

M. Benjamin Cowan

Partner

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Ben's innovative solutions under the Endangered Species Act and other wildlife statutes have enabled renewable energy companies to drive major projects forward.

OVERVIEW

Ben has a broad-based environmental law practice with a primary focus on wildlife and natural resource issues, particularly within the renewable energy sector. He serves as national environmental counsel for some of the largest onshore and offshore renewable energy developers in the U.S. Ben counsels clients in complex permitting matters under federal and state wildlife statutes, such as the Endangered Species Act (ESA), Bald and Golden Eagle Protection Act (BGEPA), and Migratory Bird Treaty Act (MBTA), working to ensure compliance and minimize environmental liabilities during development, project financing, and operational phases. Having worked extensively in the renewables space for more than 20 years, he also counsels clients on a wide variety of business and transactional issues and emerging opportunities in renewables and the energy transition, including the applicability of tax credits under the Inflation Reduction Act.

In addition to his renewable energy work, Ben maintains an active practice involving a wide range of environmental issues for clients in the traditional energy, industrial, and real estate sectors. He frequently advises clients in environmental compliance and permitting matters, contaminated site remediation, brownfield redevelopment, and civil and criminal enforcement defense. He provides strategic guidance on managing environmental risks in mergers, acquisitions, and other commercial transactions.

REPRESENTATIVE MATTERS

- Obtained numerous incidental take permits in multiple states and U.S. Fish and Wildlife Service regions for take of endangered and threatened bats at wind farms.
- Federal permitting counsel for a multi-GW offshore wind project in the New York Bight, and counsel to an offshore wind developer on avian wildlife compliance strategies in connection with federal consultation and state permitting issues for a proposed offshore wind farm in the Great Lakes.
- Represented a wind developer in an industry coalition and negotiations with the U.S. Fish & Wildlife Service on the development of the Midwest Wind Energy Multi-Species Habitat Conservation Plan for USFWS Region 3.
- Advised a wind energy company in the development of the Eagle Conservation Plan and Eagle Take Permit application for multiple Midwestern projects under the BGEPA.
- Advised a renewable energy developer on a fleet-wide wildlife law compliance audit for a portfolio of more than

20 operating wind projects across the U.S. in preparation for asset disposition and financing.

- Rendered legal opinions on the qualification of multiple sites for a brownfields energy community tax credit adder under the Inflation Reduction Act.
- Represented a large terminalling services company in the leasing of brownfield areas at multiple terminals across the U.S. to various alternative energy companies for the development of co-located biodiesel refineries.
- Crafted a first-of-its-kind agreement between a major bulk terminals operator and the Virginia DEQ for the voluntary remediation of a heavily contaminated former creosoting site, resulting in a decision by the EPA to forego its planned listing of the site on the National Priorities List and facilitating the sale and redevelopment of the property.

AWARDS

- *Chambers USA*, Environment, Texas (2017-2024)
- *The Legal 500 United States*, Recommended Lawyer – Renewable/Alternative Power (2023-2024)
- *National Law Journal*, Energy and Environmental Law Trailblazer (2016)
- *Best Lawyers in America®*: Environmental (2018-2026)
- *Super Lawyers®* Texas, Environmental (2017-2019)

TOP AREAS OF FOCUS

- Energy
- Environmental + Natural Resources
- Natural Resources

ALL AREAS OF FOCUS

- Air Quality + Climate Change
- Contaminated Sites + Waste Management
- Energy
- Energy Transition
- Environmental + Natural Resources
- Environmental Due Diligence
- Natural Resources
- Release Reporting
- Water Quality + Water Resources

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, State Bar of Texas Environmental and Natural Resources Section
- Board member, Renewable Energy Alliance – Houston
- Past chair, Greater Houston Partnership Renewable Energy and Energy Efficiency Subcommittee
- Past chair, The Clean Energy Leadership Alliance of Houston
- Member, Greater Houston Energy Collaborative Leadership Committee
- Past chair, Houston Bar Association – Environmental Law Section
- Adjunct professor, Vanderbilt Law School

