



## Benjamin A. Mayer

### Associate

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### OVERVIEW

Ben Mayer's practice focuses on energy, environmental, federal Indian law, land use, and natural resource issues. He counsels public and private clients on the requirements of and compliance with federal and state environmental laws and regulations, federal and state energy laws and regulations, including utility regulatory and public policy issues, and federal and state land use laws and regulations. His practice involves advising and representing clients on these issues in, among other things:

- the siting, permitting, and development of energy and infrastructure projects
- power sales and purchases
- the acquisition and sale of real property and facilities
- mergers and asset acquisitions
- environmental cleanup matters
- condemnation and relocation actions
- administrative proceedings
- litigation

Ben's American Indian law practice involves representing clients in negotiations and transactions with tribes on issues related to sovereign immunity, tribal jurisdiction, treaty rights, tribal leasing, historic and cultural resources, gaming, and taxing. He has advised clients on these matters in relation to the development of wind and solar projects, financial services agreements, oil and gas leases, contracts for goods and services, license agreements, shellfish implementation plans, property acquisition financing, environmental impact statements, and interlocal taxing agreements.

## PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Ben served in the United States Army, including a deployment to Iraq. He also established the Veterans Student Union at the University of California, Irvine and was a co-founding member of the Student Veterans of America.

## ACHIEVEMENTS

- Recognized as Washington “Rising Star” by Super Lawyers, 2018 - 2020

## PROFESSIONAL / CIVIC ACTIVITIES

- Board Member, Mountains to Sound Greenway Trust, 2020-Present
- Board Member, Seattle Sports Commission, 2017-Present
- Content Editor, King County Bar Association Washington Lawyer Practice Manual, Indian Law Chapter, 2014-Present

## SPEAKING ENGAGEMENTS

- Speaker, “Tax Developments Provide Opportunities for Economic Growth in Indian Country,” myLawCLE, June 2019
- Panel Moderator, “Expanding Opportunities: Innovative Approaches to Procuring Renewable Energy,” Northwest Environmental Business Council (NEBC) Washington's Energy Future Conference, November 2017

## EDUCATION

- J.D., University of Virginia School of Law, 2012
- B.A., University of California, Irvine, 2008

## ADMISSIONS

- Bar of Washington
- United States District Court for the Western District of Washington

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 1 October 2020, Renewables on Tribal Land: Addressing Environmental and Economic Equity on the Path to a Clean Energy Economy (*Research Surveys*)

- 17 July 2020, Indian Land Then, Remains Indian Land Now: The Supreme Court Confirms That a Significant Portion of Eastern Oklahoma Is a Native American Reservation (*Alerts/Updates*)
- 12 December 2019, Know Your Tribal Counterparty: Tribal Corporations May Be Immune From Suit (*Alerts/Updates*)
- 20 May 2019, Washington Attorney General Announces New Policy to Seek Tribes' Consent (*Alerts/Updates*)
- 22 March 2019, SCOTUS Rules that Yakama Treaty Preempts Washington Tax (*Alerts/Updates*)
- 9 January 2019, Tax Developments Provide Opportunities for Economic Growth in Indian Country (*Research Surveys*)
- 4 January 2019, Tax Developments Provide Opportunities for Economic Growth in Indian Country (*Alerts/Updates*)
- 15 June 2018, "Culvert Case" Affirmed (*Alerts/Updates*)
- 11 May 2017, Exploring Tribal Sovereign Immunity with *Lewis v. Clarke* (*Alerts/Updates*)
- 10 February 2017, Sea Change: Washington Supreme Court Decision Affects Coastal Energy Projects (*Alerts/Updates*)
- 16 August 2016, Ninth Circuit Addresses Effect of Removal on Tribal Sovereign Immunity (*Alerts/Updates*)
- 11 August 2016, Implications of the Ninth Circuit's Recent "Culvert Case" for Government and Private Entities Responsible for Conditions that Limit Salmon Runs in the Pacific Northwest (*Alerts/Updates*)
- 23 May 2016, Eagle Take Permit Program Revamped – Longer Permits and Clearer Mitigation Requirements (*Alerts/Updates*)
- 1 March 2016, Critical Habitat and the Endangered Species Act: Newly Enacted Regulations Threaten to Expand the Government's Role and Discretion in the Permitting Process (*Alerts/Updates*)
- 17 December 2015, Presidential Memorandum Promotes Pre-Project Mitigation and Restoration Banking: Implications for Energy Projects and Related Development (*Alerts/Updates*)

## OTHER PUBLICATIONS

- "Permitting for Energy Projects on Washington's Coast," *NWLawyer*, July/August 2017
- "Go Fish," *Best Lawyers*, 2016
- "Culvert Operations," *Cityvision Magazine*, p. 25-26, September/October 2016
- "Considering The Difference: Treaty Rights And NEPA Review," *Law360*, 29 August 2016
- "Washington Lawyers Practice Manual," Indian Law Chapter, Content Editor, King County Bar Association, 2014-2016

## AREAS OF FOCUS

- Environment, Land, and Natural Resources
- American Indian Law
- Construction and Infrastructure
- Corporate Energy Sourcing and Sustainability
- Energy Storage and Distributed Resources
- Power
- Renewables

## INDUSTRIES

- Energy
- Power Generation and Transmission
- Utilities

## REPRESENTATIVE EXPERIENCE

### Environmental

- Represent local governmental entity in allocation of cleanup costs for the Lower Duwamish Waterway Superfund Site.
- Represent shipyard in allocation of cleanup costs for the Portland Harbor Superfund Site.
- Represent metals engineering and manufacturing company at cleanup sites throughout the United States.
- Advise global farmland and timberland portfolio development and management company on compliance with state and federal cleanup laws in property acquisitions.
- Represented private individual in recovering cleanup costs associated with spill of underground storage tank from potentially responsible parties and insurance carriers.

### Energy/Utility Regulatory

- Advise municipal government on sale, use and optimization of self-generated renewable energy.
- Represent local governmental transit department to obtain sustainable power for the electrification of its bus fleet.
- Advise airline catering services company regarding resolution of water utility back charges.

- Represented proposed purchaser in \$5.3 billion acquisition of investor-owned electric and gas utility, including proceedings to obtain approval from five state commissions.
- Represented Microsoft in obtaining regulatory approval and negotiating related documents for purchase of carbon-free power from third party supplier.
- Represented King County in Administrative Procedure Act appeal of a Washington Utilities and Transportation Commission order regarding cost to replace transmission line.

### **Indian Law (North America)**

- Represent the Duwamish Tribe in its efforts to be acknowledged as a federally recognized Indian tribe.
- Advise renewable energy developer on the development of renewable energy projects on trust lands in partnership with federally recognized Indian tribes and federally-chartered Native American corporation.
- Advise renewable energy developer on leasing arrangement and negotiations with federally recognized Indian tribe for the development of an on-reservation solar farm.
- Represented healthcare software company to negotiate and implement license agreement with tribal hospital.
- Advised agribusiness financier regarding acquisition financing for property located on Indian reservation.
- Represented school district in negotiations with a federally recognized Indian tribe for implementation of a local taxing agreement.
- Advised major resort and casino regarding state legislation designed to allow federally recognized Indian tribes to develop and operate off-reservation casino.
- Represented an investment management company to negotiate and implement financial services agreements with a federally recognized Indian tribe.
- Advised governmental entity on tribal rights under the Maine Indian Claims Settlement Act.