

# Fast Tracking of DSM by the US Gov't

Environmental Law Institute

Bobbi-Jo Dobush

Salt Horizon, LLC

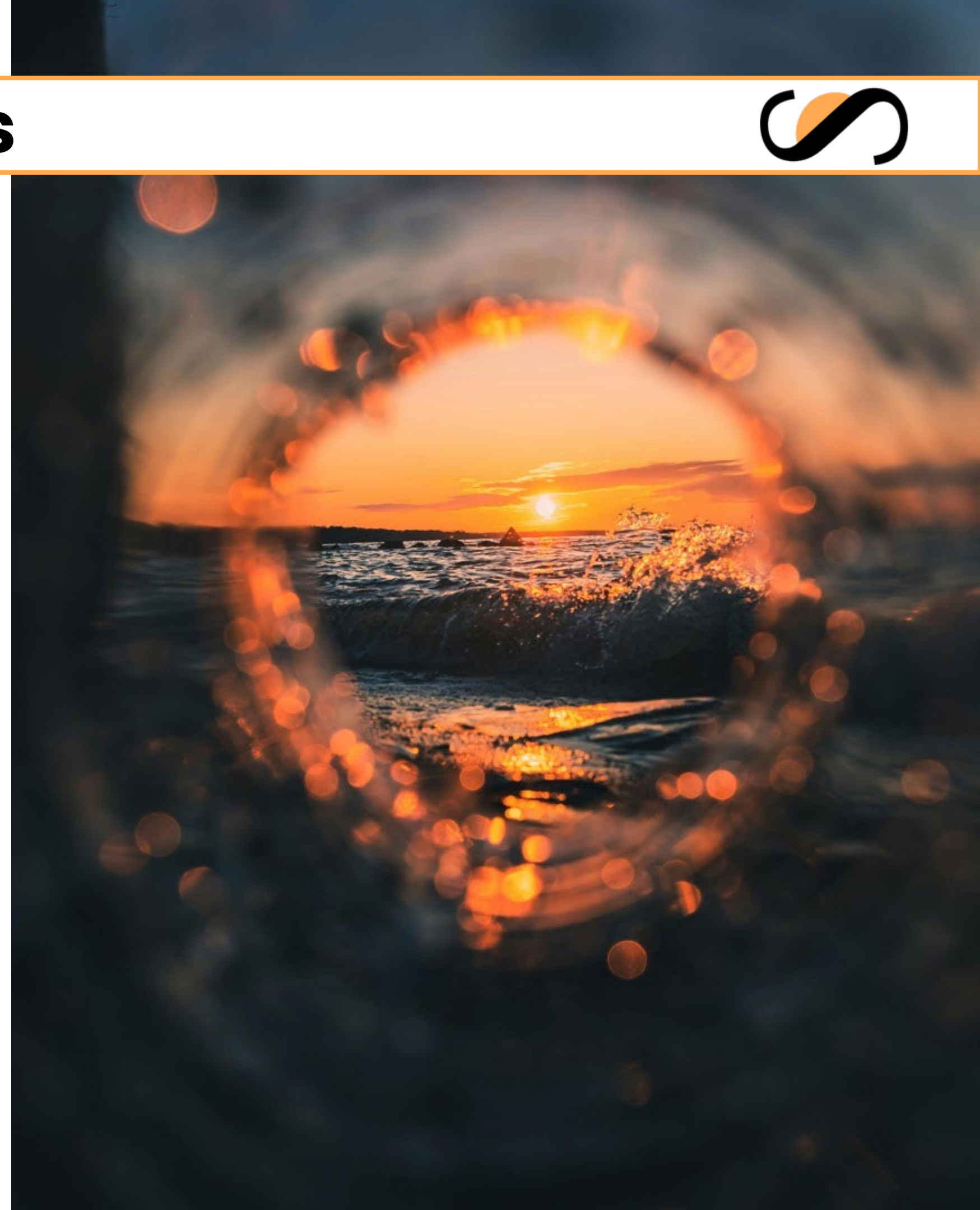
June 24, 2026



# Questions and Considerations



- What is Deep Seabed Mining?
- Two Parallel DSM Permitting Processes: OCSLA and DSHMRA
- Need for Speed: Mandate and Intent
- Protecting Opportunities to Engage



