

**Alexandra K. Smith**

Counsel to the Firm  
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**Area of Practice**

Alex Smith's practice focuses on environmental and natural resource regulatory issues, and appellate litigation. She has advised clients in resolving liabilities associated with contaminated sites, cleaning up contaminated properties, purchasing contaminated properties, gaining and maintaining regulatory compliance, obtaining permits, and completing development projects. She has represented clients in litigation before the Environmental Hearings Board, and state and federal trial and appellate courts.

Alex has recently been appointed by the Washington Department of Ecology to serve on the 2009-2010 Model Toxics Control Act/Sediment Management Standards Policy Advisory Committee, which is tasked with advising the Department of Ecology on its revisions to the Model Toxics Control Act regulations and Ecology's efforts to better harmonize the regulations with the State's Sediment Management Standards.

Alex also has experience in Native American Affairs law, serving as general counsel to a local tribe, and assisting tribes and those who do business with tribes with issues such as placement of property into trust status, obtaining grants and other funding from the federal government and non-profit organizations, and the unique tax and jurisdictional issues that arise in Indian country.

Alex recently spent time in Washington, D.C., working in the Environmental and Natural Resources Division at the Department of Justice. While there, Alex served as lead counsel for the U.S. on several tribal trust cases pending in federal district court and the U.S. Court of Federal Claims, in which tribes claimed the government historically mismanaged their financial and natural resources. Alex also defended federal agencies against challenges brought under the National Environmental Policy Act and the Administrative Procedures Act. Prior to joining Lane Powell, she was an Assistant Attorney General where she was a designated appellate specialist, and represented the Department of Ecology and the Department of Natural Resources on issues related to solid, hazardous, and nuclear wastes; water and air quality; cross-border pollution; forest practices; and tribal treaty rights. She also negotiated aquatic lands leases on behalf of the Department of Natural Resources and advised the Department of Ecology as it developed recommendations for the Governor's Puget Sound Initiative.

**Professional Experience**

Department of Justice, Environment and Natural Resources Division (2008-2009)  
Lane Powell PC (2007-2008)  
Office of the Attorney General for the State of Washington (2000-2007)  
Adjunct Professor of Environmental Law, Seattle University School of Law (1998-2008)

**Admitted to Practice**

Washington  
U.S. District Court, Western District of Washington  
U.S. District Court, Eastern District of Washington  
Ninth Circuit Court of Appeals  
U.S. Supreme Court

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U.S. Court of Federal Claims

**Academics**

University of Washington School of Law (J.D., with honors)  
Brown University (B.S.)

**Practice Group and Specialty Team Memberships**

Appellate  
Construction and Environmental  
Native American Affairs  
White Collar Criminal Defense, Regulatory Compliance and Special Investigations

**Representative Matters and Clients**

*U.S. v. Washington*, \_\_\_ F. 3d. \_\_\_, 2009 WL 4724271 (9th Cir. 2009). We represented an amicus party in this en banc proceeding to address the relationship between Federal recognition and treaty fishing rights.

*Miccosukee Tribe v. United States Corps of Engineers*, and *Miccosukee Tribe v. United States Department of Transportation* (S.D. Fla. 2008) (defended projects that were part of the Florida Everglades Restoration from a variety of challenges under federal law).

*Pakootas v. Teck Cominco Metals, Ltd.*, 452 F.3d 1066 (9th Cir. 2006) (petition for certiorari denied). Successfully represented the State of Washington in a case of first impression about whether the federal Superfund law applies to pollution that originated in Canada.

*WNG v. WSDOT*, 39 F.3d 793 (9th Cir. 1995). Successfully defended a gas company against a CERCLA contribution claim brought by the Washington State Department of Transportation.

*Nez Perce v. Idaho Power*, 847 F. Supp. 791 (D. Idaho 1994). Defended a power company against claims of the Nez Perce Tribe for loss of fish runs due to the construction and operation of dams on the Snake River.

*WEC v. NMFS* (2002 WL 511479), and *WEC v. EPA* (W.D. Wash. 2002). Represented the State in opposing challenges to two aspects of the Department of Natural Resource's forest practice rules.

*City of Yakima v. Surface Transportation Board*, 46 F. Supp.2d 1092 (E.D. Wash. 1999). Represented the City in a Clean Air Act challenge to the Board's approval of the reopening of a cross-state railroad line.

*In re Tortorelli*, 149 Wn.2d 82 (2003). Successfully defended the State's ownership of a submerged forest and the valuable timber in the submerged forest.

*Thea Foss Master Lease* (2003). Negotiated a Master Lease on behalf of the Department of Natural Resources with the City of Tacoma and the Foss Waterway Development Authority that allowed the City and the Development Authority to complete the redevelopment and revitalization of the Thea Foss Waterway.

**Publications**

"New Supreme Court ruling greenlights brownfield development," *Portland Daily Journal of Commerce*, June 18, 2007 (Co-Author)