
- Resort development/expansion, such as ski and golf resorts;
- Shopping mall and industrial and commercial business park development; and,
- Superfund site remedies.

Managed review of projects involving numerous federal and related state statutes, including

- Clean Water Act
  - National Environmental Policy Act;
  - Rivers and Harbors Act;
  - Endangered Species Act;
  - Magnuson-Stevens Essential Fish Habitat requirements;
  - USDA Food Security Act-Swampbuster program;
  - Federal Energy Regulatory Commission-Dam/Hydropower licensing program;
  - Marine Protection, Research, and Sanctuaries Act;
  - Water Quality Standards program;
  - National Pollutant Discharge Elimination System program; and
  - State wetlands and water quality protection programs.
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## **AFFILIATIONS**

Society of Wetland Scientists  
The Wildlife Society  
Society for Ecological Restoration  
Association of State Wetland Managers  
Association of Massachusetts Wetland Scientists  
New Hampshire Association of Natural Resource Scientists  
Maine Association of Wetland Scientists

Connecticut Association of Wetland Scientists  
Society of Soil Scientists of Southern New England  
Society of Soil Scientists of Northern New England  
New England Hydric Soils Technical Committee  
Massachusetts Association of Conservation Commissions

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## **PUBLICATIONS**

Wetland Impacts and Hydrologic considerations at the Charles George Land Reclamation Trust Landfill, (coauthor), proceedings from the American Geophysical Union Annual Meeting, 1987, Baltimore, Maryland

Creation and Restoration of Wetlands and the Section 404 Program: Critical Regulatory Issues, proceedings from the Association of State Wetland Managers Northeast Meeting on River Corridor/Wetlands Protection, 1987, Silver Bay, New York

Wetlands: A Regulatory Overview, proceedings from the New England Environmental Exposition, 1989, Boston, Massachusetts

Wildlife and Waterfowl Impoundments: Navigating the Clean Water Act Section 404 Permit Process, proceedings from the Northeast Fish and Wildlife Conference, 1991, Portland, Maine

Wetlands Delineation: Where Do We Draw the Line, proceedings from the New England Environmental Exposition, 1993, Boston, Massachusetts

Jacks, Joshua; Schweisberg, Matthew; Thompson, Douglas; Tonkin, Elissa. 2010. Exit Strategies: Typology and Tips, in New York Dispute Resolution Lawyer, New York State Bar Association. Vol. 3 (1). Albany, NY

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## **EXPERT TESTIMONY**

- for EPA in U.S. v. Ottati and Goss, NH, 1987 (re: wetland evaluation/assessment issues and remedies at Ottati and Goss Superfund site)
- for Massachusetts Department of Environmental Protection in Adjudicatory Hearing in Dantuc Realty Trust (Robyn Estates) v. MassDEP, 1988 (re: condition of existing wetland and assessment of its functions and values)
- for Massachusetts Department of Environmental Protection in Adjudicatory Proceeding in MassDEP v. Arthur Hoeg et al., 1993, (re: condition and extent of existing and previous wetland, and assessment of its functions and values)
- for EPA in U.S. v. Cumberland Farms, Inc., et al, Massachusetts, 1996 (re: wetland delineation, evaluation, assessment issues and remedies)
- for EPA in U.S. v. Charles Johnson et al., Massachusetts, 2003 and 2011 (re: wetland delineation, evaluation, assessment issues and remedies)
- for plaintiff in Sarpy et al. v. ExxonMobil, Extex, and Meridian Corps., Louisiana, 2013 (re: ecological harm from legacy oil and gas exploration and production, and wetland restoration)

- for plaintiff in D&D Cajun Ventures LLC *et al.* v. Atlantic Richfield Company *et al.*, Louisiana, 2016 (ongoing; re: ecological harm from legacy oil and gas exploration and production, and wetland restoration)
  - for plaintiff in Iberville Parish School Board v. BP America Production Company *et al.*, Louisiana, 2016 (ongoing; re: ecological harm from legacy oil and gas exploration and production, and wetland restoration)
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### **ADDITIONAL TECHNICAL TRAINING** (partial list)

