

# Linda R. Larson

Partner | Seattle

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Linda Larson focuses on litigation, permitting and counseling private and public clients with respect to environmental laws. She has led numerous complex litigation matters in trial and appellate courts, with particular expertise in fisheries, endangered species, sediments, water and hazardous waste issues. A trained mediator specializing in environmental disputes, Linda has successfully resolved disputes ranging from site remediation to endangered species.

Prior to joining Nossaman, Linda served as staff counsel to Senator Warren Magnuson on the U.S. Senate Appropriations Committee and as an attorney with the National Oceanic & Atmospheric Administration (NOAA). While at NOAA, she served as the Special Assistant to the Deputy Administrator, as well as on teams in the fisheries, coastal zone management, and satellite programs.

Linda is ranked in *Chambers USA* and was recognized as the 2020 "Lawyer of the Year" for Natural Resources Law in Seattle by *Best Lawyers in America*®. In 2017, she was named as an Energy and Environmental Trailblazer by the *National Law Journal*.

## EXPERIENCE

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### LITIGATION

***Groundfish Forum, et al. v. Wilbur L. Ross, et al.***, 375 F.Supp.3d 72 (D.D.C. 2019). Served as lead counsel for coalition of cod fishermen in successful challenge to the restrictions on fishing and processing established by Amendment 113 to the fishery management plan for Pacific cod in the Bering Sea and Aleutian Islands archipelago. The U.S. District Court for the District of Columbia ruled that the regulations did not comply with the Magnuson-Stevens Fishery Management and Conservation Act's national standards for fishery management. This decision invalidated an improper regulation which limited the ability of our clients and others to fish and process cod off shore of the Aleutian Islands, negatively impacting their businesses and livelihoods.

***Oceana v. National Marine Fisheries Service***, 705 Fed.Appx. 577 (9th Cir. 2017). Lead trial and appellate counsel for commercial fishing companies, Adak Community Development Association, and Aleut entities in on-going litigation over fishing restrictions for the conduct of the Aleutian Islands groundfish fisheries under the Endangered Species Act involving Steller sea lions. The initial challenge brought by Nossaman's clients resulted in the reopening of closed fishing grounds in the Aleutian Islands to cod and mackerel fishing. In 2017, Nossaman successfully defended the agency decision to reopen the previously closed areas before the Ninth Circuit. The present value of fishing and related revenue at risk from previous closures was estimated to be between \$1.8 billion and \$3.8 billion.

**Asarco LLC v. Union Pacific Railroad Company**, 765 F.3d 999 (9th Cir. 2014). Appellate counsel for mining company in successful appeal to the Ninth Circuit in a matter of first impression concerning the relation-back function of Federal Rule of Civil Procedure 15. The court held that the mining company's amended complaint related back to its original complaint, even though it included allegations that were expressly disclaimed in the original complaint. The decision allowed the company to continue to pursue its claim for over \$400 million in Superfund cleanup costs.

**Fishermen's Finest, Inc. v. Locke**, 593 F.3d 886 (9th Cir. 2010). Lead trial and appellate counsel for a major fishing and processing company in a challenge to National Marine Fisheries Service allocations for the multi-million dollar Bering Sea and Aleutian Islands Pacific cod fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

**Asarco LLC Bankruptcy Reorganization**. Lead trial and environmental counsel for ASARCO LLC, a mining, smelting and refining company, in the first evidentiary estimation hearing in connection with the largest environmental bankruptcy case in United States history. The estimation hearing in the U.S. Bankruptcy Court in the Southern District of Texas involved a \$406 million claim for response costs brought by the United States Environmental Protection Agency and the State of Nebraska.

## PERMITTING & COUNSELING

**Cedar Grove Composting**. Lead advisor for solid waste regulatory issues to largest independent composting company in Seattle metropolitan area. Cedar Grove recycles approximately 350,000 tons of yard and food waste collected from residential and commercial customers every year, turning it into compost.

**Aluminum Smelter Remediation**. Lead counsel for an international aluminum manufacturer in the remediation of contaminated sediments and associated uplands at former facilities along the Columbia River, including the negotiation of consent decrees under the Washington Model Toxics Control Act, relationships with tribal nations and resolution of allocation issues between client and other potentially liable parties.

**Superfund Site Remediation and Cost Litigation**. Lead counsel for public and private clients at federal and state Superfund sites in over a dozen states, including Idaho, Colorado, Michigan, Utah and Washington. Successfully resolved enforcement claims by state and federal agencies and negotiated or litigated cost allocations with other potentially responsible parties.

