Holland & Hart



PRACTICES

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

INDUSTRIES

Conventional Power
Renewable Energy and Storage
Energy and Resources
Mining

EDUCATION

University of Iowa College of Law, J.D., 1985
with high distinction

Drake University, B.A., 1982
cum laude

BAR ADMISSIONS

Arizona

COURT ADMISSIONS

United States Supreme Court
U.S. Court of Appeals for the Ninth and Tenth Circuits
U.S. District Court for the District of Arizona

Christopher D. Thomas

Partner

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Chris provides strategic counsel and litigation services for clients confronting complex environmental regulatory challenges.

Chris is an environmental trial lawyer who represents industrial and municipal clients in multifaceted environmental litigation and permitting challenges. He guides clients through federal and state environmental approvals, defends against permit appeals and enforcement actions, manages site remediation projects, and litigates hazardous substance cases.

His clients include developers of complex infrastructure facilities such as mines, conventional and renewable power plants, and transmission lines.

Before joining Holland & Hart, Chris was a partner at Perkins Coie.

EXPERIENCE

Environmental Litigation and Enforcement

- Complex environmental and natural resource litigation in federal and state trial and appellate courts, including under NEPA, the National Historic Preservation Act (NHPA), the Federal Land Policy Management Act (FLPMA), the Clean Water Act, the Religious Freedom Restoration Act, and the federal Superfund Act
- State and federal environmental enforcement and citizen suit defense
- Defending administrative appeals of permits before administrative bodies such as the Arizona Water Quality Appeals Board and Arizona Office of Administrative Hearings

Project Development and Permitting

- Permitting and permit defense for major infrastructure projects including mines, landfills, and wind, solar, geothermal, and conventional power generating facilities.
- Obtaining and defending federal, state, and local environmental permits and approvals under NEPA, NHPA, the Clean Water Act, and other relevant statutes.

CLIENT RESULTS

Litigation and Enforcement Defense

Clean Water Act (CWA) and Similar State Water Permit Appeals

- Counsel of record for mining industry amici in the most recent U.S. Supreme Court case addressing the extent of federal jurisdiction under the Clean Water Act. *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023).
- Successfully argued for Resolution Copper Mining, LLC in an Arizona Supreme Court case challenging renewal of its Clean Water Act National Discharge Elimination System permit by the Arizona Department of Environmental Quality. *San Carlos Apache Tribe v. State*, 550 P.3d 1096 (Ariz. 2024), cert. denied, 145 S. Ct. 444) (2024) (new, integrated mine shaft did not constitute or create a "new source" under Clean Water Act).
- Successfully defending South32 Hermosa Inc. in third-party challenges to an Arizona aquifer protection permit and a state National Pollutant Discharge Elimination System (NPDES) permit issued to facilitate its mineral exploration activities in southern Arizona. *Patagonia Area Res. All. v. Ariz. Dep't of Env't Quality*, 259 Ariz. 216, 564 P.3d 296 (App. 2025).

National Environmental Policy Act and Related Public Lands 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, under NEPA and other theories. See *San Carlos Apache Tribe v. U.S. Forest Service* and *Arizona Mining Reform Coalition et al v. U.S. Forest Service*, 2025 U.S. Dist. LEXIS 158408 (D. Ariz. August 15, 2025) (denying preliminary injunction sought by Tribe and environmental groups against land exchange); *Lopez v. U.S. Forest Service*, 2025 WL 2380475, 2025 U.S. Dist. LEXIS 158995 (D. Ariz. Aug. 17, 2025) (rejecting free exercise and NEPA claims by Tribal members). Previously prevailed in a challenge to the Forest Service's approval of data collection activities on public land. *Concerned Citizens and Retired Miners Coalition v. United States Forest Service*, et al., 279 F. Supp. 3d 898 (2017) (D. Ariz. 2017).
- Representing Resolution Copper Mining, LLC in a case by a tribal affiliate group asserting that the United States' proposed conveyance of federal lands to Resolution would violate the Religious Freedom Restoration Act and the first amendment's free exercise clause. *Apache Stronghold v. United States*, 101 F. 4th 1036 (9th 1036) (en banc), cert. denied, 145 S. Ct. 1480 (2025).
- Counsel for American Exploration and Mining Association and other mining industry amici in U.S. Supreme Court case addressing whether National Environmental Policy Act requires federal agencies to evaluate environmental impacts over which they have no regulatory authority. *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 605 U.S. 168 (2025).

