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Department of the Interior,
Bureau of Ocean Energy Management,
Office of Regulatory Affairs,
Attention: Nabanita Modak Fischer,
45600 Woodland Road, Mailstop: DIR-BOEM,
Sterling, VA 20166.

April 10, 2026

Regarding: Administrative Revisions to Regulations Related to Outer Continental Shelf Minerals Other than Oil, Gas and Sulphur, RIN 1010-AE36

To the Bureau of Ocean Energy Management:

The comments below are offered on behalf of the 10,000+ supporter Save Long Beach Island, Inc. organization. As a barrier island community highly dependent on a natural seascape and ocean environment, we have opposed offshore wind projects that would severely degrade that environment.

While we have a general understanding of the need for critical minerals in our society, we see the Department pursuing the same uninformed decision-making process for the offshore wind program that led to flawed decisions, public dissension, extensive litigation and ultimately the construction of several projects which the Administration now recognizes as flawed. Therefore, many of our comments below suggest that Interior pursue this program differently in the hope that it will both protect the shore and ocean environment and be more successful in achieving its critical minerals goals.

Background

The Department of the Interior (DOI), primarily through the Bureau of Ocean Energy Management (BOEM), is rapidly accelerating its offshore critical minerals program. Based on recent presidential executive orders, including Executive Order 14285, "Unleashing America's Offshore Critical Minerals and Resources," issued in April 2025, agency directives, and other statements, it is clear that the Interior Department is poised to pursue a massive leasing effort in the Pacific, Alaska, and on the Outer Continental Shelf (OCS) in terms of the seabed acreage required, and its ecological impact. The proposed rule provides the vehicle to implement such an effort on the OCS.

Immense Program Scope.

DOI has put forward in the proposed rule procedures for leasing for the mining of minerals on the OCS. But it has not described the purpose, nature or scope of the program it envisions; what minerals it wishes to mine for, nor how much of those it wishes to get and for what purposes,

As of April 2026, the DOI has identified three primary regions of interest for potential commercial leasing and exploration. The following table outlines the specific regions currently undergoing review and the total seabed acreage associated with each:

Table 1. Areas of Interest and Associated Acreage

Region	Status (as of April 2026)	Associated Acreage	Key Minerals
Offshore Alaska	Request for Information (RFI) issued Jan 2026	**114 million acres**	Critical minerals, heavy mineral sands
Northern Mariana Islands (CNMI)	Area Identification completed March 2026	**69 million acres**	Polymetallic nodules (Cobalt, Nickel, Manganese)
American Samoa	Area Identification completed Nov 2025	**18 million acres**	Ferromanganese crusts, Polymetallic nodules

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Because seabed minerals like polymetallic nodules are distributed in thin, two-dimensional layers rather than deep underground veins, "profitable" amounts require vast surface area extraction: A standard commercial operation is estimated to need to harvest approximately 150 to 200 square kilometers (approx. 37,000 to 50,000 acres) of the seafloor per year to be economically viable. For a typical 20-to-30-year project, the total impacted area could exceed 3,000 to 5,000 square kilometers (up to 1.2 million acres). For example, on January 29, 2026, BOEM published an RFI in the *Federal Register* for a lease sale for minerals on the OCS offshore of Alaska stating that the RFI area covers 114 million acres—an area bigger than California. Based on Table 1 above which does not include OCS development it is clear that this program will impact hundreds of millions of seafloor acres.

It has appeared that Pacific regions (CNMI and American Samoa) were being prioritized due to their high concentration of polymetallic nodules and crusts, which are essential for defense technologies and high-capacity battery manufacturing. In 2025 and early 2026, BOEM initiated the process for four potential critical mineral lease sales in federal waters off the coasts of American Samoa, the CNMI, Virginia, and Alaska. The basis for these sweeping broad area decisions is unclear as is the reason for BOEM pursuing this rule to fast-track exploration and development on the OCS.

It is thus clear that the spatial scope of this effort is immense. The mining and processing for such minerals can have severe consequences for the marine environment as described below.

