

## Joseph A. Brogan

Principal

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Joe has more than 25 years of experience in local, state and federal permitting, enforcement matters and water rights.

Joe puts his past experience working for city and county agencies and EPA Region 10 to work for his clients and delivers cost-effective legal services that produce results. He works closely with consultants, developers, lenders, real estate investors and agency officials to achieve the client's objectives.

Joe is one of the leading water rights lawyers in Washington state, providing strategic advice, permitting and litigation support to water purveyors, public utility districts, ports, industry clients and private property owners. Joe represents clients in administrative appeals and in state and federal court on a wide range of water rights and water resource matters. He has served under two gubernatorial administrations as Regulatory Performance Advisor to the Washington State Department of Ecology.

Joe's clients include: Costco Wholesale, Inc.; Safeway Inc.; Port of Tacoma; Pierce County; King County Department of Natural Resources; King County Facilities Management Division; Skagit PUD; Asotin PUD; City of Anacortes; ICON Materials; Goodman Real Estate; Vulcan, Inc.; Beacon Capital Partners; Swedish Hospital; Harborview Medical Center; Virginia Mason Hospital & Medical Center; Triad Development; Seattle Pacific University; Madison Marquette; City of Renton; Klickitat County; Skamania County; Spokane County; City of White Salmon; Wright Runstad

### Services

Real Estate, Land Use & Environmental  
Environment & Natural Resources  
Land Use, Planning & Zoning  
Native American Law  
Ports  
Public Finance & Municipal Government  
Real Estate  
Transportation & Logistics  
Water Rights

### Admissions

Washington, 2000  
U.S. District Court, Western District of Washington, 2010  
U.S. Court of Appeals for the 9th Circuit

& Co.; City of Yelm; Olympic Property Group; Griffin Capital Corporation; and Green Diamond Resources Company.

## Education

J.D., Seattle University School of Law (*cum laude*), 2000

Master of Public Administration, University of Washington, 1990

B.A., State University of New York-Binghamton, 1987

## Honors & Recognition

Rising Star, Washington Super Lawyers list, 2002-2010

United States Environmental Protection Agency, Region 10, Water Resources, Research Fellow

Broome County Association Scholarship for Academic Achievement & Community Service, Recipient

Dean's Academic Scholarship, Seattle University School of Law, Recipient

## Professional Activities

American Bar Association, Member

American Water Resources Association, Member

Governor's Regulatory Performance Advisory Committee for the Department of Ecology  
Regulatory Reform Initiative, Member, 2002-2014

King County Bar Association, Member

Washington State Dept. of Ecology Water Resources Advisory Committee

## Community Activities

JDRF Greater Northwest

- Executive Committee, 2017-present
- President-Elect, 2019-present

## Speaking Engagements

"Foster Task Force and Pilot Projects," Law Seminars International 29th Annual Conference on  
Critical Developments for Water Law in Washington  
Webinar

Virtual Event, 6.25.20

2018 Tri-Cities Municipal Government & Public Finance Seminar  
Event  
Benton City, WA, 7.19.18

"Intro to Washington Water Law," KCBA Environmental & Land Use Section CLE & Networking  
Social  
Event  
Seattle, WA, 4.4.18

2017 Real Estate/Land Use Briefing: Essential Industry Updates  
Event  
Seattle, WA, 11.9.17

## Legal Alerts

Significant Water Rights Bill Passes, Alters State Supreme Court Rulings in *Hirst* and *Foster*  
Cases  
1.23.18

## Experience

### Representative Cases

Serves as lead outside environmental counsel for major Western Washington port in several Clean Water Act Section 404 compliance matters in federal District Court.

Served as lead counsel successfully defending appeal of municipal water rights granted to City of Yelm.

Served as lead litigator representing City of Anacortes and Skagit PUD in multi-year water rights litigation before the Washington Growth Management Hearings Board and in State court concerning revision and implementation of the Skagit River Instream Flow Rule.

*City of Anacortes - Skagit County v. Washington State Dept. of Ecology*, Thurston County Superior Court, 2003-2012, Lead attorney on all aspects of multi-year complex water right litigation

*City of Yelm - Foster v. Ecology & City of Yelm*, Pollution Control Hearings Board, 2011-2013

*EPA v. Port of Tacoma, et al.*, Western District Court, 2010- Present, Lead attorney on Section 404 enforcement and Consent Decree

*Dugan v. Orton*, King County Superior Court, 2012-Present

*McQuarrie - McQuarrie v. City of Seattle*, King County Superior Court, 2006-2008

*City of Long Beach - McArthur v. City of Long Beach and Pacific County*, Shorelines Hearings Board, 2003

Washington Forest Protection Association - *The Mountaineers v. Washington State Department of Natural Resources*, Washington Forest Practices Appeals Board, 2001

Pierce County - *Pierce County v. Washington State Dept. of Corrections*, Pierce County Superior Court, 2001

### **Representative Transactions**

Serves as special counsel to Eastern Washington PUD on water right acquisition and transfer issues.

Serves as lead Endangered Species Act outside counsel for Pierce County on ESA Section 9 compliance.

Serves as lead water right counsel for major forest products company in the acquisition of water rights to serve nine new residential communities in the state of Washington.

Represented dozens of real estate investors on land use due diligence related to development of residential and commercial properties in Washington state.

Serves as land use counsel on the preparation and City of Seattle approval of Major Institution Master Plans and Master Plan development projects for Seattle's largest hospitals and universities.

Serves as special counsel to King County for the re-development of its Juvenile Justice Center in Seattle.

Safeway Inc. - Strategic planning and permitting for the new Safeway Auburn 1.4 million square foot Auburn Distribution Center. Obtained all local, state and federal permits on budget, ahead of schedule and without a single permit appeal. Project specifically recognized by Governor as a model for permitting Washington businesses.

Washington Mutual Bank - Cedarbrook Corporate Training Center - Acquired an 18-acre site in the City of SeaTac and coordinated all development permits culminating in an on-schedule opening.

King County Department of Natural Resources - Strategic planning and permitting for the new Brightwater Sewage Treatment Plant. Responsibilities included strategic planning, site screening, and due diligence for locating both treatment plant and conveyance pipelines.

Beacon Capital Partners - Co-lead attorney completing land use due diligence for Beacon's acquisition of office/residential buildings in one of the largest real property acquisitions in Washington history.

Triad Development - Lead attorney for coordinating land use due diligence matters for Triad residential projects in California. Provide strategic advice regarding land use permitting matters in western Washington.

Goodman Real Estate - Lead attorney and land use counsel for City of Seattle acquisitions and development projects.

Swedish Hospital - Strategic planning and development of hospital Master Plan. Serve as land use entitlement counsel.

Virginia Mason Hospital & Medical Center - Strategic planning and development of VMMC's Master Plan projects.

Harborview Medical Center - Co-lead attorney advising clients on redevelopment of Seattle campus.

Westwater, Inc. - Serve as land use counsel for redevelopment of shoreline properties.

Old Castle Materials/ICON - Lead counsel for water rights matters.