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TADAS KISIELIUS

CO-CHAIR, PARTNER

CONTACT

tak@vnf.com
206.802.3840
Cell Phone: 206.779.5523

PRACTICES

Energy Transition
Land Use
Litigation & Investigations
Public Lands
Renewable Energy

EDUCATION

Northwestern University School of Law
University of Michigan

BAR AND COURT ADMISSIONS

Washington State Bar

Professional Background

Tadas helps public- and private-sector clients secure and defend state and federal environmental permits and local land use approvals for complex or controversial development projects throughout the state, including infrastructure, energy, and marine terminal projects. Tadas provides strategic counsel at the permitting stage, working with the client, consultants, and regulators on permit applications and environmental review conducted by local and state permitting authorities, including the Energy Facilities Site Evaluation Council. When a permit is appealed, Tadas appears on behalf of clients at all levels of appeal, including state and federal courts and in administrative adjudicative proceedings, including appearances before the Shoreline Hearings Board, the Pollution Control Hearings Board, the Growth Management Hearings Board and local hearings examiners. Recently, Tadas has represented a wide range of energy companies by providing strategic counsel for the permitting and environmental review of renewable energy projects that will help meet the state's aggressive carbon reduction targets. Additionally, Tadas helps those companies advocate for local and state legislation and implementing regulations related to those greenhouse gas reduction efforts, including the regulatory programs implementing Washington's new Clean Fuels Program and the Climate Commitment Act.

Tadas also represents cities, counties and port districts 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).

Tadas is a retired musician, but still manages to find time to play music. He also enjoys long distance cycling, camping and backpacking with his family.

Representative Experience

- Represents Puget Sound Energy, the largest energy utility in the Pacific Northwest, in the appeal of the permit approvals and environmental review for a first-of-its-kind LNG liquefaction/storage facility in the Port of Tacoma, Washington. The project will process up to 250,000 gallons of LNG per day for storage in an 8 million gallon tank that will be used for "peak shaving" (regasification and injection into the local natural gas distribution system on peak demand days) and for use as a maritime and transportation fuel, including LNG for Totem Ocean Trailer Express's ORCA-class vessels that deliver up to 35% of all goods, commodities and supplies to the state of Alaska. In an appeal before the PCHB that lasted almost a year and a half and included a two week evidentiary hearing, the firm successfully defended the permit and EIS, including the adequacy of the environmental review of the greenhouse gas emissions as analyzed in a lifecycle emissions analysis.
- Represented the City of Seattle defending the City's environmental review of several land use proposals in appeals before the Hearing Examiner and the Growth Management Hearings Board. Tadas worked with the City Attorney's office to defend the Environmental Impact Statements (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. Tadas also 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.
- Drawing from his experiences in both land use and water law, Tadas represents clients in the evolving

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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. For example, he has represented Whatcom and Okanogan Counties in their efforts to adopt development regulations that satisfy requirements in the Planning Enabling Act and Growth Management Act to protect water resources by ensuring that development proposals demonstrate legal availability of water. Tadas defended Whatcom 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 various ports, cities, and counties on land use and water issues, including: drafting agency SEPA regulations; drafting and defending amendments to local jurisdictions' planning documents and development regulations.
- 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

Super Lawyers

Rising Stars, 2005-2013
2018-2023

"Lawyer of the Year" by *Best Lawyers*

Environmental Litigation, 2020 & 2026
Litigation-Land Use and Zoning, 2027

"Best Lawyers in America" by *Best Lawyers*

Environmental Law, 2018-2027
Land Use and Zoning Law, 2013-2027
Litigation-Environmental, 2013-2027
Litigation-Land Use and Zoning, 2021-2027

Chambers USA

Real Estate: Zoning/Land Use - Washington State, 2018-2026

Articles and Presentations

- Hydrogen Hubs Summit, Infocast, Arlington VA, 09/12/2022
- Washington Public Ports Association, Environmental Seminar, Washington Public Ports Association, Chelan WA, 09/26/2019
- Shoreline Regulation in Washington State, The Seminar Group, Seattle WA, 06/02/2017
- 2017 Environmental and Land Use Section Midyear Conference, Washington State Bar Association, Union WA, 05/11/2017
- Arctic Encounter Symposium 2016, Seattle WA, 01/15/2016
- Growth Management Act Conference, Law Seminars International, Seattle WA, 11/19/2015
- Water Law in Washington, Law Seminars International, Seattle WA, 07/27/2015
- Energy Export Permitting in the Northwest, Northwest Environmental Business Council, SeaTac WA, 06/16/2014
- 2014 Environmental and Land Use Law Midyear Meeting & Conference, Washington State Bar

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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
- 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
- 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