

April XX, 2022

The Honorable Jeff Merkley
Chairman
Appropriations Subcommittee on Interior,
Environment, and Related Agencies
United States Senate
2134 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Lisa Murkowski
Ranking Member
Appropriations Subcommittee on Interior,
Environment, and Related Agencies
United States House
533 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Chellie Pingree
Chair
Appropriations Subcommittee on Interior,
Environment, and Related Agencies
United States House of Representatives
1610 Rayburn House Office Building
Washington, D.C. 20515

The Honorable David Joyce
Ranking Member
Appropriations Subcommittee on Interior,
Environment, and Related Agencies
United States House
2065 Rayburn House Office Building
Washington, D.C. 20515

Re: FY-23 funding for the Abandoned Hardrock Mine Reclamation Program

Dear Chairman Merkley, Chair Pingree, Ranking Member Murkowski and Ranking Member Joyce:

The undersigned hunting, fishing, conservation, and outdoor recreation organizations write on behalf of millions of hunters, anglers and outdoor enthusiasts whose activities help sustain the \$689-billion outdoor recreation economy. We appreciate the task before you in developing your respective fiscal year 2023 appropriations bills and we are writing to ask that you provide at least \$287 million in funding for abandoned hardrock mine reclamation.

Section 40704 of the Infrastructure Investment and Jobs Act (IIJA) directed the Department of the Interior to establish a program to “inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land.” This provision passed with bipartisan support in the Senate Energy and Natural Resources Committee and included a \$3 billion authorization. However, to date Congress has not appropriated any funding directly for this much-needed program and FY-23 appropriations are vital to jumpstart this initiative.

Across the country an estimated 33,000 abandoned hardrock mine sites have degraded the environment, leaving streams devoid of fish, lands unsafe for wildlife and recreationists, and communities burdened with this pollution. Because these sites are abandoned, there is no responsible party to take on the cleanup and underfunded state and federal agencies have struggled to address this daunting environmental challenge. By some estimates, the costs to cleanup abandoned mines could be as high as \$54 billion and the Bureau of Land Management and Forest Service estimate that it would take over \$1.1 billion just to complete inventories of abandoned mines on public lands under their jurisdiction, with actual cleanups costs being far higher.

Instead of funding the Section 40704 hardrock abandoned mine reclamation program, the President’s proposed FY-23 budget includes \$65 million for abandoned mine reclamation activities to be administered by the Energy Community Revitalization Program, a separate IIJA program for orphan oil and gas wells. According to the Government Accountability Office, Federal agencies spent, on average, about \$287 million annually from 2008 through 2017 identifying, cleaning up, and monitoring abandoned hardrock mine sites,

with 80 percent of this funding directed to the EPA, including funding for Superfund cleanups. At this rate it would take nearly two centuries to clean up all of the abandoned mines that are polluting our lands, waters and communities throughout the country. In short, the President's proposed FY-23 budget is not sufficient to establish a dedicated Section 40704 program and much more needs to be done to address this pressing issue.

The yearly average funding has not been sufficient to address this pressing issue and we request a robust appropriation of at least \$287 million for the IJJA Section 40704 abandoned hardrock mine reclamation program to begin making meaningful progress cleaning up abandoned hardrock mines. Importantly, this funding must supplement, not supplant, separate appropriations for the EPA's Superfund program and other IJJA and Department of the Interior programs, such as the Energy Community Revitalization Program and the coal mine-focused Abandoned Mine Reclamation Fund. While much higher funding levels and additional revenue sources will need to be identified in the years ahead, this initial appropriation will stand up the program and initiate numerous cleanups.

Additionally, because the Department of the Interior has yet to fully establish the Section 40704 hardrock abandoned mine reclamation program, the report language should direct the Bureau of Land Management to use this funding to stand up this program pursuant to the requirements of IJJA, including a Tribal and state grant program and transfers to the Department of Agriculture for eligible activities on National Forests.

Abandoned hardrock mines are one of our country's largest water quality problems, but it is a fixable problem. The IJJA abandoned hardrock mine program would direct 50 percent of this funding to be used for eligible activities on federal lands with the remaining half available for grants to states and Tribes to be used for cleanups under their jurisdictions. In this way, the funding would be equitably distributed and help to not only cleanup the environment, but also foster a restoration economy and create jobs in rural and disadvantaged communities.

Thank you for the consideration of this request.

- Backcountry Hunters & Anglers
- Trout Unlimited
- Additional Groups....