

CONTACT

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PRACTICE AREAS

Alaska Natural Resources
Electric
Endangered Species
Environmental Litigation
Hydropower
Litigation & Administrative
Proceedings
Native Affairs
NEPA & State Equivalents

EDUCATION

Lewis & Clark College,
Northwestern School of Law
Evergreen State College

BAR AND COURT ADMISSIONS

Washington State Bar
Oregon State Bar
U.S. Court of Appeals for the
Ninth Circuit
Washington State Supreme Court
U.S. District Court for the Eastern
District of Washington
U.S. District Court for the Western
District of Washington
U.S. Supreme Court

MATTHEW A. LOVE

PARTNER



Professional Background

Matt's practice focuses on permitting and litigation matters involving federal and state natural resource and environmental law. He has over 20 years' experience representing utilities, ports, owners and operators of hydroelectric projects and other energy projects, and state and local governmental entities on issues pertaining to the Clean Water Act (CWA), Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Federal Power Act, Magnuson-Stevens Act, Coastal Zone Management Act, and Indian law.

Prior to joining Van Ness Feldman, Matt served as a trial attorney for the U.S. Department of Justice where he defended federal agencies in litigation involving the ESA, the Magnuson-Stevens Act, the Marine Mammal Protection Act, and NEPA. In addition, Matt was an Assistant Attorney General for Washington State where he represented the State of Washington and the Washington Department of Fish and Wildlife in natural resource litigation and other matters involving the ESA, fisheries, water, and Indian law issues.

Matt is a member of Van Ness Feldman's Executive Committee.

Representative Experience

- Provides the City of Tacoma with relicensing and litigation counsel, for the 131 megawatt (MW) Cushman Hydroelectric Project, resulting in an historic settlement of one of the longest lasting relicensing cases at FERC as well as the settlement of a federal court lawsuit involving a damage claim by the Skokomish Indian Tribe.
- Counsels Roza Irrigation District on all aspects of federal and state environmental permitting and use authorization for a proposed floating pumping plant located within the boundary of the U.S. Bureau of Reclamation's Kachess Reservoir.
- Represents the Port of Kalama, co-applicant with Northwest Innovation Works, in the development of a methanol manufacturing plant, new dock and marine transfer facility, and other associated process elements. Work includes overseeing the environmental review and all aspects of federal, state, and local air, water and land use permitting, including Section 10 and 404 permits, and ESA and NEPA compliance.
- Counsels clients on ESA compliance and litigation issues, including listing, critical habitat designation, consultation, and reintroduction of listed species.
- Provides Snohomish County Public Utility District with relicensing and compliance counsel for the 111 MW Jackson Project, Admiralty Inlet Project, and other hydropower projects.
- Provides Alaska Energy Authority with licensing counsel for the proposed 600 MW Susitna-Watana hydroelectric project.
- Provides the Confederated Salish and Kootenai Tribes with licensing and compliance counsel for the 190 MW Kerr hydroelectric project.
- Advises and counsels on CWA Section 401 certifications, the ESA, the Coastal Zone Management Act, the NEPA and Indian law matters for hydroelectric projects and on ESA and NEPA matters for wind and pipeline projects.
- As a pro bono matter through the Northwest Immigrant Rights Project in 2016, successfully

represented a Cameroonian woman seeking asylum for human rights violations.

Government Service

Fulbright Scholar, Lecturer and Researcher

Natural Resource Law, Ghana, 2005-2006

Washington State Attorney General's Office

Assistant Attorney General, Fish Wildlife & Parks Division, 1995-1999, 2001-2003

U.S. Department of Justice

Trial Attorney, Wildlife & Marine Resources Section, 1999-2001

U.S. Peace Corps

Fisheries/Integrated Agricultural Extension Agent, 1988-1990

Skagit Environmental Endowment Commission

United States Commissioner (Alternative), 2017-present

Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2012-2018

Environmental Law, 2012-2018

Litigation-Environmental, 2016-2018

Native American Law, 2012-2018

Natural Resources Law, 2012-2018

Chambers USA

Environment, 2015-2018

Super Lawyers

2014-2017; 2019

Articles and Presentations

- Presenter - US v. Washington Culvert Subproceeding: Implications on the Regulated Community in the Northwest, Seattle WA, 07/10/2018
- Presenter, "Environmental Case Law Update" - 2018 Environmental and Land Use Law Midyear Meeting & Conference, Washington State Bar Association, Cle Elum WA, 05/10/2018
- Geothermal Transparency Guide, pp. 143-152, 01/13/2017
- VNF Talks: Roles of Northwest Tribes in Infrastructure Permitting, Seattle WA, 12/14/2016
- Co-presenter, "Hydropower Litigation Update," and Panelist, "Tidal Energy Proposals" - Comprehensive Review of Hydropower in the Northwest, The Seminar Group, Seattle WA, 10/09/2014
- Co-presenter, "Environmental Case Law Update" - 2014 Environmental and Land Use Law Midyear Meeting & Conference, Washington State Bar Association, Cle Elum WA, 05/01/2014
- Chapter 1: National Environmental Policy Act, Washington Real Property Desk Book, Washington State Bar Association (4th ed. 2013), Vol. 7, 10/01/2013
- Federal District Court Upholds Criminal Conviction Under the Migratory Bird Treaty Act for Bird Deaths Resulting from Oil Refinery Operations, The Environmental Counselor, Vol. 292 pp. 5, 12/01/2012
- Federal Environmental Law Update (May 2012), Environmental & Land Use Law Newsletter,

Washington State Bar Association, Vol. 39 Issue 1 pp. 16, 05/01/2012

- Federal Environmental Law Update (Dec. 2011), Environmental & Land Use Law Newsletter, Washington State Bar Association, Vol. 38 Issue 3 pp. 7, 12/01/2011
- "Mandatory Conditions – Overview of FPA Section 4(e) and 18 Conditions and Other Federal Conditions" - NHA 2011 Alaska Regional Meeting, National Hydropower Association, Girdwood AK, 08/30/2011
- Federal Environmental Law Update (June 2011), Environmental & Land Use Law Newsletter, Washington State Bar Association, Vol. 38 Issue 1 pp. 9, 06/01/2011
- Protecting Tribal Fishing Rights: Fixing Culverts that Block Fish Passage, The Water Report, Issue 81 pp. 22, 11/15/2010
- "National legislation and litigation update" - Changes Affecting Hydropower Projects, Seattle WA, 10/23/2008
- "Hydropower Licensing Update: Cushman Case" - Alternative Energy: Regulations & Technical Developments, The Seminar Group, Seattle WA, 10/18/2007
- "Hydropower Judicial Update: ESA Issues" - APPA Annual Legal Seminar 2007, American Public Power Association, Seattle WA, 10/17/2007

Alerts

- Ninth Circuit Concludes that Tribes' Treaty Fishing Rights Obligate State to Fix Fish Blocking Culverts , 06/28/2016
- FERC Holds that Federal Power Act Preempts State Shoreline Management Act for Hydro Tidal Project, 06/25/2014
- Administration Proposes Changes to Endangered Species Act Critical Habitat Designations and "Adverse Modification" Definition , 05/15/2014
- Federal District Court Orders Washington State Agencies to Repair Culverts that Block Fish Passage in Violation of Tribes' Treaty Fishing Right, 04/11/2013