



## David H. McCray

Of Counsel

[dmccray@bdlaw.com](mailto:dmccray@bdlaw.com)

+1.415.262.4025

456 Montgomery Street, Suite 1800, San Francisco, CA, 94104-1251

**David's practice focuses on major project and infrastructure development, including environmental reviews, permitting and approvals from a wide range of federal and state natural resources agencies, and litigation of project decisions and policies.**

He counsels clients on regulatory matters and litigation involving the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), climate change, water, wetlands, project mitigation, land use, air, and mobile source air toxics and related health impacts. He also works on cutting-edge technological advances such as autonomous and connected vehicles. David co-chairs the firm's Infrastructure and Real Estate practice.

In 2019, California Governor Newsom reappointed David as a justice on the California Courts-Martial Appellate Panel where he is responsible for hearing criminal appeals involving California Guard and Reserve personnel. David was first appointed to the four-year term position in 2015 by then-Governor Brown.

David served as Assistant Chief Counsel at the California Department of Transportation (Caltrans) from 2007-2014 and was the Department's most senior environmental attorney. He led a team in litigating for and providing advice to the Governor's office and Caltrans' staff involving complex environmental, regulatory, Native American, and real estate development issues on multi-million dollar transportation projects.

Before joining Caltrans, David served with the U.S. Air Force, retiring after 21 years of active service. He held positions such as the Chief of the Air Force Environmental & Tort Litigation Branch; the Base Staff Judge Advocate at Beale Air Force Base, California; and the Deputy Staff Judge Advocate at Whiteman Air Force Base, Missouri, where he also managed the environmental law program. While with the Air Force, David also served for two years as Special Assistant U.S. Attorney in the Environmental & Natural Resources Division of the U.S. Department of Justice in Washington, DC.

David frequently speaks on panels about environmental law issues, as well as autonomous and connected vehicles. He volunteers time to organize and participate on panels at California law schools where he discusses the importance of diversity in the practice of environmental law.

### **Education**

- California State University - Long Beach (B.S., 1984)
  - Business Administration
- Golden Gate University (M.B.A., 1988)
- University of California - Davis (J.D., 1993)
- University of Utah (LL.M., 1999)
  - Environmental and Natural Resources Law

### **Bar Admissions**

- District of Columbia
- California

### **Court Admissions**

- U.S. Court of Appeals for the Armed Forces
- U.S. Court of Appeals - Ninth Circuit
- U.S. District Court - Central District of California
- U.S. District Court – Eastern District of California
- U.S. District Court – Northern District of California
- U.S. District Court – Southern District of California

### **Professional Affiliations**

- American Bar Association
- National Bar Association
- San Francisco Bar Association
- Sacramento County Bar Association
- Placer County Bar Association
- Wiley W. Manuel Bar Association
- District of Columbia Bar Association
- TRB Committee Member
- Association of Environmental Professionals

- Institute of Transportation Engineers

### **Community Involvement**

David is a founding member and former president of Lincoln Parks, a non-profit dedicated to building community parks.

## **Representative Matters**

Recent examples of David's experience include:

- Representing a major metropolitan transit agency and county on project development matters.
- Following Congress's authorization of the Secretary of Transportation's assignment of National Environmental Policy Act (NEPA) responsibilities, negotiating and implementing an agreement between California and the Federal Highway Administration that lead to faster project delivery and millions of dollars in savings.
- Assisting the State of Florida in applying for and implementing the NEPA Assignment program for highway projects.
- Litigating on behalf of oil and gas industry clients and advised on regulatory issues.
- Serving as counsel for the nation's largest autonomous and connected vehicle test track.
- Representing the owner of a mitigation bank and proposed mitigation lands and negotiating to provide mitigation lands to project proponents.
- Advising a tribal nation on land use issues pertaining to a large development project.
- Negotiating and devising a strategy to work successfully with fifty-six different federal, state, and tribal government and private entities—many with competing interests—resulting in a \$30 million project approval, a myriad of project permits, and solid professional working relationships with the many involved parties.