



H. David Gold

SPECIAL COUNSEL

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H. David Gold is an environmental, energy and real estate lawyer with nearly two decades of experience counseling clients on matters involving land use, water, wetlands, endangered species, environmental marketing and advertising (“green” claims), cultural resources, environmental health and safety, zoning, and hazardous and solid waste. He has negotiated a broad array of commercial leases, construction contracts, architect agreements and energy supply contracts, and helped clients manage risks relating to numerous real estate and corporate transactions, including mergers, acquisitions and debt offerings.

Prior to attending law school, Mr. Gold was an environmental consultant in Massachusetts, Arizona and California. While in law school, Mr. Gold served as a law clerk with the Environment and Natural Resources Division of the US Department of Justice. He spent his final year at Harvard Law School, where he provided research assistance to Professor Charles Haar for the book *Mastering Boston Harbor: Courts, Dolphins, and Imperiled Waters*.

Professional Activities

Mr. Gold is a member of the American Water Resources Association. Mr. Gold has previously served as a vice chair of the ABA Section of Environment, Energy, and Resources Water Resources Committee, the co-chair of the Wetlands and Waterways Committee of the Boston Bar Association, the president of Young Professionals in Energy-Boston, and a member of the Board of Directors of the Boston Natural Areas Network.

Solutions

Energy, Environment and
Natural Resources

Environmental Litigation and
Enforcement Defense

Real Estate

Experience

REAL ESTATE

- Negotiated numerous leases, construction contracts and architect contracts for office, R&D, and laboratory space
- Advised real estate investment company on loans for senior housing projects in Maryland, Massachusetts and New York
- Successfully defended national retailer in litigation involving zoning and subdivision approvals in Massachusetts
- Advised real estate development company on the development of a habitat conservation plan (HCP) under the Endangered Species Act (ESA)

ENERGY

- Provided strategic counsel for offshore wind developers on leasing issues, contracts for services and compliance with interconnection requirements, the Jones Act, the Public Utility Holding Company Act (PUHCA) and Bureau of Offshore Energy Management (BOEM) regulations
- Negotiated leases for commercial rooftop solar projects in Massachusetts
- Advised national financial services company on direct energy procurement from regional wholesale markets and assisted in securing authorizations from Federal Energy Regulatory Commission (FERC), regional transmission organizations and state public utility commissions
- Led internal investigation for major oil and gas company in connection with accident at a natural gas processing plant in the Gulf Coast area
- Oversaw transfer of permitting requirements and remediation obligations in connection with the sale of a national oil company's New England retail operations to an oil refining, marketing and pipeline transport company
- Represented consortium of major medical institutions with respect to their utility supply contracts, including negotiations for long-term extension of contracts worth more than \$3 billion in the aggregate

ENVIRONMENT

- Oversaw national oil and gas company's implementation of stream and wetlands restoration and mitigation activities relating to Clean Water Act compliance at sites in several states
- Advised a financial services corporation on sustainability claims, counseling on Federal Trade Commission regulations and other applicable guidelines and industry benchmarks
- Provided strategic advice to regional waste management company on zoning and environmental permitting issues relating to landfill expansion in Massachusetts
- Advised global biopharmaceutical company on handling, storage and disposal of

biomedical waste and National Pollutant Discharge Elimination System (NPDES) permit requirements for wastewater discharges

- Counseled electric power authority on construction and operation of 92-mile natural gas pipeline in Puerto Rico, including compliance with laws regarding pipeline safety, endangered species, wetlands and cultural resources

NATURAL RESOURCES

- Assisted ski resort operator in securing water rights for snowmaking and provided advice regarding FERC licensing issues
- Provided strategic advice for the acquisition of water rights for a potash mining project near National Park Service land

Recognition

- Named to *Boston Magazine's* Top Lawyers list in the area of real estate law (2021–2023).
- Selected by peers for inclusion in the 2021–2024 editions of *Best Lawyers in America* for his environmental law practice.
- Named a Fellow of the Construction Lawyers Society of America in 2021.
- Named a “Go To Construction Lawyer” by *Massachusetts Lawyers Weekly*.
- Named a “Massachusetts Super Lawyers Rising Star” for environmental law in the 2013 issue of *Boston Magazine*.

Credentials

EDUCATION

JD, University of California,
Berkeley School of Law

*Member, California Law
Review; Executive Editor,
Ecology Law Quarterly*

MS, Watershed Management,
The University of Arizona

BA, Economics and Biology,
Tufts University

high thesis honors

ADMISSIONS

Massachusetts