- Counsel for the National Mining Association as amicus in the first case to interpret statutory deadlines for completing NEPA review added by the 2023 Ian industry challenge to the Council on Environmental Quality's 2024 NEPA regulation amendments. *Signal Peak Energy, LLC v. Haaland*, 2024 WL 3887386 (D.D.C. Aug. 21, 2024).

Water Rights

- Co-counsel for the City of Flagstaff in The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source, In Re: Navajo Nation, Case No. CV6417-300 (Ariz. Sup. Ct., Apache Cty.).

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

- Defending the City of Phoenix in CERCLA litigation in the District of Arizona brought by law firm and, previously, its client Roosevelt Irrigation District, alleging that the city and dozens of other private and public parties impacted irrigation wells it wanted to convert to drinking water use. *Gallagher & Kennedy, P.A. v. City of Phoenix*, et al., 2022 WL 17903905 (D. Ariz. Sept. 30, 2022) (granting partial summary judgment to defendants), aff'd in part, *Gallagher & Kennedy, P.A. v. City of Phoenix, et al.*, 2024 WL 4003040 (Ninth Cir. Aug. 30, 2024); *Roosevelt Irrigation District v. Salt River Project, et al.*, 222 F. Supp. 3d 898 (D. Ariz. 2017) (plaintiff using contingent-fee lawyers did not incur CERCLA response costs).
- Represented a group of industrial settling parties before the U.S. Court of Appeals for the Ninth Circuit on the level of deference owed by district courts when evaluating proposed CERCLA consent decrees negotiated by state environmental agencies. *State of Arizona v. Ashton, et al.*, 761 F.3d 1005 (9th Cir. 2014), cert. denied, 577 U.S. 913 (2015).
- Helped persuade the U.S. Court of Appeals for the Eleventh Circuit to affirm the dismissal of cost recovery claims by two corporate successors to Monsanto that had been administratively and judicially compelled to incur those costs in *Solutia v. McWane, et al.*, 672 F.3d 1230 (11th Cir. 2012), cert. denied, 568 U.S. 942 (2012), thereby resolving an issue left open by the U.S. Supreme Court in *United States v. Atlantic Research*, 551 U.S. 128 (2007).
- Represented the City of Phoenix in the first case to hold squarely that trustees and other fiduciaries could be held personally liable as owners under Superfund, prompting a 1996 Congressional amendment of CERCLA that is now codified at 42 USC §9607(n). *City of Phoenix v. Garbage Service Co.*, 816 F. Supp. 564 (D. Ariz. 1993), and 827 F. Supp. 600 (D. Ariz. 1993).
- For the City of Phoenix, recovered $28.5 million from generators and transporters of hazardous substances disposed at the National Priorities List (NPL)-listed 19th Avenue Landfill. *State of Arizona and City of Phoenix, Arizona v. Motorola, Inc.*, et al., 805 F. Supp.749 (D. Ariz. 1992) (divisibility of harm under CERCLA); 805

F. Supp. 742 (D. Ariz. 1992) (causation under CERCLA); 774 F. Supp. 566 (D. Ariz. 1991) (CERCLA generator liability); 139 F.R.D. 141 (D. Ariz. 1991) (intervention into CERCLA consent decree proceeding).

Toxic Torts

- In a purported property damage class action alleging that numerous industrial entities caused lead and polychlorinated biphenyl (PCB) contamination in Anniston, Alabama, helped defendants withstand a petition for remand in a case that produced the first ruling in the courts of appeal on the Class Action Fairness Act's removal provisions. *Evans v. Walter Industries*, et al., 449 F.3d 1159 (11th Cir. 2006).

Pro Bono

- Court-appointed counsel in a six-day jury trial over prison inmate's civil rights claims against state prison officials. *Crago v. Pitz*, CV19-04532 (D. Ariz. 2022).
- Counsel for late civil rights legend Jamil Al-Amin, fka H. Rap Brown, in claims arising from his detention at USP-Tucson. *Al-Amin v. Howard*, No. 4:21-cv-00120 (D. Ariz.).
- Representing, with the Florence Immigrant and Refugee Rights Center and American Civil Liberties Union (ACLU), civil immigration detainees seeking habeas corpus relief because of heightened COVID-19 risk.
- Defending Iraqi, Russian, and Yemeni hunger strikers protesting immigration conditions against government efforts to compel force-feeding.

