

Testimony of Steven Feldgus, Ph.D.
House Natural Resources Committee
Subcommittee on Energy and Mineral Resources
Legislative Hearing on H.R. 280, H.R. 1366, H.R. 3872, H.R. 4018, H.R. 4068, H.R. 4090
September 3, 2025

Chairman Stauber, Ranking Member Ansari, and Members of the Subcommittee, thank you for the invitation to testify.

My name is Steve Feldgus, and I recently served as Principal Deputy Assistant Secretary for Land and Minerals Management at the Department of the Interior during the Biden administration. In that role, I oversaw the Bureau of Land Management and three other bureaus, and was the lead staffer for the Interagency Working Group on Mining Laws, Regulations, and Permitting.

Several of the bills under consideration today attempt to accelerate development timelines by streamlining approval processes or cutting out steps. But my experience overseeing energy and mining project permitting shows that this approach doesn't necessarily accelerate development; in fact, it often backfires. It creates the conditions for longer delays, costlier litigation, and ultimately fewer successful projects.

Projects don't succeed because we add more shortcuts to the process. They succeed because the agencies doing the permitting have the resources they need to do the job properly. And they succeed because they earn community trust and support.

Community Engagement: The Foundation of Successful Development

Some of the most successful energy and mineral development projects in America and around the world are built on a foundation of genuine community engagement, transparent communication, and shared benefits. These projects move from conception to production faster and face fewer legal challenges because they listened to the communities that would be impacted and sought to accommodate their concerns rather than ignore them.

For example, the Interagency Working Group heard from multiple sources that Montana is one of the more difficult states for starting or expanding mining projects. In the mid-1990s, when Stillwater Mine sought to build a new tailings facility and East Boulder Mine was preparing to start operations, the company faced angry residents threatening lawsuits. Rather than fighting through opposition, the company chose to engage with the local community to develop common solutions. This collaborative approach culminated in a Good Neighbor Agreement signed in 2000. According to the company, the agreement “reduces permitting delays and largely eliminates residents' concerns around transparency. Over the 24 years since the agreement's implementation, there has been no arbitration or environmental litigation—a significant achievement for any mining company.”

Consider what happens when communities feel excluded from decisions that will fundamentally affect their lives, health, and economic future. Excluded communities don't simply disappear—they turn to the courts as their only remaining avenue for influence. What could have been resolved through early dialogue transforms into years of litigation and regulatory battles. Projects may eventually receive regulatory approval, but they lose the community support necessary for long-term operational success. Local residents become skeptical of promised economic benefits because they don't trust a process that shut them out from the beginning.

Conversely, genuine community partnership creates a different dynamic entirely. Partnership means bringing communities into conversations before major decisions are made, not after permits are filed. It requires providing accessible, honest information about potential impacts, benefits, and mitigation measures. Most importantly, it means demonstrating a willingness to modify project plans based on legitimate community concerns and local knowledge that outside developers may have missed.

Environmental reviews don't slow projects down—community opposition does. When we eliminate the opportunity to address potential opposition constructively, we don't eliminate the opposition itself. We simply force it into more adversarial channels that take longer to resolve and create lasting mistrust.

While streamlining environmental review, mandating lease approvals, and limiting community input may appear to accelerate development in the short term, this is simply the false economy of shortcuts, and fundamentally misunderstands what actually slows projects down. When we rush through or minimize the very processes that give communities a voice, we don't eliminate opposition, we concentrate it. We turn potential collaboration into confrontation. Instead of partners, we create plaintiffs.

As Secretary Haaland and I recently wrote, “communities are not obstacles to be overcome, but partners to be engaged.” This isn't just policy rhetoric—it reflects the practical reality of how successful projects actually get built.

Leaders in the mining industry understand this.

The International Council on Mining and Metals (ICMM) represents 24 of the world's largest mining companies, collectively accounting for one-third of the global mining and metals industry. ICMM's President and CEO, Rohitesh Dhawan, has called trust between mining companies and local communities the industry's "most valuable commodity." He warns that the industry's credibility challenges "threaten our access to permits, talent, the support of local communities, and capital."

When leaders in the mining industry themselves acknowledge that trust is their most valuable commodity and that their industry's credibility is at an all-time low, it's clear that the solution cannot be found in shortcutting the very processes that provide opportunities to rebuild that trust.

Proven Solutions for Effective Permitting

Our interagency working group found that while our permitting processes can be improved, we already know what effective, efficient permitting looks like in practice. The solutions don't involve eliminating community input or environmental review—they involve better coordination and earlier engagement.

Effective permitting requires early coordination among different levels of government—federal, state, tribal, and local authorities—as well as coordination among different agencies within each level of government. It also requires early, substantive engagement with mining companies so they understand exactly what they need to do to obtain permits and can plan accordingly.

The Bureau of Land Management developed exactly this kind of coordinated approach in Nevada during the first Trump administration. This process helped streamline approvals for a substantial number of the nearly four dozen mines we approved under the Biden administration. Using this approach, BLM-Nevada approved a vanadium mine in just over three years and a major lithium mine in under two.