- Past president, Hana and Arthur Ginzburg Nature Discovery Center
- Board of directors, Evelyn Rubenstein Jewish Community Center

EDUCATION AND CERTIFICATIONS

EDUCATION

- Vanderbilt University Law School, J.D., 1997, member, *Vanderbilt Law Review*
- University of Virginia, M.A., 1995
- University of Miami, B.A., *cum laude and general honors*, 1992

BAR ADMISSIONS

- Texas

SPEAKING ENGAGEMENTS

- Speaker, “Post-Apocalyptic Permitting: The Path Forward for Solar and Wind After the DOI Memo,” Troutman Pepper Locke Webinar, August 22, 2025.
- Speaker, “Navigating Storage Siting & Early Development Decision-making,” Infocast Texas Clean Energy Summit, August 27, 2025.
- Speaker, “Navigating the Inflation Reduction Act: Insights on Brownfield Energy Community Credits,” *Energy Law Insights*, January 22, 2025.
- Presenter, “Identifying and Addressing Obstacles to Development of Solar Projects on Brownfields,” Solar Uncommon Dialogue Working Group, August 13, 2024.
- Speaker, “Regional Briefing: Gulf of Mexico,” Oceantic Network International Partnering Forum, April 22-25, 2024.
- Panelist, “Capitalizing on Incentives for Disturbed Lands,” American Clean Power Association Siting & Permitting Conference, March 11-13, 2024.
- Panelist, “Tech It to the Limit: Accelerating Technological Minimization Solutions,” American Clean Power Association Siting and Environmental Compliance Conference, March 28, 2023.
- Speaker, “Energy Communities, Offshore Wind and Permitting Reform,” Locke Lord Implementing the Inflation Reduction Act Webinar Series, December 14, 2022.
- Speaker, “Commercial Incentives and Challenges for Renewables and the Energy Transition,” Locke Lord Implementing the Inflation Reduction Act Webinar Series, November 9, 2022.
- Speaker, “Impact and Implications for Energy Investment and Finance,” Locke Lord Implementing the Inflation Reduction Act Webinar Series, October 26, 2022.
- Speaker, “Solar Supply Chain and Force Majeure Issues,” Locke Lord Webinar, January 24, 2022.
- Panelist, “Re-Development of Degraded Sites,” American Wind Wildlife Institute Solar Power and Wildlife/Natural Resources Symposium, December 3, 2021.
- Speaker, “Road Map to the Energy Transition,” Locke Lord Energy Transition Webinar Series, February 3, 2021.
- Speaker, “Maximizing Ecological Uplift with Multi-Project Mitigation,” American Wind Energy Association Wind Project Siting & Environmental Compliance Virtual Summit, September 2020.

