



Environmental Law Institute Webinar / June 24, 2026

Fast-Tracking of Seabed Mining Permits Under U.S. Law: DSHMRA and the New Consolidated Application Process

**Lori Osmundsen, Independent Deep-Sea Mining Expert
Environmental Lawyer & Principal, PaxMaris Solutions**

The Act and Regulations

Deep Seabed Hard Mineral Resources Act (DSHMRA)

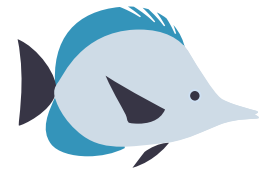
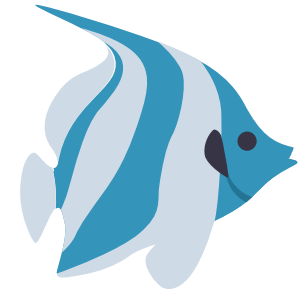
Pub. L. No. 96-283, 94 Stat. 553, codified at 30 USC §§ 1401-1473

- Enacted 1980
- Intended as interim legal framework for exploration & commercial recovery of seabed polymetallic nodules in areas beyond national jurisdiction

Exploration License Regulations / 15 CFR 970

Commercial Recovery Permit Regulations / 15 CFR 971

Revised Regulations (January 21, 2026) *allowing for a single application for **both** an exploration license and recovery permit*



Consolidated Application Phases



Who Can Apply, and What's Required

A “qualified” U.S. citizen may file a single application seeking BOTH an exploration license and a commercial recovery permit. 15 CFR 971.214(b):

“Any United States citizen who can demonstrate that he, she, or it possesses the scientific, technical, and financial resources to pursue commercial recovery activities in an expeditious and diligent manner may apply to the Administrator for issuance or transfer of an exploration license and a commercial recovery permit using the “consolidated license and permit procedures” as set out in this section.”

APPLICATION FEE:

\$350,000

Required Contents (15 CFR 971.214(d):

1. Past Exploration; Statement of Diligence
2. Financial Resources
3. Technical experience & capacity
4. Exploration Plan
5. Commercial Recovery Plan
6. Environmental & Use Conflict analysis
7. Vessel safety documentation
8. Statement of ownership (U.S. citizenry)
9. Antitrust information
10. Fee payment verification
11. Processing location

Certification of the Application

Administrator endeavors to certify — or deny certification — within 100 days of submission of an application which is in “full compliance” 15 CFR 971.214(e)

To certify, NOAA must make written findings that:

- Applicant qualifies to use the consolidated procedure (sufficient scientific, technical & financial resources)
- Issuance would not violate any applicable restrictions of 15 CFR 970.103(b) or 971.103(b)
- Size and location of proposed exploration and commercial recovery areas are approved
- Applicant is financially responsible and technologically capable; has met past DSHMRA license/permit obligations (if any)
- Exploration plan and commercial recovery plan each meet informational requirements set out in 15 CFR 971.214(d)

Proposed TCRs, Draft EIS & Public Review

180 days

After certification, Administrator proposes Terms, Conditions & Restrictions (TCRs) together with the draft EIS

60 days

Minimum public-comment period after Federal Register notice of the proposal and draft EIS

Hearings

Public hearing in “appropriate” location; formal administrative hearing in DC if material factual issues exist

- Administrator may prepare a single EIS evaluating both exploration and commercial-recovery impacts, rather than two separate EISs — § 971.214(b)
- Hearings and other proceedings are consolidated with other Federal and State agency processes to the extent practicable — § 971.214(b), 971.402
- Concurrent consultations on compliance with the Endangered Species Act, Marine Mammal Protection Act, Fish and Wildlife Coordination Act, and Coastal Zone Management Act (§ 971.402)

Final Determination & Issuance

within 180 days after publication of the draft EIS / proposed TCRs 15 CFR 971.400(c)

Before issuance decision, NOAA must:

- (a) Conclude consultations with other relevant Federal and State agencies**
- (b) Make findings regarding freedom of the high seas, international obligations, international peace & security, potential for significant adverse environmental impacts, maritime safety, and mineral processing**

If approved:

- Administrator issues the exploration license AND commercial recovery permit together, each with its own final TCRs
- Written notice sent to applicant; notice of issuance published in the Federal Register
- Decision to issue is subject to judicial review under the APA

Recovery Permit Term & Diligence

- Permit term is 20 years (§ 971.415)
- Can be extended so long as hard mineral resources are recovered annually in commercial quantities (§ 971.415)
- Permittee submits annual report within 90 days of each issuance anniversary, covering diligence, monitoring, and recovered tonnage (§ 971.801, 971.426)
- Permit may be revised, modified, extended, suspended, revoked for substantial non-compliance, or transferred to another U.S. citizen (§ 971.413-417)

Standard Sequential Process vs. Consolidated Process – key differences

Feature	Standard Process	Consolidated Process
Applications	2 separate applications filed at different times: exploration license first, then commercial recovery permit after license performance	1 application seeking both authorizations simultaneously
Eligibility threshold	Any U.S. citizen may apply for license; only existing licensee may apply for a permit	Applicant must show it has scientific, technical, financial capacity to pursue recovery expeditiously and diligently
Contents	Exploration Plan and Commercial Recovery Plan submitted at different times; former informs the latter	Both plans submitted at same time, without performance data
Certification findings	Assesses adequacy of exploration and recovery plans, & applicant's capacities, at different times	Combines evaluation of exploration and recovery plans, and applicant's abilities to conduct both
EIS	2 separate EISs – one for exploration, one for commercial recovery – typically years apart	NOAA may prepare a single combined EIS covering projected exploration and commercial recovery activities
TCRs	Developed and issued at different times for exploration license and commercial recovery permit	Still issued separately for license and permit, but hearings and public comment on both are consolidated

Some Open Questions...

- ❖ Compression of Environmental Review & Sufficiency of Data
- ❖ Financial & Technical viability metrics
- ❖ Agency & Inter-agency review capacity
- ❖ Impacts on Public Engagement

For information about pending published DSHMRA applications, see:

<https://oceanservice.noaa.gov/deep-seabed-mineral-resources/deep-seabed-mining/>

For the text of the revised DSHMRA regulations and NOAA's responses to public comments during the rulemaking process, see:

NOAA, "Deep Seabed Mining: Revisions to Regulations for Exploration License and Commercial Recovery Permit Applications," 91 Federal Register 2642 (Jan. 21, 2026)

Thank You!

