



Ben Clapp
Shareholder

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Area of Emphasis

Ben Clapp is a shareholder in the Environmental, Corporate and Commercial, and Energy and Natural Resources groups of Babst Calland. He serves as co-chair of the Firm's Environmental Group, and vice-chair of the Renewables Group. Mr. Clapp's transactional work, which straddles the Firm's Environmental and Corporate practice areas, consists of advising clients on the environmental components of complex deals, including identifying and analyzing significant environmental liability and compliance issues arising in connection with mergers and acquisitions, asset sales, project financings, and corporate restructurings, and working to resolve, manage, allocate or mitigate these environmental risks in the client's best interest. To that end, Mr. Clapp has extensive experience drafting and negotiating environmental representations and warranties, covenants, indemnities, and other contractual provisions, and counseling clients on pre- and post-closing environmental compliance and permitting matters. Mr. Clapp's transactional clients have included buyers, sellers, financing sources, and underwriters in transactions taking place across a wide range of industries, including the upstream, midstream, and downstream oil and gas sectors, renewable energy, brownfields redevelopment, environmental liability transfers, real estate, utilities, chemicals, manufacturing, mining, and pharmaceuticals.

Mr. Clapp has extensive experience providing regulatory guidance, strategic advice, and environmental diligence services to developers, investors and lenders involved in renewable energy facilities. He also advises project developers and investors as they encounter state and federal environmental review, facility siting, and permitting requirements, with a particular focus on providing advice on National Environmental Policy Act requirements to clients seeking government agency approvals for large-scale energy and infrastructure projects. In this role, Mr. Clapp works closely with clients, environmental consultants, and government agencies to facilitate timely and accurate satisfaction of environmental regulatory requirements.

Background

Mr. Clapp earned his J.D., *cum laude*, from American University Washington College of Law in 2008 and his B.A. from the University of Richmond in 1996. He served as Senior Staff for the American University Law Review and interned for the Honorable Reggie B. Walton in the United States District Court for the District of Columbia.

Memberships and Affiliations

Mr. Clapp is admitted to practice in the District of Columbia, Maryland, and the United States District Court for the District of Columbia.

Publications/Presentations

Ostrowski, Sue (*interviewed by author*), "Navigating Environmental Issues and Liabilities in Transactions," *Smart Business*, June 1, 2022.

Co-Author, "SEC Proposes Stringent Environmental Climate-Related Risk Disclosure Obligations for Public Companies," Babst Calland *Environmental Alert*, April 1, 2022.

Co-Author, "West Virginia Legislature Partially Acts on Rare Earth Elements," Babst Calland *Environmental Alert*, March 15, 2022.

Co-Author, "Infrastructure Grants Can Aid Mine-Waste Rare Earth Projects," *Law360*, February 28, 2022.

Co-Author, “Legislation Incentivizes Rare Element Development in Coal Mining Areas,” Babst Calland *Infrastructure Alert*, February 4, 2022.

Co-Author, “Infrastructure Bill Seeks to Expand and Improve Grid Infrastructure Incentivize Renewables Growth,” Babst Calland *Client Alert*, November 19, 2021.

Author, “EPA’s Proposed Budget Highlights Biden Administration Focus on Environmental Justice Concerns,” The PIOGA Press, June 11, 2021.

Co-Panelist, “Driving Solar Development and Policy in Pennsylvania,” Carnegie Mellon University’s Wilton E. Scott Institute for Energy Innovation’s Energy, Resilience, and COVID-19 – Pivoting in 2020 webinar series, November 12, 2020.

Co-Presenter, “Implications of Growing Climate Change Momentum for the Energy Industry,” Energy & Mineral Law Foundation’s 41st Annual Institute & Fall Symposium, October 14, 2020.

Author, “Financial Sector Initiatives to Combat Climate Change Gather Momentum,” *PA Law Weekly*, October 29, 2020.

Co-Author, “U.S. Army Corps of Engineers Proposes to Reissue Nationwide Permits and Split NWP 12,” Babst Calland *Environmental Alert*, August 11, 2020.

Co-Author, “Can Technology Help Us Return to Work?,” Babst Calland *Emerging Technologies in a Time of Pandemic*, July 23, 2020.

Co-Presenter, “Regulatory Relief: Federal and State Environmental Responses to the COVID-19 National Emergency,” Energy and Mineral Law Foundation webinar, July 15, 2020.

Co-Author, “Ninth Circuit Denies Emergency Motion for Partial Stay of Montana District Court’s NWP 12 Vacatur,” The PIOGA Press, June 2020.

Co-Author, “Regulatory Challenges to Fully Utilizing Existing Technology,” Babst Calland *Emerging Technologies in a Time of Pandemic*, June 10, 2020.

Co-Author, “Ninth Circuit Denies Emergency Motion for Partial Stay of Montana District Court’s NWP 12 Vacatur,” Babst Calland *Environmental Alert*, May 29, 2020.

Co-Author, “Opportunities: Leveraging Technology to Meet New Demands,” Babst Calland *Emerging Technologies in a Time of Pandemic*, May 12, 2020.

Co-Author, “Montana District Court’s Vacatur of NWP 12 Impacts Pipeline Projects Across United States,” Babst Calland *Environmental Alert*, May 4, 2020.

Co-Author, “The Council of Environmental Quality Proposes to Amend NEPA Regulations,” Rocky Mountain Mineral Law Foundation’s *Natural Resources Law Insights*, April 2020.

Co-Author, “EPA Establishes Temporary Policy for Excusing COVID-19-Related Noncompliance,” Babst Calland *Environmental Alert*, March 30, 2020.

Co-Author, “Potential Impacts to Real Estate Development of Proposed Amendments to NEPA Regulations,” Developing Pittsburgh, Spring 2020.

Co-Author, “Council on Environmental Quality Proposes Amendments to NEPA Regulations,” *PA Law Weekly*, January 30, 2020.

Co-Author, "The Council on Environmental Quality Proposes to Amend NEPA Regulations," Babst Calland *Environmental Alert*, January 22, 2020.

Co-Author, "The Evolving Regulation of TEC Vapor Intrusion Issues," *Env't'l Law News* Fall 2016, Vol.25, No. 2.