



## Robert M. Smith

### Partner

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## OVERVIEW

Robert Smith is a partner in the firm's Seattle office. He is a member of the environment, land and natural resources practice group. His practice focuses on land use, governmental and regulatory permitting, real estate and shoreline development, renewable energy, aquaculture and fisheries law, and tribal law.

His experience includes counseling clients through all required local, state and federal regulatory proceedings, including environmental and regulatory due diligence, representation of clients at administrative and regulatory hearings, negotiation of permit terms and conditions, state and federal environmental review, processing subdivision maps, negotiation of public-private partnerships and development agreements, development of specific plans, coordination of public relations and outreach efforts, negotiation of purchase and sale agreements and lease agreements, and litigation arising from regulatory approvals or denials.

Robert assists clients with complex regulatory, permitting, and enforcement matters under a range of environmental statutes, including the California Coastal Act, California Environmental Quality Act (CEQA), the Clean Water Act (CWA), Subdivision Map Act, National Environmental Policy Act (NEPA), Washington State Environmental Policy Act (SEPA), and Washington State Shoreline Management Act ("SMA"), as well as Tribal treaties. This experience includes working on a variety of projects, including mixed use commercial and residential projects, wind and solar energy facilities, sports and entertainment facilities, marinas, and water-based and land-based aquaculture and fisheries facilities.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Robert served as a partner at a natural resource law firm in Seattle where he advised clients involved in the aquaculture, marina, fishery, and cannabis industries in administrative proceedings, regulatory and governmental permitting, and any associated state or federal litigation. He also previously worked at a firm in Southern California representing public clients, including municipalities, counties, and special districts, where he advised public clients concerning land use matters, environmental review, and development agreements and other real estate transactions. He also previously worked as a senior associate in the environmental and land use group at the Los Angeles office of an international law firm where he advised and represented clients on a variety of large scale mixed use development projects.

## SPEAKING ENGAGEMENTS

- Presenter Permitting Shoreline Development in Puget Sound, Pacific Coast Shellfish Growers Association, 2022
- Presenter, Strategies for Efficient Aquaculture Permitting, Aquaculture America, 2022
- Presenter, Developing Successful Permitting Strategies – A Legal Perspective, Aquaculture America, 2021
- Presenter, Floodplain Regulation hosted by the Seminar Group, 2021
- Presenter, Navigating Permitting Requirements for Offshore Shellfish Aquaculture, Aquaculture America, 2021
- Presenter, Navigating the Storm: How NMFS' Jeopardy Determination Impacts Puget Sound Port Projects, Washington Public Ports Association Annual Meeting, 2021
- Speaker, Aquaculture in the Santa Barbara Channel: The Next Steps, Pacific Coast Shellfish Growers Association, 20 September 2021
- Presenter, Aquaculture in Federal Waters: Opportunities and Challenges, Puget Sound Shellfish Growers Annual Conference, 2020
- Presenter, Ventura Shellfish Enterprise: An Overview of the Challenges to Siting Longline Mussel Farms in Federal Waters Off California, Aquaculture America, 2020
- Presenter, Update on United States v. Washington: The End is Near (Maybe), et Sound Shellfish Growers Association Annual Conference, 2018
- Presenter, Update on United States v. Washington, Case No. 2:89-SP-306-RSM, and Best Management Practices Regarding Tribal Treaty Rights to Shellfish, Puget Sound Shellfish Growers Association Annual Conference, 2016
- Presenter, Opportunities and Challenges in Permitting Offshore Shellfish Aquaculture, UCLA Aquaculture Law Symposium, 2015
- Presenter, Regulatory Barriers and Opportunities: Opportunities and Challenges in Permitting Offshore Shellfish Aquaculture, Aquaculture America, 2015

## EDUCATION

- J.D., University of California, Los Angeles (UCLA) School of Law, 2005
- B.A., Northwestern University, 2001

