



Benjamin A. Mayer

Partner

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OVERVIEW

Ben Mayer advises and represents public, private, and government clients on energy, environmental, natural resources, and utility law and regulatory matters. He also works with clients on projects and partnerships with Native American tribes.

Ben advises clients on energy laws, regulations, and public policy applicable to utilities, generating facilities, carbon emissions, and the clean energy transition, including Washington's Clean Energy Transformation Act (CETA), Climate Commitment Act (CCA), and Clean Buildings law. He also helps clients navigate federal and state environmental cleanup and land use laws and regulations, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Washington Model Toxics Control Act (MTCA), the National Environmental Policy Act (NEPA), the Washington State Environmental Policy Act (SEPA), and the National Historic Preservation Act (NHPA). Ben advises and represents clients on these issues in:

- The siting, permitting, and development of energy and infrastructure projects
- Power supply and interconnection agreements
- Water supply agreements
- Environmental cleanup matters and complex Superfund site allocations
- Government investigations and requests for information
- The acquisition and sale of real property and facilities
- Mergers and asset acquisitions
- Condemnation and relocation actions
- Administrative proceedings before federal and state agencies, including the Washington Utilities and Transportation Commission and other public utilities commissions
- Litigation and appeals

Ben's American Indian law practice involves counseling clients in negotiations and transactions with tribes on issues related to sovereign immunity, tribal jurisdiction, treaty rights, tribal leasing, historic and cultural resources, and gaming. He advises and represents clients on these matters in relation to:

- The development and operation of wind, solar, and natural resource projects, including related environmental reviews, consultations, and land leases
- Shipping terminals and related water uses
- Financial services, joint venture, license, interlocal taxing, and non-disclosure agreements
- Gaming facilities and services, including contracts for goods and services
- Property acquisition financing and sales

PROFESSIONAL BACKGROUND

Prior to joining the firm, 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

- Listed in the *Best Lawyers: Ones to Watch*[®] in America in Seattle, WA
 - Environmental Law, 2024-2025
 - Native American Law, 2023-2025
- Selected to Washington Rising Stars list, 2018-2023

PROFESSIONAL / CIVIC ACTIVITIES

- *Law360* Native American Editorial Advisory Board, 2025
- Leadership Tomorrow, Class of 2022
- Board Member, CleanTech Alliance, 2021-Present
- Board Member, Mountains to Sound Greenway Trust, 2020-Present
- Board Member, Seattle Sports Commission, 2017–2020
- Content Editor, King County Bar Association Washington Lawyer Practice Manual, Indian Law Chapter, 2014-Present

SPEAKING ENGAGEMENTS

- Presenter, “Tribal Energy Law: Understanding Sovereignty, Agreements, and Emerging Trends,” myLawCLE, 27 March 2025
- Panelist, “Carbon Markets and Potential Repeal of the CCA: Where We Go From Here,” Northwest & Intermountain Power Producers Coalition Annual Meeting, 16 September 2024
- Presenter, “Transmission Siting Reform and Potential Impacts on Transmission Development in the Northwest,” Northwest & Intermountain Power Producers Coalition Annual Meeting, 18 September 2023
- Interview, Biggest Energy-Related Rulings Of 2023: Midyear Report, by Peter McGuire, Law360, 18 July 2023
- Speaker, “Recent Federal Native American Law Developments in the Ninth Circuit,” Washington Municipal & PUD Attorneys CLE, 17 May 2023
- Interview, “The Duwamish seek federal recognition,” Seattle Now, KUOW I npr, 18 May 2022
- Presenter, “Renewable Energy on Tribal Lands,” Northwest Environmental Business Council and CleanTech Alliance Energy Leadership Summit, 9 November 2021
- Speaker, “Renewable Energy Projects on Tribal Lands: Regulatory Authority, Development, Financing Structures,” Strafford, June 2021
- Interview, “Native communities turning towards renewable development with revenue and values front of mind,” by Colt Shaw, New Project Media, 30 October 2020
- Speaker, “Tax Developments Provide Opportunities for Economic Growth in Indian Country,” Federal Bar Association and myLawCLE, June 2019
- Panel Moderator, “Expanding Opportunities: Innovative Approaches to Procuring Renewable Energy,” Northwest Environmental Business Council 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*