- 1981- Aquatic and Wetland Ecosystems, USDA Graduate School, Washington, D.C.
  - 1984- Wetland Soils and Hydrology, U.S. Army Corps of Engineers' Waterways Experiment Station, Vicksburg, Mississippi (course held in NJ)
  - 1985 - Wetland and Aquatic Databases, U.S. Fish and Wildlife Service, WELUT, Ft. Collins, CO (course held in NY)
  - 1987- Hollands-Magee Wetland Assessment Methodology, Normandeau Associates, Bedford, New Hampshire
  - 1987- Field Testing, U.S. EPA and U.S. Army Corps of Engineers Wetland Identification and Delineation Methodologies, Massachusetts
  - 1989 - Hydric Soils-Field Identification, U.S. SCS/U.S. EPA, Topsfield, MA
  - 1989 - Administrative Hearings and Trials, U.S. EPA Training Institute, Boston, MA
  - 1990 - Training for Trainers for the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Houston, Texas
  - 1991 - Soil Formation and Classification, UMASS, Amherst, MA
  - 1993 - Wetland Landscaping, NH Association of Wetland Scientists, Durham, NH
  - 1994 - Wet Meadow Identification, New England Wild Flower Society, Framingham, MA
  - 1994 - Field Description of Soils, UNH, Durham, NH
  - 1994 - Identification of Grasses, Sedges & Rushes, U.S. EPA, Waltham, MA
  - 1995 - Workshop on the Hydrology of New England Wetlands, USGS, Marlboro, MA
  - 1995 - Workshop on WEThings Wetland Assessment Methodology, Hadley, MA
  - 1995 to 1997 - Development and Field Testing, Hydrogeomorphic Classification and Assessment of Wetlands, USACE, Concord, MA
  - 1996 - Challenge of Constructing Wetlands, NEIWPC, East Boston, MA
  - 2000 - Using Biology to Signal Ecological Health, MassBays Program, Boston, MA
  - 2001 - Assessing the Health of Wetland Life, Izaak Walton League/USEPA, Orlando, FL
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### **TEACHING** (partial list)

- Wetland Identification and Boundary Determination Workshop, 1986 - 1989 for the Massachusetts Department of Environmental Protection and the Massachusetts Association of Conservation Commissions
- U.S. EPA National Wetlands Enforcement Workshop, Keystone, Colorado, 1989
- U.S. EPA Region I Training Course on Wetlands Identification and Delineation, North Windham, Maine, 1989
- Federal Interagency Training Course (REG IV) on the USACE 1987 Wetlands Delineation Manual, Princeton, New Jersey, 1990, 1991; Concord, MA, 2001
- U.S. EPA Region I Training Course on Wetlands Identification and Delineation, North Kingston, Rhode Island, 1990

- U.S. EPA Region I Training Course on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Biddeford, Maine, 1990
- Wetland Identification and Delineation Using the Federal Manual, for the Society of Soil Scientists of Southern New England, Coventry, CT, 1990
- Environmental Science for Lawyers, sponsored by the Boston Bar Association, Boston, MA, 1990
- Winter Botany and Wetland Boundary Determination Workshop, for the Massachusetts Association of Conservation Commissions, North Andover, MA, 1991
- Wetland Delineation Workshop, for New Hampshire Association of Consulting Soil Scientists and NH Association of Wetland Scientists, Durham, NH, 1991
- Wetland Delineation Workshop, for Society of Soil Scientists of Southern New England, Bridgewater State College, Bridgewater, MA, 1992
- Wetland Delineation Workshop, for Norfolk County Conservation District, Canton, MA, 1993
- Wetland Identification and Delineation Using the Federal Manual Training Course, for the Maine DEP, Augusta and Scarborough, ME, 1993
- Wetland Delineation Workshop, for Franklin, Hampden, and Hampshire Conservation Districts, Northampton, MA, 1993
- Federal Interagency Training Course on Wetland Identification and Delineation for the MA DEP Wetlands staff, Ipswich, MA, 1994
- MADEP Wetland Delineation training for Conservation Commissions, 1995, 1996, state-wide
- Federal/State Interagency Course on Clean Water Act Wetlands Enforcement, sponsored by USDOJ, Washington, D.C., 1995
- Advanced Hydric Soils Workshop, sponsored by the Association of Massachusetts Wetland Scientists, Bridgewater, MA, October, 2012
- Advanced Hydric Soils Workshop, sponsored by the Association of Massachusetts Wetland Scientists, Chelmsford, MA, September, 2014
- Massachusetts Wetland Law and Compliance, sponsored by Halfmoon Education, Inc., Natick, MA, May, 2016