

CONTACT

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PRACTICES

Land Use
Public Lands
Renewable Energy
Water

EDUCATION

University of Washington School
of Law
Harvard School of Public Health
Massachusetts Institute of
Technology

BAR AND COURT ADMISSIONS

Washington State Bar

BRENT CARSON

PARTNER



Professional Background

Brent provides strategic advice and critical support to clients with large complex land-based and in-water development projects. He has in-depth knowledge of local, state, and federal land use and environmental regulations, and has successfully navigated clients through local rezones comprehensive plan amendments, master plans, shoreline permits, and development agreements; state 401 water quality certifications and NPDES permits, U.S. Army Corps of Engineer Section 10, 404 and 408 permits, and ESA consultations. Brent's litigation practice before local and state administrative tribunals, and in state and federal court, includes defense of development approvals and response to environmental enforcement actions.

Prior to his law practice, Brent worked for the Puget Sound Clean Air Agency in Washington State, where he helped create one of the nation's first air pollution mitigation banking programs.

Representative Experience

- Represents the Port of Kalama, co-applicant with Northwest Innovation Works, in the development of a methanol manufacturing plant, new dock and marine transfer facility, and other associated process elements including a Ranney well proposed on port property. Work includes overseeing the environmental review and all aspects of federal, state and local air, water and land use permitting including Section 10 and 404 permits, and Endangered Species Act and NEPA compliance, State Environmental Policy Act (SEPA), Environmental Impact Statement (EIS), local air permits and shoreline permits for the new dock and the methanol processing facility. A partner pipeline company will be building a lateral pipeline extension that will bring natural gas from the existing natural gas transmission line to the new facility for methanol production, loading and transport to China for use as a feedstock in plastics production.
- Represents Vancouver Energy, a joint Venture between Tesoro Refining and Marketing Company LLC and Savage Companies overseeing all aspects of the company's proposed crude oil terminal and marine transfer facility at the Port of Vancouver, WA. The firm is managing a team of experts to obtain all federal and state industrial facility, land use, and environmental permits. The project has the potential to become one of the first "crude-by-rail" terminal expansion projects in the Pacific Northwest designed to help deliver North American Mid-continent crude oil to West Coast refineries.
- Secured and defended land use entitlements for numerous commercial, residential, institutional and resource projects, including 2+ million square foot regional shopping center, stores for national retailers, 800+ unit master planned community, hospitals, and colleges.
- Obtained high profile Section 404 and 401 permits for one of largest wetland fills and mitigation projects in Washington and successfully defended all permits in state and federal court.
- Represented developer of 400-acre Wetland Mitigation Bank in obtaining and defending permits and negotiating and implementing banking instruments.
- Successfully resolved wetland enforcement actions brought by the EPA, the U.S. Army Corps of Engineers, and the Washington Department of Ecology.
- Negotiated and obtained approval of numerous development agreements providing code vesting for periods of up to 37 years and establishing conditions of approval involving scope of development, phasing, impact fees, transportation infrastructure, and utility extensions.

Awards and Honors

Super Lawyers

2000-2017, 2019

Chambers USA

Real Estate: Zoning/Land Use, 2010-2019

"Best Lawyers in America" by *U.S. News & World Report*

Listed 2006 - 2013

Environmental Law

Land Use & Zoning Law

Litigation - Environmental

Litigation - Land Use & Zoning

Litigation - Real Estate

"Best Lawyers in America" by *Best Lawyers*

Environmental Law, 2006-2020

Land Use and Zoning Law, 2007-2020

Litigation-Environmental, 2011-2020

Litigation-Land Use and Zoning, 2011-2020

Litigation-Real Estate, 2011-2020

Articles and Presentations

- US v. Washington Culvert Subproceeding: Implications on the Regulated Community in the Northwest, Seattle WA, 07/10/2018
- 2018 Wetlands in Washington, Law Seminars International, Seattle WA, 05/21/2018
- Permitting Strategies for Large, Controversial Projects in Washington State and the Northwest, The Seminar Group, Seattle WA, 03/02/2017
- VNF Talks: Roles of Northwest Tribes in Infrastructure Permitting, Seattle WA, 12/14/2016
- 2016 Environmental and Land Use Law Midyear Conference and Meeting, Cle Elum Washington, 05/05/2016
- 16th Annual Comprehensive Conference on Clean Water and Stormwater, Law Seminars International, Seattle Washington, 04/18/2016
- 15th Annual Wetlands in Washington Seminar, Law Seminars International, Seattle WA, 10/19/2015
- Wetland Regulations in Drought Conditions and a Changing Climate, King County Bar Bulletin, 09/01/2015
- Waters of the U.S. TeleBriefing, Law Seminars International, Telebriefing, 06/11/2015
- 14th Annual Wetlands in Washington, Law Seminars International, Seattle WA, 10/20/2014
- 13th Annual Wetlands in Washington, Law Seminars International, Seattle WA, 10/02/2013
- Chapter 23: Land Use and Environmental Law - Part Seven: Wetlands, Washington Lawyers Practice Manual
King County Bar Association (2013), 10/01/2013
- 11th Annual Wetlands in Washington, Law Seminars International, Seattle WA, 10/05/2011
- 8th Annual Advanced Workshop on SEPA & NEPA, Law Seminars International, Seattle WA, 01/12/2011

Alerts

- Federal Agencies Repeal Obama-Era Clean Water Rule, 09/17/2019
- Federal Judge Limits the Reach of the WOTUS Rule, 08/27/2019
- Federal Guidance on Section 404 Permitting Under Development, 02/14/2019
- Final Corps Guidance Issued on Section 408 Permitting, 10/11/2018
- WOTUS Rule Reinstated in 26 States After Court Enjoins Delay, 08/27/2018
- EPA and Corps Seek Additional Comment on Proposal to Repeal Definition of WOTUS, 07/18/2018
- Corps Issues Draft Guidance on Section 408 Permission Requests, Solicits Comments, 03/02/2018
- EPA and Corps Amend Effective Date of WOTUS Rule, Open Door to Legal Challenges, 02/12/2018
- Supreme Court Rules that District Courts Retain Jurisdiction Over "Waters of the United States" (WOTUS) Rule, 01/29/2018
- EPA Proposes to Amend Effective Date of WOTUS Rule, 11/27/2017
- EPA Proposed Rule to Rescind Definition of "Waters of the United States", 07/17/2017
- Army Corps of Engineers Releases 2017 Nationwide Permits, 01/19/2017
- Army Corps Proposes Renewal of Nationwide Permits for Work in Waters of the U.S., 05/26/2016
- When it Comes to Wetland Mitigation, Choose Wisely, 11/19/2015
- "Take this as a Sign" Supreme Court Sends Strong Message to Municipalities Concerning Content Based Sign Codes, 07/15/2015
- Federal Agencies Release Final "Waters of the United States" Rulemaking, Sending Ripples Through the Regulated Community, 06/08/2015
- Proposed Rule Redefining Jurisdictional "Waters of the United States" Under the Clean Water Act – Comment Period Closes, but Questions Remain Open, 11/17/2014
- Federal Agencies Issue Long-Awaited "Waters of the United States" Notice of Proposed Rulemaking for Clean Water Act Jurisdiction, 03/27/2014
- Clearer Picture Emerging on Proposed Rule Redefining Jurisdictional Waters of the United States, 12/23/2013
- Draft Rulemaking Likely to Expand Clean Water Act Jurisdiction, 09/19/2013