

Benjamin Machlis

Experience

Holland & Hart LLP, Energy, Environmental and Natural Resources Practice Group

Associate

March 2011 – Present

Represent and advise clients in the mining, oil and gas, and other industrial sectors regarding all aspects of environmental compliance, permitting, enforcement defense, and litigation with a focus on solid and hazardous waste regulations, pipeline and hazardous material transport regulations, right-to-know laws, toxic substance regulations, water quality regulations, and contaminated property remediation. Recent representative matters include:

- Draft and submit comments on behalf of oil and gas industry client regarding EPA's and US Army Corps of Engineers' proposed re-definition of "waters of the United States" under the Clean Water Act.
- Represent client in proceeding to abandon a natural gas pipeline before the Federal Energy Regulatory Commission and the Pipeline and Hazardous Materials Safety Administration.
- Successful defense of permits issued to oil shale mining company by the Division of Water Quality and Division Oil, Gas and Mining. Second chaired administrative hearing and appeal to the Utah Supreme Court. *See Living Rivers v. Division of Water Quality*, 2014 UT 25.
- Represent oil and gas client in defending Forest Service decision to approve a 400-well development plan from third-party challenge in U.S. District Court.
- Advise industrial mineral producer on compliance with Toxic Substance Control Act for new products.
- Counsel real estate holding company regarding BLM's CERCLA activities on unpatented mining claims held by the company.
- Represent pro-bono client in action under the Post-Conviction Relief Act, including successfully appealing the dismissal of his petition for relief. *See Landry v. State*, 2012 UT App 350.
- Represent property owner in successfully challenging issuance of a conditional use permit for the construction of a telecommunications building on adjacent property.
- Represent mining company client in settling enforcement action for alleged violation of the Toxic Release Inventory provisions of the Emergency Planning and Community Right-to-Know Act.
- Advise pharmaceutical manufacturer regarding self-disclosure of violations of the Toxic Release Inventory provisions of the Emergency Planning and Community Right-to-Know Act.
- Represent property owner in subdivision regarding attempts by developer to re-plot the subdivision.

Holme Roberts & Owen, Natural Resources and Environmental Practice Group

Associate

May 2010 – March 2011

Law Clerk

June 2008 – March 2009

Counseling oil and gas, mining, energy, and other natural resources companies with a focus on real estate transactions, environmental due diligence, compliance, and permitting matters including title examination for oil and gas production and acquisition.

Utah State Governor's Office of Public Land Policy Coordination

Policy Advisor

April 2009 – May 2010

Working with director of the agency, the Attorney General's Office, and other elected and appointed officials to formulate and execute the legal strategy of the State of Utah concerning the use and development of federal lands within the state.

Barrick Gold Corporation

Legal Intern

Summer 2007

Alta Ski Resort

Ski Patrol

November 2002 – April 2006

Part-Time Ski Patrol

November 2006 – Present

Education

University of Utah

J.D.

May 2009

GPA 3.66; High Honors; William H. Leary Scholar
Managing Editor; *Journal of Land, Resources, and Environmental Law*, 2008-2009
Research Assistant for Professors Lincoln Davies and Nancy McLaughlin, 2008
Finalist, Pace National Environmental Moot Court Competition, 2009
College of Law Awards - Foreign Relations, Fall 2008; Trust and Estates, Fall 2008
CALI Awards - Environmental Law, Fall 2007; Oil & Gas, Fall 2008; Administrative Law, Spring 2009
Rocky Mountain Mineral Law Foundation Scholarship, Spring 2009
President, Public Interest Law Organization, 2007-2008
Pro Bono Initiative: Street Law, Wallace Stegner Center, Rocky Mountain Innocence Center

B.A., Political Science; B.A. English Literature

August 2006

Admissions and Affiliations

Utah State Bar	2009 – Present
<i>Environmental and Natural Resources Law Section</i>	
<i>New Lawyer Training Program Committee</i>	
Rocky Mountain Mineral Law Foundation	2009 – Present
<i>Young Professionals Committee</i>	
Utah Open Lands	2011 – Present
<i>Board of Directors</i>	
Mountain States Super Lawyer, Rising Star	2014

Publications

Sackett v. EPA: Supreme Court Rules that Pre-Enforcement Review is Not Precluded Under the Clean Water Act, Holland & Hart Update (March 2012).

Protecting the Public Interest and Investment in Conservation: A Response to Professor Korngold's Critique of Conservation Easements, co-authored with Nancy A. McLaughlin, 4 Utah L. Rev. 1561 (2009)

Amending and Terminating Perpetual Conservation Easements, co-authored with Nancy A. McLaughlin, 23 Probate & Property 52 (2009)

Presentations

Utah Petroleum Association Annual Meeting, Salt Lake City, Utah – January 2013
 Legal Update: Petition to Add Oil and Gas Extraction to Industry's Subject to TRI Reporting

Land Trust Alliance National Conference, Pittsburgh, Pennsylvania – September 2008
 Condemnation of Conservation Easements

Land Trust Alliance Southwest Conference, Park City, Utah, May 2008
 Condemnation of Conservation Easements

Utah State Bar Association Environmental Law Section, Salt Lake City, Utah -April 2008
 In Perpetuity: The Future of Conservation Easements