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April 27, 2026

Re: Administrative Revisions to Regulations Related to Outer Continental Shelf Minerals Other than Oil, Gas and Sulphur, RIN 1010-AE36 (Docket ID: BOEM-2025-0120)

Dear Ms. Fischer,

On behalf of the 66 undersigned organizations, representing millions of members and supporters, we submit these comments to the Bureau of Ocean Energy Management (BOEM) on its proposed revisions to regulations concerning outer continental shelf (OCS) minerals other than oil, gas, and sulphur (“the Proposed Rule”).¹

We urge BOEM to withdraw the Proposed Rule. Knowledge is limited about the deep-sea environments and marine life that will be affected—and potentially irreparably harmed—by deep-sea mining (DSM) activities, while serious questions exist as to the technological and economic feasibility of mining operations. Despite these risks, the Proposed Rule would fast-track BOEM decisions to authorize OCS minerals leasing and permitting by shortening deadlines, undermining environmental review, and reducing opportunities for public participation. BOEM’s proposal would erode transparency around agency permitting and make it more difficult for states and territories to negotiate agreements with the federal government if BOEM seeks to issue leases in OCS areas where there is a controversy as to its jurisdiction.

Instead, we urge the U.S. government to join the growing group of countries supporting a moratorium or precautionary pause on DSM activities.²

¹ BOEM, Administrative Revisions to Regulations Related to Outer Continental Shelf Minerals Other Than Oil, Gas, and Sulphur, 91 Fed. Reg. 8,803 (Feb. 24, 2026), docket number BOEM-2025-0120

² *Momentum for a Moratorium*, DEEP SEA CONSERVATION COAL., <https://deep-sea-conservation.org/solutions/no-deep-sea-mining/momentum-for-a-moratorium/> (last visited April 19, 2026).

I. DSM poses immense risks to the ocean environment.

The best available science indicates that DSM would cause substantial, potentially irreversible harm to deep-seabed habitats and marine wildlife. Deep-seabed minerals form habitat for numerous species.³ Mining would remove a layer of hard substrate from the seabed, destroying the habitat on which vulnerable organisms depend.⁴ The ecological communities formed by these species are unlikely to ever recover once disturbed.⁵

Less certain, but no less concerning, are the potential impacts of mineral extraction on the broader marine ecosystem. Science has only started to understand abyssal species' life histories, trophic relationships, and role in ocean basin-wide processes like nutrient cycling.⁶ To date, we know that other direct and indirect impacts on the marine environment may include (1) sediment plumes and tailings discharges that affect and accumulate in pelagic and bathyal food chains,⁷ and other increases in water column toxicity; (2) extensive noise and light pollution at levels harmful to marine animals;⁸ (3) the release of other air and water pollutants and species invasions (transport of animals, microorganisms, and viruses from the seafloor to surface water);⁹ (4) climate impacts through release of methane and disturbance to sequestered carbon;¹⁰

³Craig R. Smith et al., *Deep-Sea Misconceptions Cause Underestimation of Seabed-Mining Impacts*, 35 TRENDS IN ECOLOGY & EVOLUTION 853 (2020); Andrea Koschinsky et al., *Deep-sea mining: Interdisciplinary research on potential environmental, legal, economic, and societal implications*, 14 INTEGRATED ENV'T ASSESSMENT & MGMT. 672 (2018); Ann Vanreusel et al., *Threatened by mining, polymetallic nodules are required to preserve abyssal epifauna*, 6 SCI. REPORTS (2016); Travis W. Washburn et al., *Impacts of the first deep-sea seafloor massive sulfide mining excavation tests on benthic communities*, 712 MARINE ECOLOGY PROGRESS SERIES (2023).

⁴T.R. Vonnahme et al., *Effects of a deep-sea mining experiment on seafloor microbial communities and functions after 26 years*, 6 SCIENCE ADVANCES (2020); Ann Vanreusel et al., *Threatened by mining, polymetallic nodules are required to preserve abyssal epifauna*, 6 SCI. REPORTS (2016); Travis W. Washburn et al., *Impacts of the first deep-sea seafloor massive sulfide mining excavation tests on benthic communities*, 712 MARINE ECOLOGY PROGRESS SERIES (2023); C.L. Van Dover et al., *Scientific rationale and international obligations for protection of active hydrothermal vent ecosystems from deep-sea mining*, 90 MARINE POLICY (2018).

⁵Travis W. Washburn et al., *Seamount mining test provides evidence of ecological impacts beyond deposition*, 33 CURRENT BIOLOGY 3065, 3066 (2023); Dmitry M. Miljutin et al., *Deep-sea nematode assemblage has not recovered 26 years after experimental mining of polymetallic nodules (Clarion-Clipperton Fracture Zone, Tropical Eastern Pacific)*, 58 DEEP SEA RSCH. I 885 (2011).

