

# United States Senate

November 15, 2023

Mr. Eric Beightel  
Executive Director  
Federal Permitting Improvement Steering Council  
1800 M Street, NW, Suite 6006  
Washington, DC 20036

Dear Mr. Beightel:

I am writing to express my concern regarding the effects of the Federal Permitting Improvement Steering Council's (FPSIC) proposed rule titled "Revising Scope of the Mining Sector of Projects That Are Eligible for Coverage Under Title 41 of the Fixing America's Surface Transportation Act" (proposed rule)<sup>1</sup>, and to urge FPSIC to continue utilizing as broad a definition of 'covered project' as permissible.

FPSIC's federal permitting coordination process is a proven mechanism to hasten the permitting process for various essential infrastructure and energy projects. FAST-41 improves agency coordination and establishes two-year completion goals — creating a more efficient, predictable, and timely federal environmental review process for covered projects. This system provides certainty for investors, allowing projects to receive financing, while not sacrificing our commitments to environmental protection and community input. Arizona is home to the only mining project currently on the FAST-41 dashboard, and I was proud to lead key updates to the FAST-41 program in the Bipartisan Infrastructure Law that will continue to help grow our domestic supply chains – from extraction to processing and refining.

Large-scale mining operations often require significant investment, construction of infrastructure, and extensive federal reviews and authorizations. For this reason, mining was added as a FAST-41 sector in January 2021. FPSIC's proposed rule, which limits mining projects covered under FAST-41 to critical mineral projects, as defined by the Department of the Interior (DOI) through the U.S. Geological Survey (USGS) runs counter to America's goals of responsible domestic critical mineral production. On-shoring this production strengthens our national security, reduces our reliance on foreign markets controlled by adversarial governments, fuels economic opportunities, and advances energy security. Unfortunately, the materials necessary to achieve this goal of independence go beyond those named in the proposed rule.

According to USGS, copper is not a designated critical mineral. This ignores the crucial nature of copper as a wiring component in renewable energy technologies, its importance to various defense systems, and the significant projected increases in global demand in the coming years.<sup>2</sup> Further, the lack of USGS designation runs counter to the Department of Energy's 2023 Critical Materials Assessment, which

---

<sup>1</sup> "[Revising Scope of the Mining Sector of Projects That Are Eligible for Coverage Under Title 41 of the Fixing America's Surface Transportation Act](#)," 88 Fed. Reg. 63,350 (Sept. 22, 2023).

<sup>2</sup> S&P Global, "[Inflation Reduction Act: Impact on North America metals and minerals market](#)". August 2023.

identifies copper as a key material with a "high risk of supply disruption" that is "integral to clean energy technologies."<sup>3</sup>

Under FPISC's proposed rule, copper mining projects will lose the opportunity to become FAST-41 covered projects. Exclusion from the FAST-41 program will allow these critical mining projects to experience unreasonable permitting delays at a time when copper production is more essential than ever.

If we are serious about reaching our nation's goals of reducing climate emissions, and securing domestic mineral supply chains, the proposed rule must take a more holistic look at all critical components – like copper – to be covered under the proposed rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyrsten Sinema", with a long horizontal flourish extending to the right.

Kyrsten Sinema  
United States Senator

---

<sup>3</sup> U.S. Department of Energy, [Critical Materials Assessment](#). July 2023.