

Congress of the United States

Washington, DC 20515

September 3, 2026

Office of Land and Emergency Management
Office of Mountains, Deserts and Plains
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Good Samaritan Remediation Permit for the Bodie Mine Project (Docket ID No. EPA-HQ-OLEM-2026-3103)

Dear Acting Assistant Administrator Croci:

As the primary bill sponsors of the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (Act), we are pleased to provide input on the first project application for the new pilot program authorized by this landmark legislation.

The premise behind the law is simple: those who want to volunteer to help clean up abandoned mines should not be forced to take on onerous liability for legacy pollution they didn't cause. The Bodie Mine Project proposed by Trout Unlimited embodies this concept. A non-labile third party working with a non-labile landowner to improve environmental conditions caused by historic hardrock mine pollution is the kind of partnership that we envisioned when we introduced this legislation in the 118th Congress.

We appreciate the deliberate approach that the Environmental Protection Agency (EPA) has taken to implement the new law. When Congress passed the legislation, it provided the EPA with a degree of latitude to implement the pilot program based upon EPA's expertise and experience working with Good Samaritans to clean up abandoned mines. As the EPA moves forward with consideration of the Bodie Mine Project, we offer the following input to help inform agency actions and further pilot program implementation.

While we understand that the permit applicant has either secured or is in the process of securing several permits and authorizations in addition to the Good Samaritan permit, we note that Good Samaritans are exempted from having to obtain any permits, authorizations, or licenses that would not be needed if the project were conducted pursuant to CERCLA. For future applications, we encourage the EPA to consider any additional permitting requirements through a simple lens: if a permit, license or authorization is not required for a CERCLA project, then it is not required for a Good Samaritan project.

Congress intentionally did not define the term "low risk", recognizing that site and project-specific variables must be considered on a case-by-case basis. As such, we appreciate that the EPA has relied upon findings in the environmental assessment (EA) to inform and support a low-risk determination for the Bodie Mine Project. Based on the analysis provided in the EA, we concur with the EPA's preliminary finding of no significant impact.

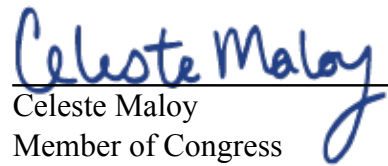
Lastly, we appreciate the EPA has judiciously defined the terms “measurably worse” and “measurable progress” in the draft permit. Basing these determinations in comparison to baseline conditions is a reasonable approach that will help to quantify the success of the Bodie Mine Project and the pilot program as a whole.

We thank the EPA for prioritizing implementation of the Good Samaritan pilot program. The Bodie Mine Project is an important first step to showcase collaborative conservation and help improve the health of our lands and waters. Please know that you have our support moving forward.

Sincerely,



Martin Heinrich
United States Senator



Celeste Maloy
Member of Congress



James E. Risch
United States Senator



Susie Lee
Member of Congress