Holland & Hart



PRACTICES

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

INDUSTRIES

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

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

California
Alaska
Arizona
Nevada
New Mexico

COURT ADMISSIONS

U.S. District Court for the Central District of California
United States District Court for the District of Nevada
U.S. District Court for the District of Arizona
U.S. District Court for the District of Alaska

Andrea Driggs

Partner

2398 East Camelback Road, Suite 650, Phoenix, AZ 85016

P 602.507.9703

420 L Street, Suite 550, Anchorage, AK 99501

ajdriggs@hollandhart.com

Developers and the investors behind them turn to Andrea to permit, finance, operate, and defend consequential mining and energy projects across the Western United States.

From the first permit through financing, operations, and the litigation that follows, Andrea advises developers of copper and critical minerals mines, renewable and gas-fired generation, data centers, transmission lines, and battery storage projects. She also counsels the royalty companies and investors acquiring interests in them. In Arizona and Alaska, she knows the agencies, the water questions, and the courts that decide what gets built and how long it takes.

Development starts with approvals. For mines, Andrea charts the path through plans of operation, NEPA review, and the federal land decisions that govern projects on BLM and Forest Service land in Arizona and Alaska alike. For power and data center projects, she obtains site control and siting approvals such as Certificates of Environmental Compatibility from the Arizona Corporation Commission. And as Arizona tightens its water rules, she secures the water rights and supply any project needs before it can be built.

In transactions, Andrea resolves the questions buyers, sellers, and investors need answered before closing: whether permits transfer, where CERCLA and water exposure sit, and whether title holds. She has served as U.S. mining, environmental, title, and permitting counsel on a $400 million acquisition of mining assets, a $500 million SPAC business combination, an interest in a $450 million groundwater project, and royalty and mine sale transactions across the West.

When a project is challenged, she defends it. Because Andrea handles both permitting and litigation, the administrative record gets built with the courtroom in mind. She represented Resolution Copper in four federal cases attacking the land exchange for its mine; injunctions were denied in each, and the Ninth Circuit affirmed in 2026. She has defended the City of Phoenix in CERCLA litigation over a groundwater supply worth more than $1 billion and represented mining industry associations as amicus before the U.S. Supreme Court on NEPA and Clean Water Act jurisdiction.

Andrea came to law from public health, with graduate training in environmental epidemiology. She understands the science underlying regulatory decisions, from environmental risk assessment to the technical

U.S. District Court for the District of Nevada
U.S. Supreme Court
U.S. District Court for the District of New Mexico
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Tenth Circuit

evidence agencies rely on. Clients know where their technical case is strong and where it is exposed, and can prepare for scrutiny from agency staff and opposing experts.

Before joining Holland & Hart, Andrea was a partner at Perkins Coie and chair of the firm's Mining Industry Group.

EXPERIENCE

Mining and Critical Minerals

- Mine permitting and environmental compliance
- Exploration and operations authorizations
- NEPA review for exploration and mine plans of operation
- Federal land use approvals and land exchanges
- National Historic Preservation Act (NHPA) compliance
- Water quality and discharge permits
- Critical minerals project development
- State trust land exploration rights
- CERCLA liability evaluations
- Administrative proceedings

Energy and Power Development

- Solar, wind, geothermal, and battery storage project permitting
- Gas-fired generation permitting
- Certificates of Environmental Compatibility
- Data center siting, land use, and local approvals
- Site control, land rights, and site access
- Cross-jurisdictional permitting strategy
- Energy facility environmental compliance

Transactions

- Environmental, permitting, and title due diligence
- Mining property and royalty acquisitions
- Royalty, streaming, and net smelter returns agreements
- Energy project transactions
- Permit transfers
- EPCM contracts
- Environmental liability assessment
- Compliance audits and reviews

Water Resources

- Water rights acquisitions and portfolios
- Active Management Area water supply

- Water quality permitting and discharge compliance
- Water supply agreements
- Groundwater contamination matters
- Cross-jurisdictional water issues

Environmental and Natural Resources Litigation

- NEPA, Clean Water Act, and NHPA challenges
- Permit appeals and administrative litigation
- CERCLA cost recovery and contribution defense
- Public lands and land exchange litigation
- Appellate and amicus work, including the U.S. Supreme Court

CLIENT RESULTS

Permitting & Project Development

- Advising Resolution Copper Mining, LLC, a joint venture between Rio Tinto and BHP, on environmental regulatory issues pertaining to its project near Superior, Arizona.
- Advising a data center developer as Arizona real estate, environmental, land use, and local regulatory counsel on a proposed data center campus of up to approximately 1,500 MW, with co-located natural gas generation.
- Advising an energy company evaluating geothermal power plants on state and federal land, each estimated to cost approximately $1 billion to construct, on the federal, state, and local permits required for geothermal generation and transmission.
- Representing a renewable energy developer in the development of integrated wind, solar photovoltaic, and Battery Energy Storage System (BESS) projects in Arizona, advising on permitting strategy, site control and land rights, title due diligence, and site access.
- Advising a major renewable energy developer on early-stage development of renewable energy projects across multiple Western jurisdictions, including several in Arizona and New Mexico, with jurisdiction-specific permitting analyses, assessments of purchase agreements, and permitting opinion letters.
- Advising a power developer on the early-stage development of a natural gas-fired power plant in Pinal County, Arizona.
- Assisted in the development of a 250 MW solar photovoltaic and BESS project in New Mexico.
- 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.
- Assisted clients in obtaining certificates of environmental compatibility (CECs) from the Line Siting Committee/Arizona's Corporation Commission.
- Advised a critical minerals company on securing exclusive

exploration rights on Utah state trust lands.