Potential Severe Environmental Consequences of Offshore Mineral Mining

Seabed mining typically uses heavy crawlers, cutters or hydraulic suction to dislodge nodules, crusts or sulfide ores and pump the resulting slurry to surface vessels; this mechanical disturbance generates near-field and far-field sediment plumes, buries and crushes benthic habitat, and mobilizes particle-bound contaminants. Exposed sulfide minerals oxidize when contacted by oxygenated seawater, producing acidified microenvironments that solubilize heavy metals (e.g., Cu, Pb, Cd, As, Hg) and metalloids; dewatering and onboard processing can return fine particulates and dissolved metals to the water column as discharges, while intentional or accidental placement of tailings on the seabed creates long-term sources for chronic leaching. These pathways produce acute and sublethal toxicity to benthic and pelagic organisms, enable bioaccumulation and biomagnification up food webs, and can result in persistent, regionally transported contamination—risks that require pre-development baseline chemistry, plume modeling, strict prohibition or treatment of deep-sea discharges, and long-term independent monitoring.

Physical damage may be localized initially but sediment plumes, contaminants, and ecological cascading effects can propagate widely. Recovery in deep-sea systems may take decades to centuries, making damage effectively long-term or irreversible.

Therefore, offshore mineral mining—especially seabed mining for polymetallic nodules, cobalt-rich crusts, phosphorites, and other deposits—can cause widespread and long-lasting harm to the marine environment, including:

1. **Benthic Habitats and Food Chain Impacts**

    - Physical removal or disturbance of the seafloor can destroy unique benthic habitats, including areas hosting slow-growing corals, sponges, and microbial communities.
    - Many deep-sea species are highly specialized, long-lived, and slow to reproduce, making them particularly vulnerable to disturbance and potentially unable to recover on human time scales.
    - Loss of habitat structure can cascade through food webs, affecting not only benthic organisms but also fish, invertebrates, and higher trophic levels that depend on those communities.

2. **Sediment plumes and water quality degradation**
    - Mining operations can generate near-field and far-field sediment plumes at the seafloor and in the water column from both extraction and waste discharge.
    - These plumes that can crush, smother or disperse benthos organisms, clog filter-feeding organisms, reduce light penetration where relevant, and redistribute contaminants, altering food webs and primary productivity.
    - Transport of fine particles and associated metals or contaminants can extend impacts well beyond the footprint of the mined area, including into sensitive or protected habitats.

3. **Chemical pollution and toxicity**

    - Disturbance of mineral deposits and associated sediments may release toxic metals and and alter geochemical conditions (redox), producing harmful

compounds that affect benthic and pelagic organisms, bioaccumulate, and move through food webs.
- Processing and dewatering discharges can introduce additional contaminants (e.g., processing reagents, oils, greases) and alter water chemistry, including pH and oxygen levels.

4. **Noise, vibration, and light disturbance**.

- Mining equipment, support vessels, and **remotely operated and autonomous underwater vehicles** generate continuous and impulsive noise that can affect fish, marine mammals, and invertebrates, disrupting behavior, communication, navigation, foraging, and breeding.
- Artificial lighting in the deep sea can disturb species adapted to darkness, alter predator-prey dynamics, and interfere with bioluminescent signaling.

5. **Cumulative and long-term ecosystem effects**

- Deep-sea ecosystems often recover extremely slowly, if at all, from physical disturbance. Mining impacts may be effectively permanent on policy-relevant time horizons.
- Multiple leases and operations across regions could produce cumulative impacts far greater than any single project, including:
  - Large-scale habitat fragmentation
  - Altered biogeochemical cycles (e.g., carbon sequestration, nutrient cycling)
  - Regional shifts in species composition and ecosystem function.

6. **Impacts on ecosystem services and human uses**

- Deep-sea ecosystems provide important, if not fully quantified, ecosystem services, including carbon storage, nutrient cycling, and supporting fisheries productivity.
- Mining operations and related infrastructure may affect commercial fisheries, cultural and spiritual connections to the ocean, and other ocean uses (e.g., navigation, tourism, marine mammal conservation and conservation areas).

These potential harms are not hypothetical; they are widely recognized in the scientific literature, by intergovernmental bodies, and by many nations and stakeholders as serious and, in some cases, irreversible risks.

Need for a Programmatic Environmental Analysis.

