



WASHINGTON, DC MINERALS POLICY UPDATE

Capitalizing on Recent Executive and Secretarial Orders and Congressional Activities to Streamline Permitting and Increase Nevada Mineral Production

Presented to:

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RECENT WSJ MINERALS HEADLINES

China Is Choking Supply of Critical Minerals to Western Defense Companies

Critical Minerals Supply Risks Mount Amid China's Grip, Export Curbs

Australia Considers Critical Minerals Price Floor to Help Support New Projects

America's Biggest Rare-Earth Producer Makes a Play to End China's Dominance

How the United States Can Enhance Critical Minerals Supply

Can the U.S. Catch Up in the Critical Minerals Race?

Why the U.S. Keeps Losing to China in the Battle Over Critical Minerals

China Strong-Armed Japan Over Rare Earths. It's a Lesson for the U.S.

Washington Is Jumping Into Rare Earths. Investors Have Run the Other Way

Why Copper Is the Metal of the Moment

Daily news coverage of the national security concerns created by China's worldwide dominance over minerals and mineral products

BEIJING RESTRICTS CRITICAL DEFENSE MINERALS

PAGE 1,
ABOVE-THE-FOLD HEADLINE
WSJ AUGUST 4, 2025

According to Govini, a defense software firm:

“More than 80,000 parts that are used in Defense Department weapons systems are made with critical minerals now subject to Chinese export controls.”

“Nearly all of the supply chains for key critical minerals used by the Pentagon rely on at least one Chinese supplier... meaning restrictions from Beijing can cause widespread disruption.”

TODAY'S MINERALS EMERGENCY IS DUE TO 30 YEARS OF BAD POLICIES THAT HAVE HOLLOWED OUT THE U.S. MINING SECTOR

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- Costly, lengthy and litigious permitting process
 - 3 decades of legislative threats to radically amend the U.S. Mining Law
 - The *Rosemont* 9th Circuit Court decision
 - Land withdrawals putting millions of acres potentially mineralized lands off-limits to exploration and mining
 - Regulations and land use plans that restrict mining
 - The 30-year absence of federal mining and mineral processing R&D resulting from Congress' decision in 1995 to stop funding the U.S. Bureau of Mines

We Have a Unique Opportunity to Reduce These Barriers to Mining

UNPRECEDENTED POLITICAL COMMITMENTS TO ADDRESS THE U.S. MINERALS EMERGENCY

Executive branch actions to address the minerals emergency:

- **Streamline permitting and remove all regulatory barriers**
- **Increase domestic minerals processing**
- **Streamline permitting and remove all regulatory barriers**
- **Increase domestic minerals processing**
- **Identify all federal lands with mineral potential**
- **Designate copper and possibly uranium and gold as critical minerals**
- **Equity investments, price floors,**

Congress has introduced critical minerals, permit streamlining and Rosemont fix bills

TWO INAUGURATION DAY EXECUTIVE ORDERS SET FOUNDATION FOR MINERAL POLICIES

EO 14156: Declaring a National Energy Emergency

“The energy and critical minerals (“energy”) identification, leasing, development, production, transportation, refining, and generation capacity of the United States are all far too inadequate to meet our Nation's needs...Energy security is an increasingly crucial theater of global competition...An affordable and reliable domestic supply of energy is a fundamental requirement for the national and economic security.”

EO 14154: Unleashing American Energy

- **Section 9: Restoring America’s Mineral Dominance** directs agencies to:
 - Identify and eliminate all agency actions that burden domestic mining and mineral processing
 - Reassess mineral potential of any withdrawn public lands
 - Expand the critical minerals list, potentially add uranium, & accelerate geologic mapping
 - Fund critical minerals and mineral processing projects
 - Assess national security vulnerabilities due to mineral imports
 - Ensure the National Defense Stockpile includes critical minerals

SUBSEQUENT EXECUTIVE ORDERS AND MEMORANDA FOCUS ON ENERGY AND MINERALS

EO 14212: Unleashing Prosperity Through Deregulation

EO 14213: Establishing the National Energy Dominance Council

EO 14220: Addressing the Threat to National Security From Imports of Copper

EO 14241: Immediate Measures To Increase American Mineral Production

EO 14272: Ensuring National Security and Economic Resilience Through Section 232 Actions on Processed Critical Minerals and Derivative Product

EO 14285: Unleashing America's Offshore Critical Minerals and Resources

6/30 Memorandum: Simplifying the Funding of Energy Infrastructure and Critical Mineral and Material Projects

