



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240



Department of Energy

Washington, DC 20585

June 28, 2024

Dear Tribal and Alaska Native Leader:

In February 2021, President Biden announced an Executive Order on securing America's supply chains¹--including critical minerals²--to further our nation's national security and climate goals including a transition net zero emissions economy by 2050. Critical minerals are the building blocks of this energy transition and the Biden-Harris Administration (the "Administration") is pursuing a whole-of-government approach to increase the reliability of the critical minerals supply chain, including strengthening recycling, researching critical minerals replacements, assessing standards, pursuing international engagements, and increasing responsible domestic mining.

The Administration acknowledges the problematic and damaging history between extractive industries and Tribal communities, and the potential impact of new mining to significantly impact Tribal lands, people and resources. Early, meaningful, and ongoing consultation and engagement with Tribal governments is imperative as the US government pursues development of a responsible, critical minerals supply chain. Furthermore, Tribes should be given the opportunity to equitably share in the economic development benefits of mineral development.

First and foremost, the Administration is striving to not repeat the sins of the past with extractive industry. As part of this effort, the Administration's Department of the Interior-led Interagency Working Group (IWG) on Mining Laws, Regulations, and Permitting held four Tribal consultations and other Tribal listening sessions to receive Tribal input on improving mining on public lands.³ In September 2023, the IWG published the *Recommendations to Improve Mining on Public Lands* report⁴ with dozens of recommendations for improving Tribal consultation and engagement, protection of Tribal resources, and sharing of economic benefits when it comes to mining. Note, the report's recommendations may also support improved practices for projects not on public lands.

In response to several Tribal inquiries about the Administration's actions on critical minerals, the White House Council on Native American Affairs ([WHCNAA](#)) created a Critical Minerals Working Group. On behalf of the Administration, the WHCNAA Critical Minerals Working Group would like to invite your Tribe to consultation on the September 2023 *Recommendations to Improve Mining on Public Lands* report, see attachment #3 for a summary of the recommendations.⁵ Through this consultation, the Administration seeks your feedback to prioritize and implement recommendations from the report that will benefit Tribes.

¹ [Federal Register :: America's Supply Chains](#)

² The Energy Act of 2020 defined critical minerals as those that are essential to the economic or national security of the United States; have a supply chain that is vulnerable to disruption; and serve an essential function in the manufacturing of a product, the absence of which would have significant consequences for the economic or national security of the U.S. <https://www.usgs.gov/faqs/what-a-critical-mineral>

³ [Federal Register :: Request for Information To Inform Interagency Working Group on Mining Regulations, Laws, and Permitting](#)

⁴ 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>.

⁵ See Attachment 3 for list of recommendations.

This Working Group also created a Draft National Tribal Critical Minerals Initiative to improve Tribal consultation and engagement in domestic critical minerals supply chain. The purpose of this initiative is to ensure Tribal interests are meaningfully considered early and often in the pursuit of a domestic critical minerals supply chain, including environmental and human health protection, Tribal and cultural resources protection, and economic development or other benefits sharing. During the consultation we will also ask for your feedback on the Draft National Tribal Critical Minerals Initiative. See attachment #2 for more details on the initiative.

These upcoming Tribal consultations and your feedback will inform the steps that the Administration will take in the future in pursuit of a responsible domestic critical minerals supply chain. The Administration is also in the process of planning forums that convene Tribes, non-governmental organizations (NGOs), and industry for discussions later this year.