PUBLICATIONS

- Co-author, ["Illegal Eagles: DOI Sinks Its Talons Even Deeper Into Wind Energy,"](#) *Troutman Pepper Locke*, August 6, 2025.
- Co-author, ["Renewables in the Crosshairs: DOI and DOT Announce Numerous New Anti-Wind and Solar Orders and Policies,"](#) *Troutman Pepper Locke*, August 4, 2025.
- Co-author, ["Extreme Makeover – NEPA Edition: Permitting Agencies Strip Their Environmental Review Regulations Down To The Studs,"](#) *Troutman Pepper Locke*, July 9, 2025.
- Co-author, ["Well, Well: Outlook for CCUS Projects in Texas Improves as EPA Proposes to Delegate Permitting Authority and the Texas Supreme Court Clarifies Pore Space Ownership,"](#) *Troutman Pepper Locke*, June 24, 2025.
- Co-author, ["Texas Legislature Tilts Against Windmills: Is This the End of Wind Energy on the Texas Coast?"](#) *Troutman Pepper Locke*, June 23, 2025.
- Co-author, ["Déjà vu? FWS Solicits Feedback to Update Section 10\(a\) of the ESA,"](#) *Troutman Pepper Locke*, June 11, 2025.
- Co-author, ["One-Track Mind: Unanimous SCOTUS Decision on Rail Line Approval Further Narrows Scope of NEPA,"](#) *Troutman Pepper Locke*, May 30, 2025.
- Co-author, ["Empire Wind 1 Stop-Work Order Targets Offshore Wind but Raises Questions for Other Industries,"](#) *Troutman Pepper Locke*, April 18, 2025.
- Co-author, ["Twin Killings: Executive Orders Put Existing Energy Regulations in the Crosshairs,"](#) *Troutman Pepper Locke*, April 10, 2025.
- Co-author, ["President Trump Moves to Repeal NEPA Regulations,"](#) *Troutman Pepper Locke*, February 20, 2025.
- Co-author, ["A Hard Look at CEQ's Hard Luck: North Dakota Court Decision Accelerates NEPA Regulations' Rapid Fall,"](#) *Troutman Pepper Locke*, February 6, 2025.
- Co-author, ["Secretary of the Interior Burgum Fuels A Surge of Day One Energy Orders,"](#) *Troutman Pepper Locke*, February 5, 2025.
- Co-author, ["First Day Presidential Directives May Have Broad Implications for Wind Industry,"](#) *Troutman Pepper Locke*, January 22, 2025.
- Co-author, ["Vineyard Wind Makes It a Clean Sweep in First Circuit Offshore Wind Decision,"](#) *Locke Lord QuickStudy*, December 9, 2024.
- Co-author, ["Courts Scrutinize Pretextual Challenges to Offshore Wind,"](#) *Pratt's Energy Law Report*, October 2024.
- Co-author, ["Furling the Sales: Offshore Wind Developers Are Tacking Away From Higher Risk Auctions,"](#) *Locke Lord QuickStudy*, October 1, 2024.
- Co-author, ["If at First You Succeed, Try Try Again: BOEM Wastes No Time Queuing up Another Central Atlantic Lease Sale,"](#) *Locke Lord QuickStudy*, August 26, 2024.
- Co-author, ["Wind in Our Sales: Decoding the Central Atlantic Offshore Wind Auction Results,"](#) *Locke Lord QuickStudy*, August 19, 2024.
- Co-author, ["Get Into the Ring: The Supreme Court's *Loper Bright* and *Corner Post* Rulings Set up Round Upon Round of New Regulatory Challenges,"](#) *Locke Lord QuickStudy*, July 9, 2024.
- Co-author, ["Treasury Issues Final Regulations Providing Guidance on Transfer of Certain Credits Under the Inflation Reduction Act,"](#) *Locke Lord Deep Dive*, June 5, 2024.
- Co-author, ["Permian Predicament Comes to Pass: USFWS Promulgates Endangered Listing for Dunes Sagebrush Lizard,"](#) *Locke Lord QuickStudy*, May 21, 2024.
- Co-author, ["Trust the Process? CEQ's NEPA Phase II Regulations a Mixed Bag and a Missed Opportunity,"](#) *Locke Lord QuickStudy*, May 14, 2024.
- Co-author, ["Floating on Both Coasts: Gulf of Maine and Oregon Proposed Sale Notices Are a Study in Contrasts,"](#) *Locke Lord QuickStudy*, May 7, 2024.
- Co-author, ["Offshore Wind Gets Some Modern Love: BOEM/BSEE Update Regulations to Better Reflect](#)

Current Practices,” Locke Lord QuickStudy, April 30, 2024.

