



**American  
Exploration & Mining**  
ASSOCIATION

# Interagency Working Group on Mining Regulations, Laws, and Permitting

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*Mark Compton, American Exploration & Mining Association*

# Who We Are

- Based in Spokane, WA
- Represent metal/nonmetal
- Membership weighted toward exploration and junior miners
- Focused on public land access for mineral exploration & development



# Creation of the Interagency Working Group on Mining Regulations, Laws, and Permitting

- Focus on Supply Chains after the Pandemic
  - February 2021: Executive Order 14017 on America's Supply Chains
  - June 2021: 100-day Review Reports
- February 2022: Working Group Formed
  - Weaponization of supply chains
  - “Whole-of-government effort to promote the sustainable and responsible domestic production of critical minerals”
  - Bring together experts in mine permitting and environmental law to review existing mining laws, regulations and permitting processes
  - Recommendations for Regulatory/Statutory Changes by November 2022



# Interagency Working Group (IWG) Members

- Department of the Interior (Chair)
- Department of Agriculture through the U.S. Forest Service
- Environmental Protection Agency
- Army Corps of Engineers
- Department of Energy
- Department of Commerce
- Department of State
- Council on Environmental Quality
- National Economic Council



# IWG Request for Information

- March 2022: Request for Information
  - Cited Rulemaking Petition from 31 Environmental Groups and 9 Tribes to Revise BLM's Mining Regulations
  - Cited Infrastructure Investment and Jobs Act (Nov. 15, 2021)
    - Section 40206 directs DOI and USDA to submit a report to Congress by November 15, 2022 that:
    - “identifies additional measures, including regulatory and legislative proposals, if appropriate, that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals.”
  - 12 questions on very broad topics



# IWG Areas of Focus

- Updating the Mining Law of 1872
- Alternatives to the Claim Location System
- International Mining Best Practices or Standards
- Hardrock Royalty
- Financial Assurance Requirements
- Mine Reclamation/Good Samaritan for AMLs
- Mine Permitting Process
- Incentives for Developing Critical Minerals
- Areas Off-limits to Mining



# IWG Engagement

- May 10, 2022: White House Kickoff Meeting
  - Led by DOI, CEQ, NEC
  - Multiple Stakeholders
- June 2022: AEMA Meeting with IWG
- August 30, 2022: Submittal of Written Comments
- June 2022 – Present: Meetings with IWG Member Agencies and Subgroups



# IWG Subgroups – Additional Questions

- Fiscal Issues
- Mining Operations
- Access to Resources
- Permitting
- International Standards & Best Management Practices
- Tribal Engagement?



# AEMA Impressions

- Internal Conflict within the Biden Administration
  - Regulatory vs. Consumer
- Major Focus on Social/Tribal Issues
  - Free, Prior and Informed Consent
- IWG is Determined to Convert Claims to Leases
  - Agency Discretion
  - Threat to Security of Tenure
  - Investment Attractiveness of the U.S. Declines



# Implications for State Trust Lands – Positive or Negative?

- Mineral Deposits Don't Respect Political Boundaries
  - Mixed Ownership Nature of Mining Projects
- Land Suitability Provisions
  - Restricting Public Land Access
- Overall U.S. Investment Attractiveness
- Successful Trust Lands Needs a Strong Domestic Mining Industry



# IWG Next Steps

- Continued Engagement
- Report Due November 15, 2022
- Implementation of Recommendations
  - Regulatory Timelines
  - Political Environment Post-Election
- Continued Engagement



A background image of a large group of people seated at round tables in a conference hall, likely attending the AEMM 2022 event. The image is dimmed to allow text to be overlaid. People are engaged in conversations, some looking towards the camera and others looking away. The setting appears to be a formal or semi-formal gathering.

# AEMA Annual Meeting

December 4-9, 2022  
Reno, Nevada  
Short Courses  
Technical Sessions  
Exhibition



Thank you!

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