

October 24, 2023

The Honorable Chuck Schumer
Majority Leader
United States Senate

The Honorable Mitch McConnell
Minority Leader
United States Senate

The Honorable Hakeem Jeffries
Minority Leader
United States House of Representatives

The Honorable Patrick McHenry
Speaker Pro Tempore
United States House of Representatives

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pro Tempore McHenry, and
Minority Leader Jeffries:

The undersigned organizations write on behalf of millions of hunters, anglers, public land advocates, wildlife professionals, and conservationists in support of Congress passing Good Samaritan legislation to facilitate abandoned mine cleanups.

With tens of thousands of polluting abandoned mine sites throughout the country with no party responsible for reclamation, there is a tremendous opportunity for cleanups to restore the productivity of these sites, not only improving the health of wetlands and downstream fisheries, but also regenerating wildlife habitat on de-vegetated abandoned mine lands. State agencies and private entities who have no legal responsibility or connection to these abandoned mines – true Good Samaritans – want to help tackle some of these cleanup projects. Unfortunately, under federal law, Good Samaritans are treated as if they are polluters themselves, posing significant liability risks that prevent projects from moving forward.

The greatest legal barrier to Good Samaritans stems from limitations within the federal Clean Water Act, which applies stringent regulatory standards for any cleanup that would improve water quality of abandoned mine discharges that constitute a point source under the Clean Water Act. Cost effective remediation techniques can greatly improve water quality at these sites, but meeting high Clean Water Act standards in many cases is not feasible. This strict regulatory framework exposes Good Samaritans to enforcement, fines, and third-party citizen lawsuits under both the Clean Water Act and CERCLA.

Consequently, instead of improving water quality at abandoned mine sites, these mines go on polluting the environment with no end in sight, degrading fish and wildlife habitat and drinking water sources. To address this conundrum, a bipartisan coalition of United States Senators have introduced the *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023* (S. 2781). This legislation offers a practical solution by extending a targeted, conditional liability shield for qualified Good Samaritans to conduct cleanup projects at abandoned mine sites where there is no party to be held responsible for remediation.

S.2781 would establish a new pilot program administered by the EPA to permit up to 15 Good Samaritan abandoned mine cleanups. The bill requires remediation projects to pose a low risk to the environment and produce improvements in environmental conditions, while also stipulating requirements for public involvement and environmental review. If a permit is approved, qualified Good Samaritans would be provided with conditional liability relief, which will allow them to move forward with projects addressing harmful abandoned mine waste. Additionally, the bill specifies that mining activities are strictly

prohibited. Lastly, in the unlikely event that a Good Samaritan causes an uncorrected worsening of water quality, liability protections would be voided.

By passing Good Samaritan legislation, abandoned mine remediation experts at state agencies, conservation groups and other qualified volunteers will be able to move forward with abandoned mine cleanups that otherwise will not happen, creating jobs, improved fish and wildlife habitat, and clean water along the way. We respectfully urge you to swiftly advance Good Samaritan legislation through committee and enact it into law so that those who want to help can be part of the solution cleaning up abandoned mines.

Sincerely,

American Fly Fishing Trade Association
American Sportfishing Association
Angler Action Foundation
Archery Trade Association
Association of Fish and Wildlife Agencies
Backcountry Hunters & Anglers
Bass Anglers Sportsman Society (B.A.S.S)
Bonefish & Tarpon Trust
Boone and Crockett Club
Campfire Club of America
Congressional Sportsmen's Foundation
Council to Advance Hunting and the Shooting Sports
Delta Waterfowl
Ducks Unlimited
Fly Fishers International
Houston Safari Club
Izaak Walton League of America
Mule Deer Foundation
National Association of Forest Service Retirees
National Deer Association
National Wild Turkey Federation
National Wildlife Federation
New York State Conservation Council
North American Grouse Partnership
Orion: The Hunter's Institute
Pheasants Forever
Pope & Young Club
Property and Environment Research Center
Public Lands Foundation
Quail Forever
Rocky Mountain Elk Foundation
Sportsmen for the Boundary Waters
The Nature Conservancy
The Wildlife Society
Theodore Roosevelt Conservation Partnership

Trout Unlimited
Whitetails Unlimited
Wild Salmon Center
Wild Sheep Foundation
Wildlife Forever
Wildlife Management Institute

CC:

The Honorable Thomas Carper, Chair, Senate Environment and Public Works Committee
The Honorable Shelley Moore Capito, Ranking Member, Senate Environment and Public Works Committee
The Honorable Cathy McMorris Rodgers, Chair, House Energy and Commerce Committee
The Honorable Frank Pallone, Ranking Member, House Energy and Commerce Committee
The Honorable Bruce Westerman, Chair, House Natural Resources Committee
The Honorable Raúl Grijalva, Ranking Member, House Natural Resources Committee
The Honorable Sam Graves, Chair, House Transportation and Infrastructure Committee
The Honorable Rick Larsen, Ranking Member, House Transportation and Infrastructure Committee