

## COURT APPROVES SETTLEMENT OF MINE-RELATED WILDLIFE, ECOSYSTEM DAMAGE

**FMI MUST PAY \$5.5-MILLION, TRANSFER LAND TO CITY OF ROCKS**

by Allyson Siwik, Executive Director

After more than ten years of discussions with state and federal officials to keep the pressure on regarding the natural resource damage claim against Freeport-McMoRan (FMI), a settlement was reached between the company and state and federal governments on compensation for wildlife and ecosystem damages caused by mining activities at the FMI-owned Chino, Cobre, and Tyrone mines. Terms require FMI to pay \$5.5-million in damages, transfer 715 acres of grassland to the City of Rocks State Park, and pay \$59,750.99 to the Department of Interior (DOI) for related assessment costs. This settlement is in addition to the \$13-million paid by the company in 2011 to settle groundwater damages caused by its mines. The consent decree was approved in U.S. District Court in February.

The settlement of damages is the result of a complaint brought by the U.S. Department of Justice on behalf of the DOI, New Mexico Office of Natural Resources Trustee (ONRT), and New Mexico Attorney General against FMI for natural resource damages to wildlife and wildlife habitat that occurred from hazardous releases from the Chino, Cobre, and Tyrone mines.

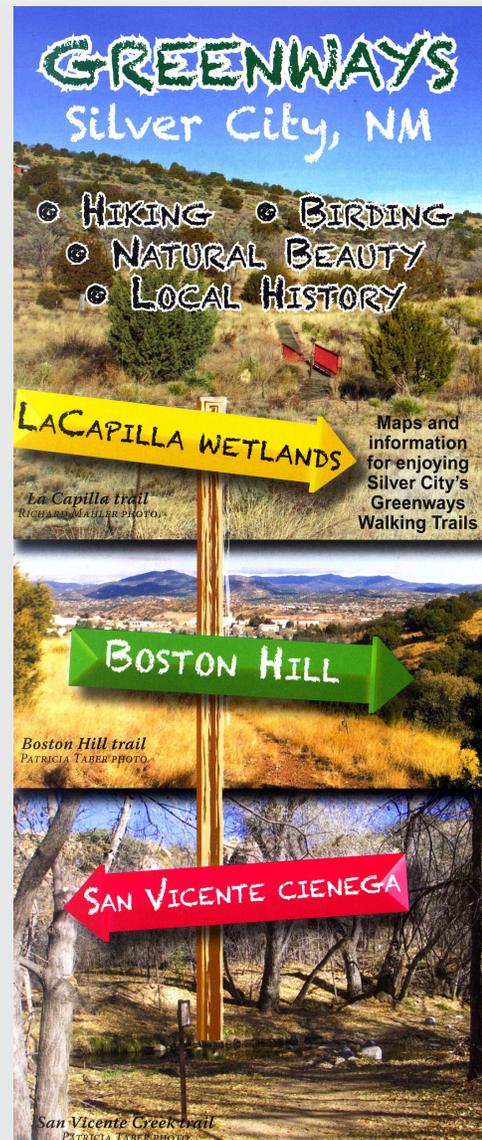
The ONRT and U.S. Fish and Wildlife Service (USFWS) will draft a restoration plan that will outline potential projects to restore wildlife and wildlife habitat. "Since the wildlife resource injuries that occurred as a result of the release of hazardous substances from the mines relate specifically to birds", explained Rebecca Neri Zagal, Executive Director of the ONRT, "the focus of the restoration effort will be on projects that provide benefits to birds and the habitat that supports them."

ONRT, in conjunction with USFWS, will facilitate an informal scoping process to solicit potential projects for the restoration plan/environmental assessment. An informational meeting will be held from 9 to 11:30 am on May 30 at the Silver City Annex Building (1203 N. Hudson; do not park in bank lot) to answer questions about this process. If you would like to submit a project for consideration, ideas are due June 30, 2012. More information is posted at <http://www.onrt.state.nm.us/ChinoCobreTyrone.html>.

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material at their mine site. This will save a significant amount of money and allow for that funding to be spent on other important groundwater restoration projects here in Grant County." It is unclear at present what the costs savings will be. According to the Groundwater Restoration Plan, the Bayard Wastewater Treatment Plant Reuse Project and Hurley Sewer Line Replacement are on the ONRT's Tier 1 list for the second round of funding and will be considered once the first-round projects are implemented. Minimizing the costs for round one means that there will be funds left over for round-two projects.

In addition to the San Vicente Tailing Clean-up under the Tier 1 list for the first round of funding, the Office of the Natural Resource Trustee is moving ahead with intergovernmental agreements for the Silver City North/Blackhawk Sewer Line Replacement and two projects with Santa Clara for wellhead protection and sewer improvements. [See related story above concerning FMI settlement-related restoration projects.]



### **NOW AVAILABLE: SILVER CITY GREENWAYS BROCHURE**

Southwestern New Mexico Audubon Society has published a "Greenways" brochure describing the hiking trails, history and bird life along three Silver City walking trails: San Vicente Creek, Boston Hill, and La Capilla Wetlands.

In addition to maps of the trails for each area, the full-color brochure includes photographs and interesting information about each area. The brochure also lists the more commonly sighted birds that may be seen along the trails.

The "Greenways" brochure will be available at Audubon meetings at Harlan Hall on the campus of WNMU the first Friday of every month. Copies can also be obtained at the GRIP office, the Silver City Visitor's Center, Silver City Museum and Silver City Public Library. It is also available as a downloadable PDF at [www.gilaresources.info](http://www.gilaresources.info).

The brochure was produced by local members of Audubon and Gila Resources Information Project VISTA project and made possible with funding from National Audubon Society.