Consultation Opportunities

Session	Date/Time	Location/Connectivity
Lower 48 Tribes	July 30, 2024 10 A.M. – 1 P.M. MT	Hybrid (In-person and virtual) DoubleTree by Hilton Denver, CO 3203 Quebec St Denver, CO 80207 Parking available in hotel lot. Register at least 24 hours in advance via the following link: https://www.zoomgov.com/meeting/register/vJltf-GppzlrH_LWSD8inCgGedC9ddl99xo
Virtual All Tribes & Native Alaskans	August 13, 2024 12 P.M. – 2 P.M. ET	Virtual only meeting Register at least 24 hours in advance via the following link: https://www.zoomgov.com/meeting/register/vJltdqtpz4tHRSpU1LrgFCKzpsFoAXlQU
Alaska Native Villages	August 20, 2024 10 A.M. – 1 P.M. AT	Hybrid (In-person and virtual) Department of Housing & Urban Development (HUD) 3000 C. Street, Suite 401 Anchorage, AK 99503 Parking available on street & enter at rear of building. Register at least 24 hours in advance via the following link: https://www.zoomgov.com/meeting/register/vJlscerrzvjEuXy9oFHPA1gNHNFS0E2Cf4
Alaska Native Corporations	August 21, 2024 10 A.M. – 1 P.M. AT	Hybrid (In-person and virtual) Department of Housing & Urban Development (HUD) 3000 C. Street, Suite 401 Anchorage, AK 99503 Parking available on street & enter at rear of building. Register at least 24 hours in advance via the following link: https://www.zoomgov.com/meeting/register/vJltd0irpzkUG1bFpsPaurTCK9YFoOqYujQ

To support the dialogue, WHCNAA developed the attached framing papers and slides. The materials include background information to inform your participation in the consultation. It outlines agency roles in critical minerals, recommendations from the 2023 report *Improving Mining on Public Lands*, and topics the administration wants your feedback on. These documents are attached for your review and reference, and also available on the WHCNAA website: bia.gov/tribal-critical-minerals-initiative.

Attachment 1: Framing Paper on Critical Minerals Consultation (Attached)

Attachment 2: Framing Slides (Attached)

Attachment 3: Summary of Recommendations to Improve Mining on Public Lands (Attached)

Attachment 4: Consultation Topics (Attached)

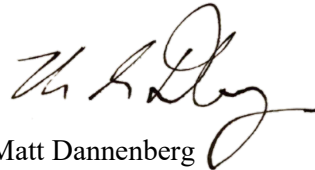
Written Comments Due August 31, 2024

If your Tribe is unable to participate in any of these sessions or has additional feedback that you are unable to share in the session, you can submit written comments to whcnaa@bia.gov.

Thank you for your participation,



Dr. Steve Feldgus
Principal Deputy Assistant Secretary for
Land and Minerals Management
US Department of the Interior
(Co-Chair WHCNAA Critical Minerals
Working Group)



Matt Dannenberg
Senior Tribal Liaison
US Department of Energy
(Co-Chair WHCNAA Critical Minerals
Working Group)



PoQueen Lee-Rivera
Acting Executive Director
White House Council on Native
American Affairs

Enclosures: Attachment 1: Framing Paper on Critical Minerals Consultation
Attachment 2: Framing Slides
Attachment 3: Summary of Recommendations to Improve Mining on Public Lands
Attachment 4: Consultation Topics

Attachment 1

Framing Paper on National Tribal Critical Minerals Initiative Consultation 2024

Outline

1. Purpose of Consultation
2. White House Council on Native American Affairs (WHCNAA) National Tribal Critical Minerals Initiative

1: Purpose of Consultation

WHCNAA appreciates your participation in this crucial consultation on the National Tribal Critical Minerals Initiative and the policy & regulatory recommendations for improving Tribal consultation and engagement, and protections in domestic critical minerals supply chain.

As the Administration works to secure an American supply chain of critical minerals, the federal government is striving to not repeat the problems of the past with extractive industry. As part of this effort, in summer 2022, the Administration's Interagency Working Group (IWG) on Mining Laws, Regulations and Permitting held four Tribal consultations and other Tribal listening sessions on improving mining on public lands. In September 2023, the IWG published the *Recommendations to Improve Mining on Public Lands* report (Mining Report) with dozens of recommendations for improving Tribal consultation and engagement and protections when it comes to mining. Note, the report makes clear these recommendations may also support improved practices for projects not on public lands. A list of all the recommendations is available in the table in attachment #3.

In response to Tribal inquiries about the Administration's actions on critical minerals, WHCNAA created a Critical Minerals Working Group. This Working Group has been interfacing with other interagency coalitions on critical minerals to bring Tribal perspectives to the forefront. One of our top priorities is to prioritize and implement recommendations from the September 2023 *Recommendations to Improve Mining on Public Lands* report and we want to hear Tribes' views on these recommendations and any other actions that Federal agencies should consider under the National Tribal Critical Minerals Initiative.

