



## EPA CLAIMS NO LEGAL AUTHORITY TO PAY \$1.2 BILLION IN GOLD KING CLEANUP CLAIMS

**Agency cites sovereign immunity, lack of Congressional authority.**

The Environmental Protection Agency (EPA) has concluded that the agency **is not legally able to pay compensation** for claims brought in connection with the three million gallons of waste released from the Gold King Mine. The decision, which was announced during the waning days of the Obama administration, counters earlier statements by the agency that it was **“committed to continue working hand in hand with the impacted local governments, states, and tribes.”**

More than 70 claims totaling \$1.2 billion have been filed since the August 2016 spill. Damages ranged from contaminated wells to crop damage and local government expenses. But the EPA’s independent claims officer – with guidance from the Justice Department – ruled that “the circumstances surrounding the Gold King Mine incident unfortunately do not meet the conditions necessary to pay claims.” Under the Federal

Tort Claims Act, federal agencies are not authorized to pay claims resulting from government actions that are discretionary – that is, acts of a governmental nature or function and that involve the exercise of judgment. Claimants have six months to challenge the decision in United States District Court.





## CLIMATE



### PACIFIC

**CALIFORNIA EMERGES FROM PROLONGED DROUGHT.** Recent rains and substantial winter storms have put an end to a harrowing stretch of Exceptional Drought that has plagued the Golden State. At its worst, the crippling conditions covered two-thirds of the state, decimating agriculture, aiding wildfires, and forcing mandatory water rationing. In 2017, Northern California’s Squaw Valley and Central California’s Mammoth Mountain have received record snowfall. In Southern California, Big Bear Mountain and Snow Summit have seen more snow this month than either had since 2011. “Statewide average snowpack is almost twice normal for late January, and somewhat more than twice normal in the Southern Sierra Nevada,” said Richard Tinker, a drought expert with NOAA’s Climate Prediction Center. Read more about California’s prolonged drought [HERE](#).



### PACIFIC

## LAWUIT

### KULEANA LANDHOLDINGS

**FACEBOOK CEO DROPS LEGAL ACTION AGAINST NATIVE HAWAIIANS.** While attempting to clean up the title on parcels within his 700-acre Kauai estate, Mark Zuckerberg ran into a public relations buzz saw.

Zuckerberg’s counsel attempted to use a legal maneuver called “quiet title and partition” to determine ownership of kuleana landholdings dating back to the 1800s. According to Zuckerberg, “There aren’t always clear records, and in many cases descendants who own .25% or 1% of a property don’t even know they are entitled to anything. To find all these partial owners so we can pay them their fair share, we filed what is called a ‘quiet title’ action. For most of these folks, they will now receive money for something they never even knew they had. No one will be forced off the land.” One of the owners of the land in question – Carlos Andrade – joined Zuckerberg as co-plaintiff. The retired 72-year-old University of Hawaii professor said sorting out ownership issues was far too costly for individuals to undertake themselves. However, the legal action was poorly received, and Zuckerberg announced he will pursue an alternative approach. Read more [HERE](#).

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WEST

SOLD

## COLORADO RANCLAND

### KESSLER CANYON SELLS FOR \$28

**MILLION.** Former Days Inn Hotels CEO

Richard Kessler has sold his exquisite ranch

resort west of Glenwood Springs to CheckFree

founder Peter Kight.

Numerous structures built to exacting standards exist on the property, including the 20,000-square-foot Homestead Lodge.

According to *The Wall Street Journal*, the

15,000-acre ranch, which was originally listed for \$35 million in 2014, changed hands for \$28 million. Mike Hall and Brian Smith of Hall and Hall represented Kessler, and Cody Lujan of Hall and Hall represented Kight. See the listing [HERE](#).



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