- 26 January 2026, Carbon Quarterly—Volume 13

- 6 October 2025, Carbon Quarterly–Volume 12
- 29 September 2025, Permitting Reform Ahead: EPA Targets Preconstruction Rules and Retires Reactivation Policy
- 22 September 2025, Cultural Capital: Ninth Circuit Clarifies Extent of Natural Resource Damages Under CERCLA
- 6 May 2025, Carbon Quarterly–Volume 11
- 30 April 2025, April and March 2025 Accolades
- 7 April 2025, Natural Gas Bans: From New York to Washington, Courts Shift the Landscape on Legality of State and Local Gas Bans
- 8 January 2025, Carbon Quarterly–Volume 10
- 19 November 2024, Natural Gas Survives Election, Aims to Thrive Post-Election
- 21 August 2024, Carbon Quarterly – Volume 9
- 2 July 2024, BLM Signals Federal Land Is Open for Renewables
- 26 February 2024, It's a Gas! Federal and State Developments Continue to Light Up the Natural Gas Debate
- 21 April 2023, Ninth Circuit Cans Berkeley Gas Ban Under Federal Law
- 25 April 2022, Offshore Wind Handbook
- 16 June 2021, Inherent Tribal Authority Includes the Power to Protect Tribal Communities by Detaining and Investigating Non-Indians for Violations of Federal and State Law
- 4 February 2021, Washington State Legislature Considers First of Its Kind State-Level Natural Gas Ban
- 20 January 2021, Building Relationships with Tribes and Operating on Reservation Lands: Lessons From FMC v. Shoshone
- 1 October 2020, Renewables on Tribal Land: Addressing Environmental and Economic Equity on the Path to a Clean Energy Economy
- 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
- 12 December 2019, Know Your Tribal Counterparty: Tribal Corporations May Be Immune From Suit
- 20 May 2019, Washington Attorney General Announces New Policy to Seek Tribes' Consent
- 22 March 2019, SCOTUS Rules that Yakama Treaty Preempts Washington Tax
- 9 January 2019, Tax Developments Provide Opportunities for Economic Growth in Indian Country
- 4 January 2019, Tax Developments Provide Opportunities for Economic Growth in Indian Country

- 15 June 2018, "Culvert Case" Affirmed
- 11 May 2017, Exploring Tribal Sovereign Immunity with *Lewis v. Clarke*
- 10 February 2017, Sea Change: Washington Supreme Court Decision Affects Coastal Energy Projects
- 16 August 2016, Ninth Circuit Addresses Effect of Removal on Tribal Sovereign Immunity
- 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
- 23 May 2016, Eagle Take Permit Program Revamped – Longer Permits and Clearer Mitigation Requirements
- 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
- 17 December 2015, Presidential Memorandum Promotes Pre-Project Mitigation and Restoration Banking: Implications for Energy Projects and Related Development

OTHER PUBLICATIONS

- ["Natural gas survives the election. Post-election prospects strong,"](#) *EnviroPolitics Blog*, 19 November 2024
- ["It's a Gas! Federal and State Developments Continue to Light Up the Natural Gas Debate,"](#) *Energy Law Report*, May 2024.
- ["Minn. Mine Denial Stresses Importance Of Tribal Partnerships,"](#) *Law360*, 14 July 2023
- ["U.S. Court of Appeals for the Ninth Circuit Cans Berkeley Gas Ban Under Federal Law,"](#) *Pratt's Energy Law Report*, July-August 2023
- ["Recent Rulings Affirm Tribal Sovereign Immunity And Joinder,"](#) *Law360*, 30 March 2023
- "Renewable Energy on Tribal Lands: Native American Tribes are Well Positioned to Play a Key Role in the Clean Energy Transition," *The Federal Lawyer*, March/April 2022
- ["Permitting for Energy Projects on Washington's Coast,"](#) *NWLawyer*, July/August 2017
- "Culvert Operations: What Cities Need to Know About a Salmon Ruling This Past Spring," *Cityvision Magazine*, p. 25-26, September/October 2016
- ["Considering The Difference: Treaty Rights And NEPA Review,"](#) *Law360*, 29 August 2016
- ["Go Fish: The Impact of the Ninth Circuit's 'Culvert Decision' on Salmon Runs in Washington State,"](#) *Best Lawyers*, 22 August 2016
- "Washington Lawyers Practice Manual," Indian Law Chapter, Content Editor, King County Bar Association, 2014-present

NEWS & EVENTS

- 4 September 2025, K&L Gates' Seattle Office Named a 2025 Washington Powerhouse by *Law360*
- 7 February 2025, K&L Gates Secures Victory for Duwamish Tribe in Federal Recognition Lawsuit
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 8 February 2022, Renewable Energy Development on Tribal Lands
- 20 and 27 April 2021, Fires in the Pacific Northwest: A Two Part Series
- 5 March 2021, K&L Gates Names 31 New Partners Across Global Platform

