



Ankur K. Tohan

Partner

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OVERVIEW

Ankur Tohan is a partner in the firm's Seattle office and a practice group coordinator for the firm's global environment, land and natural resources practice group. Ankur's practice focuses on energy infrastructure and natural resource development, compliance counseling, and defense of governmental and citizen enforcement actions. With an emphasis on renewable energy development and carbon management, Ankur advises a variety of industries on issues related to energy transition, expanding opportunities in the blue economy, as well as the impact of shifting carbon policies. In addition, Ankur works with clients on a broad range of complex regulatory, permitting, and enforcement matters, under federal and state laws, related to wildlife and natural resource management, pollution control, and cleanup of hazardous wastes.

Ankur assists clients with complex regulatory, permitting, and enforcement matters under a range of environmental statutes, including the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA), Endangered Species Act (ESA), Federal Land Policy and Management Act (FLPMA), Clean Water Act (CWA), Clean Air Act (CAA), National Environmental Policy Act (NEPA), Washington State Environmental Policy Act (SEPA), Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA), and Model Toxic Control Act (MTCA).

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Ankur was an assistant regional counsel for the U.S. Environmental Protection Agency where he worked on complex environmental enforcement, civil defense, and permitting matters. Ankur served as the lead Clean Water Act (CWA) attorney in Region 10 on wetland enforcement actions and jurisdictional issues under the CWA; oil and gas NPDES permitting; and forestry matters under the CWA and NEPA.

Ankur has travelled throughout Alaska, including Kenai Peninsula and the North Slope, which has allowed him to work directly with several native communities as well as the North Slope Borough.

ACHIEVEMENTS

- *Chambers USA: America's Leading Business Lawyers*, Washington - Environment, 2017 - 2020

PROFESSIONAL / CIVIC ACTIVITIES

- Clean-Water Act Handbook, Pre-Treatment and Indirect Dischargers, contributor/editor
- ELI - Law of Environmental Protection, Clean Water Act, editor
- Washington State Bar Association
- Washington State Bar Association, Environmental and Land Use Section, Newsletter editor
- Northwest Environmental Business Council, Board of Directors member

SPEAKING ENGAGEMENTS

- Program Co-Chair, *Floodplain Regulation: Development in Oregon & Washington Public Ports*, The Seminar Group, four part series. February - March, 2021
- Moderator, *Update from the New Director of the Washington State Department of Ecology*, Northwest Environmental Business Council, February, 2021
- Moderator, *The Equity Imperative: Advancing Environmental Justice in the Clean Energy Economy*, Clean Tech Alliance, and Northwest Environmental Business Council Energy, Leadership Summit, November, 2020
- Presenter, *SEPA Policy Update: Greenhouse Gas Assessments for Projects (GAP) Rulemaking*, Northwest Environmental Business Council, Remediation Conference, October, 2020
- Presenter, Next Generation Infrastructure, Washington Public Ports Association Environmental Seminar, September 2019
- Moderator, *Natural Gas: Reckoning With The Future*, NIPPC Annual Meeting, September 2019
- Presenter, *SEPA & NEPA The Developer's Perspective*, The 16th Annual Intensive One-Day Seminar on SEPA & NEPA, January 2019
- Presenter, *Energy Flow & The Dormant Commerce Clause*, The Northwest & Intermountain Power Producers Coalition Annual Meeting, October 2018
- Presenter, *Carbon Regimes in Washington and California*, Oregon Farm Bureau, September 2018.
- Presenter, *Renewable Energy Workshop - The Secret Sauce in Renewable Energy: Competition*, June 2018
- Presenter, *Wetlands in Washington*, Law Seminars International, May 2018
- Presenter, *The Mighty Columbia*, The Seminar Group, March 2018
- Presenter, *Citizen Suits: The nuts and bolts for bringing and defending against private enforcement actions*, Law Seminars International, February 2018
- Presenter, *Impact on Washington of the 2016 Election and Clean Water Policy and Enforcement Priorities at the Federal Level*, Law Seminars International, June 2017