## ADMISSIONS

- Bar of California

- Bar of District of Columbia
- Bar of Washington

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 22 December 2022, Carbon Quarterly – Special Edition
- November 2022, The Blue Economy: The Role of Ports in Developing Sustainable Marine Industries
- 8 July 2022, Waste Not Want Not: The Impact of EPA's Decision to Consider Reclassifying Discarded Polyvinyl Chloride as a Hazardous Waste
- 26 October 2021, Reuse It and Lose It: California Imposes New Recycling Labeling Requirements and Limits PFAS Use
- 3 June 2021, D.C. Circuit Affirms That Offshore Wind Lease Does Not Trigger NEPA Review
- April 2021, Blue Economy - Part 1: Offshore Wind Energy Development in the West
- 14 April 2021, The Missing Link in the Water Wars: Proving Injury and Causation
- 2 February 2021, California Bill Seeks Additional Greenhouse Gas Disclosures from Major Public Corporations
- 15 January 2021, U.S. Army Corps Issues Final Nationwide Permits for Aquaculture
- 17 December 2020, NMFS Demands More Mitigation for Nearshore Projects in the Puget Sound Region
- October 2020, Blue Economy Handbook
- 28 August 2020, NOAA Identifies the First Two Aquaculture Opportunity Areas to Facilitate Expansion of Aquaculture in Federal Waters
- 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
- 21 August 2020, U.S. Army Corps Proposes New Nationwide Permits for Seaweed and Finfish Aquaculture in Coastal Waters and Updates the Existing Nationwide Permit for Shellfish Aquaculture
- 21 August 2020, Fifth Circuit Reels In NMFS' Aquaculture Permitting Program in Gulf of Mexico
- 15 May 2020, COVID-19: Trump Administration Takes Actions to Assist U.S. Fishing Industry
- 15 May 2020, COVID-19: Trump Administration Takes Actions to Assist U.S. Aquaculture

## OTHER PUBLICATIONS

- "Ports And Vessel Owners, Prep For New Calif. Emissions Regs," *Law360*, 31 August 2022

- "Aquaculture, Fishing Cos. Stand To Net Big Gains From Aid," *Law360*, 28 May 2020

## NEWS & EVENTS

- 20 and 27 April 2021, Fires in the Pacific Northwest: A Two Part Series
- August 2020, K&L Gates Lawyers Provide Insights on Impact of COVID-19 Across Various Industries
- 13 January 2020, K&L Gates Adds Environment, Land and Natural Resources Partner to Seattle Office

## MEDIA MENTIONS

- Quoted, "Twentynine Palms residents pushback on proposed solar array," *Z107.7 FM*, 23 March 2024
- Quoted, "Accusations, appeals fly between school, next-door gravel yard," *The Seattle Times*, 9 March 2024
- Quoted, "4 Key Environmental Issues Facing Washington," *Law360*, 10 February 2023

## AREAS OF FOCUS

- Environment, Land, and Natural Resources
- American Indian Law
- Fisheries and Aquaculture
- Land Use, Planning, and Zoning
- Maritime
- Maritime Regulatory
- Offshore Construction
- Real Estate Development and Construction
- Renewables

## INDUSTRIES

- Agribusiness
- Cannabis
- Consumer Products
- Resort, Hospitality, and Leisure

## EMERGING ISSUES

- Hydrogen

## REPRESENTATIVE EXPERIENCE

- Represent client in defending enforcement action brought by National Oceanic and Atmospheric Administration - Seafood Inspection Program against alleged violations involving seafood processing facility.
- Representing school district in opposing unpermitted aggregate yard operation located adjacent to elementary school.
- Represent California port district in evaluating and developing major redevelopment of port areas, including hotels, convention center, restaurants, and associated facilities.
- Represent California harbor district in redevelopment of port infrastructure to support offshore wind development.
- Representing client in seeking to overturn a local ban on utility-scale solar development and develop first solar facility in city jurisdiction.
- Conducting licensing and regulatory due diligence for lender to various cannabis companies.
- Representing a global building products manufacturer in obtaining permits to expand its silica mining operation in Washington State.
- Lead counsel representing approximately 70 shellfish companies in litigation concerning Tribal treaty fishing rights in US v. Washington litigation, involving the adjudication of over 900 claims submitted by shellfish companies.
- Representing aquaculture companies in enforcement actions brought by the US Army Corps of Engineers, California Coastal Commission, and US Environmental Protection Agency.
- Representing aquaculture and seafood processing facilities in obtaining NPDES permits and Clean Water Act compliance.
- Advising port districts concerning potential expansion of aquaculture in their districts.
- Representing aquaculture trade association in drafting and negotiating a new aquaculture lease template for all aquaculture leases in Washington State.
- Representing city in first-ever update to its zoning code and associated environmental review.
- Representing clients on complex land-use and entitlements for mixed-use and entertainment developments, including specific plan amendments, development agreements, tract maps, alcohol and signage entitlements, and associated environmental review under California Environmental Quality Act. Previous work has included projects associated with residential, commercial and stadium developments.

- Representing cities on various land use matters, including the negotiation of purchase and sale agreements, development agreements, leases, environmental review under California Environmental Quality Act, and other entitlement and zoning issues associated with mixed-use development projects.
- Representing a residential developer in settlement of over 50 lawsuits concerning the historical preservation of an existing residential development.
- Representing an aquaculture trade association in negotiations with the US Food and Drug Administration concerning proposed changes to shellfish health regulations.
- Representing marinas, commercial, and residential developers concerning compliance with Coastal Zone Management Act, California Coastal Act, and Washington State Shoreline Management Act.