⁶Diva J. Amon, et al., *Assessment of scientific gaps related to the effective environmental management of deep-seabed mining*, 138 MARINE POL'Y (2022).

⁷C.P. David, *Heavy metal concentrations in marine sediments impacted by a mine-tailings spill, Marinduque Island, Philippines*, 42 ENVTL GEOLOGY 955 (2002); Michael H. Dowd et al., *Deep-sea mining discharge can disrupt midwater food webs*, 16 NATURE COMM'N 9575 (2025).

⁸Rob Williams et al., *Noise from deep-sea mining in the Clarion-Clipperton Zone, Pacific Ocean will impact a broad range of marine taxa*, 218 MARINE POLLUTION BULLETIN, 218 (2025); Kirsten F. Thompson et al., *Urgent assessment needed to evaluate potential impacts on cetaceans from deep seabed mining*, 10 FRONTIERS MARINE SCI. (2023); Jeff R. Troy et al., *Using observed seabird fallout records to infer patterns of attraction to artificial light*, 22 ENDANGERED SPECIES RSCH 225 (2013).

⁹Wen Yao et al., *Development of deep-sea mining and its environmental impacts: a review*, 12(1598584) FRONTIERS IN MARINE SCI. (2025).

¹⁰Nathalie Hilmi et al., *Deep sea nature-based solutions to climate change*, 5 FRONTIERS IN CLIMATE (2023).

and (5) potential diminishment of deep-sea oxygen production.¹¹ The combined impact of these could be massive, fundamentally altering the broader ocean system and profoundly affecting other marine industries, like fisheries,¹² with economic and subsistence consequences for coastal communities. DSM proponents have yet to explain how they will assess, let alone monitor and protect these ecosystem services.

As BOEM acknowledges, DSM would represent an entirely new offshore industry,¹³ and there are serious questions as to its technological and economic feasibility. Deep-sea conditions—including near-freezing temperatures and high pressure and salinity—present substantial technical challenges to mining operations.¹⁴ The technical complexity of DSM drastically increases operation costs and undermines potential profitability of any venture.¹⁵ Metal prices are volatile, and declines in target mineral prices would further undermine any plausible DSM business case.¹⁶ And although DSM proponents often argue that it's necessary to meet the growing demand for critical minerals used in renewable energy technologies and other advanced industries, recent studies show that battery innovation is already moving beyond the need for the minerals that DSM could supply.¹⁷ Given the significant technological and financial uncertainties surrounding DSM, OCS minerals leasing will likely lead to exploration and mining activities that fail to make a difference in mineral supply chains while causing immense and long-lasting damage to the marine environment and ocean-dependent jobs and livelihoods.

¹¹ Andrew K. Sweetman et al., *Evidence of dark oxygen production at the abyssal seafloor*, 17 NATURE GEOSCIENCE 737 (2024).

¹² See Dowd *supra*; J.M.A. Van Der Grient & J.C. Drazen, *Potential Spatial Intersection Between High-seas Fisheries and Deep-sea Mining in International Waters*, 129 MARINE POLICY (2021).

¹³ 91 Fed. Reg. 8,803 at 8,804 (“Despite having regulations in place for nearly 40 years,” only one OCS mineral lease sale has ever been held, at which no bids were received).

¹⁴ Bobbi-Jo Dobush & Maddie Warner, *Deep Sea Mining Isn't Worth the Risk*, The Ocean Foundation, at 9-10 (2024), <https://oceanfdn.org/wp-content/uploads/2024/02/dsm-finance-brief-2024.pdf>; See Hearing on “Exploring the Potential of Deep-Sea Mining to Expand American Mineral Production” Before the H. Comm. on Nat. Res. Subcomm. on Oversight & Investigations, 119th Cong. at 4 (Apr. 29, 2025) (statement of Mr. Duncan E.J. Currie, attorney and Legal Advisor for Deep Sea Conservation Coal., available at <https://docs.house.gov/meetings/II/II15/20250429/118089/HHRG-119-II15-Wstate-CurrieD-20250429.pdf>).

¹⁵ Michael Barnard & Lyle Trytten, *A Techno-Economic Assessment of Seabed Mining American Samoa and Global Implications* at 7-17; 24-26 (August 2025) <https://drive.google.com/file/d/1RettUw5s1sn0rHeyDDj6VzcBcimieY9e/view>.

¹⁶ See Dobush & Warner, *supra*, at 12-14.