- Presenter, *Can Trump Dismantle the EPA as Promised?*, The Seminar Group, Environmental Law in the Trump Administration, March 2017
- Presenter, *The Department of Interior/Commerce in the Trump Era*, The Seminar Group, Environmental Law in the Trump Administration, March 2017
- Presenter, *Wetlands, Permitting, Case Law Update (Dairy and Manure; Downstream Impacts)*, The Seminar Group Agriculture Law Seminar, February 2017
- Presenter, *Energy Infrastructure and Carbon Policy: Impacts & Opportunities*, Northwest & Intermountain Power Producers Coalition (NIPPC) Annual Meeting, 2016
- Presenter, *Legislative, Regulatory and Section 4 Update*, Endangered Species Act Conference, 2016
- Presenter, *Washington's Energy Future Conference*, NEBC, 2015
- Presenter, *Permitting Strategies for Large, Controversial Projects in Washington State and the Northwest*, The Seminar Group, 2015
- Presenter, *Clean Water Act Update: Recent Adoption of Regulations Clarifying the Clean Water Act*, K&L Gates, 2015
- Presenter, *Buying & Selling Electric Power in the West: Regulating Interstate Air Pollution & Greenhouse Gases*, Law Seminars International CLE, 2015
- Presenter, *Endangered Species Act Conference*, The Seminar Group, 2014
- Presenter, *Wetlands in Washington*, Law Seminars International CLE, 2012
- Moderator, *Alaska Shale Conference*, K&L Gates, 2012
- Presenter, *Wetlands in Washington*, Law Seminars International CLE, 2011
- Guest lecturer, *Environmental Law Fundamentals*, Seattle University Law School, February 2008, 2010
- Presenter, *Wetlands in Washington*, Law Seminars International CLE, 2010.
- Presenter, *Fundamentals of Environmental Compliance Inspections*, National Enforcement Institute, July 2008
- Presenter, *Wetlands in Washington*, Law Seminars International CLE, 2007
- Presenter, *Society for Ecological Restoration and Society of Wetland Scientists Joint Conference*, September 2007

EDUCATION

- J.D., Lewis & Clark Law School, 2005
- M.S., University of Wisconsin-Madison, 2000

- B.A., University of Vermont, 1992

ADMISSIONS

- Bar of Oregon
- Bar of Washington
- Supreme Court of the United States

LANGUAGES

- Spanish

THOUGHT LEADERSHIP POWERED BY HUB

- 14 June 2021, Shipping Emissions Remain a Focus of Reintroduced House Bill (*Alerts/Updates*)
- 3 June 2021, D.C. Circuit Affirms That Offshore Wind Lease Does Not Trigger NEPA Review (*Alerts/Updates*)
- April 2021, Blue Economy - Part 1: Offshore Wind Energy Development in the West (*Webinar*)
- 22 April 2021, Carbon Quarterly – Volume 3 (*Alerts/Updates*)
- March 2021, Environmental Landscape 2021: The Biden Transition (*Webinar*)
- 17 February 2021, Washington Department of Ecology Preparing New Rule to Assess Greenhouse Gas Emissions (*Alerts/Updates*)
- 4 February 2021, Carbon Quarterly - Volume 2 (*Alerts/Updates*)
- 2 February 2021, California Bill Seeks Additional Greenhouse Gas Disclosures from Major Public Corporations (*Alerts/Updates*)
- 1 February 2021, Clean Water Act Permits for Discharges to Groundwater: EPA Issues Guidance on County of Maui v. Hawaii Wildlife Fund (*Alerts/Updates*)
- 22 January 2021, In Search of Cooler Waters: Implementing EPA's Temperature Limits on the Columbia and Lower Snake Rivers (*Alerts/Updates*)
- 21 January 2021, To Kill a Mocking Bird - Trump Administration Finalizes Rule Narrowing Migratory Bird Treaty Act (*Alerts/Updates*)
- 29 December 2020, Climate Policy in the End-of-Year Legislative Package (*Alerts/Updates*)
- 17 December 2020, NMFS Demands More Mitigation for Nearshore Projects in the Puget Sound Region (*Alerts/Updates*)
- 16 December 2020, Water Resource Considerations for the Hydrogen Economy (*Alerts/Updates*)