The issues of broad geographic area selection, preferred mining and processing techniques and and many others need to be clarified at a program level to provide a reasoned basis for issuing leases to specific projects. Yet the proposed rule provides no references to any agency reports such as from the interagency National Ocean Mapping, Exploration, and Characterization (NOMEC) Council, or other source material that would: (1) identify the critical minerals of interest and the volumes desired, (2) identify the areas on the OCS and elsewhere where those minerals exist in economically viable quantities and the alternate uses of those areas (3) describe

the techniques to be used in extracting and processing those minerals, (4) illuminate the ecological impacts of those techniques on those areas and (5) explain how the mineral production and ecological impact will be balanced to select acceptable areas for minerals development. Such an assessment is required in order for the Department to make any reasoned decision on a particular project as discussed further below.

The potential for severe, spatially wide, long term and irreversible impact and the uncertainty and knowledge gaps present require a precautionary, programmatic approach to leasing. Based on the historical record the BOEM approves virtually every project that it awards a lease to. Given the scale of the contemplated program, the foreseeable cumulative and long-term impacts, and the extent to which lease issuance may narrow future alternatives and create practical momentum toward development, DOI should prepare a programmatic EIS before issuing leases. At a minimum, DOI should prepare a pre-lease environmental review that performs the same essential functions. See, e.g., Scientists' Institute for Public Information, Inc. v. Atomic Energy Com., 481 F.2d 1079 (1973), (recognizing the need for programmatic review where agency action entails an irreversible and irretrievable commitment of resources and is likely to restrict future alternatives). Lease issuance is the critical inflection point because it conveys development rights, creates substantial momentum toward minerals extraction, and narrows the gradation of alternatives realistically available to the agency later. Once leases are issued and lessees invest in project development, later environmental review is less able to revisit whether the area should have been offered at all. For that reason, DOI should conduct its most meaningful alternatives and cumulative-effects analysis before lease issuance, not after. Therefore, the Department should:

Clearly define the scope of the offshore mineral leasing program, including:

- Targeted minerals and their likely uses
- Anticipated production volumes and time horizons
- Geographic areas that may be opened to leasing, and
- Likely technologies and operational practices

Conduct a programmatic environmental impact statement (EIS) (or equivalent comprehensive environmental review) before issuing individual leases, to:

Evaluate the full range of reasonably foreseeable environmental impacts at the program level,

including cumulative and long-term effects on marine ecosystems and alternate ecosystem uses.

Analyze alternative program structures, including:

- Identifying and prioritizing development in high priority areas considering both mineral extraction viability and ecological impact
- Limiting or phasing development of offshore mining in lower priority areas
- Spatial and temporal protections (e.g., exclusion zones, sensitive habitat buffers, precautionary moratoria in ecologically important areas)
- Technology and performance standards (e.g., plume control, waste management, noise thresholds)

- A “no-action” alternative or alternatives that rely on terrestrial sources, recycling, and demand reduction.
- Land (onshore) mining and domestic deposits
- Recycling and urban mining; end-of-life recovery of rare earths, cobalt, nickel from electronics, batteries, and magnets, and
- International agreements to assure stable supplies worldwide

Assess cumulative impacts from multiple leases and associated activities (exploration, extraction, processing, transport) in combination with other ocean uses and climate-related stressors,

Consider Distributional and Equity implications, including effects on other ocean uses (e.g., fishing, navigation, tourism, whale preservation, conservation areas) in accordance with the constraints in Section 1337(p) of the Outer Continental Shelf Lands Act (OCSLA).

Without such a programmatic analysis, environmental review at the individual lease or project level risks being piecemeal and unable to capture the full scale, cumulative, and long-term consequences of the program. Once leases are issued and investments made, it will be administratively and politically difficult to reconsider the wisdom, scale, or location of activities, even when serious harms emerge.

Recommendations; Accordingly, we urge the Department to:

1. **Pause the issuance of new offshore mineral leases** under the proposed rule until a comprehensive programmatic environmental analysis is completed and publicly reviewed.