Attachment 1

Framing Paper on National Tribal Critical Minerals Initiative Consultation 2024

2: WHCNAA – National Tribal Critical Minerals Initiative

The purpose of the WHCNAA Critical Minerals Working Group is to work to ensure Tribal interests are meaningfully considered early and often in the pursuit of a domestic critical minerals supply chain, including environmental and human health protection, tribal and cultural resources protection, and economic development or other benefits sharing.

Objectives

Following are the draft objectives of the WHCNAA National Tribal Critical Minerals Initiative pending consultation with Tribes:

- Pursue Tribal leads or partnerships in the U.S. Government’s USG critical minerals supply chain grant programs during FY 24-25;
- Connect existing Tribal partnership networks for Tribes to engage on the critical minerals supply chain and permitting reforms;
- Conduct robust Tribal consultations on critical minerals as prescribed in Executive Order (EO) 13175, Conduct additional engagements including Tribal governments, NGOs, and convening with industry, states, and other stakeholders;
- Commit to supporting implementation of priority recommendations from the September 2023 “Recommendations to Improve Mining on Public Lands” report (Mining Report), including those already committed to by Department of the Interior DOI and U.S. Department of Agriculture USDA <https://www.doi.gov/pressreleases/departments-interior-agriculture-advance-mining-reforms-aimed-protecting-and;>
- Serve as a convening body for formal consultations and informal engagements with Tribes regarding implementation of Mining Report and consultation recommendations;
- Develop a toolkit of resources, programs, and information produced by agencies regarding critical minerals;
- Engage and listen to Tribes’ varying interests related to critical mineral supply chain and use information from these engagements to determine additional actions not captured in the Mining Report;
- Communicate federal opportunities to Tribes that are interested in the critical minerals supply chain as an economic development engine; and
- Communicate opportunities and resources available to Tribes to participate in the regulatory permitting processes for critical minerals projects.

Attachment 2: Framing Slides

Interagency Consultation on Tribal Critical Minerals Initiative

White House Council on Native American Affairs

July 2024

PoQueen Lee-Rivera, Executive Director, White House Council on Native American Affairs

Dr. Steve Feldgus, DOI - Principal Deputy Assistant Secretary Land & Minerals Management

Matt Dannenberg, DOE - Senior Tribal Liaison, Congressional & Intergovernmental Affairs



Hosted By



- U.S. Department of the Interior (Co-Chair WHCNAA CM Working Group)
- U.S. Department of Energy (Co-Chair WHCNAA CM Working Group)
- U.S. Environmental Protection Agency
- U.S. Department of Commerce
- U.S. Department of Defense Army Corps of Engineers

