



State of New Mexico  
OFFICE OF NATURAL RESOURCES TRUSTEE

**Bill Richardson**  
Governor

**Ron Curry**  
Trustee

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Executive Director

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**State Settles \$13 Million Natural Resource Damage Case for Injured  
Groundwater at Freeport McMoRan Mines**

(Albuquerque, NM) — The New Mexico Office of Natural Resources Trustee (ONRT) and Freeport-McMoRan Copper & Gold Inc. (FMI) reached a \$13 million settlement for the injury of groundwater resources resulting from the release of hazardous substances from the FMI mine facilities in southwestern New Mexico.

The settlement includes \$12,794,000 for the restoration of groundwater resources, plus an additional \$206,000 for the reimbursement of outstanding damage assessment costs to be paid to the ONRT.

“New Mexico has maintained a comprehensive statewide Natural Resources Damages program that has resulted in the settlement of the state’s largest natural resource damage claim,” Governor Richardson said. “This settlement serves as a model for settling natural resource damage liabilities in New Mexico.”

“The multi-year assessment process for this claim was conducted under a cooperative assessment process to avoid costly litigation,” said New Mexico Natural Resources Trustee Ron Curry. “The Office will now work with the public to determine the best method to restore groundwater resources.” Trustee Curry acknowledged that U.S. Representative Martin Heinrich and former Trustee Jim Baca were instrumental in making the settlement come to fruition.

Under the federal Superfund statute, state trustees are authorized to recover damages for injuries to natural resources that have occurred as the result of releases of hazardous substances. Compensation for the resource injuries is provided by the responsible party and is used to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resources, in this case groundwater. The ONRT will prepare a draft restoration plan that will propose restoration project(s) that can be implemented with restoration money from the settlement and will seek public review of the draft plan.

Attorney General Gary King, who served as Chairman of the New Mexico Mining Commission and was of counsel with one of the state's most respected water and natural resource law firms, is pleased with this long awaited development.

"This is great news for the people in the Silver City area who have had grave concerns about their groundwater," said Attorney General King. "Congratulations are in order for the hard work put in by attorneys from my office and staff from Secretary Curry's group."

"It has taken years of cooperative investigation and negotiation by many dedicated state employees to reach this historic settlement," said Stephen Farris, Director of the Water, Environment and Utilities Division of the New Mexico Attorney General's Office. "These efforts benefit all New Mexicans by protecting our most precious resource, water."

The proposed consent decree outlining the settlement was recently filed in District Court by the Attorney General's Office.

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