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## **The Supreme Judicial Court's Boston Municipal Harbor Plan ruling Is EXACTLY the same as the Supreme Court's West Virginia v. EPA ruling! - Mintz**

Massachusetts's Supreme Judicial Court has agreed with a Superior Court Judge that the Massachusetts Department of Environmental Protection was not authorized by the Massachusetts Legislature to defer to certain municipal harbor decision making by the Secretary of Energy and Environmental Affairs.

This decision is notable but not for the reason many are suggesting.

First of all, I was wrong. Dead wrong. I had predicted that the SJC would defer to DEP's interpretation of its regulations, especially since the Legislature has granted to the Secretary of Energy and Environmental Affairs the responsibility to "carry out the state environmental policy" and to "coordinate the activities and programs of the departments" within the Executive Office of Energy and Environmental Affairs which include DEP.

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**Mintz - Jeffrey R. Porter**

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