

March 24, 2023

The Honorable Jeff Merkley  
Chair  
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 Mike Simpson  
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 Chellie Pingree  
Ranking Member  
Appropriations Subcommittee on Interior,  
Environment, and Related Agencies  
United States House  
2065 Rayburn House Office Building  
Washington, D.C. 20515

**Re: Support for Abandoned Hardrock Mine Reclamation Funding and Good Samaritan Legislation**

Dear Chair Merkley, Chair Simpson, Ranking Member Murkowski and Ranking Member Pingree:

The undersigned hunting, fishing, conservation, public land advocacy, and outdoor recreation organizations write on behalf of millions of hunters, anglers and outdoor enthusiasts whose activities help sustain the \$862-billion outdoor recreation economy. We appreciate the task before you in developing your respective fiscal year 2024 appropriations bills and we urge you to include robust appropriations for the section 40704 abandoned hardrock mine remediation fund. We also urge Congress to pass Good Samaritan legislation so that this funding can be effectively put to work cleaning up abandoned mines without the liability hurdles that have long stymied Good Samaritan remediation efforts by volunteers and non-federal agencies.

Section 40704 of the Infrastructure Investment and Jobs Act 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 proposal passed with bipartisan support in the Senate Energy and Natural Resources Committee and included a \$3 billion authorization, stipulating that half of this funding is to be used for cleanups on federal lands and half to be made available to states and Tribes in the form of grants. However, to date Congress has not appropriated sufficient funding to stand up this much-needed program.

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 states, Tribal Nations, 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, but only \$5 million was appropriated in FY-23 and the Biden Administration’s FY-24 budget proposal includes just \$30 million. These funding levels are woefully insufficient to address this problem on the scale it demands.

At a minimum, we request that the FY-24 appropriations bills provide \$287 million as a budget line item for the section 40704 abandoned hardrock mine reclamation program. According to the Government Accountability Office, this funding level is the annual average spent by federal agencies to clean up

abandoned hardrock mines. Importantly, this funding must supplement, not supplant separate appropriations for the EPA's Superfund program and other Department of the Interior programs, such as the Energy Community Revitalization Program funding for orphan oil and gas wells. Additionally, we ask that report language direct the Department of the Interior to finalize guidance for state and tribal grants, as well as memorandums of understanding with other federal agencies, including the Forest Service and Environmental Protection Agency.

Lastly, liability associated with the Clean Water Act and CERCLA are a significant hurdle for non-federal entities to conduct or assist in remediation activities. To do so exposes non-liable, Good Samaritan third parties -- such as state agencies and non-governmental organizations -- to substantial liability risks that limit the scope of projects that could be cleaned up using section 40704 funding. Accordingly, it is necessary for Congress to provide targeted liability protections for Good Samaritans that limits exposure to liability under the Clean Water Act and CERCLA. In the 117<sup>th</sup> Congress the *Good Samaritan Remediation of Abandoned Hardrock Mines Act* (S. 3571) earned the support of eighteen bipartisan co-sponsors and a broad coalition of stakeholders, including conservation organizations, hunting and fishing groups, outdoor recreation businesses, the mining industry and state agencies. While Congress did not advance the bill into law last year, we strongly urge you to make passing Good Samaritan legislation a top priority for the 118<sup>th</sup> Congress.

Thank you for the consideration of this request.

American Fly Fishing Trade Association  
American Sportfishing Association  
Archery Trade Association  
Backcountry Hunters & Anglers  
Bass Anglers Sportsman Society (B.A.S.S.)  
Fly Fishers International  
Izaak Walton League of America  
National Deer Association  
National Wildlife Federation  
Orion: The Hunter's Institute  
Public Lands Foundation  
Sportsmen for the Boundary Waters  
Theodore Roosevelt Conservation Partnership  
Trout Unlimited

Cc:

U.S. Senate Committee on Environment and Public Works  
U.S. House of Representatives Committee on Natural Resources  
U.S. House of Representatives Committee on Energy and Commerce  
U.S. House of Representatives Committee on Transportation and Infrastructure