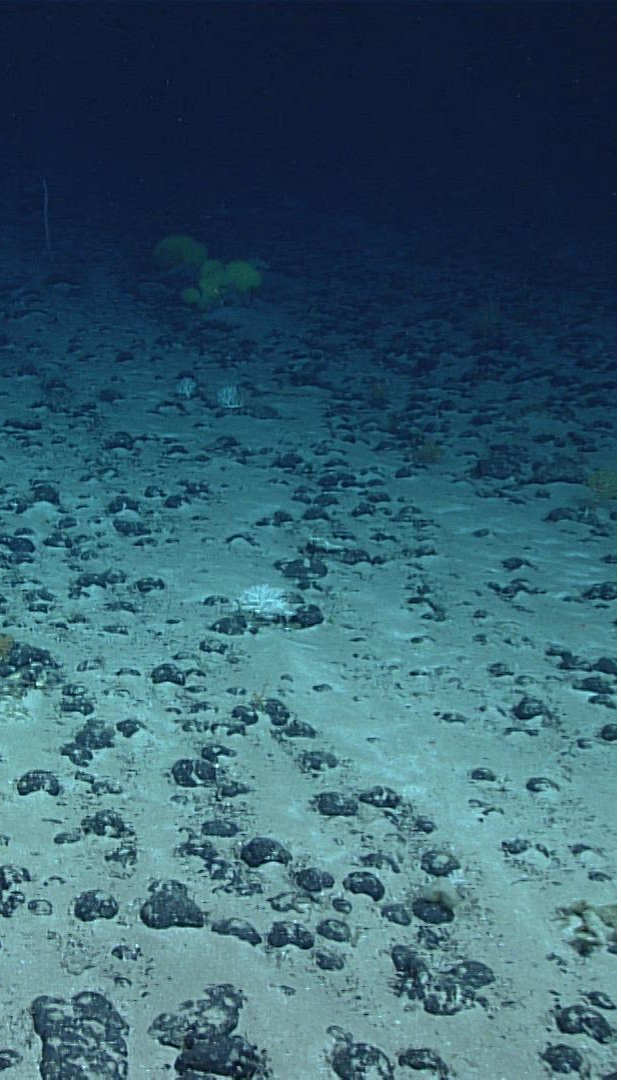
Agenda Item D.1.a
Supplemental NOS Presentation
June 2026

Deep Seabed Hard Mineral Resources Act (DSHMRA)

Exploration License and Commercial Recovery Permits

Bryan Cole, DSHMRA Team Lead,
Office for Coastal Management,
National Ocean Service