- Co-author, “Update to Standing up to the Plaintiffs: Courts Scrutinize Pretextual Challenges to Offshore Wind,” Locke Lord QuickStudy, March 8, 2024, updated April 8, 2024.
- Co-author, “Revisions to Endangered Species Act Regulations Reverse Some Trump, Keep Some Trump, Raise Opportunity for Mischiefs,” Locke Lord QuickStudy, April 8, 2024.
- Co-author, “Latest Energy Communities Guidance Buys Offshore Wind, but Navigation Hazards Remain,” Locke Lord QuickStudy, April 3, 2024.
- Co-author, “BOEM Proposes to Go Another Round in the Gulf of Mexico in 2024, With Some Twists,” Locke Lord QuickStudy, March 25, 2024.
- Co-author, “Survive and Advance: BOEM’s Gulf of Maine Leasing Process Makes It to the Next Round, But Can It Reach the Finals in 2024?” Locke Lord QuickStudy, March 20, 2024.
- Co-author, “CCS in Focus: Texas on Deck for Class VI Well Permitting Primacy,” Locke Lord QuickStudy, February 27, 2024.
- Co-author, “USFWS Spreads Its Wings – Final Eagle Permit Rule Embodies New Approach to Troubled Permit Process,” Locke Lord QuickStudy, February 19, 2024.
- Co-author, “BOEM Floats Another Oregon Milestone: Final Wind Energy Areas Designated,” Locke Lord QuickStudy, February 14, 2024.
- Co-author, “After Headwinds, 2024 May See Offshore Wind Momentum,” *Law360 Expert Analysis*, January 3, 2024.
- Co-author, “Examining Proposed Regulations on Expanded ITC Under Inflation Reduction Act,” Locke Lord Deep Dive, December 19, 2023.
- Co-author, “Treasury Issues Proposed Regulations on Expanded ITC Under Inflation Reduction Act, Boosting Storage, Offshore Wind,” Locke Lord QuickStudy, November 21, 2023.
- Co-author, “MA, RI and CT Sign MOU to Support Offshore Wind, but Key Gaps Remain,” Locke Lord QuickStudy, October 11, 2023.
- Co-author, “Messing with Texas: Texas Legislature Proposes to Establish Permitting Framework for New and Expanded Wind and Solar Projects,” *Energy Law Journal*, September 2023.
- Co-author, “Another Predicament in the Permian: USFWS Proposes Renewed Endangered Listing for Dunes Sagebrush Lizard,” Locke Lord QuickStudy, July 12, 2023.
- Co-author, “A Precautionary Tale: D.C. Circuit Strikes Down Precautionary Principle Under the Endangered Species Act,” Locke Lord QuickStudy, June 26, 2023.
- Co-author, “Supreme Court Limits the Scope of ‘Waters of the U.S.’: What Developers Need to Know,” Locke Lord QuickStudy, May 31, 2023.
- Co-author, “IRS Issues Guidance on the Domestic Content Bonus Tax Credit Under the Inflation Reduction Act,” Locke Lord QuickStudy, May 15, 2023.
- Co-author, “UPDATE: Messing with Texas: Texas Legislature Proposes to Establish Permitting Framework for New and Expanded Wind and Solar Projects,” Locke Lord QuickStudy, April 3, 2023, updated May 9, 2023.
- Co-author, “That Sinking Feeling: IRS Energy Communities Guidance May Limit Eligibility of Many Offshore Wind Projects,” Locke Lord QuickStudy, April 13, 2023.
- Co-author, “New IRS and Treasury Guidance on Energy Community Bonus Tax Credits Leaves as Many Questions as it Answers,” Locke Lord QuickStudy, April 10, 2023.
- Co-author, “Generating Debate: D.C. Circuit Affirms That AC Output Determines PURPA Eligibility, While Dissent Decries Chevron Maximalism,” Locke Lord QuickStudy, February 15, 2023.
- Co-author, “FERC Proposes Rulemaking to Spark Interstate Electric Transmission Development, but Politics May Short-Circuit Proposal,” Locke Lord QuickStudy, December 16, 2022.
- Co-author, “Lek It or Not: ESA Listing of Lesser Prairie-Chicken Has Major Implications for Energy Projects in the Southwest,” Locke Lord QuickStudy, November 29, 2022.
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Co-author, “Three’s Company: USFWS Proposes Listing Tricolored Bat as Endangered, Joining Indiana and Northern Long-Eared Bats,” Locke Lord QuickStudy, September 14, 2022.

