

New Mexico Office of Natural Resources Trustee



Radiological and Hazardous Materials Committee
June 9, 2026

ONRT Mission

To return injured natural resources and the services they provide to the condition that would have existed absent the release of contamination.*

*Natural resources include land, groundwater, surface water, soil, sediments, fish, wildlife, wildlife habitat, aquatic habitat, biota, and air.



State Responsibility after Release of Haz Substance

NMED: Remediation

Requires Responsible Party to:

- 1) Identify and characterize the release(s); and
- 2) Clean up contamination to protect public health and the environment.



ONRT: Restoration

Requires Responsible Party to:

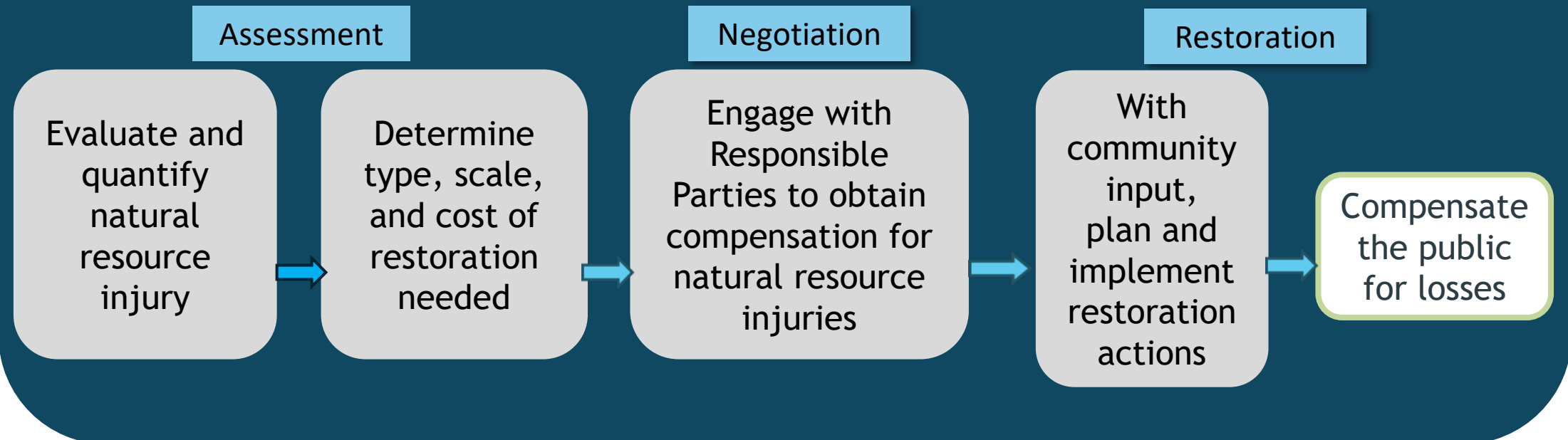
- 1) Restore injured natural resources to pre-release condition;
- 2) When that's not possible in a timely way, replace or acquire the equivalent; and
- 3) Compensate affected communities for loss of use from time of release to complete restoration.

Nations, Tribes and Pueblos have natural resources trustee authority and may serve as co-trustee with the State for shared claims.



What is Natural Resource Damage Assessment and Restoration (NRDAR)?

NRDAR is a process that allows ONRT to evaluate natural resource injuries caused by the release of hazardous substances into the environment.



