SME Society for Mining, Metallurgy & Exploration | WMC Women's Mining Coalition | American Exploration & Mining Association

The U.S. Must Streamline Permitting to Achieve Energy and Minerals Dominance and Become a Global Artificial Intelligence Superpower

This Administration and Congress are taking much needed steps to eliminate the permitting roadblocks that chill investment in domestic mineral projects and that make the U.S. dangerously dependent on foreign minerals – especially minerals imported from China.

The Council on Environmental Quality found that federal agencies take an average of 4.5 years to prepare Environmental Impact Statements pursuant to the National Environmental Policy Act (NEPA) for mining, energy, infrastructure, and other projects that require a federal permit.

Reducing NEPA litigation, which adds years to the permitting process, is essential to permitting reform.

Permitting Delays Each Step of the Exploration-Mining Lifecycle

Advancing a promising mineral project through the mineral exploration – mining lifecycle is time-consuming, data-dependent, and expensive. Statistically, only one in 1,000 mineral prospects become an economically viable mine. Discovering a mineral deposit requires drilling hundreds to thousands of drill holes, takes many years, and typically costs several $100 million or more. Mine development can cost more than $1 billion. The multiple permitting phases required along each step of the mining lifecycle create numerous project delays.

Exploration
- Geoscience Surveys (Prospectors & Companies)

⟶ Leads to Discoveries that Become New Mines

Discovery
- Good Field Work
- Quality Geoscience
- Investment
- Planning

Development
- Feasibility
- Geoscience
- Engineering
- Raising Capital
- Construction

Production
- Extractions
- Milling
- Processing
- Secondary Processing

Reclamation

During Operations ⟶ Closure
- Creating Value to the land

Government of Nova Scotia, "The Mining Cycle," Nova Scotia Department of Natural Resources and Renewables. Retrieved April 2025 from https://novascotia.ca/natr/meb/education/mining-cycle.asp

Streamlining Permitting to Accelerate Mineral Discovery and Production

Improving permitting for mineral projects should focus on ways to minimize permitting delays throughout the discovery-development process. During exploration, companies must conduct detailed drilling programs to delineate the extent of a mineral deposit and determine if it is economically and technically feasible to develop the deposit into a mine, with each phase of drilling incorporating previous drilling results. The repetitive permitting currently required to approve sequential drilling projects adds years to the mineral exploration process because it inserts gaps in drilling programs that disrupt the progress of discovery and development. Eliminating repetitive permitting for exploration drilling projects would be an important step in accelerating the discovery of mineral deposits that can become future mines and advance the Nation's goal to become minerals dominant.

Suggestions for Streamlining Permitting for Exploration Drilling Projects:

- Develop nationwide and/or general permits, and/or programmatic NEPA documents for typical exploration activities that comply with BLM and Forest Service environmental protection and financial assurance requirements.
- Use Categorical Exclusions (CXs) and Determinations of NEPA Adequacy (DNAs) to authorize typical exploration drilling projects – especially sequential expansions of previously authorized drilling projects.
- Expand the five-acre BLM Notice program to authorize ten acres of surface disturbance and create a similar Notice process for exploration projects on National Forest System lands.

Measures to Expedite Mine Permitting

- **Eliminate Delays in Publishing Federal Register Notices:** discarding BLM headquarters' longstanding bureaucratic process for reviewing and publishing Federal Register NEPA notices would shave as much as a year from mine permitting timelines.
- **Ensure Compliance with the Fiscal Responsibility Act of 2023 NEPA Amendments** to complete an EIS within two years, limit the length of most EISs to 150 pages, use any reliable data source and not routinely require new scientific or technical research, only evaluate technically and economically feasible alternatives and reasonably foreseeable environmental impacts, and fast-track the development of guidelines for project sponsor-prepared NEPA documents.
- **Adopt the Nevada NEPA Pre-Planning Template** which establishes a stepwise process for early coordination between the project proponent, BLM, cooperating agencies, counties, tribes and other stakeholders and requires project proponents to submit environmental and technical baseline study reports, modeling data, an initial assessment of environmental impacts, and suggested mitigation measures to avoid, minimize, or mitigate project impacts.
- **Maintain Adequate Staffing Levels and Teams of Permitting and Mining Experts** to ensure permits are reviewed efficiently to meet the FRA-mandated NEPA document timelines, and authorize the use of third-party expert permit reviewers to augment agency staff when necessary.
- **Enact Legislation to Minimize NEPA Litigation and Eliminate Access to Attorney Fee Reimbursement** through the Equal Access to Justice Act which creates uncertainty, chills investment in domestic mining, energy, and infrastructure projects, and can add years to the NEPA process because federal courts frequently vacate agencies' NEPA decisions or enjoin projects during litigation. Reducing NEPA litigation, which delays all types of projects, should be a key focus of permitting reform legislation.

For more information, please contact:

SME's Permitting White Paper

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