

Victory for Nation over gold mine compensation

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WINDOW ROCK – On Feb. 12, the Navajo Nation won an important victory in its fight for fair compensation for the harms caused by the U.S. EPA and its contractors from the devastating Gold King Mine spill of August 2015.

The United States District Court for the District of New Mexico denied contractor Environmental Restoration, LLC’s motion to dismiss the Nation’s claims, instead upholding all claims, including CERCLA claims, and claims for negligence, gross negligence, trespass, and nuisance.

The Court also refused Environmental Restoration’s demand to strike the Nation’s request for punitive damages.

The case arose because the U.S. EPA, its contractors, and other responsible parties recklessly contributed to the buildup of contaminated water at the Gold King Mine and caused a catastrophic blowout that released at least 880,000 pounds of toxic, heavy metals into waters they knew would reach the Navajo Nation.

“We will continue to fight for justice for the Navajo people and the Navajo Nation,” said Navajo Nation President Russell Begaye. “Our people have suffered greatly and must be compensated fairly.”

Navajo Nation Attorney General Ethel Branch continued.

“This is an important landmark in our fight to hold the parties responsible for the harms caused by their negligent and reckless conduct,” Branch said. “We will continue to push ahead with

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renewed strength and resolve.”

John Hueston, the Navajo Nation’s outside counsel, added: “We can now proceed to prove what the Navajo Nation has known from the beginning — that Environmental Restoration blatantly ignored warning signs, disregarded serious risks, and recklessly burrowed into the wrong elevation of the mine without proper equipment or an emergency response plan in place.”