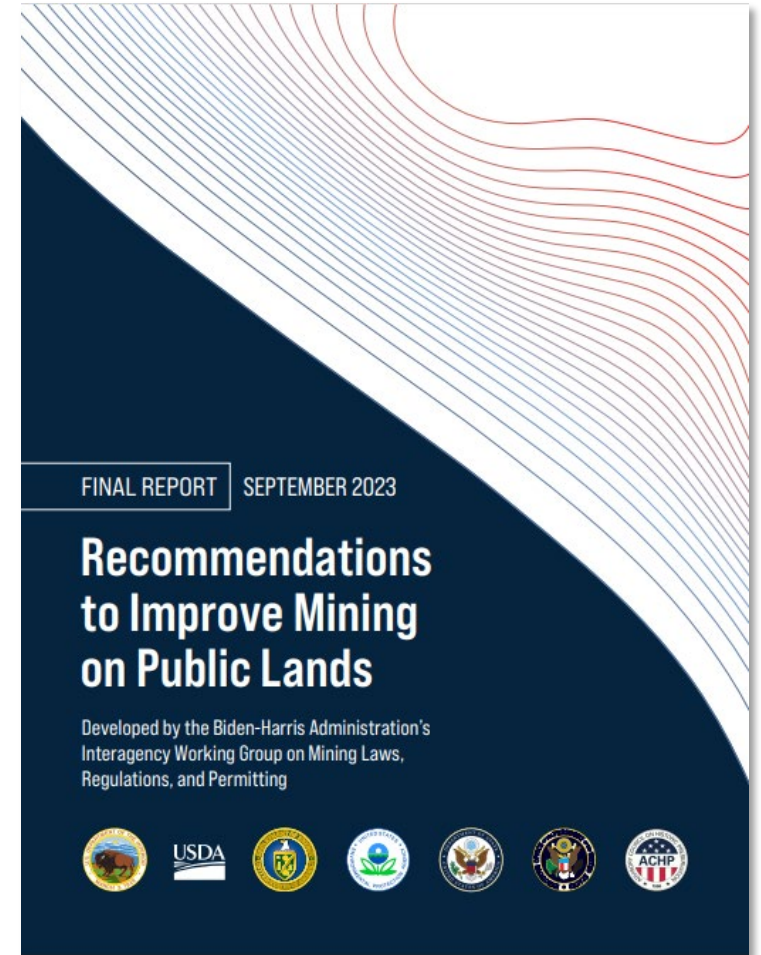
Agenda

- Housekeeping
- Context & Background on Critical Minerals Initiative
- Summary of policy & regulatory recommendations from the September 2023 interagency report “Recommendations to Improve Mining on Public Lands”
- Questions & Tribal Leader feedback

Tribal Critical Minerals Initiative

- Biden Administration pursuing a responsible domestic supply chain of critical minerals for national defense and climate goals.
- Many critical minerals may be found near or on Tribal lands.
- Do not want to repeat the harms of past between Tribes, US Government and industry.
- Meaningful Tribal feedback early and often driving this discussion in partnership with the federal government.
- First step in prioritizing & informing implementation of reforms recommended in the 2023 report of improving mining of public lands.
- DOI is in the process of implementing some recommendations.
- Facilitating opportunities for Tribes for economic development in the sector, while maintaining environmental protections.
- Refer to online version of this report, link below:

<https://www.doi.gov/media/document/mriwg-report-final-508-pdf>



Recommendation Summary

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Access to and Use of Federal Lands				
99	Amend the 1872 General Mining Law to permanently end patenting of Federal lands	○		
99	Congress should develop a leasing system to provide access to hardrock minerals on public lands	○		
100	Once a leasing system is established, prepare a programmatic Environmental Impact Statement to incorporate mining into land use planning processes	○		
100	Conduct one or more pilot projects exploring innovating ways to integrate mining into land use planning processes			○
101	Amend Interior and USFS regulations and policy to provide for consistent implementation of the Mining Law and access to minerals		○	
101	Provide the BLM and USFS with authority to debar an operator based on past poor performance	○		
102	Create a new administrative withdrawal process that allows for conditional development	○		
102	Reemphasize the importance of mineral potential reports in land use planning decisions			○
103	Ancillary uses and mill sites	○		6

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Fair Return and Diligent Development				
104	Place a royalty on commercial production from mines on Federal lands	○		
104	Congress should increase claim maintenance fees	○		
105	Create a BLM system whereby claim maintenance fees escalate if no exploration or production occurs on a claim after a certain period of time	○		
105	Congress should create a reclamation fee to generate additional revenue for abandoned hardrock mine remediation	○		
105	Designate uses for additional revenue generated from the above recommendations	○		
106	Create a Revenue Sharing Program to Help States and Local Governments Address the Impacts that Result from Hardrock Mineral Development on Federal Lands	○		
106	Reform the Small Miner Waiver (SMW) program	○		

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Permitting Process				
107	Update and adopt the BLM-NV permitting process model as standard operating procedure nationwide.			●
107	Require BLM and USFS to share baseline reports with EPA, other applicable Federal cooperating agencies, and Tribal governments when implementing recommendation 1 above.			●
108	Develop and publicly share and track project schedules.			○
108	Develop consistent policy and regulations regarding application information requirements.		○	◐
109	Require pre-application meetings		○	
110	Include USACE and EPA in pre-application meetings.			●
110	Prioritize plans that maximize best environmental and social practices.	○	○	○
112	Incentivize or require social impact and community benefit planning documents.		○	○
112	Require the development of a Climate Change Adaptation Plan		○	
113	Improve the use of cooperating agencies			◐
113	Provide more specific procedures for engaging with communities with EJ concerns during and outside of the plan approval and NEPA process			◐
114	Develop more robust policies for stakeholder engagement			◐
114	Maintain a forum for interagency federal mine permitting experts			◐
115	Promote a Circular Economy			◐ ⁸