- Advising a company on its Arizona water rights portfolio across the Pinal, Phoenix, and Tucson Active Management Areas.

Transactions

- Advised Barrick Mining Corporation on $1 billion sale of 50% interest in Donlin Gold project in Alaska.
- Assisted with permitting, road access, and NEPA issues for various mines in Alaska.
- Advised a uranium royalty company as U.S. mining, real property, and title counsel in its approximately $400 million acquisition of interests in entities holding various mining assets.
- Advised a special purpose acquisition company as U.S. mining, environmental, and permitting counsel on its approximately $500 million proposed business combination.
- Advising an investor in the proposed acquisition of an interest in a groundwater transportation project (transaction value approximately $450 million).
- Represented a royalty company as U.S. counsel in its approximately $75 million acquisition of a net smelter returns royalty.
- Advised a royalty company as U.S. title and conveyancing counsel in its acquisition of a royalty and contingent payment portfolio exceeding $50 million.
- 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.

Compliance & Remediation

- Represented mining company in the cleanup and closure of former uranium millsite pursuant to the Uranium Mill Tailings and Radiation Control Act (UMTRCA).
- 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).
- Advised companies on required release reporting under CERCLA, Emergency Planning and Community Right-to-Know Act (EPCRA), and state laws.
- Represented mining client navigating potential Toxic Pits Cleanup

Act (TPCA) issues.

Litigation

- Defending intervenor Resolution Copper Mining, LLC in four 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, including Lopez v. U.S., which raised religious, NEPA, and NHPA claims against the land exchange. The court denied injunctions against the land exchange in the *San Carlos, Arizona Mining Reform Coalition*, and *Lopez* cases, and the Ninth Circuit affirmed, 172 F.4th 641 (9th Cir. 2026), reh'g en banc denied (Sept. 29, 2026). Related RFRA claims were rejected in *Apache Stronghold v. United States*, 95 F.4th 608 (9th Cir. 2024) (en banc), cert. denied (May 27, 2025). No. 21-CV-0050, No. 21-CV-0068, No. 21-CV-0122, No. CV-25-2758-DWL
- Represented 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).
- Representing a mining company in federal litigation involving valid existing rights.
- 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).
- Represented American Exploration and Mining Association and other mining industry amici in a U.S. Supreme Court case addressing federal agency obligation under the National Environmental Policy Act to evaluate environmental impacts over which they have no regulatory authority. *Seven County Infrastructure Coalition v. Eagle County, Colorado*, No. 23-975 (U.S. 2024).
- Served as 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.).

- Represented the National Mining Association as amicus in the first case to squarely address the 2023 EIS completion deadlines added by the 2023 Fiscal Responsibility Act. *Signal Peak Energy, LLC v. Haaland*, 2024 WL 3887386 (D.D.C. Aug. 21, 2024).

PUBLICATIONS

"Siting the Cloud: Permitting Data Centers," *Volume 41 Natural Resources & Environment 2*, Fall 2026

"Winds of Change: Federal Court Halts DoD's Year-Long Freeze ," *Renewable Energy Update* , August 10, 2026

"Tapped Out: Court Rejects ADWR Groundwater Rules on Procedural Grounds," *Water Law Update* , April 29, 2026

"Federal Court Halts Wind and Solar Permitting Freeze," *Renewable Energy Update* , April 28, 2026

"Arizona Pulls the Plug on Renewable Mandates: Key Implications for the Energy Industry," *Renewable Energy Update*, March 19, 2026

"Will NEPA Reform Actually Work This Time?," *40 Natural Resources & Environment 3*, Winter 2026

"State, Federal Incentives Heat Up Geothermal Projects," *Law360*, December 4, 2025

"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

"RFRA and Religious Servitudes on Public Lands," *71st Annual Natural Resources and Energy Law Institute, Chapter 33A, 2025*, 2025

"A Cautionary Tale: EPA Lists PFOA and PFOS as Hazardous Substances," *Law.com*, May 22, 2024

"What Nevada ‘Superbasin' Ruling Means for Water Users," *Law360*, April 2, 2024

"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

BLOG POSTS

"The Land Use Lesson at La Osa Energy Center," *The Pulse*, August 31, 2026

"DoD's Wind Freeze and the APA Reckoning," *The Pulse*, July 31, 2026

"For Alaska Projects, Land Status Is Key," *The Pulse*, July 31, 2026

"Permitting the AI Buildout," *The Pulse*, July 27, 2026

"A New ESA Take Landscape for Energy, Mining, and Infrastructure Projects," *The Pulse*, July 20, 2026

SPEAKING ENGAGEMENTS

"The Courts and Congress Get Their Turn at NEPA Reform," *American Exploration and Mining Association annual convention*, Sparks, NV, December 11, 2025

" From Red Tape to Green Light: Mastering Arizona's Siting Gauntlet," *Arizona Line Siting & CEC Compliance, Webinar*, December 11, 2025

"Permit Me to Panic: Navigating NEPA's New Normal," *33rd Fall Conference, American Bar Association (ABA)*, Arlington, VA, October 24, 2025

"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

RECOGNITION

- *The Best Lawyers in America*®, Environmental Law; Litigation - Environmental, 2024-2027
- Top 100 Lawyers in Arizona, AZ Business Magazine, 2026
- *Legal 500 US City Elite* - Arizona, Environment, 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 - present
- American Bar Association, Section of Environment, Energy, and Resources, Mining Committee Co-Chair, 2022 - 2024; Mining Committee At-Large Chair, 2024 - present
- Fresh Start, Executive Board of Directors, 2023 - present
- Federation of Defense & Corporate Counsel Ladder Down Class, 2021
- Arizona Center for Disability Law, former President and Board Member, 2018 - 2024