

DSHMRA FACT SHEET

CONSOLIDATED EXPLORATION LICENSE AND COMMERCIAL RECOVERY PERMIT



Opportunities for states to engage are highlighted in pink.

Opportunities for public comment are highlighted in orange.

STAGE 1: SUBMISSION OF APPLICATION

Any U.S. citizen who has “scientific, technical, and financial resources to pursue commercial recovery activities in an expeditious and diligent manner” may apply to NOAA Administrator for a license and permit under the consolidated procedures. Application must contain information about:

- past exploration description and statement of diligence;
- financial resources;
- technological expertise and capabilities;
- exploration plan;
- commercial recovery plan;
- marine environmental information, for Environmental Impact Statement (EIS) under NEPA, and use conflict analysis;
- vessel safety;
- statement of ownership;
- antitrust information;
- justification for processing of recovered nodules outside of the U.S., if applicable; and
- application fee.¹

STAGE 2: DETERMINATION OF SUBSTANTIAL COMPLIANCE

STAGE 2A

Within 30 days of receipt of the application, the Administrator shall determine whether the application is in substantial compliance with the informational requirements set out in 15 CFR 970.201-209 and issue written notice to the applicant.² A determination on substantial compliance relates only to whether the application contains the required information and does not constitute a determination on certification of the application, or on issuance or transfer of a license or permit.³

If the application is not in substantial compliance, the notice shall identify in what respects. If the application is in substantial, but not full compliance (the statute does not define these terms), the notice shall specify which information is needed and why.⁴ The applicant loses priority of right for the issuance of a license if the application is not brought from substantial to full compliance within 60 days of receiving notice.⁵

STAGE 2B

Promptly after receiving an application that is determined to be complete, the Administrator shall distribute it to the relevant Federal Agencies or Departments. Each department or agency may, other than the FTC and Attorney General, have 60 days to recommend certification of the application, issuance or transfer of the license, or denial of such certification, issuance or transfer. The FTC and Attorney General have 90 days to make recommendations.⁶

STAGE 2C

The Administrator will publish in the Federal Register notice that a complete consolidated application has been received. Interested parties will have **at least 60 days after publication of the notice** to **submit written comments**.⁷

ENVIRONMENTAL REVIEW

The National Environmental Policy Act (NEPA) is the primary federal law that requires the federal government to take a hard look at the environmental impacts of major federal actions prior to making a decision. NOAA's policy for NEPA compliance requires NOAA to publish a notice of intent "to prepare an EIS, which will include a request for public comment on alternatives or impacts and on relevant information, studies or analyses with respect to the proposed agency action."⁸ DSHMRA also requires NOAA to publish a draft EIS and to have a hearing on the EIS (see Stages 4A and 4D below). Any substantive comments or responses to comments will be appended to the final EIS.⁹

STAGE 3: CERTIFICATION OF APPLICATION

The Administrator shall certify an application **within 100 days of submission that is deemed in full compliance.**

To certify, the Administrator must determine 1) whether issuance of a license and permit would violate any restrictions in DSHMRA; 2) that the applicant is qualified for the consolidated process as it has demonstrated that the applicant possesses the scientific, technical, and financial resources to pursue commercial recovery activities in an expeditious and diligent manner; and 3) that the following requirements are met: approve the size and location of the commercial recovery area selected by the applicant; financial responsibility; technological capability; previous license and permit obligations; commercial recovery plan; and fee payment.¹⁰

STAGE 4: PROPOSED TERMS, CONDITIONS, AND RESTRICTIONS (TCRS)

STAGE 4A

Within 180 days of certification (or a longer period the Administrator establishes for good cause in writing), the Administrator will propose TCRs for the proposed exploration license and/or recovery permit and will issue a **public notice with proposed TCRs and draft EIS.**¹¹

- The Administrator shall prepare and issue separate proposals to issue the license and/or permit. Each proposed license or permit will have its own proposed TCRs.¹²
- The Administrator will provide TCRs in writing to the applicant and issue a public notice.
- The Administrator *may* prepare a single EIS that evaluates the impacts of both exploration activities and commercial recovery activities.¹³
- Before establishing the proposed TCRs on environmental protection, the Administrator shall consult with the Administrator of the Environmental Protection Agency, the Secretary of State, and the Secretary of Homeland Security (for Coast Guard).¹⁴
- Another Federal agency or a State acting under Federal authority can propose other TCRs.¹⁵

STAGE 4B

Interested persons and **Affected States** have at least **60 days after the publication of the proposed TCRs and draft EIS to submit written comments**, and interested persons can examine relevant materials subject to 15 CFR 971.802.¹⁶

STAGE 4C

Prior to issuing a license and/or permit, the Administrator will continue consulting with relevant Agencies.

These consultations will be held to ensure compliance with ESA, MMPA, Fish and Wildlife Coordination Act, and, if the Regional Fishery Management Council is affected, the Fishery Conservation and Management Act of 1976.¹⁷



STAGE 4D

After preparation of a draft EIS, the Administrator shall hold a **public hearing on the application and draft EIS.**¹⁸

- A hearing will be conducted in any State in which a processing plant or any of its ancillary facilities (such as a marine terminal or a waste disposal facility) are proposed to be located.
- If the Administrator determines there exists one or more specific and material factual issues that require resolution by formal processes, at least one formal hearing will be held in the District of Columbia metropolitan area in accordance with the provisions of subpart I of 15 CFR part 971.
- The Administrator shall consolidate public hearings and other proceedings for the concurrent processing of the issue or transfer of the license or permit to the extent practicable.¹⁹

STAGE 5: FINAL DETERMINATION

Prior to issuing the license and/or permit, the Administrator must make written findings on the following: freedom of the high seas; international obligations of the US; breach of international peace and security involving armed conflict; environmental effects; safety at sea; processing outside of the US, if applicable.²⁰

Within 180 days of publishing the proposed TCRs and the draft EIS, the Administrator will make a final determination and publish a final EIS. Notification of Administrator's issuance of a license and/or permit with TCRs will be published in the Federal Register.²¹



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FOOTNOTES



[1] 15 CFR 971.214.

[2] 15 CFR 970.209.

[3] 15 CFR 970.209(b).

[4] 15 CFR 970.209(c).

[5] Priority of right for the issuance of a license is established based on the order chronological order of application submissions that are in substantial compliance. 26 USC 1413(b)

[6] 15 CFR 970.211; 15 CFR 971.211.

[7] 15 CFR 970.212; 15 CFR 971.212.

[8] Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities: Companion Manual for NOAA Administrative Order 216-6A (June 30, 2025)

[9] Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities: Companion Manual for NOAA Administrative Order 216-6A (June 30, 2025)

[10] 15 CFR 971.214.

[11] 15 CFR 970.500; 30 USC 1419(d).

[12] 15 CFR 971.214.

[13] 15 CFR 971.214.

[14] 15 CFR 970.518; 15 CFR 971.419.

[15] 15 CFR 971.430.

[16] 15 CFR 970.501; 15 CFR 971.401.

[17] 15 CFR 970.502; 15 CFR 971.402.

[18] 15 CFR 970.212; 15 CFR 971.212.

[19] 15 CFR 971.214.

[20] 15 CFR 970.500; 15 CFR 971.403-508; 30 USC 1419(d).

[21] 15 CFR 970.509; 15 CFR 971.410.