

Brian K. Knox

Senior Of Counsel

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OVERVIEW

Brian Knox focuses his practice on environmental, energy and natural resource issues. He works with clients and consultant teams to plan, permit and defend complex development projects, and has successfully represented clients in permitting wind generation facilities, interstate natural gas pipelines, power lines, natural gas-fueled generation plants, solid waste landfills and transfer stations, wastewater treatment plants, telecommunication facilities, rail infrastructure and airstrips. His experience includes permitting under NEPA, SEPA, the Endangered Species Act, the Shoreline Management Act, historical and cultural resource protection laws, local land use codes, and other federal, state, and local natural resource regulations.

Brian's environmental law experience also includes the cleanup and redevelopment of contaminated sites. He negotiates cleanup commitments with agencies as well as agreements allocating risks in commercial and corporate transactions.

ACHIEVEMENTS

- Recognized by *The Best Lawyers in America*® in Seattle, WA:
  - Energy Law, 2010-2027
  - Environmental Law, 2023-2027
  - Natural Resources Law, 2024-2027

EDUCATION

- J.D., University of Michigan Law School, 1988 *magna cum laude, Order of the Coif, Michigan Law Review*
- A.B., Miami University (Ohio), 1985 *magna cum laude, Phi Beta Kappa*

ADMISSIONS

- Bar of Washington

NEWS & EVENTS

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 13 February 2017, K&L Gates Advises Hexagon AB on Pending Acquisition of MSC Software Corporation

AREAS OF FOCUS

- Environment and Energy

INDUSTRIES

- Corporate Sustainability
- Energy
- Liquefied Natural Gas
- Oil and Gas
- Power
- Power Generation and Transmission
- Renewables

REPRESENTATIVE EXPERIENCE

- Represented clients on permitting matters in various credit, investment and transfer transactions involving wind energy facilities.
- Advised municipal and private landfill owners in landfill closure, post-closure, financial assurance and remedial actions to manage liability and support landfill redevelopment.
- Advised lenders on environmental and permitting issues in refinance of wind energy facilities in the Pacific Northwest.
- Advised lead agency on SEPA compliance for controversial electric transmission facility expansion traversing heavily-populated, suburban environment
- Represented purchasers and sellers of contaminated real estate, including sites of chemical manufacturing plants, pulp and paper mills, chemical trans-loading terminals, fertilizer manufacture facilities, vehicle service and sales facilities, rail yards and ship yards, and multi-use commercial properties.

- Counseled both acquiring and acquired companies on environmental due diligence and risk management in a variety of corporate transactions involving such sectors as forest products, watercraft construction, heavy equipment leasing, vehicle service and sales, building materials fabrication, printing, solid waste management, apparel manufacture, cold storage and seafood processing.
- Advised and represented purchasers of environmental insurance products to resolve environmental issues in corporate and real estate transactions.
- Represented municipal developers in the environmental review, permitting and development of a 100 MW wind energy facility.
- Advised property owner in cleanup of former herbicide/pesticide applicator site. Cleanup studies included ecological toxicity studies relating to nearby forest and wetland habitat.
- Represented developer in successful environmental review and permitting of 205 MW wind energy facility, including settlement negotiations with third-party stakeholders to avoid appeals.
- Represented intestate natural gas pipeline company in environmental review and permitting of undersea natural gas pipeline between Washington and Vancouver Island, British Columbia. Obtained FERC declaratory order resolving 401 and CZMA issues in client's favor.
- Advised operators on various wind energy operations issues, including wildlife protection, noise control, decommissioning financial assurance, wake interference effects and habitat mitigation.
- Successfully defended multiple EISs and threshold decisions in administrative and judicial appeals involving avian impacts, cultural resources, aesthetics, critical areas, and other resources.
- Represented developers of 245, 190, and 130 MW wind energy facilities in environmental review, permitting and third-party permit appeal litigation.
- Represented zoo in defense of programmatic EIS for long-range facility development plan, and in defense of project-specific environmental documents for development of facilities under the long-range plan.
- Counseled wastewater utility in multi-phased, programmatic EIS process for development of wastewater resource management plan, and on environmental documents to support development of facilities under the plan.
- Represented developer of proposed interstate natural gas pipeline to feed liquefied natural gas export facility.
- Represented pipeline company in permit negotiations and preemption litigation concerning 80-mile interstate natural gas pipeline project. The route included over 150 waterbodies and sensitive areas, as well as close-in suburban development. Project involved successful filing and settlement of two federal preemption lawsuits.
- Represented interstate natural gas pipeline company in successfully obtaining state and local permits for 27-mile looping project.
- Represented pipeline company in permitting and third-party permit appeals regarding 49-mile interstate natural gas pipeline, including federal preemption litigation. Negotiated multi-agency settlement of preemption lawsuit to allow construction on schedule.

- Represented developer of proposed interstate natural gas pipeline to feed liquefied natural gas export facility.
- Represented pipeline company in obtaining permits for, and preparing for appeals, for interstate natural gas pipeline lateral in populated Puget Sound Lowland suburban areas. The route included numerous waterbody crossings and other sensitive area resources.
- Represented owner of chemical manufacturing plant in negotiation of RCRA corrective action order and CERCLA consent decrees governing upland and waterway cleanups.
- Represented owner of former pulp and paper mill in cleanup and sale of site located on an urban bay, including settlement of natural resource damage claims under state and federal law.
- Represented owner/operator in environmental review and permitting of regional municipal solid waste landfill, including original site approvals and subsequent expansions. Representation included successful defense of third-party permit appeals.
- Represented developer in siting, environmental review, and permitting of solid waste trans-loading facilities for regional waste-by-rail network.
- Represented owner of large multi-use, marine terminal in RCRA corrective action and cleanup under Washington's Dangerous Waste Regulations and Model Toxics Control Act.
- Counseled major wastewater treatment plant operator on development of biosolids management program and permit compliance.
- Advised ports and public utility districts in development and implementation of agency SEPA ordinances and procedures.
- Represented electric utilities in environmental review, permitting, and defense of third-party appeals for development of new transmission lines and substations.