- October 2020, Blue Economy Handbook (*Alerts/Updates*)
- 22 October 2020, Contemplating the Future of the Lower Snake River Dams (*Alerts/Updates*)
- 8 October 2020, Carbon Quarterly - Volume 1 (*Alerts/Updates*)
- 8 October 2020, Growing Opportunities in the Carbon Field for Agriculture and Forestry (*Alerts/Updates*)
- 17 September 2020, EPA Expands NPL List - Is Your Company a Potentially Responsible Party? (*Alerts/Updates*)
- 28 August 2020, NOAA Identifies the First Two Aquaculture Opportunity Areas to Facilitate Expansion of Aquaculture in Federal Waters (*Alerts/Updates*)
- 26 August 2020, Federal Court Strikes Down Trump Administration's Narrow Interpretation of Migratory Bird Treaty Act (*Alerts/Updates*)
- 25 August 2020, U.S. Army Corps Proposes Two New Nationwide Permits for Utility Lines and Revises Additional Nationwide Permits Impacting Utility-Scale Wind and Solar Infrastructure (*Alerts/Updates*)
- 14 August 2020, To Kill a Mockingbird: Federal Court invalidates Department of Interior's MBTA Opinion Letter (*BlogPost*)
- 23 July 2020, A New Normal? Trump Administration Retooling of Core NEPA Elements (*Alerts/Updates*)
- 9 June 2020, COVID-19: President Trump's Invocation of Emergency Authority to Streamline Environmental Review for Infrastructure Projects (*Alerts/Updates*)
- 9 June 2020, No More Delay?: EPA Rulemaking Clarifies Timelines and Scope of State Authority in the Clean Water Act Section 401 Certification Process (*Alerts/Updates*)
- 26 May 2020, COVID-19: Economic Recovery and Relief from Environmental Regulation May Go Hand in Glove (*Alerts/Updates*)
- 28 April 2020, Muddied Groundwater: New Supreme Court Test Adds Confusion and Uncertainty to Clean Water Act Permitting Jurisdiction (*Alerts/Updates*)
- 28 April 2020, UPDATED: The Nation Goes the Way Montana Goes? Nationwide Permit 12 Vacatur and Injunction (*BlogPost*)
- 27 April 2020, U.S. Supreme Court Requires EPA Approval of State Law Remedy for Extra Cleanup at ARCO's Anaconda Smelter CERCLA Superfund Site (*Alerts/Updates*)
- 20 February 2020, Finally Finality? The Trump Administration's Answer to One of Environmental Law's Most Contested Questions: What Are "Waters of the United States"? (*Alerts/Updates*)
- 13 February 2020, DC District Court Bats Down Northern Long-Eared Bat Listing (*Alerts/Updates*)
- 5 February 2020, Greenhouse Gas Regulation in Washington □ Clean Air Rule Partially Invalidated (*Alerts/Updates*)

- 21 November 2019, The Changing Scope of Federal Power Under the Clean Water Act: Are Discharges of Pollutants From a Point Source to Groundwater Regulated Under the Clean Water Act? (*Alerts/Updates*)
- 28 October 2019, 2019 Offshore Wind Handbook (*Alerts/Updates*)
- 10 October 2019, Trump Administration Finalizes New Endangered Species Act Regulations (*Alerts/Updates*)
- 20 February 2019, EPA Plans to Set National Drinking Water Standards and Regulate PFAS as a CERCLA Hazardous Substance (*Alerts/Updates*)
- 7 February 2019, Navigating Environmental Policy in a Divided Government (*Alerts/Updates*)
- 4 February 2019, Congress Looking at the Safe Drinking Water Act and Superfund to Regulate PFAS (*Alerts/Updates*)
- 14 January 2019, Trump Administration Begins “Round 4” in the Battle Over Clean Water Act Jurisdiction (*Alerts/Updates*)
- 14 November 2018, 2018 Offshore Wind Handbook (*Alerts/Updates*)
- 31 August 2018, Trump Administration Releases Clean Power Plan Replacement Proposal (*Alerts/Updates*)
- 14 August 2018, EPA to “Veto” Its Own Veto Authority under the Clean Water Act? (*BlogPost*)
- 13 August 2018, EPA to “Veto” Its Own Veto Authority under the Clean Water Act? (*Alerts/Updates*)
- 6 June 2018, Washington State Issues its First Winery General Permit (*Alerts/Updates*)
- 13 November 2017, EPA Administrator Moves to End “Sue and Settle” (*Alerts/Updates*)
- 24 October 2017, EPA Initiates Formal Regulatory Process to Roll Back Clean Power Plan (*Alerts/Updates*)
- 30 May 2017, Administrator Pruitt Seeks Superfund Overhaul (*Alerts/Updates*)
- 7 April 2017, UPDATE: California’s Cap-and-Trade Program Upheld by the California Court of Appeal (*Alerts/Updates*)
- 6 April 2017, The Future of California’s Landmark Cap-and-Trade Program is Uncertain (*Alerts/Updates*)
- 31 March 2017, Executive Order Directs Federal Agencies to Reconsider Federal Initiatives Focused on Greenhouse Gas Emissions and Climate Change (*Alerts/Updates*)
- 29 March 2017, Oregon Lawmakers Consider Carbon Pricing Legislation (*Alerts/Updates*)
- 24 March 2017, Avangrid Wins Latest BOEM Auction for Offshore North Carolina Lease and Moves Towards Full Commercial Lease (*Alerts/Updates*)
- 23 March 2017, Washington Continues to Consider a Carbon Tax and Defends Clean Air Rule (*Alerts/Updates*)
- 23 March 2017, Avangrid Wins Latest BOEM Auction for Offshore North Carolina Lease and Moves Towards Full Commercial Lease (*BlogPost*)