# One Prospective Industry; Two Permitting Tracks



<b>Law</b>	OCSLA Outer Continental Shelf Lands Act	DSHMRA Deep Sea Hard Minerals Resources Act
<b>Agency</b>	BOEM (potentially the MMA)	NOAA
<b>Target Area</b>	US EEZ and OCS	Areas Beyond National Jurisdiction
<b>Target Minerals</b>	“Non Energy Minerals” - minerals other than oil, gas, and sulfur	Nodules only (not crusts or sulfides)

The administration is actively in the process of implementing the newly created Marine Minerals Administration (MMA), which is a combination of the former Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE).<sup>2</sup> This undoes the separation of the agencies in 2011 to eliminate inherent conflicts of interest within the former Minerals Management Service

Megan Carr, the associate director of strategic resources at the Bureau of Ocean Energy Management, or BOEM, said a host of agencies along with the National Security Council and National Energy Dominance Council have crafted a plan to streamline permitting of offshore mining.<sup>2</sup>

“What an exciting time to know that within the next few years, under this administration, there will be companies pulling deep-sea nodules out of the ocean and bringing them to the U.S.,” Erik Noble, *Principal Deputy Assistant Secretary of Commerce for Oceans and Atmosphere at NOAA*.<sup>3</sup>



## 2025 Executive Orders

- [EO 14285 Unleashing America's Offshore Critical Minerals and Resources](#)
  - Take immediate action to accelerate responsible development of seabed mineral resources
- [EO 14156 Declaring a National Energy Emergency](#)
  - Current critical minerals efforts do not meet Nation's needs
- [EO 14154 Unleashing American Energy](#)
  - Prioritizes expanding exploration and development of critical minerals
- [EO 14213 Establishing the National Energy Dominance Council](#)
  - Council prioritizes expansion of critical mineral production



"Once a lease is issued... Approvals for mapping, testing, and site development will be fast-tracked by minimizing unnecessary paperwork and compliance steps. When requested by the lessee, **BOEM will also consolidate exploration, testing, and mining plans into a single review**, reducing duplication and speeding up decision-making." <https://www.doi.gov/pressreleases/interior-streamlines-offshore-mineral-policies-strengthen-us-supply-chains-and>



Federal lands.  
• E.O. 14285, "**Unleashing America's Offshore Critical Minerals and Resources**," requires the Secretary of the Interior to "establish an expedited process for reviewing and approving permits for prospecting and granting leases for exploration, development, and production of seabed mineral resources" within the U.S. Outer Continental Shelf under the Continental Shelf Lands Act (OCSLA).<sup>2</sup>

• E.O. 14156, "**Declaring a National Energy Emergency**," directs heads of federal agencies "to identify and exercise any lawful emergency authorities available to them, as well as all other lawful authorities they may possess, to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources [including critical minerals], including, but not limited to, on Federal lands."<sup>1</sup>

# Opportunities to Engage - Shifting Landscape



Proposed Leasing Notice (PLN), (based on oil & gas and wind processes, this is normally 45-60 days after the EA)

BOEM will share with Governor, and MUST respond to Governor's comments; unclear if public comments will be considered.

Proposed Leasing Notice - opportunity for Governor to leverage procedural rights

DSHMRA

OCSLA

## 90 days before Lease Sale

60 day Public Comment Period Coastal Zone Management Act (CZMA) Consistency Review

BOEM must provide the AS Dept' of Commerce with a Consistency Determination and the ASDOC must provide at least 60 days public comment.

CZMA - opportunity for state agency to exercise rights and responsibilities\*

\*all states and territories EXCEPT Alaska

DSHMRA Regulation Changes - provide for one hearing and one EIS (within 180 days of certification)

NOAA does not have regulations implementing NEPA; instead, NOAA uses NOAA Administrative Order 216-6A and Companion Manual to NOAA Administrative Order 216-6A. The Companion Manual requires NOAA to publish a NOI "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."<sup>30</sup> Any substantive comments or responses to comments will be appended to the final EIS.

# Questions?

BobbiJo Dobush

[bobbijo@salthorizon.com](mailto:bobbijo@salthorizon.com)

Salt Horizon LLC

