

**CONTACT**

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**PRACTICES**

Endangered Species & Wildlife  
Energy Transition  
Hydropower  
Land Use  
Water

**EDUCATION**

The George Washington  
University Law School  
Georgetown University

**BAR AND COURT ADMISSIONS**

Colorado State Bar  
District of Columbia Bar  
Washington State Bar  
U.S. District Court for the Western  
District of Washington  
U.S. Court of Appeals for the  
Ninth Circuit  
U.S. District Court for the Eastern  
District of California  
U.S. District Court for the District  
of Columbia  
U.S. Court of Appeals for the  
District of Columbia Circuit  
Washington State Court of  
Appeals (Div I, II, III)

**JENNA R. MANDELL-RICE**

**PARTNER**



**Professional Background**

Jenna Mandell-Rice counsels private and public clients on natural resources, environmental, and water-related permitting, with a primary focus on energy infrastructure (wind, solar, hydropower and transmission) and water infrastructure projects. She develops comprehensive permitting strategies, counsels clients through the regulatory process from project conception to construction, and defends projects and permits in state and federal court litigation.

Her comprehensive water practice includes advising clients on authorizations for in-water work, water quality requirements, and water supply issues, including water rights.

Jenna advises across a wide range of federal and state environmental, permitting, and enforcement regimes, including the National Environmental Policy Act (NEPA), State Environmental Policy Act (SEPA), Clean Water Act (CWA), Endangered Species Act (ESA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Federal Power Act (FPA). She also assists energy infrastructure developers with state and federal permitting, including FERC hydropower licensing and federal, state and local land-use authorizations.

Jenna is a co-leader of the firm's Environmental, Land Use, Natural Resources and Real Estate practice.

**Representative Experience**

**ESA Compliance and Litigation**

- Counsels clients on ESA compliance and litigation, including listing, critical habitat designation, section 7 consultation, section 10 habit conservation plans, reintroduction of listed species, and unauthorized take.
- Represents diking and drainage district as a plaintiff challenging a biological opinion issued with respect to a tidegate replacement project.
- Represented an association of public water agencies in California water contractors in federal litigation defending biological opinions issued pursuant to the ESA regarding the effects of the State Water Project and the Central Valley Project on threatened and endangered species.
- Represented a California water agency in federal litigation pertaining to a biological opinion issued pursuant to the ESA regarding the effects of the California Waterfix project on threatened and endangered species.
- Represented an irrigation district as defendant-intervenors in ESA litigation pertaining to ESA compliance for several hydroelectric facilities; achieved dismissal of claims.
- Represented clients defending against claims of unauthorized take of ESA-listed species. Achieved settlement of claims.
- Provided strategic counsel in response to several biological opinions regarding the effect of the National Flood Insurance Program on threatened and endangered species; represented coalition in litigation in federal court challenging implementation of the biological opinions.
- Provided strategic counsel to an irrigation district on ESA consultation regarding the effect of a water supply project on threatened and endangered species.

#### **NEPA/SEPA Compliance and Litigation**

- Provides strategic counsel on all aspects of NEPA and SEPA analyses to a wide variety of project proponents, including in relation to an airport expansion project, sediment diversion projects, transmission lines, renewable energy projects, and water supply and infrastructure projects.
- Represents renewable energy developer as an intervenor-defendant in federal district court litigation challenging the federal agency's NEPA and National Historic Preservation Act (NHPA) compliance related to a wind farm.
- Represented an association of public water agencies in California in litigation over the environmental impact statement for the state's major water projects.
- Represented an irrigation district as a defendant-intervenor in defending NEPA, SEPA, and ESA compliance for the Yakima Basin Integrated Water Management Plan and the Kachess Drought Relief Pumping Plant. Obtained dismissal of all claims.

#### **CWA Compliance and Litigation**

- Represents a client in multiparty federal, state, and local enforcement actions involving alleged CWA and related violations, including settlement negotiations and litigation challenging regulatory orders.
- Represents several hydroelectric licensees and utilities in challenges to CWA Section 401 water quality certifications before state administrative boards and in federal court.
- Represented hydroelectric licensee in federal litigation pertaining to discharge of pollutants without a National Pollutant Discharge Elimination System Permit.
- Advises a wide-range of clients on construction stormwater permits, industrial discharge permits, and CWA 401 certifications.

#### **FPA Compliance and Litigation**

- Represents license applicants before FERC on applications for original licenses for pumped-storage hydropower facilities.
- Represents FERC licensees in relicensing of existing hydropower projects.
- Represents hydroelectric licensees in challenges to CWA Section 401 water quality certifications before state administrative boards and in federal court.
- Advises hydroelectric licensees and utilities on compliance with state water quality standards.
- Represented operator of a FERC-licensed hydroelectric project in action brought by landowners alleging state-law claims for property damage. Obtained dismissal of all claims with prejudice.

#### **Water Rights**

- Counsels public utilities and municipalities on water rights and municipal water supply. Key issues include change and transfer of existing water rights, instream flows and fisheries, trust water and hydropower licensing.
- Represents water contractors in water right proceedings before the California State Water Resources Control Board.
- Represents water right holders in the Nooksack Basin adjudication.
- Advises water contractor on Colorado River Compact. Prepared amicus curiae briefs for state association of municipal water utilities pertaining to municipal water law.
- Represents county in litigation pertaining to interpretation of minimum instream flow.

