



## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act

On June 2, 2026, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Georgia in the lawsuit entitled *United States of America and the State of Georgia Department of Natural Resources v. Gold Creek Foods, LLC*, Civil Action No. 2:26-cv-00177-RWS.

The lawsuit was initiated by a complaint filed by the United States and the State of Georgia, through its Department of Natural Resources (the “Trustees”) in their capacity as the legally designated trustees for natural resources in Georgia. The complaint alleged, inter alia, that the Defendant was liable for damages for injury to, destruction of, or loss of natural resources resulting from the release of hazardous substances from Defendant’s food processing facility in Dawsonville, Georgia, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

The Consent Decree resolves the claims of the Trustees against the Defendant for a total payment of \$356,773. Of this amount, \$96,274.96 will be paid to the U.S. Department of the Interior to reimburse its costs assessing the injury to natural resources, \$10,497.59 will be paid to the Georgia Department of Natural Resources to reimburse its costs assessing the injury to natural resources, \$137,831 will be paid to the Natural Resource Damages Assessment and Restoration Fund managed by the U.S. Department of the Interior, which will be used for the implementation of restoration projects in Flat Creek, and the remaining \$112,169 will be paid to the Natural Resource Damages Assessment and Restoration Fund managed by the U.S. Department of the Interior, which will reimburse the Department’s natural resource damages assessment activities and fund projects aimed at restoring the injured natural resources resulting from the release. In addition, the Defendant will implement a restoration project in Flat Creek to allow fish to pass upstream and repopulate the upper reaches of Flat Creek. In return for these

payments and restoration activities, the United States and the State will confer on the Defendant covenants not to sue for natural resource damages related to the release of hazardous substances as of the date of lodging of the Consent Decree.

In accordance with CERCLA, the Trustees have also written a draft Restoration Plan that described proposed alternatives for restoring the natural resources and natural resource services injured by the release of hazardous substances from Defendant's facility. The restoration alternatives evaluated in the Restoration Plan are (1) No Action/Natural Recovery; (2) Defendant-led Fish Passage Improvement Project; (3) Adaptive Management of Defendant-led Fish Passage Improvement Project in Flat Creek; (4) Off-site Aquatic Habitat Restoration; and (5) Mitigation Banking Credit.

The publication of this notice opens a period for public comment on the proposed Consent Decree and the draft Restoration Plan.

Comments on the proposed Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and the State of Georgia Department of Natural Resources v. Gold Creek Foods, LLC*, D.J. Ref. No. 90-11-3-12350. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Comments on the draft Restoration Plan may be submitted to the Trustees either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	david_rouse@fws.gov
By mail	U.S. Fish and Wildlife Service Southeast Region 1875 Century Blvd. NE, Suite 200 Atlanta, GA 30345 Attn: Draft Restoration Plan Flat Creek NRDAR

All comments must be submitted no later than thirty (30) days after the publication date of this notice. If emailing, please include “Draft Restoration Plan Flat Creek NRDAR” in the subject line. During the public comment period, a copy of the draft Restoration Plan will be available electronically at: [https://www.cerc.usgs.gov/orda\\_docs/CaseDetails?ID=1394](https://www.cerc.usgs.gov/orda_docs/CaseDetails?ID=1394).

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