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Increasing Transparency				
116	Create a mining and mine permitting presentation guide to improve public understanding of mining and the mine approval process			○
117	Develop a user-friendly website that enables the public to easily see and identify all proposed, operating, reclaimed, and unreclaimed mineral exploration and production operations in a given area			○
117	Amend Interior and USFS regulations to expand notice level (and exploration and mine plan) review time and notification requirements		○	◐
118	Make compliance performance records available to the public			○

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report pg#	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Tribal Consultation & Engagement				
119	Enact legislation to require meaningful, robust, and early consultation between the Federal government and Tribal governments	○		
120	Improve Agency Consultation Procedures and Training			◐
120	Provide adequate resources for Tribal consultation	○		
120	Issue new policy guidance on NHPA implementation			○
121	Provide additional protections for Tribal cultural sites, sacred sites, and resources	○	○	
122	Develop a system for automatic Tribal notification when notices or plans are proposed in an area of Tribal interest			◐
122	Require exploration plans instead of notices when operations would impact Tribal resources or treaty rights, listed species, etc.		○	
122	Incorporate Indigenous Knowledge (IK) during the environmental and permitting review for an exploration plan, mine plan of operations, or associated permit			◐
123	Invite Tribes to participate as cooperating agencies in the NEPA process			◐
123	Include Tribes in pre-application meetings, and allow Tribes to review baseline information in updating and expanding the BLM Nevada permitting process			●
123	Include Tribes in the determination of appropriate financial assurance levels and post-mining land use		○	
124	Provide funding to Tribal Governments to allow them to more effectively engage in reviews of mining proposals and shared monitoring of operating mines	○		◐
125	Encourage additional Federal and private sector support for Tribally-led assistance organizations	○		◐

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Operational Standards				
126	Require adherence to the Global Industry Standard on Tailings Management (GISTM)		○	
126	Improve the standard of care and provide consistency in Interior and USFS regulations		○	
127	Improve enforcement resources, authorities, and tools	○		

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Mine Closure / Reclamation				
128	Enact Good Samaritan protections	○		
129	Encourage remining and reprocessing of previously disturbed sites	○		◐
130	Prohibit mine operations that would result in the need for perpetual water treatment	○		
131	Strengthen review of mines left in extended non-operating status		○	○
131	Enact reforms to financial assurances laws	○		
132	Review agency reclamation assumptions for unforeseen costs as part of bonding estimate			○
133	Strengthen requirements for financial assurance instruments		○	
134	Revise MOUs for governing bonding roles and responsibilities and bond release reviews		○	○
134	Develop a Reclamation Handbook			○

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Government & Private Sector Capacity				
135	Provide adequate resource support for Federal permitting agencies and historic preservation offices	○		
135	Build out the Federal database of mineral data and reporting requirements	○	○	○
138	Increase Federal investments in new technologies for data collection	○		○
138	Increase Federal support and investment in research	○		
139	Create a grant program for mining schools	○		
140	Provide the USFS and FWS with full cost recovery authority	○	○	

Questions

Questions

1. Of the recommendations in the *Recommendations to Improve Mining on Public Lands* report (the Mining Report) that do not require legislation, which are your highest priorities?
 2. What regulatory, policy changes or other actions would you most like to see BLM, USFS, or other federal agencies make that may not be in the Mining Report's recommendations?
 3. In terms of engagement or government-to-government consultations regarding mining projects, what types of assistance or resources would best support your Tribe—financial aid, technical expertise, or both, or others?
 4. Do you believe that mining companies should provide financial assistance directly to potentially impacted Tribes to assist in engagement, mine plan review, or other areas? If so, how should this assistance be structured to ensure impartiality?
 5. Are you familiar with agreements entered into between Tribes and mining companies such as Tribal Benefit Agreements, Partnership Agreements, Good Neighbor Agreements, or other similar types? What provisions or practices do you believe are the most useful in those agreements (Tribal hiring requirements, profit sharing, grievance mechanisms, transparency of environmental monitoring data, etc.)? What sort of assistance would your Tribe need to enter into negotiations on such types of agreements?
- 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>

Questions

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. If you are familiar with the FCC system, what features would you wish to retain or modify for a similar system in mining exploration? If you are not familiar with the FCC system, what features would you want an automated system to have?
7. How do you think independent Tribally led organizations could enhance consultation and technical review processes for Tribes confronted with mining proposals?
8. Are there other best practices for Tribal engagement in mining proposals that we should try to encourage or require?