2. **Prepare a programmatic EIS (or equivalent)** that:
    - Clearly articulates the purpose and need for the offshore mineral program
    - Defines the program’s geographic, temporal, and resource scope
    - Evaluates a robust range of alternatives, including less-impactful and “no new offshore mining” scenarios
    - Fully considers potential environmental, social, economic, and cultural impacts, including short and long term cumulative and irreversible effects.

3. **Embed strong precautionary and adaptive management provisions in the final rule**, informed by the programmatic analysis, including:
    - Mandatory baseline data collection and independent scientific review
    - Strict environmental performance standards and monitoring
    - Clear thresholds and mechanisms to modify, suspend, or revoke activities if significant adverse impacts occur or new information emerges.

4. **Ensure transparent public and stakeholder participation at the programmatic stage**, including engagement with scientific experts, coastal communities, and affected industries and NGOs.

Given the potential for severe and long-lasting consequences to marine ecosystems, a precautionary, science-based, and program-level evaluation is essential to reasoned decision-making before the Department commits public resources and ocean space to offshore mineral mining.

Project Specific Decision-Making

With respect to specific projects, the current regulatory framework, as well as the proposed administrative revisions, fails to define the specific biological, geological, and ecological data necessary and the level and timing of necessary formal, transparent public environmental reviews to ensure that specific leasing decisions are made with a full understanding of the environmental damage.

Putting aside general policy towards offshore wind energy for a moment, the offshore wind energy program conducted by the Interior Department illustrates the risks of making consequential lease-area decisions before sufficient environmental information is publicly developed and analyzed. The process proceeded with.

1. A lease area award
2. Authorization for site characterization
3 Preparation of a technically detailed construction and operations plan, and
4. Preparation of an EIS and securing public comment
5. Project Approval

With its insistence to separate the leasing area award and project approval decisions, the program made lease area decisions with incomplete or insufficiently developed environmental impact information. With that information provided much later in the process many areas selected were shown to be seriously flawed or to present substantial downstream conflicts, including impacts relating to marine mammals, navigation, radar, coastal uses, and other resources. The end result was dissension, litigation, delay and failed projects, serving neither the public interest or the developer. The "vulnerability of the unknown" is also a significant risk in deep-sea and OCS mineral extraction.

In its current rules for OCS minerals, and in this proposal, Interior seems bent on repeating the defects of this process. It calls for :

1. A lease area award.
2. Authorization for full site characterization
3. Preparation of a detailed mining plan.
4. Preparation of an EIS with public input, and.
5. Project approval.

The lease area award is the most important decision to be made from both the developers profit interest and the public's environmental interest. At that stage, the developer ordinarily has substantial information regarding the area's mineral potential and the general means whereby

extraction is contemplated. **Therefore, a more efficient and effective decision-making process for all would be;**

1. Authorization for preliminary area characterization, as needed
2. A lease area award and project approval supported by an EIS, other required environmental reviews, with public input
3 Full site characterization, and preparation and approval of a technically detailed mining plan, and
4. Construction and operation authorization.

This would make the EIS or equivalent environmental review document useful in supporting wise, informed lease area decisions that will avoid major problems downstream. Recent legislative direction to limit the page length and preparation time of EISs supports the use of this type of document at an earlier stage, as opposed to later lengthier documents prepared only after the government has already committed to offering the tract. .

In addition, if the lease offering and project approval decisions and supporting environmental reviews were to be challenged in Court, that litigation could proceed in parallel with full site characterization and be resolved prior to construction and large expenditures, **which would seem a much more desirable process for the developer.**

We therefore urge the Department to change its fundamental decision-making approach here to secure the critical minerals necessary with acceptable environmental impact, in a timely and effective manner.

The flaws in the current rules and the proposed revisions are described in detail below. This can all be remedied if the Department would change its fundamental approach and agree to prepare an environmental impact statement (EIS) to support its lease area award, even if that may not be legally required.

If the Department does not agree to change its EIS course here, we would respectfully request that it explain its reasoning, and that it establish a substantively equivalent document and procedure at the lease offering stage to provide for public comment on a document- whatever it wishes to call it- that describes, as best it can at that point, the project intended for the lease area and its environmental impact, so that informed decisions can be made.

