



## Andrea Driggs

Partner

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**Andrea delivers strategic counsel to mining and energy clients on permitting and regulatory matters, leveraging her deep industry expertise in critical minerals and renewables development.**

Licensed in five western states, Andrea helps mining and energy clients navigate cross-jurisdictional environmental and natural resource issues. Andrea guides clients through complex environmental permitting and regulatory challenges. She focuses on critical mineral mining, conventional and renewable energy development, and contaminated site remediation.

Her practice includes obtaining and defending key permits, conducting environmental due diligence for large transactions, and advising on National Environmental Policy Act (NEPA), Clean Water Act (CWA), and National Historic Preservation Act (NHPA) reviews for exploration and mine plans. She also assists conventional and renewable energy developers with essential permits for solar, wind, and battery storage projects, including Certificates of Environmental Compatibility from Arizona's Corporation Commission.

Before joining Holland & Hart, Andrea was a partner at Perkins Coie, where she served as Firmwide Chair of the Mining Industry Group and Co-Chair of the Oil & Gas Industry Group.

### PRACTICES

Environmental Litigation  
Site Remediation  
Federal Lands Permitting  
Environmental  
Environmental Transactions  
Water Resources

### INDUSTRIES

Energy and Resources  
Mining  
Renewable Energy and Storage  
Oil and Gas  
Conventional Power

### EDUCATION

UCLA School of Law, J.D., 2002  
Order of the Coif

University of London (LSHTM), M.Sc., 1998

Arizona State University, B.S., 1997  
*summa cum laude*

### BAR ADMISSIONS

New Mexico  
Nevada  
California  
Alaska  
Arizona

### COURT ADMISSIONS

U.S. Supreme Court  
U.S. District Court for the District of Arizona  
U.S. District Court for the District of Alaska  
U.S. Court of Appeals for the Ninth Circuit  
U.S. District Court for the District of

### EXPERIENCE

#### Mining and Natural Resources

- Mine permitting and environmental compliance
- Exploration and operations authorizations
- Water quality and discharge permits
- NEPA review for mine plans of operation
- CERCLA liability evaluations
- Mining due diligence
- Federal land use approvals

#### Energy Development

- Conventional and renewable energy project permitting
- Certificates of Environmental Compatibility
- Battery storage facility authorizations
- Solar and wind project siting

Nevada  
U.S. District Court for the District of New Mexico  
U.S. District Court for the Central District of California  
United States District Court for the District of Nevada  
U.S. Court of Appeals for the Tenth Circuit

- Energy facility environmental compliance
- Cross-jurisdictional permitting strategy

### Environmental Transactions

- Environmental due diligence
- Mining property acquisitions
- Energy project transactions
- Engineering, procurement, and construction management (EPCM) contracts
- Multi-state permit transfers
- Environmental liability assessment
- Compliance audits and reviews

### Water Resources

- Water rights acquisitions
- Groundwater contamination matters
- Water quality permitting
- Water supply agreements
- Cross-jurisdictional water issues
- Discharge permit compliance

## CLIENT RESULTS

### Project Development & Transactions

- Conducted due diligence, including permitting, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), water, and title, for various mine sales and transactions related to renewables/hydrogen hub development; evaluated permit transfers and agreements for mine sales and transactions involving renewables.
- Assisted clients with agreements involving Nevada mining claims, including purchase and royalty agreements, exclusivity agreements, and confidentiality agreements.
- Assisted clients in obtaining certificates of environmental compatibility (CECs) from the Line Siting Committee/Arizona's Corporation Commission.
- Represented major base metals mining company South32 regarding environmental and natural resource issues relating to its exploration of a possible zinc-silver-lead mine in southeast Arizona.

### Litigation

- Defending intervenor Resolution Copper Mining, LLC in three cases in the U.S. District Court for the District of Arizona challenging a statutorily-mandated land exchange with the U.S. Forest Service, intended to facilitate copper mine development in rural Arizona. No. 21-CV- 0050, No. 21-CV-0068, No. 21-CV-0122.

