



Perspectives on Critical Minerals Permitting

DOE Anchorage Critical Minerals Workshop

May 9, 2024

Critical Minerals Permitting

- Permitting best practices
- Federal interagency actions related to critical minerals permitting



Review and Update Mining Laws



Responsible Domestic Mining



Sustainability Standards



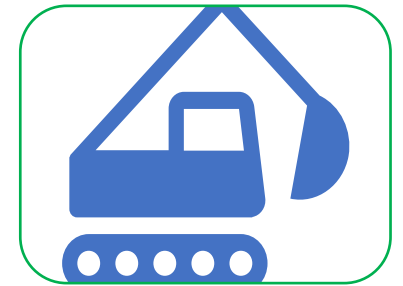
International Trade & Engagement



Engage Stakeholders



Recycling



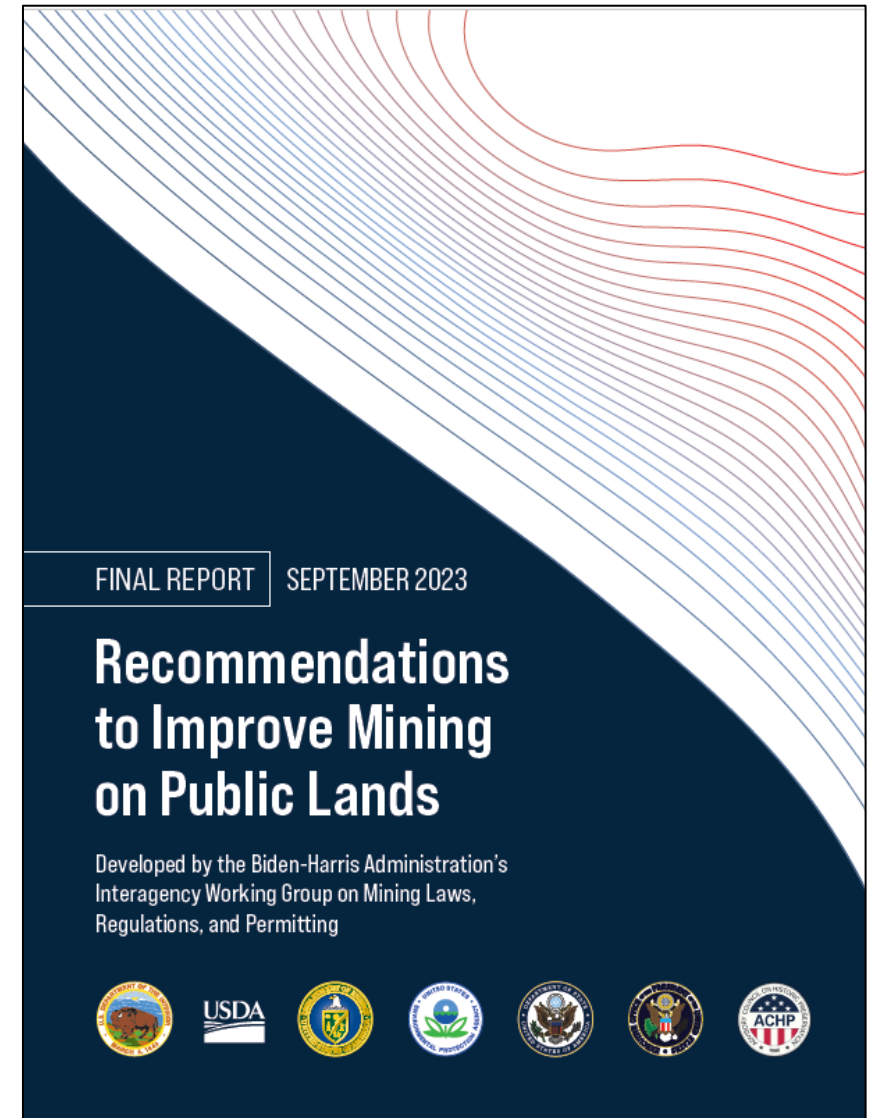
Recovery from Mine Wastes

Mining IWG Report

- Recommendations to support permitting
 - Mine plans & data
 - Agency coordination & engagement
 - Schedule accountability
 - Community engagement
 - Tribal engagement
 - Government capacity

<https://www.doi.gov/sites/doi.gov/files/mriwg-report-final-508.pdf>

<https://www.gao.gov/assets/gao-16-165.pdf> (GAO Report 2016)