#### **Awards and Honors**

##### **Chambers USA**

Environment - Washington State: 2023-2025

### Super Lawyers

Rising Stars, 2022-2025

### "Best Lawyers in America: Ones to Watch" by *Best Lawyers*

Environmental Law, 2021-2025

Land Use and Zoning Law, 2022-2025

Natural Resources Law, 2022-2025

### Articles and Presentations

- 2026 NHA Water Power Week, National Hydropower Association, Washington DC, 03/09/2026
- National Academies: Enabling DOE Regional Energy-Water Technology Pilots Public Information-Gathering Meeting #4, National Academy of Sciences, 07/30/2025
- 2025 PNWA Summer Conference, Pacific Northwest Waterways Association, Bellingham Washington, 06/10/2025
- FNREL's Water Law Institute, The Foundation for Natural Resources and Energy Law , Chandler AZ, 11/02/2023
- Fall Hydro Camp, Northwest Hydroelectric Association, Tacoma WA, 09/15/2022
- PNWA Environment Committee Webinar, Pacific Northwest Waterways Association, 07/26/2022
- Northwest Hydroelectric Association's 2022 Annual Conference, Portland OR, 02/23/2022
- Transboundary River Management: Transboundary Management of the Lower Snake River Dams, The Water Report, Issue 210, 08/19/2021
- The Purposeful Tension Within the Doctrine of Beneficial Use, Rocky Mountain Mineral Law Foundation Journal , Vol. 58 Issue 1 pp. 33-71, 08/02/2021
- VNF Live - Post Election Natural Resources Policy Outlook, 11/13/2020
- 2018 Wetlands in Washington, Law Seminars International, Seattle WA, 05/21/2018
- 2018 Environmental and Land Use Law Midyear Meeting & Conference, Washington State Bar Association, Cle Elum WA, 05/10/2018
- National Flood Insurance Program: Oregon Communities & Developers Face Significantly Heightened Standards Following ESA Consultation - National Impacts Probable, The Water Report, Issue 152, 10/15/2016
- [Criminal Liability For OCS Contractors Re-Examined](#), Law360.com , 06/10/2016
- 2016 Environmental and Land Use Law Midyear Conference and Meeting, Cle Elum Washington, 05/05/2016

### Alerts

- FERC Requests Information on Streamlining Post-Licensing Hydropower Approvals and Issuance of a Blanket Rule for Post-Licensing Amendments, 11/25/2025
- EPA and Corps Navigate New Regulatory Definition of Waters of the United States , 11/24/2025
- Recent D.C. Circuit Case Limits Opportunity to Assert Waiver of State Section 401 Water Quality Certification Authority, 05/23/2025
- Trump Administration Launches Comprehensive Review of Clean Water Act Definition for "Waters of the United States" (WOTUS), 03/31/2025
- Biden Administration Announces Proposed Phase Two NEPA Regulations, 08/09/2023
- Permitting Reform Package Passes as Part of Debt Ceiling Deal, 06/12/2023
- CEQ Issues Updated NEPA Guidance on GHG Emissions, 01/12/2023

- EPA Proposes to Expand State and Tribal Authority Over Section 401 Water Quality Certifications, Reversing Trump Era Rule, 06/15/2022
- Biden Administration Walks Back Key Trump Era NEPA Regulation Changes, 04/26/2022
- UPDATED: EPA and Army Corps Announce Latest Update to Definition of "Waters of the United States", 12/07/2021
- EPA and Army Corps Announce Latest Update to Definition of "Waters of the United States", 11/29/2021
- UPDATED: Rough Waters Ahead, Once Again: A District Court Vacates the 2020 Navigable Waters Protection Rule as the EPA and Corps WOTUS Definition Rulemaking Continues, 09/03/2021
- Rough Waters Ahead, Once Again: A District Court Vacates the 2020 Navigable Waters Protection Rule as the EPA and Corps WOTUS Definition Rulemaking Continues, 09/02/2021
- EPA Reissues Temperature TMDLs in the Columbia and Lower Snake Rivers, 08/30/2021
- The Death Knell for Dispersants?, 08/17/2021
- Criminal and Civil Liability a Possibility for Vessel Owners Following Unix Line Decision and Transition to Electronic Records, 04/28/2021
- U.S. Supreme Court Issues Decision Clarifying Boundaries of FOIA's Deliberative Process Privilege, 03/05/2021
- UPDATED: Army Corps Proposes to Reissue Nationwide Permits Two Years Ahead of Schedule, 09/18/2020
- Army Corps Proposes to Reissue Nationwide Permits Two Years Ahead of Schedule, 08/24/2020
- New International Fuel Standard for Vessels Takes Effect, 01/08/2020
- Settlement of *County of Maui* Prolongs Clean Water Act Uncertainty for Regulated Community, 09/27/2019
- Federal Guidance on Section 404 Permitting Under Development, 02/14/2019
- Federal Agencies Release the New Clean Water Rule to Replace "Waters of the United States" (WOTUS) Rule, 12/12/2018
- Final Corps Guidance Issued on Section 408 Permitting, 10/11/2018
- EPA and Corps Seek Additional Comment on Proposal to Repeal Definition of WOTUS, 07/18/2018
- FEMA Adopts Significant Changes to the National Flood Insurance Program ("NFIP") Under the Rubric of a "Clarification", 06/08/2018
- Corps Issues Draft Guidance on Section 408 Permission Requests, Solicits Comments, 03/02/2018
- EPA and Corps Amend Effective Date of WOTUS Rule, Open Door to Legal Challenges, 02/12/2018
- Supreme Court Rules that District Courts Retain Jurisdiction Over "Waters of the United States" (WOTUS) Rule, 01/29/2018
- EPA Proposes to Amend Effective Date of WOTUS Rule, 11/27/2017
- Oregon Communities and Developers Face Significantly Heightened Standards Following ESA Consultation on National Flood Insurance Program, 05/25/2016
- Criminal Liability for OCS Contractors Reexamined in Black Elk Decision, 05/09/2016
- Washington Streamlines Business Entity Administrative Requirements, 02/17/2016