National Oceanic and Atmospheric Administration
U.S. Department of Commerce



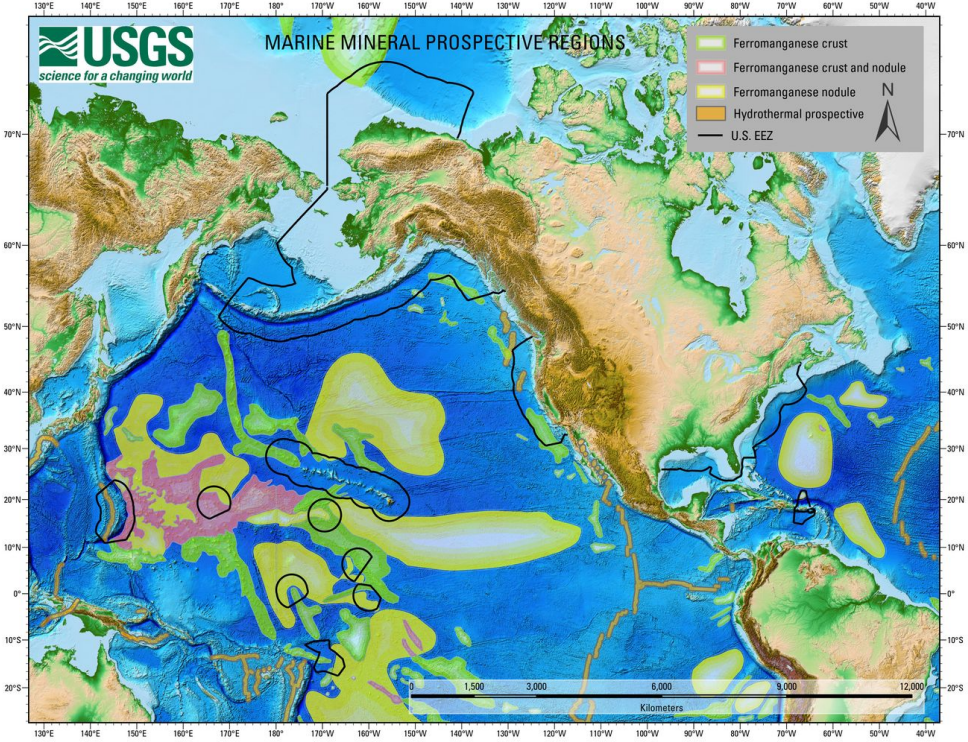
Deep seabed mining

- Polymetallic nodules and other deposits have formed over millions of years on the seabed that are high in critical minerals, such as cobalt, copper, nickel, and manganese
- Companies are interested in deep sea mining (DSM)
- Legal frameworks for regulating deep seabed mining include:
  - Deep Seabed Hard Mineral Resources Act (DSHMRA) and NOAA regulations
  - Law of the Sea Convention (LOSC) and International Seabed Authority (ISA)
  - Separate authority governs DSM in U.S. jurisdiction

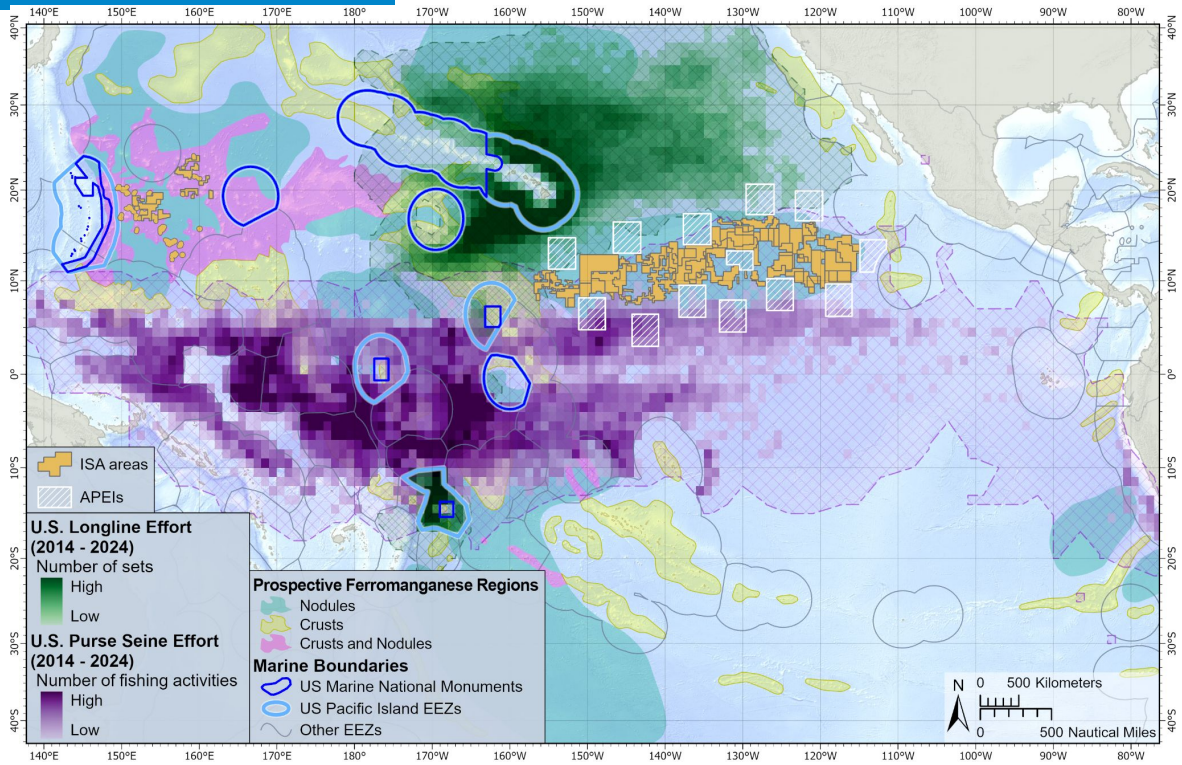
Deep Seabed Hard Mineral Resources Act signed into law in 1980