Mining Operations in Alaska –Permits, Approvals & Reviews*

State of Alaska

- AK Department of Natural Resources
 - Plan of Operations, Reclamation Plan & financial assurance approval
 - Water rights
 - Tailings dam certification
 - Historic resources protection
 - Rights of way
- AK Department of Environmental Conservation
 - Waste Management Permit
 - APDES Permit (CWA 402)
 - CWA 401 certification of CWA 404 Permit
 - Air Quality Permit (CAA)
- AK Department of Fish & Game
 - Fish Habitat Permit

Federal

- Bureau of Land Management or US Forest Service – if on Fed. managed land
 - Plan of Operations, Reclamation Plan & financial assurance approval
 - NEPA – typically an Environmental Impact Statement (EIS)
- US Army Corps of Engineers (if jurisdictional waters of the U.S.)
 - CWA 404 permit
 - NEPA (typically an EIS for large mines)
- EPA
 - Review of Federal EIS (typically a cooperating agency)
 - SDWA Underground Injection Control permit
 - CWA 404 permit application review
 - Oversight – CWA APDES, CAA Permit
- All Federal agency decisions
 - Endangered Species Act consultation with FWS and/or NMFS (if ESA species)
 - Magnuson Stevens Fisheries & Management Act consultation with NMFS (if Essential Fish Habitat)
 - National Historic Preservation Act consultation
 - Tribal consultation

* Actual permits, approvals & reviews will be project-specific

Application Information & Baseline Data

- Sufficient information to start & maintain the NEPA & permitting process
 - Know information and data needs up front
 - Early involvement of lead NEPA agency, permitting agencies, and NEPA cooperating agencies
 - Gaps analysis
 - Ongoing communication
 - Sufficient expertise

Agency Coordination & Schedules

- Many permits, approvals & NEPA
 - Understand the permitting regulations, policies & processes
 - Permitting plan/timeline in line with risks
 - Agency coordination plan
 - Early agency engagement
 - Site visits
 - Schedule transparency



Public Participation

- Effective public engagement & consideration of Environmental Justice communities
 - Early & ongoing community engagement
 - Engagement attuned to community needs
 - Participation plan
 - Site visits
 - Information transparency

The screenshot shows the 'Eskay Creek Mine' page on the 'BC Mine Information' website. The page features a dark blue header with the 'BRITISH COLUMBIA BC Mine Information' logo and navigation links for 'FIND MINES IN BC', 'MINING IN BC', and 'PROCESSES & PROCEDURES'. The main content area has a white background with a blue-tinted background image of a mine. The title 'Eskay Creek Mine' is prominently displayed. Below the title is a paragraph of text: 'Eskay Creek operated from 1994 to 2008 in northwestern BC. Skeena Resources Ltd. purchased the mine from Barrick Gold Inc. in December 2017. The mine was exempted from the Chief Inspector of Mines' 2014/2015 orders related to dam safety as the tailings storage facility does not have any dams.' A navigation bar includes tabs for 'MINE SUMMARY', 'AUTHORIZATIONS', 'COMPLIANCE OVERSIGHT', and 'OTHER DOCUMENTS'. Below this is a search prompt: 'Can't find what you're looking for? Please contact us here.' To the right, a 'PROJECT DETAILS' section includes a map with a location pin and a table of mine information.

PROJECT DETAILS	
Permittee	Skeena Resources Limited
Mine Type	Metal
Commodities	Lead, Silver, Zinc
Tailing Storage Facilities	2
Operating Status	Closed Reclamation Long-Term Maintenance & Water Treatment

Tribal Engagement

- Meaningful Tribal engagement & consultation
 - Early & ongoing engagement
 - Include Tribes as cooperating agencies
 - Capacity building
 - Information collection
 - Subsistence, cultural, Indigenous Knowledge, etc.
 - Site visits
 - Tribal engagement or consultation plan



Federal Interagency Actions - America's Supply Chain Executive Order

- E.O. 14017 America's Supply Chains (Feb. 2021) called on Federal agencies to assess and strengthen the resilience of the critical minerals and electric vehicle battery supply chains among others

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/>

Federal Interagency Actions

- Interagency Working Group (IWG) on Mining Laws, Permitting, and Policies
- Critical Minerals Permitting IWG
- White House Council on Native American Affairs - Critical Minerals Working Group
- Federal Mining Dialogue – Extraction of Critical Minerals from Mining Wastes Subcommittee
- National Science & Technology Council – Critical Minerals Subcommittee (since 2012)

