



## Alyssa A. Moir

### Partner

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## OVERVIEW

Alyssa is a partner in the firm's Seattle office. She works closely with clients to address their business and legal needs concerning water resources, carbon management, greenhouse gas regulation, air quality, and hazardous wastes. She counsels agricultural, timber and energy clients in evaluating and securing water rights in both the near- and long-term, including building and managing water banks. Alyssa also advises clients in compliance, due diligence and permitting strategies for large infrastructure projects in a range of industries, including wind and solar, battery storage, agricultural production, timberlands, and data centers.

Alyssa has represented local businesses, national companies, transnational corporations, municipalities, public library systems, and ports before state regulatory agencies, administrative hearings boards and in state courts. She has extensive experience working with the frameworks of various state water codes, the Washington State and federal Clean Air Act (CAA) the National Environmental Policy Act (NEPA), the Washington State Environmental Policy Act (SEPA), and the federal Clean Water Act (CWA). She routinely works with state and local regulatory agencies in all aspects of her practice.

Alyssa is committed to diversity, equity and inclusion, serving as co-chair of the Seattle office Hiring Committee, as a member of the office Diversity Committee, and attended the firmwide Diversity Retreat in November 2022.

## PROFESSIONAL BACKGROUND

Prior to private practice, Alyssa was a judicial clerk to the Honorable Marlin J. Appelwick of the Washington State Court of Appeals, Division 1. During law school, Alyssa interned for the Environmental Protection Section of the City of Seattle, and worked for the Rural Development Institute, now Landesa, which advises developing countries in land law and policy.

## ACHIEVEMENTS

- Recognized by *Chambers USA* for Environment in Washington, 2023
- Listed in *The Best Lawyers in America*® for Environmental Law, Natural Resources Law, 2015-2021
- Named to the Washington Super Lawyers Rising Stars list, 2013-2018

## PROFESSIONAL / CIVIC ACTIVITIES

- Washington Wildlife & Recreation Coalition Board Member, 2020-present
- Northwest Maritime Center Board Member, 2020-present
- RAVE Foundation Board Member, Seattle Sounders, 2017-present
- Leadership Tomorrow Class of 2017
- YMCA of Greater Seattle Camping Services Board of Managers Member, 2008-2015
- King County Legal Services Clinic Volunteer, 2008-2009

## SPEAKING ENGAGEMENTS

- Panelist, "Finding Water – An Update on Water Markets," Water Law Institute for The Foundation for Natural Resources and Energy Law, San Diego, CA, November 4-5, 2022
- Panelist, "Water Banking Update," Washington Water Code, Seminar Group, December 2021
- Presenter, "The Future of Water," CleanTech Alliance Annual Meeting, Seattle, WA, November 8, 2017.
- Presenter, "Thirsty Energy: Water Sustainability and Risk-Planning, Women in Power, Washington D.C., November 16, 2017
- *The (proposed) Clean Air Rule and Clean Power Plan: What Do They Mean for the Future of Carbon Regulation in Washington?*, King County Bar Association Environmental Law and Land Use Section CLE, January 28, 2016
- *Air Quality Permitting Fundamentals, Northwest Environmental Conference and Trade Show*, Business Competitiveness, Responsibility, and Success, December 4-5, 2012, Portland, Oregon
- Guest Lecturer, University of Washington School of Marine Affairs, Environmental Law and Policy, November 2011, 2012, and 2013, Seattle, Washington

## EDUCATION

- J.D., University of Washington School of Law, 2006 (*Executive Comments Editor, Pacific Rim Law & Policy Journal, Steve and Kathy Berman Environmental Law Clinic*)
- B.S., University of Wisconsin-Madison, 2000 (*National Scholar-Athlete Rowing Team, Big Ten Scholar-Athlete*)

