



Office of the Governor

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Gov. Lujan Grisham, Attorney General Balderas, Environment Secretary Kenney and Trustee Hart Stebbins announce settlement with final contractors in Gold King Mine Litigation

SANTA FE — Governor Michelle Lujan Grisham, New Mexico Attorney General Hector Balderas, Environment Secretary James Kenney, and Natural Resources Trustee Maggie Hart Stebbins on Thursday announced a \$5 million final settlement with Environmental Restoration, LLC and Weston Solutions, Inc. in the Gold King Mine litigation. This marks the end of all litigation involving the State of New Mexico related to the 2015 Gold King Mine spill. In total, the state successfully fought for and won \$48 million in settlements on behalf of New Mexicans, much of which will be reinvested into communities impacted by the release and water improvement projects in the region.

“Today marks the conclusion of years of hard work to hold accountable those responsible for this spill, which was devastating to the communities and environment in northwest New Mexico,” said **Gov. Lujan Grisham**. “As a result of our efforts, the state and the communities affected are receiving the resources and compensation they deserve.”

“New Mexico’s northwest region suffered serious environmental harms and economic loss, and this final settlement brings closure to years of hard work and the state can now move forward with restoration efforts,” said **Attorney General Balderas**.

Under the settlement, the two contractors will each make cash payments of \$2.5 million to the state. Of that, \$3 million will be allocated to the Attorney General to cover the costs associated with the litigation, address harms to New Mexico and its communities resulting from the Gold King Mine release, and enhance law enforcement efforts to prevent and prosecute environmental contamination; and \$2 million will be allocated to Office of the Natural Resources Trustee (ONRT) for natural resource damages claims arising from the spill.

“We have been working with communities affected by the release to identify and fund projects that will restore water, habitat, and uses of those natural resources such as farming, consumption, and outdoor recreation,” said **Natural Resources Trustee Maggie Hart Stebbins**. “There is more work to be done and we will continue to seek public input so that funding decisions reflect the needs of residents along the San Juan and Animas rivers.”

The \$2 million for natural resource damages will be allocated to projects to restore or replace injured natural resources and the services they provide, which may include river, land, and watershed restoration and conservation. This is in addition to the \$1 million that has already been committed to partnerships with the

City of Farmington, San Juan County, the San Juan County Soil and Water Conservation District, and the Tse Daa Kaan (Hogback) Navajo Community for projects benefitting farming and outdoor recreation. ONRT is the process of evaluating 17 project proposals that have been submitted for funding from the \$10 million from the settlement with the U.S. EPA and expect to have a plan available for public comment by March 1, 2023.

“This administration understands how significant the impact of the Gold King Mine release was to the people who rely on the Animas and San Juan Rivers for their livelihood,” said **Environment Secretary James Kenney**. “We continued our legal efforts until we achieved accountability and the resources to support full recovery from the damages from the release and I am proud of what our team has delivered for New Mexico.”

On Aug. 5, 2015, contractors attempting clean-up work on behalf of the U.S. Environmental Protection Agency (EPA) triggered a release of millions of gallons of acid mine drainage and tons of toxic metals from the Gold King Mine in Colorado into the Animas River. This plume of acid mine drainage and metals caused the Animas and San Juan Rivers to turn bright yellow through Colorado, New Mexico and the Navajo Nation. The release also forced communities along the river 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 contractors, and certain mine owners, seeking recovery of response costs, damages, and injunctive relief. New Mexico has aggressively pursued its claim ever since, seeking to hold the EPA and others accountable. New Mexico also separately sued Colorado in the United States Supreme Court for its role in creating the conditions that led to the release. Although the Supreme Court did not hear the original action, the litigation shone a light on past mismanagement and resulted in the listing of the Bonita Peak Mining District (BPMD) on the National Priorities List. That listing has led to a commitment of over \$200 million in reclamation work at BPMD and treatment of the metals-laden water released from the mines, which has vastly improved water quality in the Animas and San Juan Rivers in New Mexico

In 2021, New Mexico reached an \$11 million settlement with the mining company defendants, Sunnyside Gold Corporation, Kinross Gold Corporation and Kinross Gold U.S.A., Inc., for their part in the Gold King Mine spill. In early 2022, New Mexico reached a \$32 million settlement with the United States and the U.S. Environmental Protection Agency. Combined with today’s \$5 million settlement, the State obtained a final total of \$48 million towards restoring the environment and economy of northwest New Mexico.

Find the settlement agreement in its entirety [here](#).

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