IMMEDIATE MEASURES TO INCREASE DOMESTIC PRODUCTION: EO 14241

- Prioritizes immediate actions to facilitate and maximize domestic mineral production
- Broadly defines minerals to include uranium, copper, gold, potash, and other materials identified by the National Energy Dominance Council
- Identifies priority mineral projects for the FAST-41 Transparency Dashboard for expedited permitting
- Seeks clarification of how the 1872 Mining Law governs the use of public lands for mine waste disposal
- Requires DOI to identify all Federal lands with known mineral deposits and reserves and to eliminate regulatory barriers to mineral production
- Mandates that FLPMA land use plans support mineral production and ancillary uses
- Directs Interior, Agriculture, Energy and Defense Secretaries to identify federal lands that can be used for mineral processing facilities
- Creates new financing mechanisms to accelerate private and public capital investment for mineral processing project

Landmark policy directives to support and prioritize domestic mineral production

COAL AND NUCLEAR POWER EXECUTIVE ORDERS AND OTHER ACTIONS

EO 14261: Reinvigorating America's Beautiful Clean Coal Industry

EO 14262: Strengthening the Reliability and Security of the US Electric Grid

EO 14299: Deploying Advanced Nuclear Reactor Technologies for National Security

EO 14300: Ordering the Reform of the Nuclear Regulatory Commission

EO 14301: Reforming Nuclear Reactor Testing at the Department of Energy

July 17 Proclamation: Regulatory Relief for Certain Stationary Sources to Promote American Energy

July 29 EPA Proposed Recission of the CO₂ Endangerment Finding Regulation

REDUCING REGULATORY BARRIERS EXECUTIVE ORDERS

EO 14192: Unleashing Prosperity through Deregulation

EO 14195: Increasing Efficiency at the Office of the Federal Register

EO 14215: Ensuring Accountability for All Agencies

EO 14260: Protecting American Energy from State Overreach

EO 14267: Reducing Anti-Competitive Regulatory Barriers

EO 14270: Zero-Based Regulatory Budgeting to Unleash American Energy

EO 14318 Accelerating Federal Permitting of Data Center Infrastructure

EPA is Evaluating 31 Existing Regulations for Revision or Recission

PERMIT STREAMLINING EXECUTIVE ACTIONS

April 11: Council on Environmental Quality (CEQ) removes the National Environmental Policy Act Implementing Regulations (40 CFR 1500 et seq.)

April 15 Memorandum: Updating Permitting Technology for the 21st Century

April 30 Memorandum: The White House CEQ Establishes Permitting Innovation Center

May: 30 exploration and mining projects added to the FAST-41 Transparency Dashboard

June 30 Fact Sheet: President Trump is Delivering Historic Permitting Wins Across the Federal Government

July: Executive branch agencies issue NEPA implementing policies and handbooks to be consistent with Supreme Court case: *Seven County Infrastructure Coalition v. Eagle County, CO*

September: CEQ issues NEPA Guidance Document and Template

EPA'S DEREGULATION PLAN TO RECONSIDER 31 EXISTING REGS

Clean Power Plan 2.0

2009 Endangerment Finding and associated regulations and policies

Mercury and Air Toxic regulations (power plants)

NESHAPs 2-year compliance exemption (copper smelting and manufacturing sectors)

PM 2.5 NAAQS

Regional Haze Program

Social Costs of Carbon

DOI SECRETARIAL ORDERS TO REIN IN ENVIRONMENTALLY DAMAGING WIND & SOLAR PROJECTS AND COMPLY WITH MULTIPLE USE MANDATE

- Require efficient management of the nation's energy resources by permitting projects that optimize energy generation while minimizing environmental impacts
- Declare massive, unreliable energy projects, such as wind and solar, as inefficient uses of federal lands compared to other energy sources with much smaller footprints, like nuclear, gas and coal
- DOI must consider proposed energy **project's capacity density** when assessing the project's potential energy benefits to the nation and impacts to the environment and wildlife
- Limit project approvals to those that are the most appropriate use of federal lands and resources
- Enforce the multiple use mandate in the Federal Land Policy Management Act

“Gargantuan, unreliable intermittent energy projects hold America back from achieving energy dominance and weigh heavily on taxpayers. By considering energy optimization, DOI will be able to better manage federal lands, minimize environmental impacts and maximize energy development.”