OTHER MEDIA MENTIONS

- Quoted, "Industry Warns Court Ruling Could Allow 'Effectively Unlimited' NRD Claims," *Inside EPA; Superfund Report*, 24 September 2025
- Quoted, "A Partnership Built in Heaven," *Sports Business Journal*, February 2025
- Quoted, "Eyeing Electrification, Governments Reroute Post-Berkeley," *Law360*, 7 August 2024
- Quoted, "VIDEO: Past, present, future celebrated and explained at Duwamish Longhouse's 15th anniversary party," *West Seattle Blog*, 28 January 2024

AREAS OF FOCUS

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

INDUSTRIES

- Agribusiness
- Carbon Solutions
- Consumer Goods and Services

- Energy
- Power Generation and Transmission
- Utilities

EMERGING ISSUES

- Data Centers and Energy Intensive Infrastructure

REPRESENTATIVE EXPERIENCE

Energy, Natural Resources, and Utility Regulatory

- Advise renewable energy developer on permitting and related negotiations for utility scale solar project on federal lands in Washington state.
- Represent public utility district in appeal from summary judgment that client is entitled to hydropower under decades-old encroachment agreements.
- Advise data center developer on interconnection and power supply agreements in Montana.
- Advise data center developer on interconnection and power supply agreements in Oregon.
- Advised public power client on potential repeal of Climate Commitment Act and related impacts on carbon allowances and auctions in Washington state.
- Advised data center on procurement of power and related services for operations in eastern Washington.
- Advised independent power producer on Climate Commitment Act and related utility regulatory proceedings and workshops.
- Represented industrial customer in negotiations with municipal water utility for long-term water supply agreement for production facility.
- Represent public water utility in negotiations for regional water supply agreements with alliance of regional water users.
- Advised global investment manager on wildfire liability of rate-regulated electric utilities in the United States.
- Represented county government in Puget Sound Energy rate case at the Washington Utilities and Transportation Commission for just and reasonable rates for renewable energy.
- Advised municipal corporation on procurement of renewable energy and renewable energy credits.
- Counseled association of publicly owned electric utilities on issues related to implementation of the Climate Commitment Act in Washington state.
- Advised data center on compliance with Washington Clean Buildings Performance Standards and negotiation of Clean Buildings Compliance Services Agreement with third-party contractor.

- Advised association of publicly owned electric utilities on issues related to implementation of the Clean Energy Transformation Act in Washington state.
- Advised Canadian electric utility on impacts of weather events, including wildfires and winter storms, on the management of rate-regulated electric utilities in the United States.
- Represented municipal government in obtaining regulatory approval to enter into long-term contract with investor-owned utility for non-baseload electric generation plant.
- Advised international pension plan investment board in obtaining approval from Washington Utilities and Transportation Commission to sell majority noncontrolling interest in investor-owned utility holding company.
- Advised school district association on building electrification and energy efficiency requirements under Washington state law.
- Represented proposed purchaser in US\$5.3 billion acquisition of investor-owned electric and gas utility, including proceedings to obtain approval from utility commissions in Washington, Oregon, Idaho, Montana, and Alaska.
- Represented a leading American multinational technology company in obtaining regulatory approval and negotiating related documents for purchase of carbon-free power from third-party supplier.
- Advised local governmental transit department in obtaining sustainable power for the electrification of its bus fleet.
- Represented a Washington county in Administrative Procedure Act appeal of a Washington Utilities and Transportation Commission order regarding cost to replace transmission line.
- Advised airline catering services company regarding resolution of water utility back charges.

Environmental

- Advise local government on allocation of cleanup costs for the East Waterway Operable Unit of the Harbor Island Superfund Site.
- Advise aerospace manufacturing company in Berry's Creek Study Area allocation as part of the Ventron/Velsicol Superfund site.
- Represented local governmental entity in allocation of cleanup costs for the Lower Duwamish Waterway Superfund site.
- Represented former upstream corporate investor in National Park Service investigation and cleanup of waste accumulation site in Yosemite National Park.
- Represented shipyard in allocation of cleanup costs at the Portland Harbor Superfund site.
- Advised 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.

American Indian Law

- Represent the Duwamish Tribe in lawsuit against the federal government for acknowledgement as a federally recognized Indian tribe.
- Advised renewable energy developer on leasing arrangement and negotiations with federally recognized Indian tribe for the development of an on-reservation solar farm.
- Advised aviation services provider in negotiation and execution of joint venture agreement with tribal corporation.
- Represented healthcare software company to negotiate and implement license agreement with tribal hospital.
- Advise renewable energy developer on the development of wind projects on tribal trust and individual fee lands in partnership with federally recognized Indian tribes and federally chartered Native American corporation.
- 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 resort and casino regarding state legislation designed to allow federally recognized Indian tribes to develop and operate off-reservation casino.
- Represented 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.
- Advised governmental entity on application of state law on Native American reservations in California under Public Law 280.