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AG Balderas, Environment Secretary Kenney and Trustee Hart Stebbins Announce Landmark Litigation Milestone That Will Benefit Communities in Northwest New Mexico

Santa Fe, NM— New Mexico Attorney General Hector Balderas, Governor Michelle Lujan Grisham, Environment Secretary James Kenney, and Natural Resources Trustee Maggie Hart Stebbins announce an agreement in principle to settle New Mexico’s claims against the federal government in the litigation over the 2015 Gold King Mine disaster. On Wednesday, Feb. 16, 2022, the parties agreed to put the litigation on hold for 90 days so that the terms of the agreement can be finalized in a formal settlement agreement. Final settlement terms will be focused on investing funds into communities in northwest New Mexico to bolster the agriculture and outdoor recreation economies and mitigate the stigma caused by the spill. The settlement will also pay New Mexico’s response costs, restore and conserve riverine and land habitats, provide ongoing monitoring of water quality, and control and mitigate sources of pollution to protect drinking water.

“The toxic mine spill resulted in millions of gallons of waste in the San Juan and Animas Rivers,” said Attorney General Balderas. “We have fought to hold the mining companies and federal government accountable for the damage they caused, and achieve an agreement that provides justice for the region’s culturally unique communities and the needed resources to build up the regional economy that was damaged as a result of the disaster.”



The Animas River, as it appears today. Photo credit: New Mexico Environment Department.

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 a disturbing shade of bright yellow, from Colorado through New Mexico and the Navajo Nation to Lake Powell in Utah. The release also forced municipalities 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.

"The settlement will mark a turning point for our people, our communities and our environment," said Environment Secretary James Kenney. "While we will never forget this tragedy, this settlement will continue to help us rebuild a robust economy in Northwest New Mexico while protecting our fragile environment in this region."



The Animas River at the time of the spill in August 2015. Photo credit: New Mexico Environment Department.

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. The settlement, once finalized, will avoid additional years of litigation with the federal defendants and instead quickly direct the federal government's resources towards making the people of New Mexico whole.

"The US Department of Justice and the EPA have heard extensively from New Mexico about the lasting impact of the Gold King Mine release on our natural resources and our residents who depend on them," said New Mexico Office of the Natural Resources Trustee Maggie Hart Stebbins. "Through the final settlement, we will expand restoration efforts to address those injuries and invest in communities along the Animas and San Juan Rivers."

New Mexico will continue to aggressively pursue relief for damages from the federal contractors who contributed to the cause of the blowout and are still defendants in the State's lawsuit.

Last year, New Mexico reached an \$11 million settlement with the mining company defendants, Sunnyside Gold Corporation, Kinross Gold Corporation and Kinross USA, Inc., for their contributions to the Gold King blowout.

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