As explained below, the current requirements for securing critical environmental information at the appropriate decision points are weak and vague and are further weakened by these proposed rules. We urge the Department to address the following deficiencies:

Current Requirements Requiring Strengthening

§ 581.14 OCS, mining area identification. This paragraph states that **"**The Secretary after considering the available OCS mineral resources and environmental data and information, the recommendation of any joint State/Federal task force established pursuant to §581.13 of this part, and the comments received from interested parties, shall select the tracts to be considered

for offering for lease. The selected tracts will be considered in the **environmental analysis conducted for the proposed lease offering".**

Therefore, this section presumes that some environmental analysis will be conducted prior to a lease offering. It should be clarified in the rules what type of analysis is referred to and what it will contain. As suggested above, we recommend that the analysis be an EIS or a substantively equivalent document.

Requirements in the Departmental Manual (516 DM 15). While the CFR defines *what* the public must provide, the Departmental Manual defines the Department's NEPA framework for this type of decision . The manual includes the following:

- **Environmental Impact Statement (516 DM 15.4.A):** This section specifies that the "**Approval of offshore lease sales**" is an action that "normally requires the preparation of an EIS".
- **Tiered Analysis:** The Manual requires that environmental information be identified "early in the process" (516 DM 1.1) to ensure the Secretary can decide which areas to exclude from the lease sale due to environmental sensitivity.

We believe this is very sound guidance. However, it is not being followed in practice. Instead, an EIS is not prepared to support lease sales. We would suggest that this language be incorporated into the rules.

§ 581.11 Lack of Specificity in Applicant Submissions Under 30 CFR 581.11, an applicant for an unsolicited lease must provide "available... environmental information." Specifically, in § 581.11(a)(3) the request must contain "The available OCS mineral resource and **environmental information pertaining to the area of interest** to be offered for lease which supports the request," and in 581.11**(**c) that: "any interested party **may** at any time submit information to the Director concerning the scheduling of proposed lease sales of OCS minerals in any area of the OCS. Such information **may** include but not be limited to any of the following:(5) "Environmental information about an area".

§581.11 requests no information at all on the project to be placed in the leased area, only about the lease area. As such, it proceeds in the same bifurcated decision-making mode that risks separating leasing decisions from sufficiently developed environmental review. As discussed above, we urge that the fundamental process be changed to require an EIS at the lease award decision, or at a minimum, a substantively equivalent document and process.

With respect to area information, the current requirements in § 581.11 are so vague as to be almost meaningless. It does not define the required resolution of seafloor mapping, the duration of biological baseline studies, the extent of seabed disturbance or the specific water-quality parameters that must be measured. Without a standardized "Minimum Information Requirement," BOEM will be forced to make leasing decisions based on whatever data the applicant deems "available," rather than what is needed for informed decisions on lease areas and on what the environment requires for protection.

§ 581.12, Ambiguity and Role-Reversal in the "Call for OCS Mineral Information and Interest" Process The regulations allow but do not require the Director to request "biological and environmental information" from the public. Specifically, in (c) “The Secretary **may** request specific information concerning the offering of a specific OCS mineral, a group of OCS minerals, or all OCS minerals in a broad area for lease or the offering of one or more discrete tracts which represent a minable orebody. The Secretary's request **may** ask for comments on OCS areas which have been determined to warrant special consideration and analysis. Requests **may** be for comments concerning geological conditions or archaeological resources on the seabed; multiple uses of the area proposed for leasing, including navigation, recreation and fisheries; and other socioeconomic, biological, and environmental information relating to the area proposed for leasing”.

Aside from the discretionary language as to what comments the Secretary may require, this section suffers from some role reversal. Aside from specific uses of the area, such as navigation, recreation and fisheries. the public is in no position to provide comments on seabed geological conditions, minerals potential, submerged archeological resources, socioeconomic, biological, or environmental information on a particular ocean area unless the applicant and the agency first provide meaningful information for comment. It should be the responsibility of the applicant and the Department to inform the public at this point, again as to the best minerals potential and environmental impact information available regarding both the lease area and the likely project intended for it.

Consequently, the current process can only provide very limited information from the public, and the rules provide no objective criteria for what constitutes sufficient information to proceed with a lease sale. This creates a "data gap" where the absence of information is often treated as an absence of impact, allowing leasing to proceed in data-deficient areas where sensitive species or unique mineral crusts may exist but have not yet been adequately identified.