¹⁷ Lithium-iron-phosphate (LFP) and sodium ion batteries are both increasing in use, and neither use cobalt, copper, manganese or nickel. Jeanne Everett, Daniel Kammen, & Stan Rowland, *Next Generation EV Batteries Eliminate the Need for Deep Sea Mining*, BLUE CLIMATE INITIATIVE (Oct. 2023), <https://www.blueclimateinitiative.org/next-gen-batteries-eliminate-need-for-dsm>; Int'l Energy Ass'n, “Global EV Outlook” at 85 (April 2024), <https://iea.blob.core.windows.net/assets/aa21aa97-eea2-45b4-8686-ae19d8939161/GlobalEVOutlook2024.pdf>.

II. The Proposed Rule would fast-track DSM decisions and undermine public participation and transparency, contrary to OCSLA.

Despite the clear need to approach DSM proposals with caution, BOEM proposes to modify agency procedures for OCS minerals leasing and permitting to shorten deadlines, reduce opportunities for public participation, undermine environmental review, and erode transparency around agency permitting. These changes are wholly inappropriate given the significant risks that DSM poses to the ocean environment and coastal communities. The Proposed Rule is contrary to OCSLA, which requires that OCS activities be carried out “subject to environmental safeguards.”¹⁸ Recognizing that mineral exploration and production “will have significant impacts on coastal and non-coastal areas of the coastal States, and on other affected States,” OCSLA guarantees state and local participation in agency decision making.¹⁹ Yet the Proposed Rule would also make it more difficult for affected state and territory governments to negotiate agreements if BOEM seeks to issue leases in OCS areas where there is a controversy as to state versus federal jurisdiction.

The Proposed Rule would reduce the decision-making timeframe for unsolicited requests for lease sales from 45 days to 28 days.²⁰ Compressing this timeframe would inappropriately fast-track consequential agency decision-making at a threshold stage where careful evaluation is critical. Shortening the response window also limits BOEM’s ability to conduct early consultation and coordination with other agencies, increasing the likelihood that ecological or use conflicts will be neglected in the agency’s decision to proceed with the leasing process. Forcing BOEM to act more quickly and with less information increases the risk that the agency will admit proposals into the leasing pipeline that are not appropriate for further consideration.

The Proposed Rule would undercut environmental review and public participation in agency decisions to issue permits for OCS minerals prospecting. First, BOEM proposes eliminating provisions that require the agency to evaluate proposed prospecting activities (*i.e.*, exploration or scientific research activities carried out on seabed areas that are unleased or under lease to a third party²¹) for adverse impacts on the environment.²² Removing these requirements would weaken environmental safeguards in a nascent and high-risk industry and would inhibit the public’s ability to evaluate and respond to how BOEM examines environmental risk, applies mitigation requirements, and monitors environmental impacts prior to prospecting—often in areas where environment information is already limited. The Proposed Rule threatens to shift important environmental assessment and permitting for minerals prospecting into undocumented

¹⁸ 43 U.S.C. § 1332(3).

¹⁹ 43 U.S.C. § 1332(4).

²⁰ 91 Fed. Reg. at 8,806 (citing 30 C.F.R. § 581.11(b)).

²¹ 30 C.F.R. § 580.1; *id.* § 580.2(a).

²² 91 Fed. Reg. 8803, 8804–8805 (citing 30 C.F.R. §§ 580.29, 580.30).

internal reviews, obscuring BOEM’s decisions from the public eye and diminishing the transparency that is essential to good governance.

Second, BOEM proposes eliminating regulations that identify the agency’s obligations to notify governors of affected states and territories upon receipt of a permit application for mineral prospecting that requires Coastal Zone Management Act (CZMA) consistency review or when BOEM prepares a mineral prospecting-related National Environmental Policy Act (NEPA) environmental assessment.²³ By eliminating these procedures, BOEM would substantively reduce state and territory participation in agency decisions to allow prospecting activities with the potential for environmental harm. Reducing state and territory participation would likely lead to poorer decision-making; public participation improves government decisions and project design by providing agencies with relevant scientific information, supplying environmental information and data, and identifying potential conflicts with other uses of an area or resource.²⁴ The proposed changes are especially significant in light of the sweeping revisions to NEPA procedures that Interior finalized earlier this year, which slashed opportunities for public participation during preparation of environmental assessments.²⁵

Third, the Proposed Rule would eliminate the requirement that BOEM notify affected parties when an OCS minerals prospecting permit is issued.²⁶ BOEM suggests that notifying interested parties about permit issuance is unnecessary, because the agency “typically” posts permits to the agency’s website, and because Freedom of Information Act (FOIA) requests are available as a backstop.²⁷ But federal agencies have consistently failed to meet deadlines to respond to recent FOIA requests, thanks in part to the administration’s drastic staff cuts.²⁸ Mineral prospecting permits are not currently available in BOEM’s online database, nor is it clear whether they are posted anywhere else online.²⁹

²³ 91 Fed. Reg. at 8,806; 30 C.F.R. § 580.31(a)–(b).

