

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

May 28, 2024

The Honorable Debra Haaland  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Tracy Stone-Manning  
Director  
Bureau of Land Management  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Haaland and Director Stone-Manning:

The House Committee on Natural Resources (Committee) is investigating the Department of the Interior (DOI) and Bureau of Land Management (BLM)'s notice posted to the Bureau of Land Management (BLM) website, "BLM seeks comment on mine permitting metrics" on February 12, 2024, soliciting public comments on draft performance metrics for efficient mine permitting on federal lands.<sup>1</sup> The Committee remains concerned that, contrary to the explicit direction of the Infrastructure Investment and Jobs Act (IIJA),<sup>2</sup> this proposal will lengthen permitting timelines and blunt the effectiveness and expedience of essential domestic mineral production.

Although the Committee recognizes BLM's decision to extend the public comment period by 45 days, the notice contradicts the standard practice of issuing requests for comment in the Federal Register. Given the possible adverse consequences of the proposed mine permitting metrics on domestic mineral development, the Committee strongly urges the BLM to properly publish the notice in the Federal Register, observe all procedures required by the Administrative Procedure Act, and afford stakeholders their right to comment publicly.

According to the World Bank, global mineral demand will increase nearly 500 percent by 2050.<sup>3</sup> An unprecedented amount of new mineral production capacity will be required to meet this demand, and the Biden Administration has repeatedly acknowledged that this must include a

---

<sup>1</sup> BLM seeks comment on mine permitting metrics, <https://www.blm.gov/announcement/blm-seeks-comment-mine-permitting-metrics>.

<sup>2</sup> Infrastructure Investment and Jobs Act of 2021 § 40206, 30 U.S.C. § 1607, <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>.

<sup>3</sup> The World Bank, Climate-Smart Mining: Minerals for Climate Action, <https://www.worldbank.org/en/topic/extractiveindustries/brief/climate-smart-mining-minerals-for-climate-action#:~:text=A%20new%20World%20Bank%20Group.demand%20for%20clean%20energy%20technologies>.

significant increase in domestic mining.<sup>4</sup> Moreover, expanding mineral development at home is crucial in safeguarding national security and economic prosperity by lessening our strategic vulnerabilities and reducing our reliance on other nations for these materials.

IIJA directed the BLM to develop performance metrics to “expedite the permitting of” critical mineral proposals and to provide public notice and comment periods on those metrics.<sup>5</sup> The BLM’s three proposed new metrics are informed by insights from the Biden Administration’s Interagency Working Group (IWG) Report, “Recommendations to Improve Mining on Public Lands.” Although the IWG’s formation was said to be in response to IIJA directives and to help streamline burdensome federal permitting processes, many of the recommendations made in the final report ignore stakeholder input and would be detrimental to domestic mining efforts. For example, the report recommends conversion from the existing mining claims system to a leasing system, proposes a production royalty, and places certain mineralized federal lands off-limits to mining entirely.<sup>6</sup>

The BLM’s request for comment on draft metrics through unofficial channels indicates a troubling pattern of the Biden Administration’s failure to adequately and transparently consider public input on proposed regulations in the mining sector, as illustrated by the IWG report. Federal agencies must engage in good faith with stakeholders and adhere to Congressional intent, meaningfully supporting new production of needed minerals in the U.S. and ensuring strong labor, environmental, and safety standards. Those impacted by agency actions deserve a chance to participate in the public comment process. Further, the lack of a public comment repository deprives stakeholders of valuable insight regarding how proposed rulemaking or agency guidance could affect various aspects of their value chain. BLM should not shortchange the opportunity to engage in the process through agency requests that fail to follow appropriate procedures.

To assist the Committee with ensuring the BLM properly adheres to practices designed to encourage robust stakeholder engagement, please provide the following records, documents, and communications, in electronic format, no later than June 11, 2024:

1. All internal documents and communications, from November 15, 2021, to present, regarding the decision to post notice and comment of mine permitting metrics pursuant to Sec. 40206 of IIJA on the BLM’s website rather than the Federal Register;

---

<sup>4</sup> The White House, Report, “BUILDING RESILIENT SUPPLY CHAINS, REVITALIZING AMERICAN MANUFACTURING, AND FOSTERING BROAD-BASED GROWTH,” <https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf>.

<sup>5</sup> *Supra.*, n.2.

<sup>6</sup> NMA, IWG Recommendation on mining Unworkable and Unreasonable, <https://nma.org/2023/09/12/iwg-recommendations-on-mining-unworkable-and-unreasonable/>.

Secretary Haaland  
Director Stone-Manning  
May 28, 2024  
Page 3 of 3

2. All documents and communications, from November 15, 2021, to present, between third parties and staff regarding mining performance metrics as identified by Sec. 40206 of IIA;
3. All documents and communications, from November 15, 2021, to present, regarding intent to post public comments attained regarding the proposed mine permitting metrics;
4. All documents and communications, from February 12, 2024, to March 13, 2024, regarding the BLM's decision to extend the comment period.

An attachment to this letter provides additional instructions for responding to the requests from the Committee on Natural Resources. Please contact the Majority staff for the Oversight and Investigations Subcommittee at (202) 225-2761 or [HNRR.Oversight@mail.house.gov](mailto:HNRR.Oversight@mail.house.gov) with any questions. Under House Rule X, the Committee on Natural Resources has "general oversight" of any matter relating to its jurisdiction, including all matters concerning mine permitting on federal lands, including the Bureau of Land Management.

Sincerely,



Bruce Westerman  
Chairman  
Committee on Natural Resources



Paul A. Gosar, D.D.S.  
Chairman  
Subcommittee on Oversight and Investigations



Pete Stauber  
Chairman  
Subcommittee on Energy and Mineral Resources