

Gold King Mine Citizen's Advisory Committee Meeting Minutes

San Juan College, Room 9010

October 25, 2016

CAC Members Present: George Baloo, Rich Dembowski, Paul Montoia, Norman Norvelle, Bill Palko Schraa and Susan Palko-Schraa, and Jim Spence. Absent were Rick Nez, Evan Tyrrell and Aaron Chavez.

NMED Staff: Butch Tongate and Allison Scott Majure.

Presentation Speakers: Trais Kliphulis, Executive Director of the Office of the Natural Resource Trustee (ONRT) and William Grantham, Assistant Attorney General (NM Attorney General's Office).

Handouts: Available at <https://www.env.nm.gov/riverwatersafety/PublicParticipation.htm>

Meeting was called to order at 5:30 PM by Chairman Richard Dembowski. Introductions were made by GKM CAC members, NMED Staff, and the Presentation Speakers.

Updates and Comments from NMED: Allison Scott Majure gave a brief update of NMED and other activities since the September 26th meeting:

1. NMED Chief Scientist, Dennis McQuillan, gave a presentation and answered questions at a Indian Affairs Committee meeting in Shiprock on October 17th.
2. There are two lawsuits filed by the State of NM (the Navajo Nation has separate litigation):
 - a. State of NM against State of CO in the United States Supreme Court
 - b. State of NM against US EPA

Both Allison and later Rich reiterated that there are three avenues to get information about filing EPA claims form (SF95) as related to the spill:

1. Call the NM State Office of the Attorney General: [505.242.2228](tel:505.242.2228)
2. Go by the San Juan County Office Building on Oliver St. in Aztec, or
3. Get together with State of New Mexico Staff after the meeting tonight.

Old Business: None.

New Business:

Motion was made and seconded to approve the August 2016 minutes. Motion Carried. Another motion was made and seconded to approve the September 2016 minutes. Motion Carried.

Presentations:

The first presentation was by Trais Kliphuis, Executive Director of Office of the Natural Resource Trustee. The presentation consisted of 3 three parts. It can be found at www.NMEDRiverWaterSafety.org.

1. Natural Resource Damage Assessment
2. Function of the ONRT
3. Role of the ONRT in GKM moving forward

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The second presentation was by William Grantham, NM Attorney General's Office. The presentation was divided into two parts. A copy of the presentation can also be found at:

www.NMEDRiverWaterSafety.org

1. EPA Claim Form 95 issues and answers
2. Damages overview

Due to the technical and legal nature of the presentation it is suggested that if there any questions should be directed to the NM Attorney General Office. However, some information provided was as follows: administrative claims for the GKM spill are covered under the "Federal Tort Claims Act"; one must file an EPA administrative claims form 95 (SF95) in order preserve the right to later file a lawsuit against the EPA; timing and deadlines are very important – there is a two-year window which began on the date of the spill (August 5, 2015) meaning **there are only 9 months remaining to file form SF95.**

The SF95 must include all claims, such as: property, injury, wrongful death, etc. When settled, all damages are included and final when one signs the release for the claim being settled.

All materials can be found at <https://www.env.nm.gov/riverwatersafety/PublicParticipation.htm> .

CAC Members' questions/answers/comments to the Presentation: There was a brief discussion.

Public Comments:

Nina A. Chester, Executive Staff Assistant, from the Navajo Nation Office of the President and Vice President announced the EPA is having a meeting concerning the spill and filing a claim at the Nenahnezad Chapter House on Wednesday October 26th from 3-7 pm and at the Shiprock Chapter House on Thursday October 27th from 5:30-7:00 pm.

A general discussion followed the presentation. State of NM staff stayed and answered and provided assistance after the meeting adjourned.

Meeting adjourned at 7:00 pm. A motion was made and seconded to adjourn. Motion carried.

Next Meeting: Monday November 28,2016 from 5:30 – 7:30 pm at San Juan College Suns Room (Rm 1019, Student Center).

Norman R. Norvelle, GKM CAC Secretary