- 16 March 2017, Developers Submit Unsolicited Requests for Wind Leases Offshore Massachusetts and New York (*Alerts/Updates*)
- 16 March 2017, Developers Submit Unsolicited Requests for Wind Leases Offshore Massachusetts and New York (*BlogPost*)
- 10 February 2017, Sea Change: Washington Supreme Court Decision Affects Coastal Energy Projects (*Alerts/Updates*)
- 25 October 2016, Paris Agreement to Enter into Force: Implications for Enforcement in the United States and Internationally (*Alerts/Updates*)
- 2016, Energy Infrastructure and Carbon Policy: Impacts & Opportunities (*Presentations*)
- 4 August 2016, CEQ Issues Final Greenhouse Gas Guidance Directing Federal Agencies to Consider Climate Change in their NEPA Reviews (*Alerts/Updates*)
- 20 July 2016, Constitutional Limits to Greenhouse Gas Regulation: 8th Circuit Relies on the Dormant Commerce Clause to Reject Minnesota's GHG Limits on Imported Power (*Alerts/Updates*)
- 16 June 2016, The Washington State Department of Ecology Reissues Clean Air Rule (*Alerts/Updates*)
- 6 June 2016, Supreme Court Authorizes Judicial Review of Clean Water Act Jurisdictional Determinations Over Federal Government's Objection (*Alerts/Updates*)
- 23 May 2016, Eagle Take Permit Program Revamped – Longer Permits and Clearer Mitigation Requirements (*Alerts/Updates*)
- 1 March 2016, Critical Habitat and the Endangered Species Act: Newly Enacted Regulations Threaten to Expand the Government's Role and Discretion in the Permitting Process (*Alerts/Updates*)
- 11 February 2016, High Court Grants Stay of Clean Power Plan (*Alerts/Updates*)
- 20 January 2016, Washington State Department of Ecology Proposes GHG Limits in "Clean Air Rule" (*Alerts/Updates*)
- 19 January 2016, The Final Northern Long-Eared Bat 4(d) Rule: Impacts to Energy Infrastructure Projects (*Alerts/Updates*)
- 7 January 2016, FAST Act Expedites Permitting and Environmental Review for Large Infrastructure Projects (*Alerts/Updates*)
- 22 December 2015, Defining the Scope of Waters of the United States: Supreme Court to Decide Whether Federal Courts Will Be Able to Review Clean Water Act Jurisdictional Determinations (*Alerts/Updates*)
- 17 December 2015, Presidential Memorandum Promotes Pre-Project Mitigation and Restoration Banking: Implications for Energy Projects and Related Development (*Alerts/Updates*)
- 14 October 2015, Clean Water Rule Stayed Nationwide (*Alerts/Updates*)
- 24 September 2015, Greater Sage-Grouse Avoids ESA Listing (*Alerts/Updates*)

- 14 September 2015, Where You Operate Matters: the Fifth Circuit Widens the Split on MBTA Liability (*Alerts/Updates*)
- 2 September 2015, Eagles Back in the Nest: FWS 30-Year Eagle “Take” Rule Vacated Less than Two Years after Implementation (*Alerts/Updates*)
- 27 August 2015, Greater Sage-Grouse and Land Use in the Inter-Mountain West (*Alerts/Updates*)
- 3 August 2015, EPA releases final version of Clean Power Plan (*BlogPost*)
- 6 May 2015, Bats in the Balance: Northern Long-Eared Bat Listing and Interim 4(d) Rule (*Alerts/Updates*)