Failure to Define "Significant Impact" for Benthic Ecosystems The current rules and manuals fail to provide definitions of what constitutes a "significant impact" in the context of hard mineral extraction. Without clear thresholds for habitat loss, sediment plume toxicity, and other key factors, the decision to lease a particular area will be predominantly based on the economic viability of the intended project leaving the ecological and environmental impact to a much later date, and risking the project at hand.

Financial Assurance: The current financial assurance requirements in the rules are insufficient .They should be strengthened to require bonds, insurance, and state clear liability rules to ensure remediation, long-term monitoring, and compensation for damages to communities and resources.

Current U.S. financial assurance regimes as applied to other offshore activities (oil & gas, renewable energy) are not adequate as currently structured to cover the unique, long-lived, and uncertain liabilities of commercial seabed mining. Substantial strengthening and specific tailoring is required to address:

- **Long-term and potentially irreversible liabilities:** Deep-sea impacts (habitat loss, chronic leaching, plume effects) can persist decades to centuries. Typical bonds sized for

short-term remediation and site abandonment do not cover long-tail monitoring, remediation, or ecological restoration.

- **Inadequate valuation of damages:** Existing mechanisms focus on cleanup and removal costs; they generally do not account for nonmarket losses (biodiversity loss, ecosystem services, cultural values) or transboundary/regional impacts.
- **Bond sizing and recalculation gaps**: Standard fixed amounts or small performance bonds are likely too low given uncertainty. There is often no mechanism for frequent revaluation against updated science, development scale, or worst-case scenarios.
- **Operator financial tests and bankruptcy risk:** Corporate financial capability tests and parent guarantees can fail in the face of operator insolvency; current rules do not reliably protect against orphaned liabilities if firms go bankrupt.
- L**ack of dedicated long-term funds/trusts:** Existing practice often relies on operator-held bonds/insurance rather than independent, long-duration trust funds guaranteed for monitoring and remediation over centuries.
- **Insurance market limitations**: Commercial insurers may not cover novel, systemic, or long-tail environmental risks, or premiums would be prohibitively high — leaving gaps for catastrophic or chronic claims.
- **Monitoring and enforcement funding shortfall:** Financial assurance rarely includes guaranteed funding for independent, long-term environmental monitoring, scientific verification, and adaptive management actions, and
- **Transboundary and cumulative liabilities**: Current assurances focus on national, site-specific damage; they do not address cumulative regional impacts or cross-jurisdictional claims.

Recommended Elements to achieve Financial Assurance Adequacy

- **Full-cost, lifecycle bonding:** Require bonds or surety sized to plausible worst-case cleanup + long-term monitoring and remediation costs, including an explicit allowance for scientific uncertainty and nonmarket values (applied conservatively).
- **Long-duration trust fund or escrow**: Establish operator-funded, independently managed trust funds sized and funded up front to cover monitoring, remediation, and legacy liabilities for a defined long tail (e.g., 50–200 years) with provisions for extension and replenishment.
- **Periodic revaluation and adaptive scaling**: Require periodic (e.g., annual/5-year) reappraisal of financial assurance levels based on new science, operational scale, and observed impacts; adjust bonding requirements upward when warranted.
- **Bankruptcy-proofing and parent/third-party guarantees:** Insist on financial instruments that remain enforceable in insolvency (e.g., letters of credit, insurance tied to trust funds, or statutory priority for environmental claims), and limit use of unsecured parent guarantees.
- **Mandatory comprehensive liability coverage:** Require pollution liability, third-party claims coverage, long-tail environmental impairment insurance where available, and explicit coverage for monitoring and remediation costs arising years after operations cease.