Next Steps: Tribal Leader and ANC Leader Input

WHCNAA Critical Minerals working group is seeking Tribal leader and ANC leader input on the proposed recommendations for the Critical Minerals Initiative:

- Sessions held:
 - Lower 48 Tribes - July 30
 - All Tribes – August 13
 - Alaskan Villages – August 20
 - ANCs – August 21
 - Deadline for written comments will be August 31, 2024.

Next Steps

- The WHCNAA Critical Minerals Working Group will include Tribal consultation input in making decisions about which recommendations to implement.
- The White House National Economic Council (NEC) & WHCNAA will invite Tribes to a joint workshop with Tribes and the mining industry in later this year.

Contact Us

Submit comments or contact us at whcnaa@bia.gov for these consultations.

Closing Remarks

Addendum

Agency Roles

Department of Energy

DOE has funding via grants and loans for research and development of a US critical mineral supply chain:



- Battery Material Processing & Recycling Grants

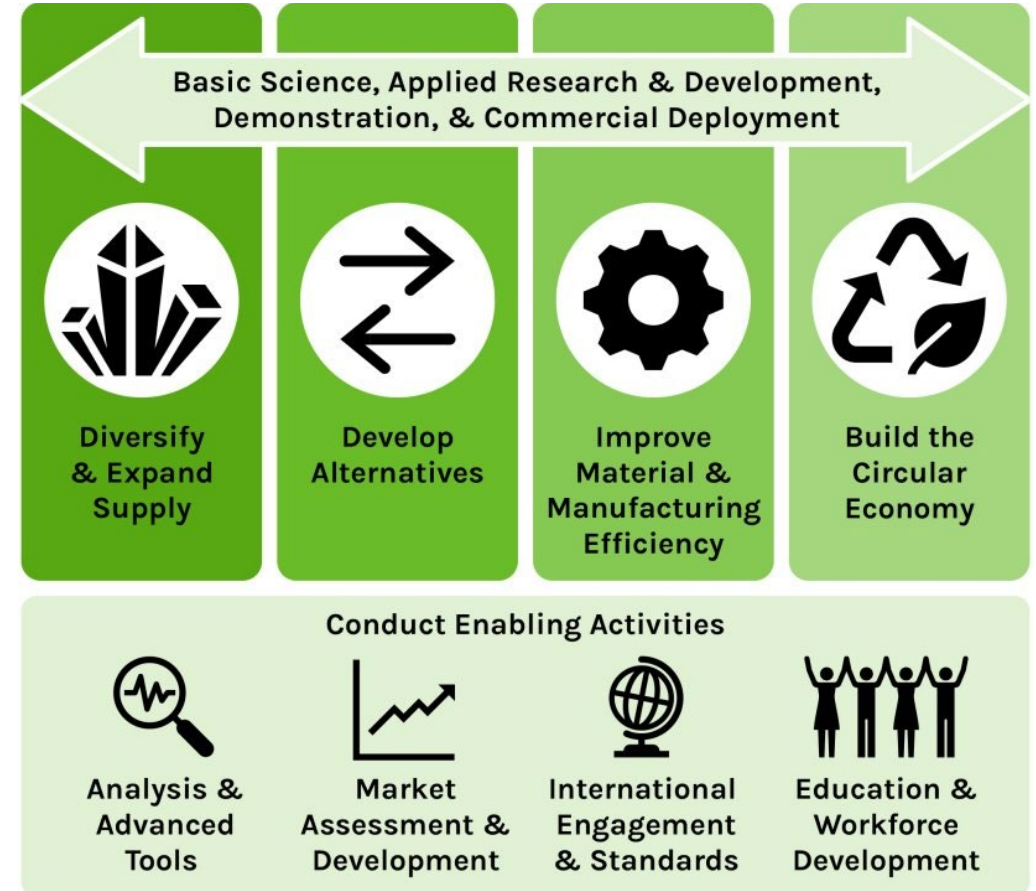


Fossil Energy and Carbon Management

- Research on “Mines of the Future” including enhanced recycling, life cycle, and sourcing of critical minerals from wastes like coal ash.
- Fossil Energy & Carbon Management Tribal Working Group launching 2024



- Title XVII program can provide loan guarantees for all segments of the critical mineral supply chain



Department of the Interior



Bureau of Land Management – review and approval of exploration and mining proposals on public lands.



