

Attachment 4

Anticipated Topics for National Tribal Critical Minerals Initiative Consultation 2024

1. Identifying those recommendations in the Recommendations.to.Improve.Mining.on.Public.Lands.report¹ (the Mining Report) that do not require legislation and that are the highest priorities for Tribes.
2. Tribes' preferences on regulatory, policy changes or other actions to be made by BLM, USFS, or other federal agencies that may not be in the Mining Report's recommendations.
3. In terms of engagement or government-to-government consultations regarding mining projects, identifying what types of assistance or resources would best support your Tribe—financial aid, technical expertise, or both, or others.
4. Tribal input on mining companies' role in providing financial or technical assistance directly to potentially impacted Tribes to assist in engagement, mine plan review, or other areas. Discussion on the way this assistance, if applicable, may be structured to ensure impartiality.
5. Tribal input on agreements entered into between Tribes and mining companies such as Tribal Benefit Agreements, Partnership Agreements, Good Neighbor Agreements, or other similar types, including provisions or practices Tribes see as the most useful in those agreements (Tribal hiring requirements, profit sharing, grievance mechanisms, transparency of environmental monitoring data, etc.). Discussion of the sort of assistance Tribes would need to enter into negotiations on such types of agreements.
6. The Mining Report recommended that BLM set up a system similar to the Federal Communications Commission's (FCC's) (<https://www.fcc.gov/wireless/systems-utilities/tower-construction-notifications/tower-construction-notifications-0>) to provide automated notifications to Tribes of exploration proposals. With respect to the FCC system, we invite discussion on features Tribes would wish to retain or modify for a similar system in mining exploration. For Tribes not familiar with the FCC system, we invite discussion on features Tribes would want in an automated system.
7. We invite discussion on the role that independent Tribally led organizations may have in enhancing consultation and technical review processes for Tribes confronted with mining proposals.
8. Discussion around other best practices for Tribal engagement in mining proposals that we should try to encourage or require.

¹ Biden-Harris Administration's Interagency Working Group on Mining Laws, Regulations, and Permitting (2023), Final.Report;Recommendations.to.Improve.Mining.on.Public.Lands?found at <https://www.doi.gov/sites/doi.gov/files/mriwg-report-final-508.pdf>.