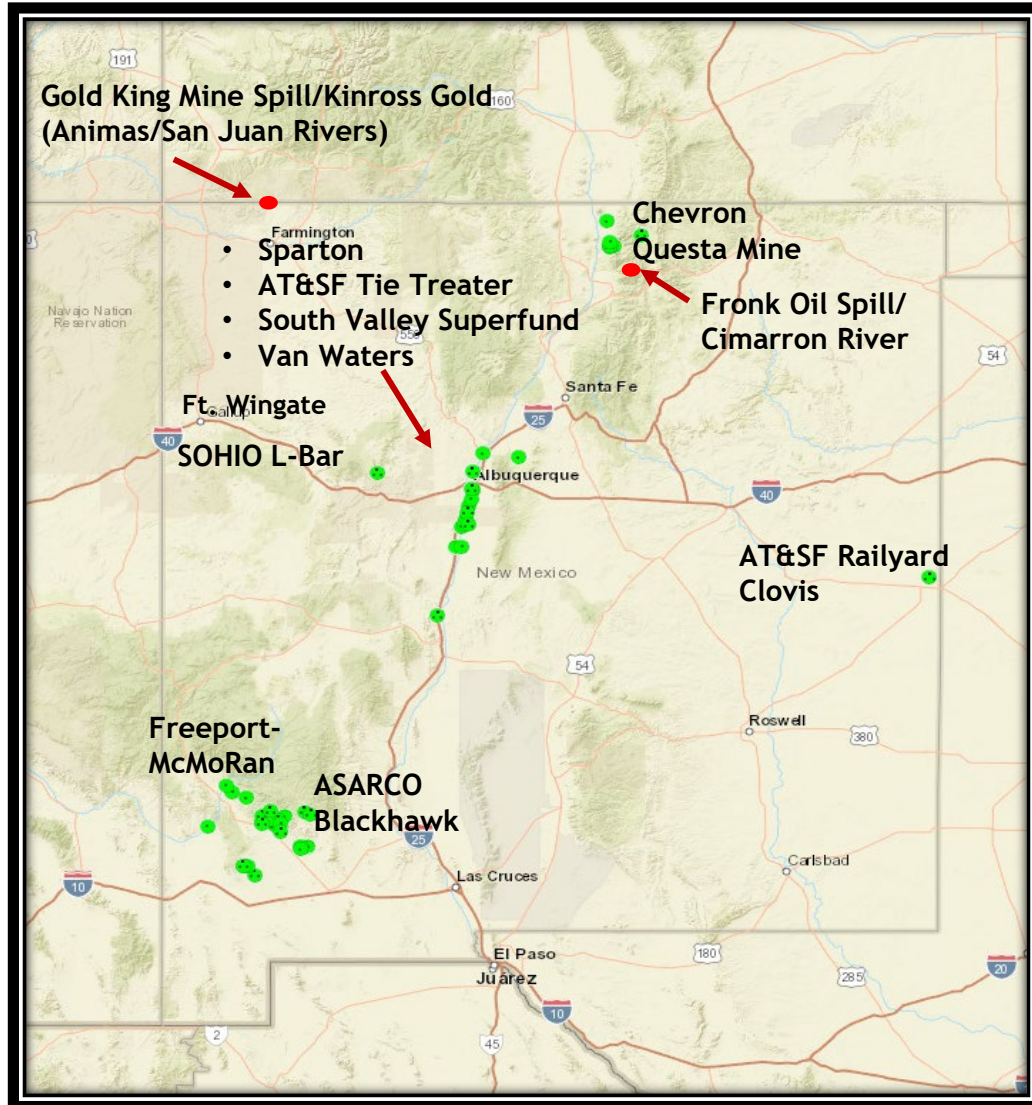
Three phases of a Natural Resource Damage Assessment (43 CFR 11.60)

(1) “***Injury Determination phase***. The purpose of this phase is to establish that one or more natural resources have been injured as a result of ... a release of a hazardous substance.”

(2) “***Quantification phase***. The purpose of this phase is to establish the extent of the injury to the resource in terms of the loss of services that the injured resource would have provided had the discharge or release not occurred.” Includes “establishing baseline conditions, estimating recovery periods, and measuring the degree of service reduction stemming from an injury to a natural resource.”