Bureau of Indian Affairs – approval of leases and permits on Indian trust and restricted lands; technical support and capacity building for Tribes seeking to develop resources on Tribal lands; interagency coordination.



Office of Surface Mining Reclamation and Enforcement – regulation of surface coal mining and reclamation of abandoned coal mines.



U.S. Geological Survey – research, assessment, and data collection regarding mineral resource life cycles and their environmental impacts.

Environmental Protection Agency

EPA Roles on critical minerals mining

- NEPA
 - Reviews Federal agency Environmental Impact Statements
- Clean Water Act, Clean Air Act, Safe Drinking Water Act
 - Reviews Army Corps of Engineers CWA 404 permit notices
 - Permits generally issued by the states, EPA oversight
- Tribal consultation & engagement

Resources for Tribes

- Indian Environmental General Assistance Program (GAP):
<https://www.epa.gov/general-assistance-program-gap>
- Environmental Justice Grants:
<https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>

Attachment 3
Summary of Recommendations to Improve Mining on Public Lands

Legend: ○ not started yet ◐ initial discussions ● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
Access to and Use of Federal Lands				
99	Amend the 1872 General Mining Law to permanently end patenting of Federal lands	○		
99	Congress should develop a leasing system to provide access to hardrock minerals on public lands	○		
100	Once a leasing system is established, prepare a programmatic Environmental Impact Statement to incorporate mining into land use planning processes	○		
100	Conduct one or more pilot projects exploring innovating ways to integrate mining into land use planning processes			○
101	Amend Interior and USFS regulations and policy to provide for consistent implementation of the Mining Law and access to minerals		○	
101	Provide the BLM and USFS with authority to debar an operator based on past poor performance	○		
102	Create a new administrative withdrawal process that allows for conditional development	○		
102	Reemphasize the importance of mineral potential reports in land use planning decisions			○
103	Ancillary uses and mill sites	○		
Fair Return and Diligent Development				
104	Place a royalty on commercial production from mines on Federal lands	○		
104	Congress should increase claim maintenance fees	○		
105	Create a BLM system whereby claim maintenance fees escalate if no exploration or production occurs on a claim after a certain period of time	○		
105	Congress should create a reclamation fee to generate additional revenue for abandoned hardrock mine remediation	○		
105	Designate uses for additional revenue generated from the above recommendations	○		

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>.

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
106	Create a Revenue Sharing Program to Help States and Local Governments Address the Impacts that Result from Hardrock Mineral Development on Federal Lands	○		
106	Reform the Small Miner Waiver (SMW) program	○		
Permitting Process				
107	Update and adopt the BLM-NV permitting process model as standard operating procedure nationwide.			●
107	Require BLM and USFS to share baseline reports with EPA, other applicable Federal cooperating agencies, and Tribal Governments when implementing recommendation 1 above.			●
108	Develop and publicly share and track project schedules.			○
108	Develop consistent policy and regulations regarding application information requirements.		○	◐
109	Require pre-application meetings		○	
110	Include USACE and EPA in pre-application meetings.			●
110	Prioritize plans that maximize best environmental and social practices.	○	○	○
112	Incentivize or require social impact and community benefit planning documents.		○	○
112	Require the development of a Climate Change Adaptation Plan		○	
113	Improve the use of cooperating agencies			◐
113	Provide more specific procedures for engaging with communities with EJ concerns during and outside of the plan approval and NEPA process			◐
114	Develop more robust policies for stakeholder engagement			◐
114	Maintain a forum for interagency federal mine permitting experts			◐
115	Promote a Circular Economy			◐
Increasing Transparency				