- Co-author, “What the Regulated Community Needs to Know About EPA’s Proposed Designation of PFOA and PFOS as CERCLA Hazardous Substances,” Locke Lord QuickStudy, September 8, 2022.
- Co-author, “Key Climate and Energy Provisions in the Proposed Inflation Reduction Act,” Locke Lord QuickStudy, August 1, 2022.
- Co-author, “EPA Sets Stricter Health Advisory Limits for PFAS – a Harbinger of More Regulation?” Locke Lord QuickStudy, June 17, 2022.
- Co-author, “Not So(lar) Fast My Friends – Uyghur Forced Labor Prevention Act Takes Effect June 21, 2022,” Locke Lord QuickStudy, June 14, 2022.
- Co-author, “SCOTUS Stays District Court Remand of Trump EPA State Water Quality Certification Rules, Raises Stakes for Upcoming EPA Rulemaking,” Locke Lord QuickStudy, April 6, 2022.
- Co-author, “Small Bat, Big Implications: USFWS to Uplist Northern Long-Eared Bat From Threatened to Endangered,” Locke Lord QuickStudy, March 23, 2022.
- Co-author, “Congress May Not Build Back Better, but DOE Plans to Build a Better Grid,” Locke Lord QuickStudy, January 21, 2022.
- Co-author, “New York Bight Auction Represents Next Step for Offshore Wind, but Headwinds Remain,” Locke Lord QuickStudy, January 18, 2022.
- Co-author, “Offshore Wind Closes 2021 Strong, Further Growth Expected in 2022,” Locke Lord QuickStudy, January 5, 2022.
- Co-author, “For the Birds: USFWS Withdraws Trump Rule Limiting MBTA, Issues Notice of Plans to Regulate Incidental Take,” Locke Lord QuickStudy, October 4, 2021.
- Co-author, “A New Season of WOTUS: Court Vacates Trump-Era Navigable Waters Protection Rule,” Locke Lord QuickStudy, September 7, 2021.
- Co-author, “EPA and Corps of Engineers Announce Intent to Restore Previous Definition of WOTUS,” Locke Lord QuickStudy, June 10, 2021.
- Co-author, “Playing Chicken: What USFWS’ Proposed Listing of the Lesser Prairie-Chicken Means for Energy Companies,” Locke Lord QuickStudy, June 1, 2021.
- Co-author, “Offshore Win(d): D.C. Circuit Dismisses Challenge to BOEM Leasing Program,” Locke Lord QuickStudy, May 24, 2021.
- Co-author, “Fish and Wildlife Service Proposes to Restore Incidental Take Prohibition Under Migratory Bird Treaty Act – What You Need to Know,” Locke Lord QuickStudy, May 10, 2021.
- Co-author, “Biden’s American Jobs Plan Prioritizes Renewable Infrastructure Investment Opportunities,” Locke Lord QuickStudy, April 2, 2021.
- Co-author, “What the Biden Administration Offshore Wind Proposal Could Mean for New York Offshore Wind,” Locke Lord QuickStudy, March 31, 2021.
- Co-author, “Winds of Change: Biden Administration Releases Plan to Accelerate Offshore Wind Energy,” Locke Lord QuickStudy, March 31, 2021.
- Co-author, “New York Issues Final Renewable Energy Siting Regulations to Streamline Permitting,” Locke Lord QuickStudy, March 16, 2021.
- Co-author, “The Regulatory Resurrection of M-37050: Interior Rule Limits the MBTA Again, But Likely Not for Long,” Locke Lord QuickStudy, January 8, 2021.
- Co-author, “Trump Administration’s MBTA M-Opinion Vacated: What You Need to Know,” Locke Lord QuickStudy, August 17, 2020.
- Co-author, “Supreme Court Reinstates NWP 12 for Pipelines, But 1 Out of 3 Ain’t Good,” Locke Lord QuickStudy, July 8, 2020.
- Co-author, “Court Narrows Nationwide Permit 12 Ruling: Relief for Renewables, But More Pain for Pipelines,” Locke Lord QuickStudy, May 12, 2020.

- Co-author, “President Trump Issues Executive Order Restricting Access to Components Used for Electric Generation, Transmission and Storage,” Locke Lord QuickStudy, May 4, 2020.
- Co-author, “At the Corps of it All: Navigable Waters Protection Rule Published on Heels of NWP 12 Vacatur,” Locke Lord QuickStudy, April 22, 2020.
- Co-author, “USACE Nationwide Permit 12 Vacated: What You Need to Know,” Locke Lord QuickStudy, April 20, 2020.

