

Navajo Nation settles claims from 2015 mine disaster

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WINDOW ROCK, NAVAJO NATION — The Navajo Nation Department of Justice announced a settlement with Kinross and Sunnyside Gold Corporation on Jan. 13, resolving its claims against the mining companies for creating the conditions that led to the Aug. 2015 Gold King Mine spill. This unprecedented disaster, triggered by the U. S. Environmental Protection Agency and its contractors, released millions of gallons of toxic acid mine waste into the waters upstream of the Nation, which then coursed downstream in a yellow plume through two hundred miles of the Nation’s sacred San Juan River. Under the terms of the settlement, Sunnyside, on behalf of itself and Kinross, will pay the Navajo Nation ten million dollars.

The Nation filed suit in U. S. District Court for the District of New Mexico in Aug. 2016. The complaint detailed the mining companies’ role in creating the conditions that led to the spill. As alleged in the complaint, the conduct of the mining companies shifted the flow of toxic mine water to the Gold King Mine, leading to the buildup of toxic contaminants that the USEPA recklessly burrowed into in Aug. 2015.

“The Gold King Mine blowout damaged entire communities and ecosystems in the Navajo Nation,” Navajo Nation President Jonathan Nez said. “We pledged to hold those who caused or contributed to the blowout responsible, and this settlement is just the beginning. It is time that the United States fulfills its promise to the Navajo Nation and provides the relief needed for the suffering it has caused the Navajo Nation and its people,” he said.

Navajo Nation Speaker Seth Damon added, “The settlement reached in the Navajo Nation’s ongoing efforts to obtain relief for the Gold King Mine Spill is a significant step forward. Our

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families and communities connected to the San Juan River experienced intense pain and suffering when the river ran orange with heavy metals. On behalf of the Navajo Nation Council, I wish to express our appreciation to the Navajo Nation Department of Justice and the Hueston Hennigan law firm for pursuing this litigation on behalf of the Navajo Nation. The Council will continue to move forward in holding the federal government accountable and in ensuring a disaster like the Gold King Mine Spill never happens again.”

The Navajo Nation is represented by Attorney General Doreen N. McPaul and Assistant Attorney General Paul Spruhan of the Navajo Nation Department of Justice, and John C. Hueston, Moez M. Kaba, and Andrew K. Walsh of Hueston Hennigan LLP.

“This settlement compensates the Navajo Nation for the mining companies’ part in this devastating spill,” Attorney General McPaul said. “We will continue to pursue the Nation’s claims against the USEPA and their contractors—Environmental Restoration, LLC, and Weston Solutions, Inc.—for triggering this preventable disaster that has so harmed the Navajo Nation.”

Hueston Hennigan partner John C. Hueston added, “Securing this important settlement is just one step in our commitment to obtain full and fair compensation for the Navajo Nation.”

Claims also remain pending on behalf of approximately 300 individual Navajo tribal members. Those claims were filed in a separate 2018 lawsuit and are handled by the Egolf Ferlic Martinez & Harwood Law Firm in Santa Fe.