

Interagency Working Group on Mining Regulations, Laws and Permitting
Discussion Questions for Stakeholder Meeting
May 10, 2022

Topic #1 - Problems with the Mining Law of 1872 – and why did previous reform efforts fail?

- How does the Mining Law fall short when it comes to environmental protection? Why does our current set of environmental laws (NEPA, CWA, CAA, ESA, etc.) not provide the environmental outcomes that you would like to see?
- In what ways does the Mining Law create problems for the mining industry? Does continued reliance on the Mining Law create barriers to developing a sustainable domestic supply of minerals?
- In what ways does the Mining Law not provide the kind of public input and Tribal engagement outcomes that you'd like to see?
- There have been a lot of efforts to reform the Mining Law over the years, and while various laws have removed individual minerals from the Mining Law system, that system remains largely unchanged for the vast majority of metals and critical minerals. What lessons should we learn from those previous reform efforts?

Topic #2 - How do we create a better system?

- What characteristics of the Mining Law's current "free access" and "self-initiated" mineral disposal framework work well? What do stakeholders like about it? Are there features that should be kept if a new method of mineral disposal were established?
- We are one of the few countries with an open-access claim system, and possibly the only country that allows commercial production without a lease. If those systems work in other countries, is there any reason they wouldn't work in the U.S.? What is needed in a leasing system in order to make it work?
- In considering establishing a royalty structure – and establishing a fully funded hard rock mine reclamation program – what should we consider in that process and how should we ensure that local, state, and Tribal governments, the federal government, and Tribal and local community members benefit from the development?
- What would be needed in a new access system in order to provide additional certainty for the mining industry?

Topic #3 - How do we better engage people and protect the environment?

- What would be the barriers to implementing a system requiring Free, Prior, and Informed Consent from Tribes in the U.S.? How would we define "consent"?
- What aspects of engagement with Tribal and local communities currently work well? What needs improvement?
- Are there international mining best practices or standards that the United States should consider adopting, or encouraging the U.S. mining industry to adopt? If so, which practices or standards and what improvements or benefits would they provide?
- What works and what doesn't work with the current system of financial assurances and reclamation? How could these be improved?
- How can we encourage Good Samaritans to help address legacy mine sites? Is legislation necessary, or are there administrative actions that would work?

Topic #4 - How do we grow a sustainable domestic mining industry?

- What would "certainty in the permitting process" look like? Is the objective to assure that mining can occur in a certain manner or within a certain timeframe? Or is it clarity in each step needed to obtain surface use authorization? Or is it assurance that mining will occur if the agencies approve the authorization?
- How do we train, recruit and develop the workforce of the future to support a growing critical minerals industry? In addition, what should be done to rebuild the civil service

expertise in mining to assure there is needed expertise to assure that agencies have proficient and qualified personnel to review permitting and in an efficient and timely manner, as well as enforce our laws and regulations?

- How should mining operations take climate change into account?
- What sort of incentives could be provided for critical minerals? Does our current system allow for such incentives? What are the problems with trying to provide such incentives?