



## Gold King Mine Restoration Project Solicitation: Frequently Asked Questions

In a recent settlement with U.S. EPA, the New Mexico Office of the Natural Resource Trustee (ONRT) received damages in the amount of \$10,000,000 for restoration of natural resources and resource services impacted by the August 2015 Gold King Mine release. On August 11, 2022, ONRT sent a letter to local and regional stakeholders to solicit restoration project ideas. To provide an overview of the restoration project solicitation process and answer stakeholder questions, ONRT held a webinar on August 24, 2022. The presentation from the webinar and a recording of the webinar are available for download on the ONRT website: [presentation](#) and [recording](#).

During the webinar and throughout this process, interested parties have posed questions on the solicitation process and timing, types of restoration projects eligible for funding, types of partnerships allowed, and other questions.

Answers to frequently asked questions are included below and will be updated at the discretion of ONRT throughout the solicitation process. Updates will be posted on the ONRT [website](#).

### Questions and Answers

#### **Is there a timeline for the completion of proposed projects?**

ONRT will consider the implementation schedule for proposed projects as part of the evaluation criteria with a preference for projects that can be initiated within 1 year of ONRT's publishing of the final Restoration Plan, and generally completed within 2–3 years of implementation. However, projects with longer timelines will also be considered.

#### **Can stakeholders apply for more than one restoration category?**

There are no limits on how many restoration categories that stakeholders may apply for, or how many projects stakeholders may submit.

#### **Is there a maximum amount of funding for a single proposal?**

No, there is not maximum amount for a single proposal. The total amount of funding for all projects will not exceed \$10,000,000.

#### **Will there be a set aside for smaller projects?**

There is no set aside based on project size. Small projects will be evaluated using the same criteria as larger projects. The criteria will not prioritize more expensive projects over smaller projects. In some cases, a lower cost project may demonstrate higher cost-effectiveness, if it provides greater benefits relative to the costs.



**Is there a plan for a potential second request for proposals if the full \$10,000,000 is not allocated through this application deadline?**

The intent is to release the full \$10,000,000 through this project solicitation. If funds remain after implementation of all selected projects, a second project solicitation may take place.

**Can proposals include costs for monitoring the effects of the restoration?**

Yes. For example, projects with adaptive management plans would be expected to have a monitoring component. However, this is with the exception that any monitoring that would be duplicative of monitoring already occurring under the ["Gold King Mine Spill Long-Term Monitoring Plan"](#).

**If a restoration project requires removal of impacted/contaminated material, should the costs for these actions be included in the project budget?**

Yes, if the project idea is to improve natural resources to baseline conditions, then the proposal would need to address all the elements of the project. This would include the costs for managing waste material.

**Will the Restoration Plan include all the submitted stakeholder projects?**

Yes, the Restoration Plan will describe all the projects that have been submitted for consideration and identify preferred projects that total up to \$10,000,000. Proposed projects will be screened and evaluated using the criteria identified in the [Project Solicitation Letter and Criteria](#).

**Are projects with human use benefits in the Animas and San Juan Rivers eligible for funding (e.g., boat launch, river wave features, river walks, etc.)?**

Yes, projects that are specifically focused on human use benefits are eligible. Proposed projects do not need to have a habitat or ecological focus but must be connected to the natural resource injured by the Gold King Mine release.

**Are projects focused on headwater wetlands that drain into the Animas or San Juan Rivers eligible?**

Yes, projects focused on headwater wetlands that drain into the Animas or San Juan Rivers are eligible, provided they are located in New Mexico.

**Can you provide more guidance what is considered “geographically close to the Animas River from the New Mexico-Colorado state line to the confluence with the San Juan River, and/or the San Juan River downstream to the Colorado state line” criterion?**

Yes, “geographically close to” refers to within the watershed of the Animas and San Juan Rivers in New Mexico. For example, restoration projects in upland areas that are within the watersheds of the rivers (and located within New Mexico), would be considered “geographically close to”.



**Are public land acquisition projects or conservation easements on private land that meet one of the goals eligible?**

Yes, if a project meets the criteria listed in the Project Solicitation Letter, it would be eligible. Typically, the benefits of such projects are demonstrated by showing that the acquisition or conservation easement will protect, maintain, and/or improve aquatic or terrestrial habitat or have a direct impact on water quality.

**Are projects focused on farmer training facilities or emergency operations center updates eligible?**

Farmers are a sector of the public that was adversely affected by the GKM event, and projects that provide benefits to farmers are an eligible type of restoration, falling under the “human use benefits” restoration category. That can include projects that provide trainings, education, and/or outreach/communications for farmers.

**Where can stakeholders obtain information regarding baseline conditions?**

It is up to the applicant to establish baseline conditions of the proposed project area. The potential source(s) of baseline information may vary, depending upon the nature of the project. For example, a project focused on reducing stream bank erosion and sedimentation by controlling cattle access and stabilizing the bank by planting native vegetation, could establish that baseline is degraded by referring to existing river impairment listing(s) for sedimentation. If regular water quality monitoring data are available, the applicant could also refer to those data to establish baseline conditions. Applicants could also point to established literature, or studies from other sites to establish baseline conditions. For example, an applicant could point to sedimentation and temperature impairments in the river(s) to establish that baseline conditions are degraded, then identify through the literature that loss of wetlands is associated with these types of water quality degradations, and that restoring wetlands can improve these water quality conditions. Applicants searching for specific information regarding baseline conditions (e.g., water quality data, etc.) may reach out to ONRT for further assistance.

*continued below*



### **Are projects focused on long-term monitoring eligible for funding?**

The settlement agreement between the State of New Mexico and the United States contains two references to “long-term monitoring”:

*“(3)(d). New Mexico and the United States further agree that, to avoid double recovery under 42*

*U.S.C. § 9614(b), funds from the Escrow Account shall not be used to pay for costs of Long-Term Monitoring.*

*(1)(k) Long-Term Monitoring shall mean those response actions within the State of New Mexico set forth in the “Gold King Mine Spill Long-Term Monitoring Plan” as published by New Mexico’s Long-Term Impact Team on May 5, 2017, a true and correct copy of*

*which is attached to this Settlement Agreement as Attachment B.”*

Therefore, any proposals that contain monitoring or other response actions listed [in "Gold King Mine Spill Long-Term Monitoring Plan"](#) are ineligible for funding.

### **Why can’t ONRT provide funding directly to non-governmental proposers?**

The New Mexico State Procurement Code prohibits ONRT from directly contracting with a non-governmental entity without first issuing a formal Request for Proposals (RFP) for the proposed services. The formal RFP process is competitive and gives all interested parties a fair opportunity to bid for the contract.

When ONRT receives a proposal from a non-governmental entity, it must submit that proposal to formal RFP process. Because the RFP process is competitive, ONRT cannot guarantee that the non-governmental proposer will win the contract.