DOI Secretary, Doug Burgum , August 1, 2025

CAPACITY DENSITY OF VARIOUS ENERGY TYPES (SO 3438)

Energy Type	Capacity Density (MW/acre)
Advanced Nuclear Plan (2 x AP1000)	33.17
Combined Cycle Plant 2x2x1	24.42
Small Modular Reactor Nuclear Power Plant	12.66
Combined Cycle Plant 1x1x1, Single Shaft	12.48
Combustion Turbine Single Cycle Plant (H class)	4.23
Ultra-Supercritical Coal Plant without Carbon Capture	0.69
Ultra-Supercritical Coal Plant with 95% Carbon Capture	0.64
Geothermal	0.16
Solar PV	0.04
Onshore Wind	0.04
Offshore Wind	0.006

DOI CANCELS LAVA RIDGE WIND PROJECT AND ESMERALDA 7 SOLAR EIS

Idaho Lava Ridge Wind Project

- 1,000 MW project with 231 wind turbines covering 57,447 acres near Twin Falls, Idaho
- Unpopular, controversial project opposed by Idahoans including the State Legislature and Governor
- Department review “discovered crucial legal deficiencies in the issuance of the approval including unique statutory criteria that were ignored.”

Nevada Esmeralda 7 Solar Project Programmatic EIS

- Largest U.S. solar project: 62,300 acres 30 miles west of Tonopah, Nevada would be off-limits to mining
- About 7 GW from 7 separate but contiguous PV and battery storage facilities
- May proceed as individual projects

July 2024 Draft EIS: “utility-scale solar energy development would be incompatible with most mineral development activities...up to 62,300 acres would be precluded from most fluid mineral and mining development activities.” (Page 4-43)

BLM'S WESTERN SOLAR PLAN UNLAWFULLY MAKES SOLAR ENERGY A PREFERRED LAND USE VIOLATING FLPMA'S MULTIPLE USE MANDATE

State	Acres of Preferred Use for Solar Applications
Arizona	2.82 million
California	187,991
Colorado	594,134
Idaho	1.59 million
Montana	574,593
Nevada	11.84 million
New Mexico	4.02 million
Oregon	1.15 million
Utah	5.01 million
Washington	112,041
Wyoming	3.81 million
Total	31,726,373

SEVEN COUNTY INFRASTRUCTURE COALITION V. EAGLE COUNTY, CO

- Landmark Supreme Court NEPA 8-0 decision (May 2025)
- Emphasizes NEPA is a procedural statute that “does not mandate particular results, but simply prescribes the necessary process for an agency’s environmental review of a project.”
- Directs lower courts to give agencies’ NEPA decisions substantial deference

“...NEPA has transformed from a modest procedural requirement into a blunt and haphazard tool employed by project opponents (who may not always be entirely motivated by concern for the environment) to try to stop or at least slow down new infrastructure and construction projects. Some project opponents have invoked NEPA and sought to enlist the courts in blocking or delaying even those projects that otherwise comply with all relevant substantive environmental laws.”

COUNCIL ON ENVIRONMENTAL QUALITY'S 9/29/25 NEPA GUIDANCE

- NEPA established the CEQ to advise the President on environmental matters
- EO 14154 rescinded the 1977 EO directing CEQ to develop NEPA regulations
- CEQ's 40 CFR 1500 NEPA regulations removed from the CFRs on 4/11/25
 - These regulations were the source of NEPA's procedural complexities
- NEPA statute mandates Federal agencies to identify and develop NEPA methods and procedures, in consultation with CEQ
- CEQ directs federal agencies' NEPA procedures to be consistent with the Supreme Court's *Seven County* opinion
- Deems DOI's 7/25 NEPA Handbook as consistent with CEQ's NEPA template

CEQ Guidance is Not Mandatory – Does Not Have the Force and Effect of Law or Establish New Policy Requirements

KEY ELEMENTS OF DOI/BLM'S NEPA IMPLEMENTING PROCEDURES

- Scope of impact analysis limited to Reasonably Foreseeable Effects that are proximal in space and time and consistent with an agency's regulatory authority
- Preference to maximize use of Categorical Exclusions
- BLM does not need to publish Draft EAs or Draft EISs or seek public comments
 - Publishing discretionary draft EAs and EISs requires NV State Office approval
- Mandatory public involvement in the EIS process limited to initial NOI scoping
- Reinforce FRA timelines and page limits (EIS – 2 yrs, 150 pp. /EA – 1 yr, 75 pp.)
 - NV BLM policy to complete EISs in 1 year and EAs in 6 months.
- Project proponents can prepare NEPA documents (including an EIS)

Comprehensive Baseline Studies Are Still Required

New NEPA Procedures DO NOT Change Environmental Protection Standards & Requirements

MINERAL PROVISIONS IN THE ONE BIG BEAUTIFUL BILL ACT

Creates an opt-in NEPA process expediting fee to cut NEPA timelines in half

Eliminates or phases out several mineral-related tax credits in the Inflation Reduction Act of 2022

Terminates \$7,500 electric vehicle tax credit (September 30, 2025)

Phases out critical minerals production tax credit (December 31, 2033)

Creates more stringent definition of Foreign Entities of Concern and disqualifies them from IRA tax benefits