**Fisheries Management**. Advises commercial fishing interests on regulatory issues and strategy. Provides testimony and comment to federal Fishery Management Councils and in federal rulemaking processes affecting commercial fishing.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Panelist, "Handling the Heat: The Evolving Nature of Washington's Wildfires," Joint Nossaman/Environmental Law Institute (ELI) Live Webinar, Seattle, WA, 10.08.2019

Co-Chair and Presenter, "The Art of Negotiating Environmental and Land Use Agreements: Tips and Tools for Effective Dispute Resolution," Washington State Bar Association, Seattle, WA, 02.2014

Presenter, "The Steller Sea Lions Listing and its Impacts on the Fishing Industry," Endangered Species Act – Impacts on Alaska Seminar, Anchorage, AK, 05.2013

Presenter, "Steller Sea Lions and Alaska Fisheries," 18th Annual Endangered Species Act Conference, Seattle, WA, 01.2011

Presenter, "ESA and Alternative Energy Projects," 17th Annual Endangered Species Act Conference, Seattle, WA, 01.2010

## PUBLICATIONS

Author, "Superfund Redevelopment At 20: Continuing Challenges," *Law360*, 08.22.2019

Co-Author, "Interior Issues Advanced Notice of Proposed Rulemaking on NRDAR Regulations," *Nossaman eAlert*, 08.29.2018

Co-Author, "Ninth Circuit Clarifies Three Issues of First Impression for Parties in CERCLA Contribution Actions," *Nossaman eAlert*, 08.16.2017

Co-Author, "The President's Environmental 'Net Benefit Goal' – The White House Sets a New Approach to Mitigation," *Energy Law Report, Vol. 16-2, Lexis-Nexis*, 02.23.2016

Co-Author, "Precautionary Resource Management and Climate Change," *American Bar Association Natural Resources & Environment Magazine, Vol. 24, No. 1, Summer 2009*

Co-Author, "Bounty for Land and Sea: Congress Passes Omnibus Public Land Act," *The Environmental Counselor, Issue 251, Summer 2009*

## PODCASTS

"What Happens When the Fish Move? A Look at the Practical and Legal Impacts of Climate Change on American Fisheries," Nossaman's Digging Into Land Use Law Podcast, 11.28.2020

## HONORS & RECOGNITIONS

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Martindale Hubbell AV® Preeminent™ Rated

Recognized as the "Lawyer of the Year" for Natural Resources Law in Seattle by *Best Lawyers in America*®, 2020

Included in *The Best Lawyers in America*® for Environmental Law, Litigation - Environmental, and Natural Resources Law, 2011-2021

Chosen for individual recognition for Environment in Washington State by *Chambers USA*, 2013-2020

Selected to the Washington State Super Lawyers list, 2010, 2012-2020

Named an Energy and Environmental Trailblazer by the *National Law Journal*, 2017

Selected to the Top 50 Women Lawyers Super Lawyers list in Washington, 2016

Listed in the International Who's Who of Environmental Lawyers

Listed in Bar Register of Preeminent Women Lawyers

## COMMUNITY & PROFESSIONAL

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### PROFESSIONAL ACTIVITIES

Litigation Counsel of America

American Bar Association, Environment

Washington State Bar Association

WSBA, Land Use and Environmental and ADR sections

Seattle-King County Bar Association

### COMMUNITY ACTIVITIES

King County Charter Review Commission (2018-2020)

Forterra, Seattle, Board of Directors (2016-Present)

Public Radio International, Minneapolis, Board of Directors (2001-2018); Chair of the Board (2009-2011)

Museum of History and Industry, Board of Directors (2011-2016)

Seattle Public Library, Board of Trustees (1997-2006); President (2002-2003); Chair of Facilities Committee (1999-2006)

Seattle Public Library Foundation, Board of Trustees (2005-2009)

Totem Girl Scout Council Board of Directors, Nominating Committee (2001-2004)  
Ronald McDonald Children's Charities of Western Washington, Board of Directors (1993-1998)  
Seattle Children's Museum, Board of Directors (1987-1991); President (1990-1991)  
City of Seattle Landmarks Preservation Board (1983-1989)

## PRACTICES

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Environment & Land Use  
Environmental Litigation  
Oceans, Marine Life & Maritime Transportation  
Endangered Species & Wildlife Law  
Contamination & Natural Resource Damages  
Climate Change & Resiliency  
Litigation  
Appellate Practice  
Government & Administrative Law

## INDUSTRIES

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Energy & Utilities  
Real Property  
Water

## EDUCATION

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University of Washington School of Law, J.D., Washington Law Review, Moot Court Honor Board  
University of Washington, B.A., *magna cum laude*, With Distinction in History, Phi Beta Kappa  
Pepperdine University School of Law, Mediation Training, Strauss Institute for Dispute Resolution, 2011

## ADMISSIONS

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Washington  
U.S. Supreme Court  
Supreme Court of Washington  
U.S. Court of Appeals, Ninth Circuit  
U.S. Court of Federal Claims  
U.S. District Court, District of Columbia  
U.S. District Court, Eastern District of Washington  
U.S. District Court, Western District of Washington  
U.S. District Court, Eastern District of Wisconsin  
U.S. District Court, Western District of Michigan