## ADMISSIONS

- Bar of Washington

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 24 January 2024, Water Regulation in the Western States: California's 2023 Legislative Proposal Highlights
- 6 April 2023, Building a Low-Carbon Pacific Northwest With Rachel Brombaugh of PACE Equity
- 23 March 2023, Sustainable Outlook: Bringing the Energy Sector Up to Code With Monique Dyers of Ensign Energy Consulting
- 6 December 2022, Sustainable Outlook: Making Waves in Maritime Sustainability With Dr. Eleanor Kirtley of Green Marine
- 29 July 2022, Sustainable Outlook: Leading the Renewables Market With Sarah Aftergood, Director of Environmental Permitting, Orsted
- 7 July 2022, Carbon Quarterly – Volume 6
- 10 June 2022, Timber Briefing: Updated Washington Heat Exposure and Wildfire Smoke Rules May Require Operational Changes for Summer Forestry Activities
- 24 May 2022, Sustainable Outlook: Paving the Waterway to Marketplace Efficiency with Kristina Ribellia, Founder and Director of Operations at Western Water Market
- 11 January 2022, Carbon Quarterly – Volume 5
- 30 September 2021, Sustainable Outlook: The Future of Sustainable Forestry with Kristy Harlan of Weyerhaeuser
- 2 September 2021, Carbon Quarterly – Volume 4
- 15 June 2021, The Future of Washington's Water Banks
- April 2021, Blue Economy - Part 1: Offshore Wind Energy Development in the West
- 22 April 2021, Carbon Quarterly – Volume 3
- 21 April 2021, Wading In: Water Resource Issues in the Development of the Hydrogen Economy
- 14 April 2021, The Missing Link in the Water Wars: Proving Injury and Causation
- March 2021, Environmental Landscape 2021: The Biden Transition
- 22 January 2021, In Search of Cooler Waters: Implementing EPA's Temperature Limits on the Columbia and Lower Snake Rivers
- 18 December 2020, When Water Rights Evaporate
- 16 December 2020, Water Resource Considerations for the Hydrogen Economy
- 20 November 2020, Update: Interstate Water Rights Before the Supreme Court - Mississippi v. Tennessee
- October 2020, Blue Economy Handbook

- 22 October 2020, Contemplating the Future of the Lower Snake River Dams
- 8 October 2020, Carbon Quarterly – Volume 1
- 8 October 2020, Growing Opportunities in the Carbon Field for Agriculture and Forestry
- 4 August 2020, Supreme Court's 2020–2021 Preview: Interstate Water Rights
- 15 May 2020, Risk of Relinquishment Increases with Decision in Loyal Pig, LLC v. Department of Ecology
- 5 February 2020, Greenhouse Gas Regulation in Washington — Clean Air Rule Partially Invalidated
- 7 May 2019, States Race to Align on Industrial Hemp
- 31 August 2018, Trump Administration Releases Clean Power Plan Replacement Proposal
- 14 August 2018, Putting California on a Water Budget
- 17 July 2018, SCOTUS Ruling Gives Florida Chance to Prevail in Water War Against Georgia
- 28 June 2018, Implementing California's Sustainable Groundwater Management Act
- 6 June 2018, Washington State Issues its First Winery General Permit
- 4 June 2018, New Mexico Files Counterclaims Against Texas and the United States in Latest Chapter of Interstate Water Compact Dispute
- 12 March 2018, SCOTUS Rules United States May Pursue Its Interstate Water Compact Claims in Texas v. New Mexico and Colorado
- 21 February 2018, Washington State's Legislature Provides Relief to Rural Communities
- 12 February 2018, SCOTUS Wades into Water Wars
- 24 October 2017, EPA Initiates Formal Regulatory Process to Roll Back Clean Power Plan
- 16 June 2017, United States Announces Intent to Withdraw From Paris Climate Accord: What is the Real Impact?
- 7 April 2017, UPDATE: California's Cap-and-Trade Program Upheld by the California Court of Appeal
- 6 April 2017, The Future of California's Landmark Cap-and-Trade Program is Uncertain
- 29 March 2017, Oregon Lawmakers Consider Carbon Pricing Legislation
- 23 March 2017, Washington Continues to Consider a Carbon Tax and Defends Clean Air Rule
- 25 October 2016, Paris Agreement to Enter into Force: Implications for Enforcement in the United States and Internationally
- 2016, Energy Infrastructure and Carbon Policy: Impacts & Opportunities

- 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
- 16 June 2016, The Washington State Department of Ecology Reissues Clean Air Rule
- 27 April 2016, Update on EPA's Clean Power Plan
- 11 February 2016, High Court Grants Stay of Clean Power Plan
- 20 January 2016, Washington State Department of Ecology Proposes GHG Limits in "Clean Air Rule"
- Fall 2015, Environmental Policy Quarterly
- 11 September 2015, EPA's Clean Power Plan: A Regional Analysis
- 13 August 2015, EPA's Clean Power Plan: Structure, Implications for the Grid, and Next Steps
- 3 August 2015, EPA releases final version of Clean Power Plan
- Spring 2015, Environmental Policy Quarterly

