



Matthew D. Wells

PARTNER

Matt Wells is an environmental and natural resources compliance attorney with a focus on marine and fresh water resource issues. He regularly represents public and private sector clients in matters relating to environmental cleanup, due diligence, water rights and project permitting. Utilizing his strong science and policy background, Matt has practiced for over 25 years as an attorney, bringing common sense and perspective to help clients achieve their objectives.

Clients include utilities, cities, *Fortune 500* companies, local businesses, non-profits and individuals. Projects that Matt is most proud to have been part of include: cleanup of the Thea Foss Waterway in Tacoma; relicensing settlement for a major hydropower facility in Eastern Washington; and resolving all surface water claims for a major municipality involved in the *Acquavella* water rights adjudication.

Since 2008, Matt has been selected by his peers for inclusion in *The Best Lawyers in America*® in the field of Environmental Law. Matt is also included on the Washington Super Lawyers® list and has achieved the prestigious AV Preeminent® Martindale-Hubbell® peer review rating.



wells@tmw-law.com



(206) 407-0502

Representative Matters

- | **Cleanup.** Regularly represents clients on environmental liability and remediation issues, including cost allocation, cleanup implementation, access for cleanup, resolution of liability through consent decrees and agreed orders with state and federal regulators, and related private agreements among responsible parties. Many of Matt's projects involve shorelines, shorelands and sediments. Major projects include representation of a responsible party in cost allocation and cleanup issues at the Portland Harbor Superfund site and complete settlement of all claims related to a century of historic contamination at the Thea Foss Waterway Superfund site in Tacoma, Washington.
- | **Natural Resource Damages.** Represents a responsible party in cost allocation and settlement negotiations involving dozens of parties and federal, state and tribal trustees over natural resource damages claims at the Thea Foss Waterway in Tacoma. Represented the state-designated trustee in its restoration-based resolution of NRD claims arising from a gasoline spill and explosion along a Whatcom creek in Western Washington. Represented the responsible party in achieving the first state-only NRD settlement in Washington.
- | **Due Diligence.** Matt represents buyers, sellers and lenders in transactions involving contaminated property or the risk of contamination. Recent transactions include representing the buyer of several large commercial properties in Seattle.
- | **Water Rights.** Represents the only municipal major claimant in the general stream adjudication for the Yakima River, the largest and longest-running water rights adjudication in Washington, helping to achieve comprehensive settlement of all the municipality's claims. Matt also regularly represents clients before Ecology and local water conservancy boards on water rights permitting, acquisition, transfer and management matters, including permitting for aquifer storage and recovery. He represents buyers, sellers and lenders in transactions involving water rights, including due diligence, documentation and trust transfers. Matt also assists clients with water right portfolio reviews, and developing and implementing related permitting strategies for aligning existing rights with water system needs.
- | **Hydropower.** Represents a municipal utility in implementation of Federal Power Act licenses. Current work includes property acquisition and water rights portfolio management.
- | **Project Permitting.** Represented a Washington port district in all aspects of permitting and environmental review for construction of a rail-barge facility in Puget Sound. Represented a coalition of Washington and Oregon ports in obtaining regulatory approvals for the U.S. Army Corps of Engineers' deepening of the navigation channel in the lower 112 miles of the Columbia River.

www.tmw-law.com

2025 1st Avenue, Suite 1100
Seattle, WA 98121

- | **Environmental Review.** Matt regularly counsels public and private clients in NEPA and SEPA review issues. Representative projects not noted above include advising a regional transit agency in its preparation of a supplemental EIS for its long-range system plan update.
- | **Habitat Restoration.** Represented a land conservancy in a series of transactions related to establishment of four private and public wetland mitigation banks in Western Washington. On behalf of the conservancy, Matt negotiated the conservation easements, funding agreements, and stewardship provisions to ensure long-term protection of the restored habitat.

Professional Activities

Member Washington State Bar Association, Environmental and Land Use Law Section
Member, Washington Water Policy Alliance
Faculty, Appraisal Institute Water Rights Seminar, Seattle (2012 and 2015)
Program co-chair, WSBA Environmental and Land Use Law Section Midyear Meeting and Seminar, Chelan (2009)
Program co-chair and/or faculty, Water Rights Transfers in Washington CLE, Seattle (2008 and 2010-2015)
Program co-chair and faculty, annual Washington Water Law CLEs, Seattle (2004-2007)
Faculty, 11th Annual Northwest Dispute Resolution Conference, Seattle (2003)
LEED Accredited Professional (2009)

Prior Experience

Partner, K&L Gates LLP, Seattle (formerly Preston, Gates & Ellis LLP) (2003-2010)
Associate, Preston Gates & Ellis LLP (1995-2003)
Judicial Clerk to the Honorable Alan A. McDonald, US District Court, Eastern District of Washington, Yakima (1992-1994)
Legislative Assistant to Senator Lowell Weicker, Washington, DC (1987-1988)
Sea Grant Congressional Fellow, Office of Senator Lowell Weicker (1986-1987)
Deckhand and cook, F/V StoneHorse, Bristol Bay Alaska (seasonal, 1984-1991)

Education

J.D., University of Washington School of Law, 1992, with high honors; Order of the Coif; Managing Editor, Washington Law Review
Master of Marine Affairs, University of Washington, 1986
B.S., Yale University, 1982, cum laude and with Distinction in the Major, Geology and Geophysics

Admissions

Washington State Bar Association
Supreme Court of the State of Washington
Oregon State Bar Association
Supreme Court of the State of Oregon
U.S. District Court, Eastern District of Washington
U.S. District Court, Western District of Washington

Community Activities

Advisory board member, Bishop Blanchet High School, Seattle (2015-present, chair 2017-19. School commission member, St. John School, Seattle (2012-15). Board member, Pike Market Childcare and Preschool, Seattle (2008-13). Participant, Leadership Tomorrow, Seattle (2004). Pro bono coordinator, Preston Gates & Ellis LLP (2003-07). Volunteer attorney, KCBA Central District Neighborhood Legal Clinic, Seattle (1996-present).