



## McNamee, Lochner, Titus & Williams, P.C.

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ATTORNEYS AT LAW

### **John Privitera provides Pro Bono support in \$20.3 Million Settlements for Natural Resource Damage in St. Lawrence River Area**

The McNamee Law Firm is pleased to announce that it has brought together its considerable experience with complex federal environmental laws, its well-developed relationships with senior Federal and State environmental officials and its deep commitment to pro bono work for the community to achieve an unprecedented award of damages for the Mohawks of Akwesasne.

The Saint Regis Mohawk Tribe, the federal government, and the State of New York have announced a \$19.4 million settlement with Alcoa Inc. and Reynolds Metals Company for injuries to natural resources, recreational fishing, and Mohawk culture resulting from the release of hazardous substances into the St. Lawrence River environment since at least the late 1950s.

See [http://srmtenv.org/index.php?spec=nrda\\_main](http://srmtenv.org/index.php?spec=nrda_main)

Most of this settlement, \$18.5 million, will be combined with \$1.8 million in restoration funds from a 2011 General Motors bankruptcy settlement, to be used for restoration of the St. Lawrence River area. In all, a total of \$20.3 million is slated to go to restoration efforts.

Twenty years ago, John Privitera, head of the Firm's Environmental Practice Group, volunteered to represent the St. Regis Mohawk Tribe on a pro bono basis in developing a case on the Tribe's behalf to pursue damages to the natural resources traditionally relied upon by the Mohawks, caused by industrial pollution of the St. Lawrence River and nearby waterways. Throughout the years, Mr. Privitera counseled the Mohawks as the Tribe took the leading role in working with Federal and State resource agencies to develop economic theories to value the lost use of natural resources. The Mohawks at Akwesasne had lost the natural resource value and cultural use of fish, wetland medicinal plants and other resources. The McNamee Law Firm's pursuit of this claim on behalf of the Mohawks helped drive Federal and State cleanup plans that are focused on recovery of the natural resources. Most importantly, the Firm obtained a substantial award of restoration damages that will facilitate the Tribe's efforts to restore lost cultural uses of the natural resources.

Among the components of the \$20.3 Million in Settlements is approximately \$8.4 million from the Alcoa/Reynolds settlement that will go directly to the Tribe to support traditional Mohawk cultural

practices. Although an award of damages for this kind of loss was unprecedented, Mr. Privitera worked closely with the Mohawks of Akwesasne, Tribal officials, scientists, an anthropologist and natural resource economists to develop a strong claim for cultural restoration that achieved the settlement. It includes an apprenticeship program to promote Mohawk language and traditional teachings with a portion of those funds supporting cultural institutions, including youth outdoor education programs and horticultural programs for medicine, healing and nutrition.

“One of the most important aspects of this settlement is to understand the relationship between the environment and Mohawk culture, society and our economy,” said Saint Regis Mohawk Tribal Chief Randy Hart. “It’s the most important relationship for any tribe, not just the Mohawks. This settlement gives us the opportunity to restore some facets of that relationship to contemporary Mohawk culture, especially in terms of the relationship between elders and younger community members.”

Mr. Privitera, a former Assistant Attorney General in the Environmental Protection Bureau of the New York State Department of Law, is chair of the Environmental and Land Use Law practice at McNamee, Lochner, Titus & Williams. He has been named to the Upstate New York *Super Lawyers* list for the past six years and has been rated "AV Preeminent" by Martindale Hubbell for over 30 years. Mr. Privitera is active in all areas of environmental law including land use, environmental litigation, enforcement, citizen suits, regulatory affairs, compliance matters, hazardous wastes and natural resource damages. He also provides advice and counsel regarding the environmental aspects of business transactions and energy matters.

[Download: Complaint #7:13-CV-337](#)

[Download: Consent Decree #7:13-cv-00337](#)

#### **About MLTW**

McNamee, Lochner, Titus & Williams, P.C. is dedicated to providing effective and creative solutions to the legal issues of individuals and businesses. Founded in 1863, the firm is celebrating 150 years of continued legal service. McNamee's offices are located in the New York State Capital at 677 Broadway and in Saratoga County at 646 Plank Road, Clifton Park. For additional information about McNamee, Lochner, Titus & Williams, visit [www.mltw.com](http://www.mltw.com) or call 518-447-3200.