



Gold King Mine Restoration Project Solicitation Webinar

July 28, 2021

3:00 - 4:30 PM

Welcome and Logistics

- ONRT welcomes stakeholders to submit **restoration project ideas** for potential selection.
 - Stakeholders would implement the project, if selected.
- Today's Logistics
 - Feel free to turn on your camera.
 - Please mute yourself if you are not speaking.
 - Use the **chat feature** to send questions to the meeting organizers.
- Speaker introductions.



Overview

- Introduction to the NM ONRT.
- Gold King Mine Spill and Partial Settlement.
- Natural Resource Damage Assessment and Restoration (NRDAR) process.
 - Affected resources.
- Project Solicitation Process.
 - Timeline.
 - Targeted resources and impairments.
 - Screening and Evaluation Criteria.
- Question & Answer Session.
 - Contact Information.

ONRT Mission

- Under federal law, natural resource restoration is an essential component of the State's authority to hold polluters accountable.
- When toxic substances pollute water, wildlife, fish, habitat, soils and other natural resources, federal laws require:
 - A complete and timely clean up to protect public health,
 - Our environment restored to the way it was, pre-contamination, and
 - Compensation for lost natural resources and the services they provide.

ONRT Role

Following release of hazardous substances into New Mexico's environment, responsibility is shared.

NM Environment Department

Responsible for remediation:

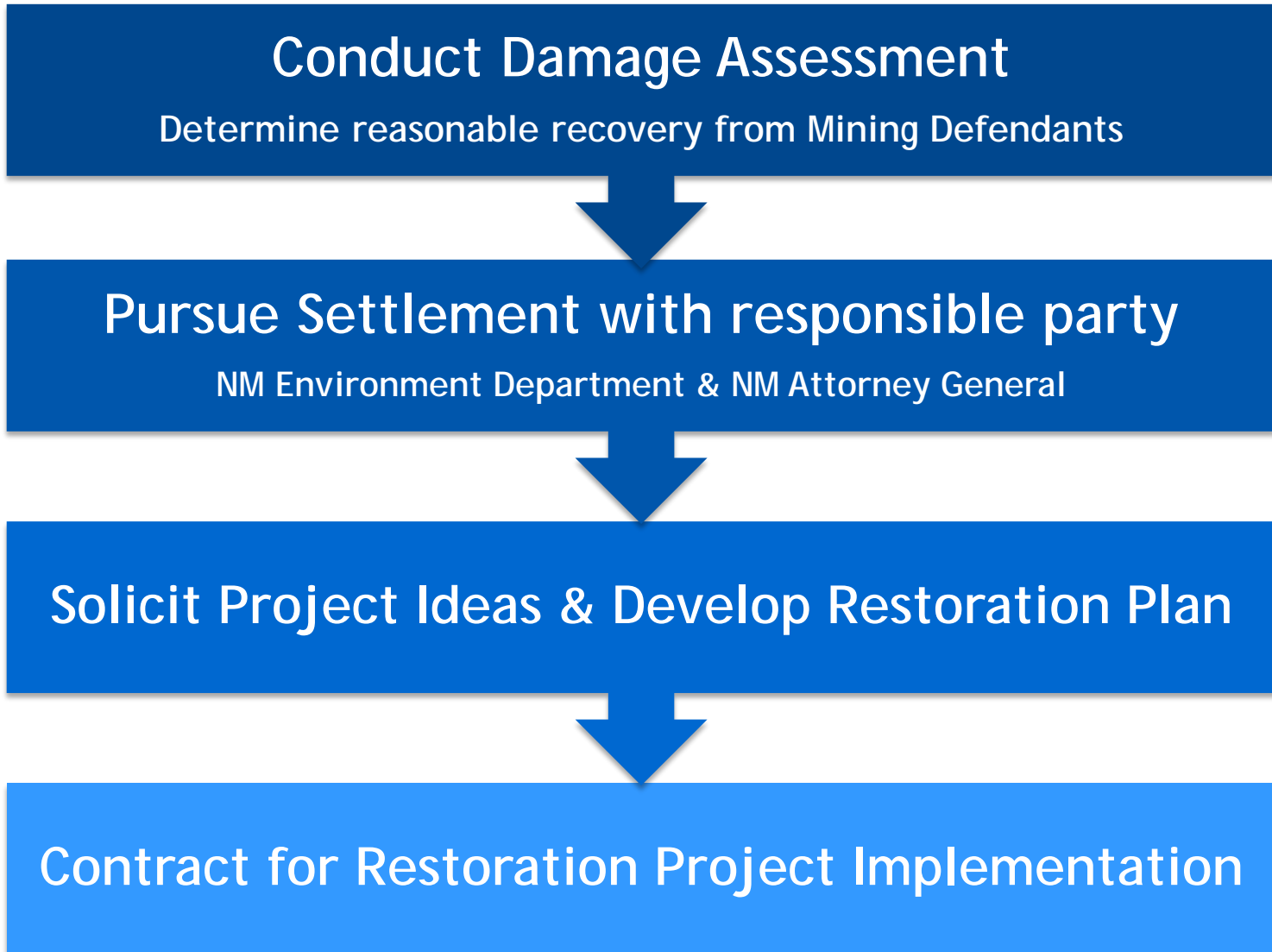
- clean up to protect public health

NM Natural Resources Trustee

Responsible for restoration:

- Returning affected resources to pre-contamination condition.
- If that is not possible, replacing or acquiring equivalent resources.
- Ensuring communities are compensated for the loss of natural resources AND *loss of use* of those resources and the services they provide.

ONRT Process



ONRT Restoration Projects

- New Restoration Projects in 2020
 - ✓ \$2.3M to Village of Questa for water and wastewater infrastructure.
 - ✓ \$1.4M to Town of Silver City for wastewater system extension.
 - ✓ \$597,000 for proposed South Valley habitat and water quality improvement project.
 - ✓ \$1.2M for Questa Red River Aquatic Habitat restoration project.
 - ✓ \$267,000 for Midnight Meadows Wetland project.