MEDIA COMMENTARY

- Quoted, “Interior Demands Eagle Data From Wind Developers,” *E&E News EnergyWire*, August 12, 2025.
- Quoted, “Trump Admin Invites Legal Fights With Clean Energy Moves,” *Law360*, August 8, 2025.
- Quoted, “RISK: Industry Experts Map Out Upcoming Challenges If ‘One Big Beautiful Bill’ Is Passed in the Senate,” *New Project Media*, May 27, 2025.
- Quoted, “Critics Decry Budget Bill As Clean Energy ‘Attempted Murder’,” *Law360*, May 22, 2025.
- Mentioned, “RISK: Experts Say Empire Wind’s Halt Order is Illegal. Cast Doubt on if Equinor Will Challenge It,” *New Project Media*, April 22, 2025.
- Quoted, “Wind Farm Work Stoppage Raises Energy Project Risks,” *Law360*, April 22, 2025.
- Quoted, “3 Questions Answered About NEPA Under Trump,” *E&E News* and *Politico*, March 6, 2025.
- Quoted, “Policy: Industry Experts Weigh In on Clean Energy Permitting in the Wake of Recent Actions Taken by the Trump Administration,” *New Project Media*, January 23, 2025.
- Quoted, “‘Chevron’ Deference’s Demise Likely Emboldens EPA’s Opponents, Environmental Law Experts Say,” *The National Law Journal*, July 18, 2024.
- Quoted, “Clean Energy Can Revive Fossil Fuel Sites, But Risks Abound,” *Law360*, February 2, 2024.
- Quoted, “Offshore Wind Must Get Creative Amid Macroeconomic Storm,” *Law360*, November 7, 2023.
- Quoted, “EPA Narrows ‘Waters of the US’ Definition to Align With Supreme Court Decision,” *The National Law Journal*, August 29, 2023.
- Quoted, “Sackett fallout leaves wetlands’ fate to states,” *E&E News Greenwire*, June 28, 2023.
- Quoted, “Post-Sackett, chaos erupts for wetlands oversight,” *E&E News Greenwire*, June 2, 2023.
- Quoted, “Environmentalists Urge Congress to Address High Court’s Curb on Clean Water Act,” *The National Law Journal*, May 31, 2023.
- Quoted, “Texas Bills Are A Red Alert for Green Energy Projects,” *Law360*, May 10, 2023.
- Quoted, “Clean Energy Tax Perk Will Keep Enviro Attys Busy,” *Law360*, May 1, 2023.
- Quoted, “Could Texas lawmakers end the state’s renewable boom?” *E&E News EnergyWire*, April 24, 2023.
- Quoted, “3 Takeaways From EPA’s Guidance On PFAS In Drinking Water,” *Law360*, June 22, 2022.
- Quoted, “EPA proposes reversing contentious Trump water permit policy,” *E&E News Greenwire*, June 2, 2022.
- Quoted, “Buoyed by Keystone XL, pipeline opponents want Biden to act,” *The Associated Press*, January 31, 2021.
- Quoted, “Biden’s Cabinet picks could fuel EPA, FERC pipeline wars,” *E&E News*, December 22, 2020.
- Quoted, “From NEPA to North Dakota, 4 pipeline fights to watch,” *E&E News*, July 14, 2020.
- Quoted, “Setbacks hamper pipeline industry backed by Trump,” *The Associated Press*, July 9, 2020.
- Quoted, “The Biggest Energy Rulings Of 2020: Midyear Report,” *Law360*, July 2, 2020.
- Quoted, “Nationwide Water Permit Ban Limited To New Pipelines,” *Law360*, May 12, 2020.
- Quoted, “Project Developers Pivot After Nationwide Permit Upended,” *Law360*, April 27, 2020.
- Quoted, “US delays oil pipeline approvals after environmental ruling,” *The Associated Press*, April 23, 2020.