## OTHER PUBLICATIONS

- "Carbon Dioxide Shortage in the United Kingdom," *Pratt's Energy Law Report*, May 2022
- "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
- Author, "Tribal Transmission: Moving Renewable Energy from the Reservation to the Grid," *Native American Resources Committee Newsletter*, Vol. 7, No. 2 (May 2010)
- Co-author, "Washington State Releases Draft GHG Reporting Rules That Are More Stringent Than New Federal Rule," *LexisNexis Environmental Law & Climate Change Center* (January 18, 2010)
- Author, "Federal Agencies Issue MOU to Speed Siting of Electric Transmission Lines on Federal Land; Congress Still Debating Siting Legislation," *The Environmental Counselor*, Issue No. 256 (December 2009)
- Author, "Tangled Up in Blue – Ninth Circuit Resurrects Roadless Rule," *The Environmental Counselor*, Issue No. 253 (September 2009)
- Author, "Sparks Fly as Agencies, Courts, States, and Congress Battle Over Who Is in Charge of Transmission Lines," *The Environmental Counselor*, Issue No. 251 (July 2009)
- Author, "Federal Renewable Electricity Standard Takes Shape," *LexisNexis Environmental Law & Climate Change Center* (June 26, 2009)
- Author, "Mandatory Greenhouse Gas Emissions Tracking Now Required for Covered Washington State Businesses," *King County Bar Bulletin*, Vol. 27, Issue 7 (March 2009)

- Author, “By Taking Action on Fuel Economy Standards, President Orders Automakers to Produce More Fuel Efficient Cars,” *The Environmental Counselor*, Issue No. 247 (March 2009)
- Author, “Renewable Portfolio Standards Drive Market for Alternative Energy,” *LexisNexis Environmental Law & Climate Change Center* (January 5, 2009)
- Author, “Battle of the Bilge: EPA Issues Draft NPDES Permits for Incidental Discharges from Boats,” *The Environmental Counselor*, Issue No. 241 (September 2008)
- Forsaking the Forest for the Trees: Forestry Law in Papua New Guinea Inhibits Indigenous Customary Ownership, 14.2 *Pacific Rim Law & Policy Journal* 545 (2005).

## NEWS & EVENTS

- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 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
- 3 August 2018, K&L Gates Advises innogy on Acquisition of More Than 2,000 MW Onshore Wind Projects

## AREAS OF FOCUS

- Environment, Land, and Natural Resources
- Construction and Infrastructure
- Corporate Sustainability
- Land Use, Planning, and Zoning
- Offshore Construction
- Offshore Wind Energy
- Power
- Real Estate Acquisitions and Dispositions
- Water and Wastewater

## INDUSTRIES

- Agribusiness
- Consumer Products



- Energy

## EMERGING ISSUES

- Environmental Social Governance (ESG)
- Hydrogen

## REPRESENTATIVE EXPERIENCE

- Counseling power production facility on all air quality matters including PSD permitting, MATS compliance, BART revisions, and SSM concerns.
- Working with power production facilities on evaluating current and future uses of water resources.
- Advising large agricultural landholder on monitoring, tracking, and protecting their water rights portfolios across multiple states and jurisdictions.
- Advising major timberlands and forest products company on compliance with their Sustainable Forestry Initiative certification with respect to water use and water rights; continued water rights advising across multiple uses and jurisdictions.
- Acting as counsel to agricultural companies on environmental due diligence for real estate transactions.
- Acting as counsel to agricultural companies on environmental due diligence related to water rights.
- Advising large agricultural landholder on monitoring, tracking, and protecting their water rights portfolios across multiple states and jurisdictions, including options for water banking and water leasing.
- Counseled eastern Washington data center on multi-phase air permit applications for data center diesel backup generators.
- Successfully defended air quality permits granted to three multinational corporations' data centers under state and federal air quality regulations resulting in successful summary judgment before administrative hearings board; continued defense in superior court.
- Regular due diligence review and strategic permitting for wind and solar facilities particularly in the Pacific Northwest, but also nationwide.
- Advising major timberlands owners regarding all aspects of timberlands management.
- Advising battery storage developer on land use concerns in siting and developing battery storage projects in Oregon.
- Advising owner and operator of landfill on changing emissions profile and related permitting needs.
- Advised group of 14 ranch owners in negotiating, drafting, and executing a water rights forbearance agreement in order to obtain an ESA Safe Harbor Permit.