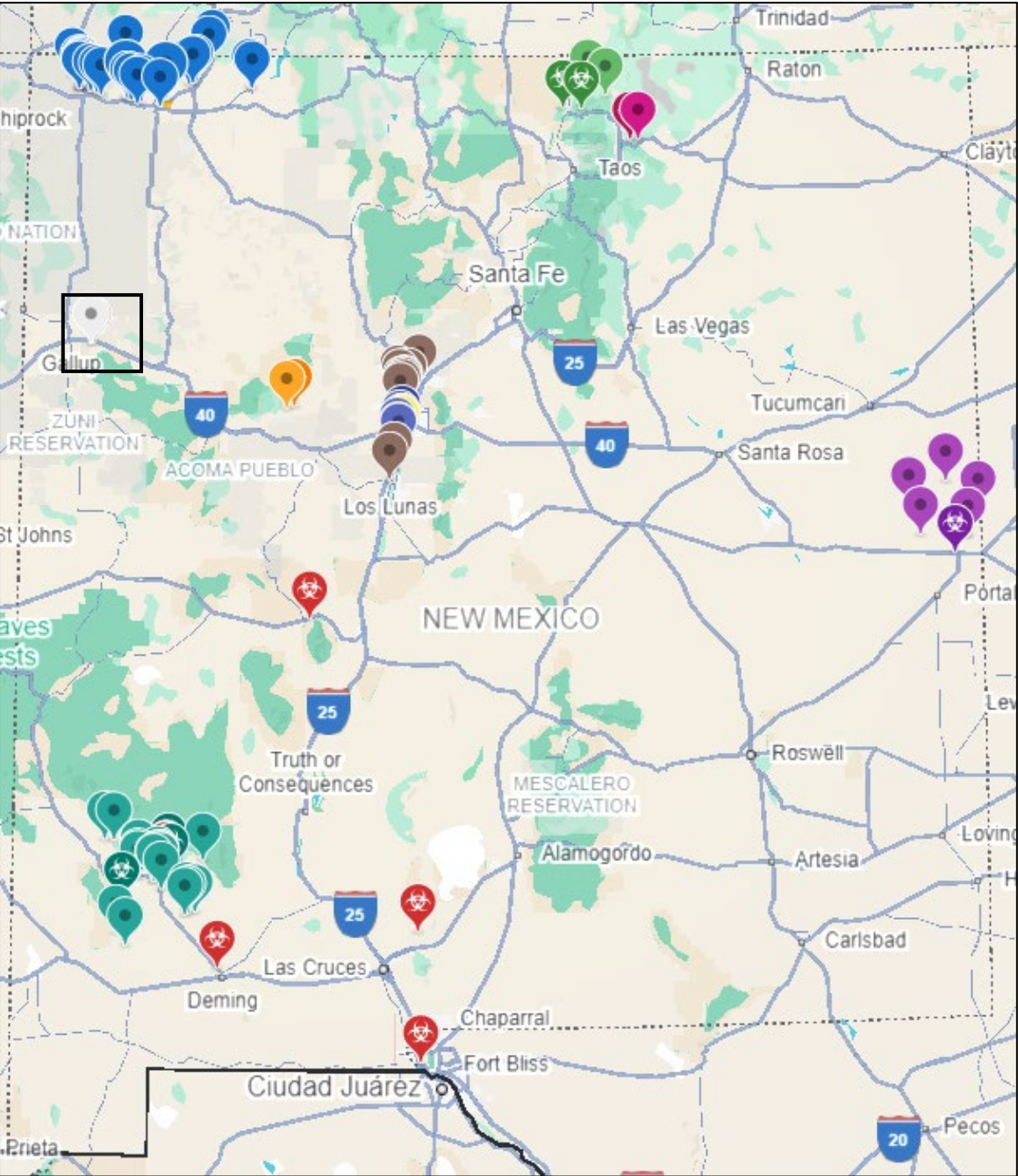
(3) “***Damage Determination phase***. The purpose of this phase is to establish the appropriate compensation expressed as a dollar amount for the injuries established in the Injury Determination phase and measured in the Quantification phase.” These include “determining compensation based on the costs of restoration, rehabilitation, replacement, and/or acquisition of equivalent resources, plus, at the discretion of the authorized official, compensable value.”

NRD Settlements Since 2000 = \$45,341,226



- Gold King Mine Release
 - Mining company: \$1,000,000 (Jan 2021)
 - USEPA \$10,000,000 (June 2022)
 - USEPA Contractors \$2,000,000 (Dec 2022)
- Ft Wingate Army Depot/DOD \$1,451,069 (March 2022)
- Fronk Oil/Cimarron River: \$150,000 (Dec 2020)
- 10 settlements Pre-2020, including Freeport-McMoRan, South Valley Superfund Site, Sparton Technology, and Chevron Mine in Questa

ONRT Restoration Projects



Legend

- Gold King Mine Release
- Chevron Mining - Questa molybdenum mine
- Fronk Oil Cimarron River Release
- Fort Wingate Army Depot Activity
- SOHIO L-Bar Mine
- Spartan Technology
- AT&SF Albuquerque
- GE - Albuquerque
- AT&SF - Curry County
- ASARCO Facilities
- Chino, Cobre, Tyrone Mines
- ☠ Injury Site
- Restoration Site

Current and Future Natural Resource Damage Assessments

Current NRDAs

- Los Alamos National Lab
- NASA White Sands Test Facility
- Rio Algom Quivira Uranium Mill/Mines
- PFAS Multi-District Litigation (Cannon, Holloman and Kirtland Air Force Bases, White Sands Missile Range, Fort Wingate)
- Northeast Church Rock

Possible Future NRDAs

- Grants Mining District (multiple sites)



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Restoration “before and after” at Midnight Meadows;
Chevron Mine settlement