Brownfields, Facility Siting, and Counseling

Copper Mine 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.

Lead-Zinc-Silver-Manganese Mine Exploration

- Advising South32 Hermosa Inc. on environmental regulatory issues pertaining to its exploration project southeast of Patagonia, Arizona.

Renewable Energy Development

- Helping developers of wind, photovoltaic solar, battery storage, and geothermal facilities obtain necessary permits and approvals, including certificates of environmental compatibility from the Arizona Corporation Commission.

Corporate and Real Estate Acquisitions

- Advising hedge funds and other investors on potential environmental liabilities associated with potential investments in

mines, power plants, water and wastewater utilities, and real estate developments.

Brownfields Redevelopment

- Negotiated the first CERCLA prospective lessee agreement with the United States on behalf of the developer of a luxury resort within the former Empire Canyon mine site in Deer Valley, Utah, in a transaction that served as a pilot project for U.S. Environmental Protection Agency's (EPA) Environmentally Responsible Redevelopment and Reuse program.
- Represented a Phoenix charter school operator on environmental issues pertaining to its successful redevelopment of a former semiconductor facility into a safe and thriving K-12 school.

PUBLICATIONS

"EPA's Proposed NEPA Regulatory Reform Merits Supportive Public Comments," *Washington Legal Foundation*, July 14, 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

"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

"SCOTUS Reins In NEPA: A Game-Changer for Infrastructure Development," *Holland & Hart NEPA Update*, June 3, 2025

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

"D.C. Circuit Rejects CEQ's Rulemaking Authority," *The Foundation for Natural Resources*, December 2024

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

"NEPA Streamlining Yet Again: Will the Diet Work This Time?," *ABA Natural Resources & Environment, Vol. 33, Number 3* , Winter 2019

"Can Anyone Define WOTUS? A Cranky History of Clean Water Act Jurisdiction," *The Federal Lawyer*, June/July 2018

"Reaching Kumbaya: Overcoming the Obstacles to Successful Mediation of Environmental Disputes," *The Federal Lawyer*, June/July 2018

"Defining 'Waters of the United States:' A Mean-Spirited Guide," *ABA*

Natural Resources & Environment, Vol. 30, Number 1 , Summer 2015

"Tomorrow's News Today: The Future of Superfund Litigation," *46 Ariz. St. L.J. 537*, July 22, 2014

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

"From Red Tape to Green Light: Mastering Arizona's Siting Gauntlet," *EUCI*, Webinar, December 8, 2025

"Imagining New Approaches to Environmental Law," *American College of Environmental Lawyers annual meeting*, Boston, MA, June 20, 2025

"SCOTUS Seven County Ruling: Appraising Impact on Permitting, Projects, and Environmental Law," *Washington Legal Foundation*, Webinar, June 18, 2025

"Supreme Court Argument Preview: Seven County Infrastructure Coalition v. Eagle County, Colorado," *Washington Legal Foundation*, Webinar, December 3, 2024

"Religious Freedom, NEPA, and Development Collide in the West: A Mock Appellate Argument," *American College of Environmental Lawyers*, Salt Lake City, UT, October 7, 2023

RECOGNITION

- *Legal 500 US City Elite* - Arizona, Environment, 2026
- *Chambers USA*, Environment, Environmental Law, Arizona, 2005-2026
- *Benchmark Litigation*, Local Litigation Star
- *The Best Lawyers in America*® Environmental Law, 2007-2027; Litigation - Environmental, 2013-2027
- *The Best Lawyers in America*® Lawyer of the Year, Litigation - Environmental – Phoenix, 2015, 2017, 2021, 2023, 2025, 2027; Lawyer of the Year, Environmental Law – Phoenix, 2016, 2017, 2026
- *Lawdragon*, 500 Leading Environmental Lawyers – The Green 500, 2023-2026
- *Southwest Super Lawyers*®, Environmental, 2007-2025
- American College of Environmental Lawyers, Fellow

PROFESSIONAL AND CIVIC AFFILIATIONS

- American College of Environmental Lawyers, Fellow
- Gompers Habilitation Center, Board Member