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
116	Create a mining and mine permitting presentation guide to improve public understanding of mining and the mine approval process			○
117	Develop a user-friendly website that enables the public to easily see and identify all proposed, operating, reclaimed, and unreclaimed mineral exploration and production operations in a given area			○
117	Amend Interior and USFS regulations to expand notice level (and exploration and mine plan) review time and notification requirements		○	◐
118	Make compliance performance records available to the public			○
Tribal Engagement and Consultation				
119	Enact legislation to require meaningful, robust, and early consultation between the Federal government and Tribal governments	○		
120	Improve Agency Consultation Procedures and Training			◐
120	Provide adequate resources for Tribal consultation	○		
120	Issue new policy guidance on NHPA implementation			○
121	Provide additional protections for Tribal cultural sites, sacred sites, and resources	○	○	
122	Develop a system for automatic Tribal notification when notices or plans are proposed in an area of Tribal interest			◐
122	Require exploration plans instead of notices when operations would impact Tribal resources or treaty rights, listed species, etc.		○	
122	Incorporate Indigenous Knowledge (IK) during the environmental and permitting review for an exploration plan, mine plan of operations or associated permit			◐
123	Invite Tribes to participate as cooperating agencies in the NEPA process			◐
123	Include Tribes in pre-application meetings, and allow Tribes to review baseline			●

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
	information in updating and expanding the BLM Nevada permitting process			
123	Include Tribes in the determination of appropriate financial assurance levels and post-mining land use		○	
124	Provide funding to Tribal Governments to allow them to more effectively engage in reviews of mining proposals and shared monitoring of operating mines	○		◐
125	Encourage additional Federal and private sector support for Tribally-led assistance organizations	○		◐
Operational Standards				
126	Require adherence to the Global Industry Standard on Tailings Management (GISTM)		○	
126	Improve the standard of care and provide consistency in Interior and USFS regulations		○	
127	Improve enforcement resources, authorities, and tools	○		
Mine Closure / End of Life				
128	Enact Good Samaritan protections	○		
129	Encourage remining and reprocessing of previously disturbed sites	○		◐
130	Prohibit mine operations that would result in the need for perpetual water treatment	○		
131	Strengthen review of mines left in extended non-operating status		○	○
131	Enact reforms to financial assurances laws	○		
132	Review agency reclamation assumptions for unforeseen costs as part of bonding estimate			○
133	Strengthen requirements for financial assurance instruments		○	
134	Revise MOUs for governing bonding roles and responsibilities and bond release reviews		○	○
134	Develop a Reclamation Handbook			○
Government & Private Sector Capacity				
135	Provide adequate resource support for Federal permitting agencies and historic preservation offices	○		
135	Build out the Federal database of mineral data and reporting requirements	○	○	○
138	Increase Federal investments in new technologies for data collection	○		○

Legend: ○ not started yet

◐ initial discussions

● implementation underway

Report Pg #	Recommendation	Legislative	Regulatory	Federal/Agency Policies
138	Increase Federal support and investment in research	○		
139	Create a grant program for mining schools	○		
140	Provide the USFS and FWS with full cost recovery authority	○	○	

Attachment 4

Questions for National Tribal Critical Minerals Initiative Consultation 2024

1. Of the recommendations in the *Recommendations to Improve Mining on Public Lands* report¹ (the Mining Report) that do not require legislation, which are your highest priorities?
2. What regulatory, policy changes or other actions would you most like to see BLM, USFS, or other federal agencies make that may not be in the Mining Report's recommendations?
3. In terms of engagement or government-to-government consultations regarding mining projects, what types of assistance or resources would best support your Tribe—financial aid, technical expertise, or both, or others?
4. Do you believe that mining companies should provide financial or technical assistance directly to potentially impacted Tribes to assist in engagement, mine plan review, or other areas? If so, how should this assistance be structured to ensure impartiality?
5. Are you familiar with agreements entered into between Tribes and mining companies such as Tribal Benefit Agreements, Partnership Agreements, Good Neighbor Agreements, or other similar types? What provisions or practices do you believe are the most useful in those agreements (Tribal hiring requirements, profit sharing, grievance mechanisms, transparency of environmental monitoring data, etc.)? What sort of assistance would your Tribe 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. If you are familiar with the FCC system, what features would you wish to retain or modify for a similar system in mining exploration? If you are not familiar with the FCC system, what features would you want an automated system to have?
7. How do you think independent Tribally led organizations could enhance consultation and technical review processes for Tribes confronted with mining proposals?
8. Are there 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>.