

CONTACT

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206.802.3840

PRACTICE AREAS

Environmental Litigation
Land Use
NEPA & State Equivalents
Pipeline & LNG
Public Lands
Real Estate & Land Use Litigation
Renewables
Water Quality, Wetlands, &
Floodplains
Water Resources

EDUCATION

Northwestern University School of
Law
University of Michigan

BAR AND COURT ADMISSIONS

Washington State Bar

TADAS A. KISIELIUS

PARTNER



Professional Background

Tadas helps public- and private-sector clients secure and defend state and federal environmental permits and local land use approvals for controversial or complex development projects throughout the state, including marine terminal development projects. Tadas provides strategic counsel at the permitting stage, working with the client, consultants and regulators on permit applications and environmental review. When a permit is appealed, Tadas appears on behalf of clients in local adjudicative proceedings (including hearing examiner proceedings), in state and federal court, and in state administrative adjudicative proceedings, including appearances before the Growth Management Hearings Board, the Shoreline Hearings Board and the Pollution Control Hearings Board. Additionally, he represents public clients in drafting, adopting and defending regulations required by the Growth Management Act (GMA), the Shoreline Management Act (SMA), and the State Environmental Policy Act (SEPA). Drawing from his experiences in both land use and water law, Tadas also represents clients in the evolving area of law at the intersection of those two practice areas and has specifically counseled clients on the ways in which water law and water availability impact long-range planning decisions and specific development projects.

Tadas is a retired musician, but still manages to find time to play music with his two children. He also enjoys camping and backpacking with his family and participating in marathons and triathlons.

Tadas serves as a member of the firm's Executive Committee. Representative Experience

- Represents the City of Seattle before the Hearing Examiner defending the City's environmental review of several controversial land use proposals. Tadas recently worked with the City Attorney's office to defend the Seattle Department of Transportation's Environmental Impact Statement (EIS) for the Burke Gilman "Missing Link" project, one of the final steps in a nearly thirty-year legal dispute over the City's plan to complete the existing gap in the famous multi-use trail. Tadas also worked with the City Attorney's office to defend the EISs for the City's Mandatory Housing Affordability (MHA) policy and its changes to regulations governing accessory dwelling units, both of which seek to address the complicated issue of housing affordability in Seattle.
- Represented Whatcom County on Growth Management Act compliance issues specifically related to the County's efforts to protect water resources through its development regulations. Tadas has defended the County's legislative actions in proceedings before the Growth Management Hearings Board and state courts, including the State Supreme Court, in *Whatcom County v. Hirst*, 381 P.3d 1 (2016).
- Represents Renewable Energy Group, a leading North American advanced biofuels producer and developer of renewable chemicals, in its efforts to secure approval for the expansion of its biorefinery in Grays Harbor County. Work on this matter includes permitting, environmental review, as well as associated appeals before the Shorelines Hearings Board and appellate Courts, including the State Supreme Court on behalf of REG's predecessor in interest, Imperium Renewables.
- Represented Vancouver Energy in its efforts to secure approval to build a crude oil terminal and transfer facility at the Port of Vancouver USA. The representation includes work on the ongoing environmental review and appearing in the permit adjudication hearings before the Washington State Energy Facility Site Evaluation Council, a state tribunal with exclusive jurisdiction over all major energy infrastructure projects in the State of Washington.

- Represents the Port of Walla Walla on land use and water issues, including: drafting agency SEPA regulations; drafting, proposing and defending amendments to local jurisdictions' planning documents and development regulations that further the Port's economic development objectives; and representing the Port in its efforts to secure entitlements for port development projects, including SEPA and NEPA review, federal Rivers and Harbors Act compliance, Clean Water Act permits, local land use permits, and water rights transfers.
- Represented the Sammamish Muslim Association (SMA) before the Sammamish Hearing Examiner and successfully defended a Conditional Use Permit in an appeal brought by neighborhood organizations opposed to the project. The permit authorized the SMA to construct and operate a mosque in the City of Sammamish.
- Negotiated developer extension agreements, latecomers agreements, and development agreements pursuant to RCW 36.70B.170 to facilitate private development projects.

Government Service

U.S. District Court for the Northern District of Illinois

Judicial Extern for the Honorable Brian Barnett Duff, 1996

Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Environmental Law, 2018

Land Use and Zoning Law, 2013-2018

Litigation-Environmental, 2013-2018

Chambers USA

Real Estate: Zoning/Land Use, 2018

Super Lawyers

2005-2013; 2019

Articles and Presentations

- Presenter, "Recent Developments in Port Management" - Shoreline Regulation in Washington State, The Seminar Group, Seattle WA, 06/02/2017
- Presenter, "At the Intersection of Water Law and Growth Management - Hirst Decision and Implications" - 2017 Environmental and Land Use Section Midyear Conference, Washington State Bar Association, Union WA, 05/11/2017
- Presenter, "The Reality of Arctic Port Development: Challenges and Opportunities" - Arctic Encounter Symposium 2016, Seattle WA, 01/15/2016
- Program Co-Chair, "Water and Growth Management" - Growth Management Act Conference, Law Seminars International, Seattle WA, 11/19/2015
- Panel Moderator, "New Developments at the Intersection of Water Rights and Land Use" - Water Law in Washington, Law Seminars International, Seattle WA, 07/27/2015
- Panelist, "The Federal & State Permitting Framework" - Energy Export Permitting in the Northwest, Northwest Environmental Business Council, SeaTac WA, 06/16/2014
- "Water as the Modern Key Ingredient for Rural Development: Current Legal Challenges and Strategies Towards Solutions" - 2014 Environmental and Land Use Law Midyear Meeting & Conference, Washington State Bar Association, Cle Elum WA, 05/01/2014
- Rethinking Washington's State Environmental Policy Act, *NW Lawyer*, Vol. 68 Issue 3 pp. 50-52, 04/30/2014
- Conference Co-Chair, "Water Availability in Growth Management Planning and Project Approvals" -

22nd Annual Conference on Growth Management Act and Land Use, Law Seminars International, 11/07/2013

- Land Use Appeals, Washington Lawyers Practice Manual, Part 16, Vol. 23 (2013), 10/01/2013
- Chapter 13: Growth Management Hearings Board, Washington Real Property Desk Book, Washington State Bar Association (4th ed. 2012), Vol. 5, 10/01/2012
- Panelist, "Reasonable Use Exemptions" - 11th Annual Wetlands in Washington, Law Seminars International, Seattle WA, 10/05/2011
- Wet Growth: Exploring the Intersection Between Water Resources and Land Use Law in Washington, Environmental & Land Use Law Newsletter, Washington State Bar Association, Vol. 36 Issue 3, 12/01/2009

Alerts

- Court Reinforces Finality of Water Rights Determinations and Avoids Ownership Dispute, 09/19/2018
- Washington Legislature Adopts a "Hirst Fix," and Department of Ecology Considers Comments on Its Interpretation of the New Legislation, 02/27/2018
- Western Water/Growing Cities: An Examination of 11 States' Approach to the Issue, 11/14/2017
- State Supreme Court Roils Rural Water Supply in Growth Management Decision, 12/12/2016
- Rural Water Strategies: The Saga Continues, 11/19/2015
- Court Delivers Victory to Whatcom County on GMA Case Regarding Rural Water Supply, 02/25/2015
- OUTLOOK 2014: KEY POLICY DEVELOPMENTS, 01/23/2014