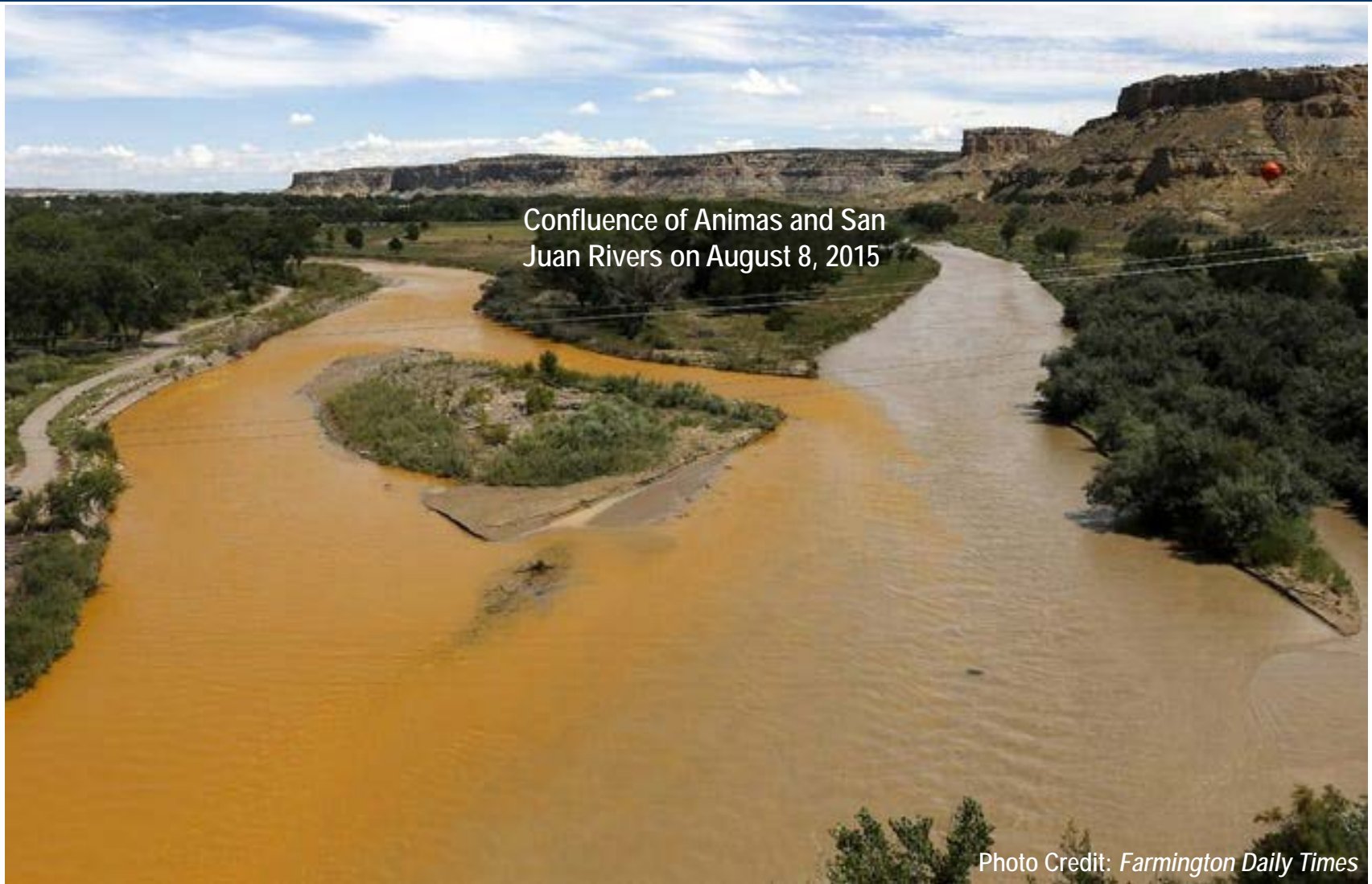
2020 Total Restoration: \$5,764,000

Gold King Mine Spill

- August 2015: USEPA contractors working at site breached mine.
- Est. 3 million gallons acidic mine waste flowed downstream.
- Metals-laden water traveled down through Animas and San Juan Rivers.



Gold King Mine Spill



Natural Resource Damages Recovered



- The State of New Mexico and the Navajo Nation filed lawsuits against the U.S. EPA, its contractors, and the mining companies for environmental damages due to the spill.
- In January 2021, the State reached a settlement with Sunnyside Gold Corporation and its parent companies that includes **\$1M** for ONRT to implement restoration projects to address natural resource damages claims.
- Litigation against the U.S. EPA and its contractors is on-going.

What are Natural Resource Damage claims?

CERCLA's Natural Resource Damages Assessment and Restoration Process

Assess Injury

- Assess impact of hazardous substance on natural resources

Determine Damages

- Determine scale of restoration necessary to compensate

Prepare Restoration Plan

- Evaluate potential restoration actions

Implement Restoration

- Compensate the public for losses

CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act 43 CFR 11

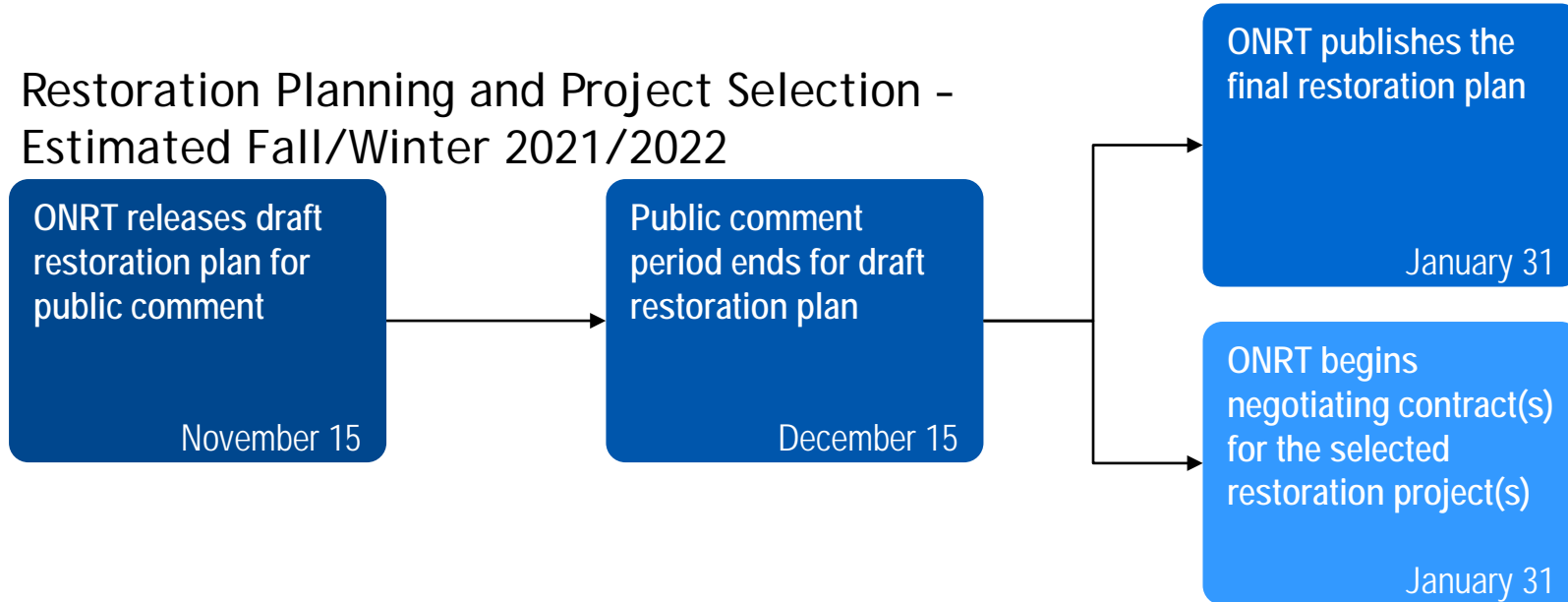
Anticipated Restoration Project Solicitation Process and Timeline