OTHER PUBLICATIONS

- “2019 Offshore Wind Handbook”, October 2019
- “Permitting for Energy Projects on Washington’s Coast,” *NWLawyer*, July/August 2017
- “When States Fail To Act On Federal Pipeline Permits,” *Law360*, 24 July 2017
- Co-Author, CEQ Issues Final Greenhouse Gas Guidance Directing Federal Agencies to Consider Climate Change in Their NEPA Reviews, *Pratt’s Energy Law Report*, Vol. 16-9, October 2016
- “FWS Bat Intake Rule Won’t Drive Project Developers Batty,” *Law360*, 25 January 2016
- “Greenhouse Gas Regulation in Washington: What the Clean Power Plan and Washington Clean Air Rule Mean for the State,” *Environmental & Land Use Law Newsletter*, Washington State Bar Association, Vol. 41, No. 3, November 2015

NEWS & EVENTS

- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 Chambers USA Guide (*Rankings & Recognitions*)
- 20 and 27 April 2021, Fires in the Pacific Northwest: A Two Part Series (*Event*)
- 17 August 2020, K&L Gates Advises Tokyo Gas America on Two Acquisitions (*Noteworthy Work*)
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide (*Rankings & Recognitions*)
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders (*Press Release*)
- 17 February 2016, K&L Gates Names 50 New Partners (*Press Release*)

AREAS OF FOCUS

- Environment, Land, and Natural Resources
- Construction and Infrastructure Dispute Resolution

- Corporate Energy Sourcing and Sustainability
- Maritime Compliance
- Maritime Regulatory
- Offshore Construction
- Offshore Wind Energy
- Oil and Gas
- Power
- Rail and Roads
- Renewables
- Water and Wastewater

INDUSTRIES

- Energy
- Power Generation and Transmission
- Utilities

EMERGING ISSUES

- Hydrogen
- Sustainable Economy

REPRESENTATIVE EXPERIENCE

- Advising LNG facility on permitting for large scale carbon capture and sequestration (CCS) project
- Counseling clients on state and federal rules, policies and proposals to evaluate and regulate greenhouse gas emissions
- Advising wind energy developers with ESA compliance
- Advising wind energy developers with MBTA and BGEPA compliance
- Advising clients on environmental due diligence for acquisition of wind, solar, and geothermal projects
- Advising electricity transmission line developers on permitting for new projects across private and federal lands

- Supporting all phases of wind and solar project development (siting and environmental permitting under the ESA, BGEPA, and CWA)
- Defending wind energy developers in civil and criminal enforcement actions
- Counseling wind energy developers in the development of Avian and Bat Protection Plans and environmental due diligence for the purchase of wind farms
- Advising agriculture and oil/gas energy developers and operators in compliance and permitting issues under the ESA
- Advising municipal and industrial clients on Clean Air Act compliance
- Defending multiple industrial entities in CWA citizen suits
- Advising timber companies with compliance matters involving the CWA and state wastewater regulations and water rights issues
- Defending landowners and operators in wetland and wastewater enforcement actions under the CWA
- Advising port terminal developers on environmental due diligence and permitting requirements for coal export facility under the CWA, NEPA, SEPA, and on greenhouse gas issues
- Advising oil and gas companies in state shoreline permitting, SEPA and NEPA process, and CWA permits for crude oil/rail transportation projects
- Supporting clients in negotiating settlements for complex marine sediment cleanup actions under MTCA (including Natural Resource Damage claims)
- Defending corporate and individual entities in CERCLA and MTCA enforcement actions and litigating allocation and contribution claims
- Advising companies in the international and domestic transportation and disposal of hazardous and radioactive wastes under RCRA
- Advise mining companies on CERCLA and National Resource Damage Claims, cash outs and allocations
- Advise clients on environmental due diligence for complex real estate and asset transactions valued between \$50 - \$140 million
- Counseling industrial power producers and consumers (e.g., data centers) on CAA requirements
- Defending landowners and operators from governmental and citizen suit enforcement actions under the SDWA
- Advising clients on SDWA and underground injection control permitting and compliance
- Negotiating and settling natural resource damage claims – resulting from oil spills – under Washington State law
- Advising clients on biogas development projects