In total, the BLM under the Biden administration approved at least 49 mines, of which 36 were new mines, and the other 13 were expansions or modifications of previously approved mines. In Nevada, the average time to get to a record of decision (ROD) from the start of the environmental impact statement (EIS) process was under two years. Using a larger data set of 147 mines approved between October 2012 and April 2023, the average time to go from a notice of intent to a ROD was 3 years, 11 days.

To put this data in perspective, according to the International Energy Agency, the global average to go from mineral discovery to production is 17 years. The oft-repeated talking point that it takes 29 years to do the same in the United States is not supported by actual mines. In fact, three months earlier, the same organization that issued that number reported that it only took 13 years in the U.S., which would be the third fastest in the world. And then in April of this year, they reported that it took 19 years, roughly 10 months faster than Canada.

These numbers tell us several things:

- First, the National Environmental Policy Act (NEPA) process is not the rate-limiting step in developing a mine, which academic research has also shown.
- Second, even if the NEPA review was eliminated altogether, it would still take well over a decade on average to develop a mine, due to all the other work that companies must do to design and finance a new project.
- Third, the process used by BLM Nevada shaved more than a year from the time needed to complete an EIS.

Because of the proven success of this process in shortening permitting times, we expanded it to all BLM offices nationwide. Unfortunately, the new administration rescinded that shortly after it took office.

Fundamentally, the choice before us is not between speed and community engagement—it's between short-term expediency and long-term success. Legislation that opts for short-term expediency risks exacerbating a development environment characterized by conflict rather than collaboration.

By silencing communities, shortcutting essential processes, or steamrolling over local concerns, they may produce permits faster, but they're likely to produce projects that face greater opposition, more legal challenges, and ultimately longer delays.

The Choice Before Us

The fundamental choice before this committee, Congress, and the U.S. government is not between speed and thoroughness in permitting—it's between approaches that create lasting success versus those that prioritize short-term metrics while creating longer-term problems.

The bills under consideration today represent short-term thinking that will likely worsen the very problems they aim to solve. By reducing community input, shortcutting environmental review, and steamrolling over local concerns, bills like these may generate faster initial permit approvals, but they also lead to greater community opposition, more sustained legal challenges, and ultimately longer delays than projects that invest in community partnership from the beginning. Moreover, cutting funding for permitting agencies undermines the very goal these bills claim to serve. Underfunded agencies produce slower reviews, weaker analyses, and more vulnerable decisions—creating exactly the delays and litigation risks we're trying to avoid.

True mineral security demands policy coherence that supports every stage of the supply chain, from extraction through processing to final manufacturing. It requires genuine community partnership that builds the social license necessary for long-term project success. And it requires the patience to prioritize sustainable, resilient development over short-term extraction targets that may not contribute to actual security.

Most fundamentally, successful mineral development depends on community trust and engagement. The bills before us today ignore this reality and instead double down on an approach that prioritizes speed over sustainability and confrontation over collaboration.

The evidence from successful mining operations, the warnings from industry leaders, and the practical experience of federal land management all point toward the same conclusion: we need a fundamentally different approach.

I urge the committee to pursue policies that address the full scope of America's mineral security challenges while building genuine partnerships with the communities that will host these critical projects. The path to mineral security runs through community trust, policy coherence, and long-term thinking—not through shortcuts that create more problems than they solve.

H.R. 1366, the Mining Regulatory Clarity Act

While serving at the Department of the Interior, I testified on previous versions of the *Mining Regulatory Clarity Act*, which, similarly to H.R. 1366, was designed to address the ruling in *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 33 F.4th 1202 (9th Cir. 2022), commonly known as the *Rosemont* decision. I would like to thank the sponsor of this legislation for making significant improvements from the previous version, removing some of the most concerning provisions and including a new provision that would take additional claim maintenance fees from mill sites and use them to provide a committed source of funding for the federal government, states, and tribes to clean up abandoned hardrock mines.

The abandoned hardrock mine cleanup funding mechanism would be a significant step forward. The scale of the abandoned hardrock mine problem is tremendous: EPA estimated it could be as high as \$54 billion in 2004 dollars, which is equivalent to over \$90 billion today. This is money desperately needed to close dangerous mine shafts and clean up waterways poisoned by centuries of abandoned mine runoff. Unlike abandoned coal mines, where the coal industry has paid abandoned mine land fees on each ton of coal mined for nearly 50 years, there has been no dedicated funding source for hardrock mine cleanup. H.R. 1366 would begin to address this gap by using maintenance fees from mill sites, which come from the mining industry rather than taxpayers, and providing those funds directly to states and tribes for cleanup on state, private, and tribal land.

However, the bill raises legitimate concerns that deserve careful consideration, as certain provisions could inadvertently create broader changes to the mining law than intended. Potential ambiguities in the bill's text could lead to unintended consequences or costly litigation over the bill's scope and meaning.

I encourage the Committee to continue to work with Members and staff across the aisle and with outside experts in the 1872 mining law, in order to refine and clarify some of the language in the bill. The goal should be surgical precision: addressing the Rosemont decision's impact while avoiding broader disruptions to established mining law principles. With careful attention to these details, this legislation could provide both the regulatory clarity the industry is seeking and the environmental cleanup funding the public deserves.