



Transmitted via Email

March 7, 2023

The Honorable Pete Stauber  
145 Cannon HOB  
Washington, D.C. 20515

**RE: Support for Permitting for Mining Needs (PERMIT MN) Act – H.R. 209**

Dear Chairman Stauber:

MiningMinnesota is writing to voice our strong support for ***Permitting for Mining Needs (PERMIT MN) Act***, H.R. 209 (H.R. 209). Our organization is committed to promoting sustainable and environmentally responsible mining of copper, nickel, and precious metals in our state. Consistent with its mission, MiningMinnesota and its diverse coalition of members have a significant interest in ensuring that the mining process in our state and country is conducted in an innovative, efficient, and environmentally responsible manner.

H.R. 209 strives for evolution of our nation's environmental review and permitting processes as we advance towards a clean energy future that is ideally supported by critical mineral projects here in Minnesota. Several of the vital pieces of this bill include 1) reasonable timelines for environmental review, 2) mineral production as a covered category under FAST 41, and 3) a time limit for litigating permits that are issued. For too long, we have accepted a lack of agency accountability within the environmental review and permitting stages for major mining projects. As a result, we have asked businesses to stay the course through incredible uncertainty; a prime example of this is the 15-year environmental review period experienced by PolyMet (NewRange Copper Nickel, LLC) in Minnesota. Also included within H.R. 209 are reasonable allowances for mine infrastructure development on staked claims, clarifying antiquated language that has only served to convolute land use rights for mineral development projects. H.R. 209 provides a level of sensibility and certainty back to these processes.

Today, if you were to ask someone who is familiar with the mining industry how long it takes a mining project to go through environmental review, you may receive any number of different answers. Most of the answers you would receive would likely be upwards of 5, 10 or even, as previously alluded to, 15 years. The problem here is twofold: 1) There is no certainty in what the answer is, or even what the answer should be and 2) All of these answers currently require far greater time than is reasonable, as evidenced by the environmental review timelines in countries such as Canada and Australia, which we are in fact now turning to for sourcing of minerals needed for the clean energy transition. H.R. 209 resolves both of these issues by

setting a reasonable timeline for environmental review, thereby providing a level of certainty to the companies involved. H.R. 209 accomplishes that objective while still allowing for an extension of these timelines if the parties involved agree that an extension is necessary. This provision is enough to start making a difference on its own; however, it is not the only critical mechanism for positive change.

Including mineral production as a category under FAST 41 will increase the level of agency accountability brought to the environmental review process for mineral development projects. FAST 41 is not a mechanism that allows for shortcuts or reduced scrutiny, rather it is a tool that requires agencies bring structure, accountability, transparency, and enhanced coordination to the environmental review process. Perhaps the most important aspect of FAST 41 is the permitting timetable that agencies are required to post publicly on a "Permitting Dashboard". The timetable provides a transparent and comprehensive look at the timeline for completing environmental review on a given project and requires the agencies consult with project proponents if changes to the timetable are required. The provisions and benefits of FAST 41 do not exist within the environmental review process as implemented for mineral development projects today; H.R. 209 will remedy that and allow mineral development projects to be included under FAST 41, bringing a level of accountability that is currently not present to environmental review for these projects.

One last crucial piece of the environmental review process that is addressed is litigation. Litigation is a known tool for opposing organizations, which can be witnessed if you look at any major environmental permitting effort over the last two decades. In industry, we unfortunately talk about the steps to construction as environmental review, permitting and litigation. It is a foregone conclusion that no matter how well designed your mineral development project is, it is likely to get litigated. This is solely a delay and stall tactic for opponents. Rather than companies being able to put that money to beneficial use for local communities, they are investing it into years of litigation following the issuance of their permits. H.R. 209 does not forego this valid step in environmental review and permitting, but it does provide a known timeframe to that process, which increases certainty and allows for proper planning.

H.R. 209 provides reasonable, sensible expectations for businesses trying to pursue mineral development projects within our nation, along with accountability. Equally important, H.R. 209 does not reduce the weight of environmental evaluation and considerations for these projects, nor sidestep the critical considerations of NEPA such as the development of alternatives or consideration of mitigations. For these reasons, MiningMinnesota supports H.R. 209 and urges this committee to advance the proposal.

Sincerely,



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