Project Solicitation - Summer 2021



Restoration Project Screening and Evaluation by ONRT- Fall 2021

Restoration Planning and Project Selection - Estimated Fall/Winter 2021/2022



Affected Resources Relevant to Project Proposals

- **Ecological service losses:** Metals-contaminated sediment and surface water and increased exposure for aquatic organisms.
- **Surface water for drinking water treatment or irrigation:** Loss of use of surface water due to elevated particulate matter and metals, especially lead.
- **Recreational opportunities:** Loss of use due to the spill and concerns related to water contamination.
- **On-going impairments:** Lead, turbidity, nutrients (total phosphorous), *E. coli*, temperature, and/or sedimentation/siltation.

Example Restoration Project Types and Benefits

Restoration Project Example	Benefits and Metrics
Aquatic restoration of off-channel habitat/tributary	<ul style="list-style-type: none">• Percent increase in aquatic vegetation density• Increased area for fish spawning
Improvements to water quality	<ul style="list-style-type: none">• Percent change in the targeted constituent(s) (e.g., suspended solids, lead, turbidity)
Improved or expanded access to recreation	<ul style="list-style-type: none">• Percent change in visitation at improved site• Estimated use of new access point (e.g., vehicle counts)

Screening Criteria

Projects must comply with the following screening criteria to be evaluated. ONRT may use additional criteria at the screening stage, as needed.

- ❖ Consistent with ONRT mission:
“to return injured natural resources and the services they provide to the condition that would have existed absent the release of contamination”
- ❖ Results in a net overall improvement of natural resources and/or benefit to the public in terms of increased resource services.
- ❖ Technically and administratively feasible as demonstrated through the use of established or previously implemented approaches.

Screening Criteria

- ❖ Unlikely to proceed without ONRT funding.
- ❖ Complies with applicable and relevant federal, state, local, and tribal laws and regulations.
 - ❖ Anti-donation Clause of New Mexico Constitution - State funds cannot be used to compensate for individual losses.
- ❖ Has feasible and cost-effective provisions for operations, maintenance, and monitoring and a demonstrated source of funds for those ongoing costs, as relevant.
- ❖ Includes all the information necessary to evaluate the project.



Evaluation Criteria - Geographic Focus

Projects that pass the screening step will be evaluated and ranked by the following criteria:

- ❖ Geographically close to the Animas River from the NM-CO state line to the confluence with the San Juan River, and/or the San Juan River to the CO state line.



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 Geographic Area of Focus
 Major Rivers

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Evaluation Criteria - General

- ❖ Consistent with regional planning and federal and state policies, if applicable.
- ❖ Cost-related criteria:
 - ❖ Availability of additional funds or in-kind support to leverage ONRT dollars.
 - ❖ Low ratio of planning and administrative costs to restoration costs.
 - ❖ Relationship of the expected costs of the proposed actions to the expected benefits.
 - ❖ Cost-effectiveness compared to other projects that provide similar benefits.



Evaluation Criteria - Costs

- ❖ Lead project proponent or partner is a state agency or local public body.
- ❖ Implemented in a timely manner.
- ❖ Likely to provide benefits quickly after project implementation.
- ❖ High potential for long-term success and a low risk of failure.
- ❖ Low potential for adverse impacts to natural resources or human health and safety resulting from the restoration project itself, including long-term and indirect impacts.



Questions?

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