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Maggie Hart Stebbins, Trustee

FOR IMMEDIATE RELEASE

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Office of Natural Resources Trustee releases draft Natural Resource Restoration Plan for injuries caused by 2015 Gold King Mine release

Agency seeking public comment on plan to fund 10 projects from settlement with US EPA and EPA Contractors

ALBUQUERQUE — The New Mexico Office of Natural Resources Trustee (ONRT) announced today that it is seeking public comment on the *Draft Natural Resource Restoration Plan # 2 for the 2015 Gold King Mine Release*. The draft restoration plan proposes funding for 10 natural resource restoration projects using \$12 million recovered from the United States Environmental Protection Agency (EPA) and EPA contractors for injuries in New Mexico resulting from the release caused by the August 2015 Gold King Mine blowout.

The Draft Restoration Plan proposes full or partial funding of the following projects:

- City of Aztec, Construction of North Main Wastewater Management Infrastructure (\$480,000)
- City of Aztec, Rehabilitation of Raw Water Reservoir 1 (\$950,000)
- City of Farmington, Construction of Whitewater Wave and Irrigation Diversion Dam at Farmington Gateway Park (\$2,000,000)
- Navajo Nation Department of Fish and Wildlife, Construction of Nenahnezad Chapter San Juan River Boat Ramp (\$65,575)
- New Mexico Interstate Stream Commission, San Juan River Water Lease Agreement Partnership (\$1,803,000)
- New Mexico State Parks Division, Construction of an Aquatic Invasive Species Station on San Juan River Quality Waters (\$205,226)
- San Juan County, Construction of San Juan River Public Boat Ramps and Park Improvements (\$681,440)
- San Juan County, Construction of the San Juan County Extension Service Office Building (\$2,300,000)
- San Juan County, Construction of Water and Wastewater Improvements for the Totah Subdivision (\$1,000,000)
- San Juan Soil and Water Conservation District, Construction of Irrigation Ditch Diversion Project (\$1,616,600)

The 10 projects proposed for funding were among 17 project proposals received by ONRT following a solicitation issued on August 12, 2022.

“ONRT is committed to honoring the priorities of communities most affected by the Gold King Mine blowout”, said **Trustee Maggie Hart Stebbins**. “These ten projects will deliver tangible benefits to residents along the Animas and San Juan Rivers and provide some small compensation for the injuries caused by the release.”

All project proposals received in response to the solicitation were evaluated and ranked according to criteria that included a broad public benefit and a direct tie to the environmental injuries caused by the release. Additional measures included proximity to the Animas and/or San Juan Rivers; benefits to surface water, wildlife, and/or aquatic and terrestrial ecosystems; and/or benefits to agriculture or outdoor recreation.

On August 5, 2015, contractors attempting cleanup work on behalf of the EPA caused a release of millions of gallons of acid mine drainage and tons of toxic metals from the Gold King Mine in Colorado. The plume from the release caused the Animas and San Juan Rivers to turn bright yellow through Colorado, New Mexico and the Navajo Nation to Lake Powell in Utah. The release also forced communities to close intakes for drinking water systems, prompted many farmers to stop irrigating their crops, and drastically decreased recreational use of the rivers. Although the rivers are now safe for irrigation and other uses, the stigma associated with the event has had lasting effects on the region's economy.

In response to the release, the New Mexico Environment Department and the Attorney General filed a lawsuit in May 2016 against the EPA, the EPA contractors, and certain mine owners, seeking recovery of response costs, damages, and injunctive relief. New Mexico aggressively pursued its claims for six years seeking to hold the EPA and others accountable.

In June of 2022, Governor Michelle Lujan Grisham, Attorney General Hector Balderas, Environment Secretary James Kenney, and Natural Resources Trustee Maggie Hart Stebbins announced a \$32 million final settlement with the United States and the U.S. Environmental Protection Agency in the Gold King Mine litigation. That settlement included \$10 million for restoration of injured natural resources. The state reached another settlement with EPA contractor defendants in December 2022 that provided an additional \$2 million for natural resource restoration.

ONRT has reserved approximately \$1 million from those settlements to pay the costs of soliciting and evaluating restoration projects and the costs of overseeing project implementation. Any funds remaining after the 10 projects are implemented will be used for additional restoration.

To begin the restoration planning process, ONRT published a press release and sent a letter to local stakeholders on August 12, 2022, asking for project proposals. ONRT evaluated all proposed restoration projects and then prepared the *Draft Natural Resource Restoration Plan # 2 for the 2015 Gold King Mine Release* which includes a description of proposed projects and results of the evaluation. The draft restoration plan and other Gold King Mine documents are available on ONRT's website at <https://onrt.env.nm.gov/> and may be requested from the New Mexico Office of Natural Resources Trustee by email at nm.onrt@onrt.nm.gov; by phone at (505) 670-6499; or by mail at 121 Tijeras NE, Suite 1000, Albuquerque, NM 87102. A hard copy of the Draft RP may be viewed at the Aztec Public Library and the Farmington Public Library.

Interested parties and the public are invited to comment on the Draft Restoration Plan. The public comment period starts on April 1, 2023, and ends on May 1, 2023. Comments may be submitted through the Public Comment Portal at <https://nmed.commentinput.com/?id=uBZFS>, via email at nm.onrt@onrt.nm.gov, or via hard copy at 121 Tijeras Avenue NE, Suite 1000, Albuquerque, NM 87102. All comments should reference *Draft Natural Resource Restoration Plan #2*. Comments must be received in writing on or before 5:00 pm MST on May 1, 2023. Comments received after that deadline may not be considered. Written comments received during the public comment period will be evaluated by ONRT and incorporated into the Final Restoration Plan, as appropriate.

For more information on New Mexico's settlement with all three sets of defendants in the Gold King Mine litigation, please visit: <https://onrt.env.nm.gov/gold-king-mine/>.

About the Office of Natural Resources Trustee (ONRT): *ONRT is a state agency created by statute to ensure that New Mexico's natural resources that have been injured by the release of hazardous substances are restored for the full benefit of New Mexicans. ONRT assesses injury to natural resources caused by contamination and then seeks compensation from the responsible parties for restoration of those injured resources. The funds obtained through settlements are used to restore, replace, or acquire the equivalent of injured, destroyed or lost natural resources and the services they provide. For more information about ONRT, visit <https://onrt.env.nm.gov>.*

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