



## Christopher D. Thomas

Partner

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

### PRACTICES

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

### INDUSTRIES

Energy and Resources  
Mining  
Renewable Energy and Storage  
Conventional Power

### 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

U.S. Court of Appeals for the Tenth  
Circuit

U.S. District Court for the District of  
Arizona

United States Supreme Court

U.S. Court of Appeals for the Ninth  
Circuit

Chris represents industrial and municipal clients in multifaceted environmental litigation and permitting challenges. He guides clients through federal and state environmental approvals, defends against enforcement actions, and manages site remediation projects. His experience includes project-defining/determinative mining defense, CERCLA litigation, and contaminated lands redevelopment.

Chris has significant experience guiding clients through the gauntlet of National Environmental Policy Act (NEPA) requirements, Clean Water Act permits, and other critical environmental regulations. He regularly advises on complicated infrastructure siting and environmental compliance strategies.

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, FLPMA, the Clean Water Act, the Religious Freedom Restoration Act, and CERCLA/Superfund
- State and federal environmental enforcement and citizen suit
- Citizen suit defense under federal environmental laws

#### Project Development and Permitting

- Mining project permitting and defense
- Renewable energy facility siting and permitting
- Federal land use authorizations
- NEPA environmental review compliance
- Federal, state, and local environmental permits

### 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) (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 Resource Alliance v. State of Arizona Department of Environmental Quality*, Nos. LC2022-000250 and 259 (Maricopa County Superior Court), Arizona Court of Appeals appeal pending, No. 1 CA-cv-23-0725 (2024).

#### **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. *Apache Stronghold v. United States*, No. CV-21-0050; *San Carlos Apache Tribe v. United States*, No. CV-21-0068; *Arizona Mining Reform Coalition v. United States*, cv-21-0122. 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 (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).
- Counsel for American Exploration and Mining Association and other mining industry amici in U.S. Supreme Court case addressing federal agency obligation under 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).
- Representing the National Mining Association as amicus in an industry challenge to the Council on Environmental Quality’s 2024 NEPA regulation amendments. *Signal Peak Energy, LLC v. Haaland*, 1:34-cv-00366, 2024 WL 3887386 (D.D.C. 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), *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), *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 civil rights legend Jamil Al-Amin, fka H. Rap Brown, in claims arising from his detention at USP-Tucson. *Al-Amin v. Howard*, No. 14-21-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, and battery storage facilities obtain necessary permits and approvals, including certificates of environmental compatibility from the Arizona Corporation Commission.

#### **Corporate and Real Estate Acquisitions**

- Advising hedge fund 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**

"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**

"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**

- Chambers USA, Environment, Environmental Law, Band One, 2005-2024
- Benchmark Litigation, Local Litigation Star
- The Best Lawyers in America®, Environmental Law and Litigation - Environmental, 2007-2025
- Lawyer of the Year, Litigation - Environmental— Phoenix, 2015, 2017, 2021, 2023, 2025; Lawyer of the Year, Environmental Law, 2016-2017
- Lawdragon, 500 Leading U.S. Environmental Lawyers, 2023-2024
- Southwest Super Lawyers®, Environmental Litigation, 2007-2024
- American College of Environmental Lawyers, Fellow

**PROFESSIONAL AND CIVIC AFFILIATIONS**

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