- Regulates deep seabed mining **for polymetallic nodules** in **areas beyond national jurisdiction** (ABNJ) by U.S. citizens/companies
  - Forbids engaging in deep seabed mining without complying with the law
  - Permits compliant deep seabed mining
- Two types of DSHMRA authorizations:
  - Exploration ***Licenses*** for exploration activities
  - Commercial Recovery ***Permits*** for commercial mining
- Executive Order 14285 "Unleashing America's Offshore Critical Minerals and Resources." (4/24/25)
  - Renewed interest in deep seabed mining
- On January 21, 2026, NOAA published "consolidated" rule enabling simultaneous application for *both* an exploration license *and* a commercial recovery permit

Mineral Resource Areas in Pacific



Fisheries & Critical Minerals Overlap in Pacific



Deep Seabed Hard Mineral Resources Act

Statutory & Regulatory Requirements Overview

[1] Exploration License
15 CFR Part 970

Exploration

[2] Commercial Recovery Permit
15 CFR Part 971

Commercial Recovery

"Exploration" =
Any at-sea observation and evaluation activity to document and/or sample hard mineral resources for intended commercial recovery

Who may apply for a license =
Any U.S. citizen

***Regulatory licensing timeline ~** 490 days*

"Commercial Recovery" =
Any activity engaged in at sea to recover any hard mineral resource for profit & associated processing and waste/disposal

Who may apply for a permit =
Any U.S. citizen holding exploration license

***Regulatory permitting timeline ~** 520 days*

"Hard mineral resource"

*any deposit or accretion on, or just below, the surface of the deep seabed of **nodules** which include one or more minerals, at least one of which contains manganese, nickel, cobalt, or copper;*

"United States citizen"

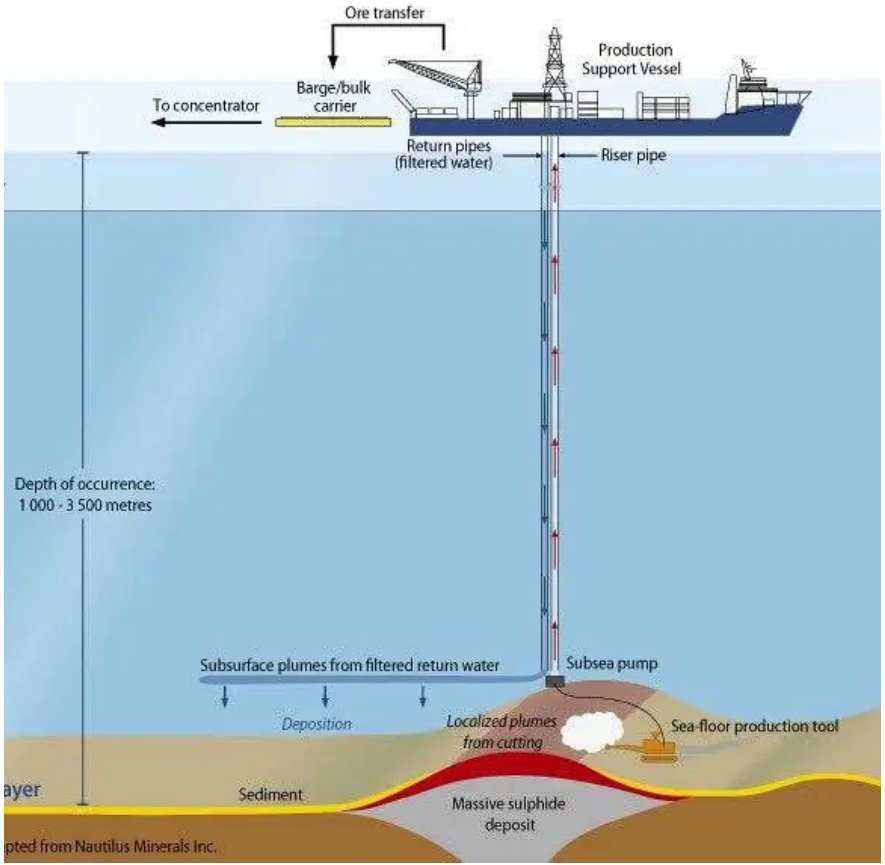
(A) any U.S citizen individual;