- **Independent, dedicated funding for monitoring/enforcement:** Financial assurance must explicitly fund independent long-term environmental monitoring, data verification, and contingency response capacity under independent scientific oversight.
- **Conservative contingency margins:** Apply conservative multipliers to cost estimates (e.g., 2–5x) to reflect scientific uncertainty and potential escalation in costs over time.
- **Transparency and enforceability:** Public disclosure of financial instruments, triggers for draws on funds, and a clear enforcement pathway for timely access to funds.
- **International and cumulative liability coordination:** Coordinate financial assurance expectations with international bodies and neighboring jurisdictions to address transboundary impacts and cumulative regional liabilities.
- **Insurance/market development support**: Encourage development of specialized insurance products and require demonstration that proposed coverages are available and adequate; where markets fail, require alternative instruments (higher bonds/trusts).

Financial Assurance Conclusion: Using existing offshore financial assurance templates without major modification would create unacceptable risk of uncovered, long-term environmental liabilities from seabed mining. DOI should require conservative, lifecycle-based financial assurance that includes long-duration trust funds, periodic revaluation, bankruptcy-resistant instruments, mandatory long-term monitoring funding, and explicit coverage for nonmarket and transboundary damages. These measures should be required before permitting or leasing to ensure operators - not the public - bear the foreseeable and uncertain costs of seabed mining.

Source References:

1. *30 CFR Part 581, Subpart B—Leasing Procedures.*
2. *Department of the Interior Manual, Part 516, Chapter 15 (Managing the NEPA Process).*
3. *BOEM "A Citizen's Guide to the BOEM Marine Minerals Leasing" (Updated 2024).*

<u>Further Weakening of Environmental Consideration Prior to Leasing</u>

We urge the Department to reconsider the following proposed changes:

Preservation of Environmental Monitoring Language (§ 580.29): The Department proposes to remove the requirement that BOEM "will evaluate the potential... for adverse impact on the environment to determine the need for mitigation measures". BOEM describes this provision as superfluous but labeling this provision "superfluous" risks diminishing the visibility of environmental protection as a primary agency mandate. This language should be retained to ensure that environmental evaluation is explicitly required for every permit application. Removing this explicit regulatory requirement during the prospecting phase and relying instead on more general guidance makes environmental review less useful, visible and accountable.

Restoration of State and Local Notification Requirements (§ 580.30): The proposed elimination of procedural requirements to notify and receive comments from adjacent State governors and local organizations removes a vital layer of transparency. Coordination with local stakeholders should occur at the prospecting phase to identify sensitive ecological areas before the leasing process is initiated.

Clarification on Categorical Exclusions (§ 580.30): Removing the specific list of activities that do not require environmental analysis in favor of broad Departmental Manual exclusions creates ambiguity. Given the unique and fragile nature of seabed ecosystems, prospecting activities should be subject to clear, transparent, and site-specific environmental reviews rather than broad administrative exclusions.

Elimination of § 580.31 requiring early notice to "affected parties," including states, federal agencies, local governments, and organizations that expressed interest. The proposed elimination of BOEM-specific environmental analysis provisions and notification requirements is not justified. While some streamlining may be appropriate, the removed provisions serve critical functions not fully replicated by other statutes. Their elimination would reduce early-stage environmental scrutiny, weaken state and local engagement, and undermine transparency and public trust. Given the high uncertainty and potential irreversibility of impacts from offshore mineral activities, BOEM should strengthen—not reduce—procedural safeguards. The agency should revise and modernize these provisions rather than eliminate them.

Opposition to Accelerated Decision Timelines (§ 581.11): Reducing the timeframe for the Director to decide on unsolicited lease sale requests from 45 days to 28 days prioritizes speed over diligent environmental screening. A 28-day window is insufficient to thoroughly evaluate the environmental suitability of a requested area before initiating the leasing process.

It is imperative that full environmental examinations occur *before* leases are issued and projects are locked in. Relying on "ministerial" or "procedural" deletions may inadvertently lead to a "lease first, look later" approach that compromises the integrity of our OCS resources.

Conclusion To pursue an efficient minerals production program and protect the marine and other environments, we recommend that BOEM;

- Prepare a programmatic EIS , or its equivalent, to make the program's purpose and need clear, support the winnowing down of potential lease areas and define acceptable mining and processing techniques
- Make the lease award and project approval decisions at the same time supported by a project-specific EIS to support authorization for detailed site characterization followed by construction and operation, and
- Strengthen the financial assurance provisions and the other rule requirements cited above.

Sincerely,

Bob Stern

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