- Counsel of record for amici American Exploration and Mining Association et al. in a U.S. Supreme Court case addressing the extent of federal jurisdiction under the Clean Water Act. The question presented to the Court was whether the U.S. Court of Appeals for the Ninth Circuit set forth the proper test for determining whether wetlands are “waters of the United States” under the Clean Water Act. 2022 WL 1190193 (U.S.).
- Representation of Resolution Copper Mining, LLC, developer of one of North America’s largest copper mines, in administrative litigation brought by tribal and conservation group interests to challenge the wastewater discharge permit issued to Resolution by the Arizona Department of Environmental Quality. 254 Ariz. 179 (Ct. App. 2022).
- Defended the City of Phoenix in successive, related CERCLA cases in the U.S. District Court for the District of Arizona and Ninth Circuit brought by the Roosevelt Irrigation District (RID) and its counsel. Plaintiffs have alleged that impacted groundwater pumped by RID irrigation wells must be treated to drinking water standards, a result that might allow them to control a drinking water supply worth more than \$1 billion. No. 2:16-CV-4447-DAE, 2022 WL 17903905 (D. Ariz. Sept. 30, 2022) (granting partial summary judgment to defendants).
- Defended Arizona in a lawsuit related to the navigability of Arizona’s rivers at the time of statehood to determine title. The Arizona Court of Appeals affirmed the determinations of the Arizona Navigable Stream Adjudication Commission (ANSAC) for all segments of the Verde and Salt Rivers and for all but one segment of the Gila River. The court also denied the plaintiffs their requested fees. No. 1 CA-CV 20-0295, 2023 WL 1788049 (Ariz. Ct. App. Feb. 7, 2023).
- Served as court-appointed counsel in a six-day jury trial related to violations of the plaintiff’s civil rights. No. CV-19-04532-PHX-ROS, 2022 WL 16641815 (D. Ariz. Sept. 12, 2022).
- Represented children in the Arizona foster care system. The children alleged that Arizona’s statewide policies and practices deprived them of required medical services, among other things, and thus subjected them to a substantial risk of harm. 922 F.3d 957 (9th Cir. 2019).

## Regulatory

- Advised companies on required release reporting under CERCLA, Emergency Planning and Community Right-to-Know Act (EPCRA), and state laws.
- Represented client in drafting memorandum of understanding (MOU) with the state government and the U.S. Forest Service (USFS) related to water quality monitoring.
- Assisted client in negotiating stipulation involving Nevada’s Protocol Agreement with the Bureau of Land Management (BLM).
- Represented mining client navigating potential Toxic Pits Cleanup

Act (TPCA) issues.

- Represented government contractor accused of violations of Nevada's environmental laws and evaluated possible penalties.
- Represented mining company in the cleanup and closure of former uranium millsite pursuant to the Uranium Mill Tailings and Radiation Control Act (UMTRCA).

## PUBLICATIONS

"Siting Energy and Transmission Line Projects in Arizona," *Holland & Hart and SWCA Guide*, July 10, 2025

"Kavanaugh Urges NEPA 'Course Correction.' Courts Should Listen.," *Bloomberg Law*, June 3, 2025

"What Nevada 'Superbasin' Ruling Means for Water Users," *Law360*, April 2, 2025

"PFAS Food Packaging Regulations State by State," *Packaging Digest*, September 19, 2023

"New US Waters Definition May Rock The Boat," *Law360*, January 19, 2023

"Where Water Ends and Land Begins: Course Changes and the Clean Water Act," *Nevada Lawyer*, April 2022

"Mines and Maui: So Much for Regulatory Certainty," *FNREL Natural Resources Law Network*, August 2020

"Just Add Water: Permitting, State Sovereignty, and the Marble Cake Debacle," *ABA 35 Natural Resources & Environment 1*, Summer 2020

"The Other CO2 Problem," *ABA 34 Natural Resources & Environment 1*, Summer 2019

## SPEAKING ENGAGEMENTS

"Moderated panel on NEPA Reform: Permitting for Critical Minerals Production," December 2024

"Moderated panels on WOTUS and PFAS for Clean Water Act 2024: Law and Regulation," October 2024

"Spoke at the American Exploration and Mining Association's annual meeting on NEPA Reform: Permitting for Critical Minerals Production," December 2023

"Moderated panel on the Clean Water Act for the ABA SEER conference," October 2021

## RECOGNITION

- *The Best Lawyers in America*®, Environmental Law; Litigation - Environmental, 2024-2026

- *The Best Lawyers in America*®, Ones to Watch in America, 2021-2023
- Member of trial team that received the District of Arizona's Pro Bono Firm of the Year Award, 2023
- Recipient of the Top Pro Bono Attorneys in Arizona Award, Arizona Foundation for Legal Services & Education, 2023
- Pro Bono Team Award for Arizona Foster Care Litigation, 2020

#### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Exploration and Mining Association, Board of Trustees, 2024-2025
- American Bar Association, Section of Environment, Energy, and Resources, Mining Committee Co-Chair, 2022-2024
- Fresh Start, Executive Board of Directors, 2023-2025
- Federation of Defense & Corporate Counsel Ladder Down Class, 2021
- Arizona Center for Disability Law, former President and Board Member, 2018-2024