



ZERO EMISSION
TRANSPORTATION
ASSOCIATION

March 13, 2024

Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

RE: Draft Mining Performance Metrics

Submitted via email to: MiningPerformanceMetric@blm.gov.

The Zero Emission Transportation Association (ZETA) is an industry-backed coalition of nearly 60 member companies advocating for 100% electric vehicle (EV) sales. ZETA is committed to supporting policies that drive EV adoption, create hundreds of thousands of jobs, dramatically improve public health, and significantly reduce emissions. Our coalition spans the entire EV supply chain including vehicle manufacturers, charging infrastructure manufacturers and network operators, battery manufacturers and recyclers, electricity providers, and critical minerals producers, among others.

ZETA thanks the Bureau of Land Management (BLM) for the opportunity to comment on its draft mining performance measures.¹ The success of the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) in reducing transportation emissions by rapidly accelerating the adoption of zero-emission vehicles hinges upon our ability to supply critical and other hardrock minerals needed to manufacture batteries and renewable energy equipment. As discussed below, ZETA recommends BLM consider including additional performance metrics to ensure timely completion of key steps in the permitting process.

As a result of a global shift toward clean energy technologies, worldwide demand for critical minerals is expected to grow exponentially by 2040 relative to 2020 levels of production.² Securing a domestic supply chain for the minerals needed to facilitate the transition to a fully electrified transportation system will create well-paying U.S. jobs, ensure production and processing are held to the highest environmental standards, and reduce our dependence on foreign adversaries.³

¹ <https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/mining-performance-metrics>

² <https://www.iea.org/data-and-statistics/charts/mineral-demand-growth-from-new-ev-sales-by-scenario-2040-compared-to-2020>

³ <https://www.zeta2030.org/white-paper-fostering-an-electric-future-a-federal-perspective-on-the-us-critical-mineral-supply-chain>

In order to help measure success in the timely and effective permitting of mineral exploration and development projects on BLM-managed public lands and minerals, ZETA recommends BLM consider the following metrics, in addition to those proposed:

- **Tracking Coordination with State Agencies.** For instance, tracking the timing and process of up-front coordination at the planning stage with state agencies to better understand the state's issues and concerns will make for better plans of operations, make the NEPA process go more smoothly, and aid state/federal coordination in the permitting process.
- **Tracking Agency Staff Workload.** Tracking both minerals staff and non-minerals staff who are working on environmental review and permitting of operations, including a percentage of total workload, could help identify areas where additional funding support could facilitate reviews.
- **Tracking In-House vs. Contracted NEPA Work.** Distinguishing between NEPA work that is done in-house by BLM vs. NEPA work that is contracted out to a third party could be useful in identifying areas to improve efficiency.
- **Differentiating Between Exploration vs. Operations.** The proposed metrics are mostly focused on plans of operations for mining, but BIL authorization for this exercise also speaks to exploration. At times the former are approved via a categorical exclusion, while at other times an environmental assessment is prepared. Although they are all plan-level operations, BLM should track plan-level exploration separately from plans of operations for mining.
- **Tracking Good Samaritan Remediation and Secondary Recovery.** The BIL report just speaks to permitting of activities that “will increase exploration for, and development of, domestic critical minerals,” but it's limited to mining. Secondary recovery of minerals should be part of that, not just new mines. A good first step is the BIL Sec. 40202, which is the abandoned mine land and mine waste geologic mapping effort, of which a “priority shall be mapping abandoned mine land and other land containing mine waste where multiple critical minerals.” From this inventory, a prioritization of potential sites could be developed, along with permitting by other relevant federal agencies for whichever secondary recovery may fall under their respective permitting authorities or oversight.

As they may inform the development of future mining performance metrics, ZETA would also like to take this opportunity to elevate our consensus-based permitting reform framework focused on responsibly increasing the domestic production of critical and other hard rock minerals for the electric vehicle supply chain:⁴

- Appoint a single lead Federal agency to oversee the application process from start to finish for designated projects. Information such as deadlines, descriptions of documents

⁴ <https://www.zeta2030.org/insights/critical-mineral-permitting-reform-framework>

required for environmental reviews, and other relevant materials should be provided to the applicant by the Federal lead agency.

- Address the *Rosemont* decision⁵ by the 9th Circuit Court to ensure domestic lithium production and other critical minerals are not constrained. Senator Cortez-Masto and Senator Risch recently authored the Mining Regulatory Clarity Act, which provides a solution by “reaffirm[ing] long-held practice and previous legal interpretation that some public land use under a mining claim inherently accompanies exploration and extraction activities for other mining-support activities.”
- Identify a specific set of EV and electrification mineral projects designated as important to national security and thus eligible for a reformed and streamlined review process. If a critical minerals project has already been supported by the Defense Production Act, it would automatically be designated as a project of national importance.
- Align permitting review timelines for hardrock mineral projects with the Fiscal Responsibility Act by creating a two-year maximum deadline for the lead agency to review projects and issue a final decision for an Environmental Impact Statement and one year for an Environmental Assessment.
- Create a 150-day deadline for legal appeal of the lead agency’s final decision to ensure litigation risk does not unnecessarily delay properly permitted, high-priority EV and electrification mineral and battery projects.
- Direct the federal permitting agency to issue a Record of Decision on proposed critical mineral production projects, thereby eliminating the requirement to review “no action” alternatives.
- Direct appeals of such decisions directly to the D.C. Circuit Court to ensure a timely judicial review process.
- Support, align, and facilitate the build out of electric vehicle charging infrastructure consistent with the administration’s stated goals by listing federally-funded charging stations as categorical exclusions for all agencies.
- Properly address and quantify GHG emissions and climate change impacts of federal projects.

ZETA and its member companies appreciate your attention to these comments and are available should you have any additional questions.

Sincerely,



Albert Gore
Executive Director

⁵ <https://www.reuters.com/legal/government/9th-circuit-rules-against-rosemont-copper-mine-2022-05-13/>