\$2 billion allocated for critical minerals stockpiles

\$5 billion in investments in critical mineral supply chains through FY 2029

CONGRESSIONAL ACTIONS TO AMEND AND STREAMLINE NEPA

- NEPA amendments enacted in the 2023 Fiscal Responsibility Act
 - Eliminate cumulative impacts and substitutes Reasonably Foreseeable Effects
 - Require analysis of reasonable alternatives and negative impacts of the No Action Alternative
 - Establish time and page limits (EIS – 2 yrs, 150 pp. /EA – 1 yr, 75 pp.)
 - Authorize project proponents to prepare NEPA documents
- July 2025 One Big Beautiful Bill Act: NEPA expediting fee for project sponsors to pay 125% of agency's cost recovery fee to cut FRA NEPA timelines in half
- **H.R. 4776 - *Standardizing Permitting and Expediting Economic Development (SPEED) Act***
 - Codifies key elements of the *Seven County* Supreme Court ruling
 - Limits appeals to within 150 days of agency's final decision, court decisions within 180 days, and establishes standard of review on compliance with NEPA procedures
 - Restricts judicial remedies to remand orders that cannot vacate an agency's decision
 - Constrains appeals to issues that plaintiffs raised during project scoping

119TH CONGRESS PENDING MINING BILLS

- **H.R. 4090**
 - Codifies some of Trump EOs relating to domestic mining and hardrock mineral resources,
- **Mineral Extraction for Renewable Energy and Critical Applications Act (H.R. 3872)**
 - Makes the 1947 Minerals Leasing Act for Acquired Lands applicable to all acquired lands
- **Mining Regulatory Clarity Act (S. 544 and H.R. 1366)**
 - Addresses the Rosemont case
- **Critical Minerals Consistency Act (S. 714 and H.R. 755)**
 - Includes critical minerals in the definition of critical materials/make copper a critical mineral
- **Mining Schools Act of 2025 (S. 1130 and H.R.2457)**
 - Technology grants to strengthen mining education
- **Critical Minerals Future Act (S.596)**
 - Creates a pilot program to support domestic critical material processing
- **The Unearth Innovation Act (S. 598)**
 - Establishes DOE mineral and mining innovation program (\$100 million appropriation for 10 yrs)

FAST 41 PROJECTS

Fixing America's Surface Transportation (FAST Act), Title 41

- **FAST 41 created the Federal Permitting Improvement Steering Council**
- **Mining is a FAST-41 Sector**
- **FAST-41 Covered Projects**
 - Project must exceed \$200 million estimated total investment
 - Currently 11 mining projects qualify including Tonopah Flats Lithium
- **FAST-41 Transparency Projects**
 - Steering Council Executive Director can identify Transparency Projects
 - Currently 36 mining and exploration projects qualify including 3PL in Railroad Valley and Spring Peak
- Inclusion in the dashboard is not a government endorsement for a project or mean the project will be approved or receive federal funding
- The dashboards are intended to increase transparency and improve coordination during the permitting process

FAST Does Not Mean Quick, Rapid, or Imply Endorsement or Preference

DOI'S EMERGENCY PERMITTING PROCEDURES: ALTERNATIVE ARRANGEMENTS FOR NEPA COMPLIANCE REQUIRE A COMPLETE APPLICATION AND BASELINE DATA PACKAGE

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- EAs to be approved in 14 days of receiving a complete application
 - EISs to be approved in 28 days of publishing a Notice of Intent to prepare an EIS in the Federal Register
 - Must identify, lease, site, produce, transport, refine, or generate energy resources as defined in section 8(a) of EO 14156
 - Applicants must agree to take measures to mitigate reasonably foreseeable significant adverse effects on the quality of the human environment; and comply with applicable federal, state, and local laws and regulations
 - Only the Assistant Secretary for Land and Minerals can authorize emergency projects and must verify compliance with other applicable statutes, and document how the action addresses the national energy emergency.

Suggestions for Capitalizing on this Unique Opportunity to Increase Nevada Mineral Production

- Leverage BLM's new NEPA guidelines by selecting projects where Categorical Exclusions, Determinations of NEPA Adequacy, and EAs could be applicable
- Prioritize expanding mines with recent NEPA documents and comprehensive baseline studies to maximize the use of CEs, DNAs, and EAs
- Focus on recovering residual metals from existing tailings and waste rocks
- Evaluate potential to produce byproduct critical minerals (like Sb from Au)
- Consider public-private-partnerships to fund cutting-edge mining and mineral processing R&D at Nevada mines
- Increase exploration by encouraging BLM to develop a CE for drilling projects (in progress?) and use USGS' Earth MRI data to identify new targets
- Develop a NV copper smelter (?)

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