DOI, USDA Mining IWG Recommendations – Initial Tribal Actions

- Inform Tribal governments of exploration notices & create website that will allow the the public to see notices submitted
- Invite Tribal governments to participate in pre-exploration or mining plan submittal meetings with mine developers
- Consult on reclamation plans & financial assurance
- Additional efforts to include Tribal Governments as NEPA cooperating agencies

<https://www.doi.gov/pressreleases/departments-interior-agriculture-advance-mining-reforms-aimed-protecting-and>

New Federal Gov Critical Minerals Website

CriticalMinerals.gov

Welcome to CriticalMinerals.gov. This site showcases key resources and highlights examples of critical minerals activities from across the U.S. Government. CriticalMinerals.gov is maintained by the Critical Minerals Subcommittee (CMS) of the National Science and Technology Council, which coordinates Federal science and technology efforts to ensure secure and reliable supplies of critical minerals to the United States.



More content will be added in the coming weeks.

Critical Minerals

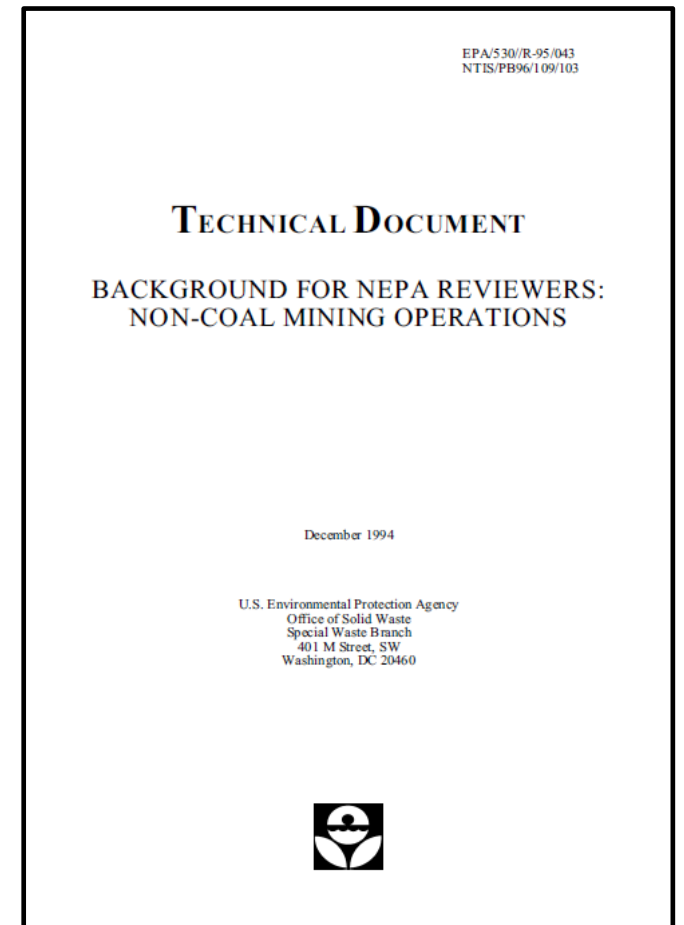
The Energy Act of 2020 defines a "critical mineral" as a non-fuel mineral or mineral material essential to the economic or national security of the U.S. and which has a supply chain vulnerable to disruption. Critical minerals are also characterized as serving an essential function in the manufacturing of a product, the absence of which would have significant consequences for the economy or nation security. More information regarding the current lists of critical minerals and materials can be found [here](#).



EPA Critical Minerals Mining Actions

- EPA internal critical minerals mining team
- Participate in interagency efforts
 - Critical mineral project tracking
 - Mining IWG recommendations
- Mining technical & policy documents review
- Permit automation (more than just CMs)
- Industry, stakeholder, tribal engagements
- Specific projects

<https://www.epa.gov/newsreleases/epa-launches-new-website-improve-transparency-permitting>





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BLM PERMIT TIMING DATA

147 approved mines

Plans Filed or Approved between October 2012 and April 2023

	Average	Median
All Plans of Operation		
NEPA	1 year, 2 months	9.5 months
Complete BLM process [‡]	3 years, 5 months	1 year, 10 months
Plans requiring EAs		
NEPA	1 year, 2 months	9.5 months
Complete BLM process [‡]	3 years, 5 months	1 year 10 months
Plans requiring EISs		
NEPA	3 years, 1 month	3 years, 11 days
Complete BLM process [‡]	4 years, 7 months	4 years, 2.5 months

[‡]Complete BLM Process includes time before plan filing and ends when financial assurance is provided and operations are authorized to proceed.