(B) any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any of the United States; and

(C) any corporation, partnership, joint venture, association, or other entity … if the controlling interest in such entity is held by an individual or entity described in subparagraph (A) or (B).

[3] Consolidated process covers both exploration and commercial recovery simultaneously as of January, 2026

Environmental Impact Statement



NOAA will be the lead agency

Exploration license and commercial recovery permits covered - together or via supplemental EIS

NOAA welcomes information from the Councils that may assist in the preparation of an EIS/TCRs **through response to the consultation request**

Required findings for issuance

30 U.S. Code § 1415. Before issuing a license for exploration or permit for commercial recovery, the Administrator must find in writing that the proposed application—

- will not unreasonably interfere with the exercise of **the freedoms of the high seas (fishing, navigation, submarine cables and pipelines, scientific research, and exploration for hard mineral resources of the deep seabed)** by other states, as recognized under general principles of international law;
- will not conflict with any **international obligation** of the United States established by any treaty or international convention in force with respect to the United States;
- will not create a situation which may reasonably be expected to lead to a **breach of international peace and security involving armed conflict**;
- cannot reasonably be expected to result in a **significant adverse effect on the quality of the environment**, and
- will not pose an inordinate threat to the **safety of life and property** at sea.



Overview of process for applications

Application submission

- Pre-application consultation
- Initial Application Submitted
- Substantial compliance
- Full compliance

Certification

- Request interagency review (**and within NOAA to NMFS**).
- To certify, NOAA must find that the proposed license or permit will not violate restrictions and is eligible.
- Solicit **initial public review** of and comment on *the application* through a Federal Register notice.

Draft EIS, TCRs and Proposal to Issue

NOAA will prepare:

- draft Environmental Impact Statement (EIS) assessing impacts
- proposed terms, conditions, and restrictions (TCRs) on the license or permit
- Solicit agency feedback, public comment, and feedback from **Fishery Management Councils**

Final EIS, TCRs, required findings, and license

After taking into account feedback and public comment, NOAA will:

- issue a final EIS and TCRs
- determine whether to issue a license and/or permit

Consultation with Regional Fishery Management Councils under DSHMRA

30 USC 1415(d) - Prior consultations

Prior to making a determination to issue, transfer, modify, or renew a license or permit under this section, the Administrator ***shall consult with any affected Regional Fishery Management Council*** established pursuant to section 1852 of title 16 [MSA sect. 302], ***if*** the activities undertaken pursuant to such license or permit ***could adversely affect any fishery*** within the Fishery Conservation Zone, or any anadromous species or Continental Shelf fishery resource subject to the exclusive management authority of the United States beyond such zone.

*Fishery Conservation Zone refers to US EEZ

- Timing
  - NOAA intends to conduct Council consultations after the application has been published for initial public review and NMFS has advised on affected Councils
- Consultation
  - NOAA will engage in consultation with Councils regarding potential adverse impacts to their respective fisheries that could result from an application's proposed activities
  - NOAA will welcome additional information from the Council that may assist in processing the application, including an EIS for the potential issuance of a license and/or permit accompanying TCRs

Helpful Links

- DSHMRA, 30 USC 1401 *et seq*
- 15 CFR Part 970
- 15 CFR Part 971
- NOAA's DSHMRA Website

Questions?