²⁴ *Cf.*, Michael Sant’Ambrogio & Glen Staszewski, *Public Participation in Agency Adjudication*, Final Report for ADMIN. CONF. OF U.S. 6 (2025), <https://www.acus.gov/sites/default/files/documents/Public%20Participation%20in%20Agency%20Adjudication%20Final%20Report%202025.05.22.pdf> (“Public participation can improve the quality of an agency’s adjudicatory decisions . . . [Agency officials] frequently need information from regulated entities, regulatory beneficiaries, unaffiliated experts, and citizens with situated knowledge to fully understand regulatory problems and potential solutions, and to make fully informed decisions.”) (internal citations omitted).

²⁵ *Compare* Dept. of Interior, *Handbook of National Environmental Policy Act Implementing Procedures*, 516 DM 1, appx 1, p. 29 (Feb. 2026), <https://www.doi.gov/media/document/doi-handbook-nepa-procedures> (“NEPA does not require public involvement when a bureau prepares an EA”) with 43 C.F.R. § 46.305(a) (2024) (directing agencies to “provide for public notification and public involvement when an [EA] is being prepared” to the extent practicable and requiring agencies to review all comments received on EAs, whether or not comments were solicited).

²⁶ 91 Fed. Reg. at 8,806 (citing 30 C.F.R. § 580.31(c)).

²⁷ 91 Fed. Reg. at 8,806.

²⁸ Nate Jones, *Did Trump’s cuts slow access to public records? We found 26 cases that say yes*, (Mar. 14, 2026), <https://www.washingtonpost.com/investigations/2026/03/15/foia-trump-job-cuts-doge/>.

²⁹ *See* Bureau of Safety and Environmental Enforcement, Data Center: Scanned GG Permits Query, <https://www.data.bsee.gov/Other/FileRequestSystem/ScanGGPermits.aspx> (last visited April 12, 2026); BOEM,

The Proposed Rule would eliminate a provision empowering affected states or territories to negotiate over jurisdictional controversies. When there is a controversy as to whether OCS areas fall exclusively under federal jurisdiction or whether they fall within state jurisdiction, OCSLA authorizes states and the federal government to enter agreements as to whether mineral leases may be issued in areas under controversy before the controversy is settled or resolved.³⁰ BOEM proposes eliminating an OCSLA regulation that authorizes governors of affected states or territories to initiate negotiations with BOEM when there is a jurisdictional controversy.³¹ The corresponding OCSLA provision authorizes the Secretary of Interior to negotiate such agreements but does not specify whether governors may initiate negotiations.³² By eliminating this regulation, BOEM may deprive governors of an important authority in case of jurisdictional controversies.

III. Conclusion

For these reasons, we oppose the Proposed Rule. BOEM's proposed regulatory changes would undermine the agency's ability to make reasoned decisions on OCS minerals leasing and permitting, diminish public participation, reduce transparency, and undermine environmental review. DSM poses substantial risks to the ocean environment and coastal communities. This industry must neither be fast-tracked nor advanced without rigorous environmental review, baseline research, public participation, and transparency. We urge BOEM to withdraw the Proposed Rule.

Sincerely,

Alaska Wilderness League
Amnesty International Canada
Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE)
BlueGreen Generation
California Environmental Voters
Californians for Western Wilderness
Carolina Ocean Alliance
Center for Biological Diversity
Center for the Blue Economy
Clean the Pacific
Climate Rights International

Data Center: Scanned GG Permits Query, <https://www.data.boem.gov/Main/Plans.aspx> (last visited April 12, 2026).
The only available Application Type categories are "Oil and Gas" and "Sand and Gravel."

³⁰ 43 U.S.C. § 1336.

³¹ 91 Fed. Reg. at 8,806 (citing 30 C.F.R. § 582.7).

³² Compare 43 U.S.C. § 1336 with 30 C.F.R. § 582.7.

Columbia County Reduces Waste—Bring Your Own
Conservation Law Foundation
Creation Justice Ministries
Deep Sea Mining Campaign
Defenders of Wildlife
Deutsche Stiftung Meeresschutz
Earthjustice
Earthworks
Environmental Defense Center
Environmental Protection Information Center (EPIC)
Finafinau
Fish On
Friends of Hanauma Bay
Friends of the Earth U.S.
FutureSwell
Greenpeace USA
Group of 100
Hawaii Fishing & Boating Association
Inland Ocean Coalition
International Marine Mammal Project of Earth Island Institute
KYMA sea conservation & research
Latino Outdoors
Mana Moana Institute
Marine Connection
Marine Conservation Institute
Maryknoll Fathers and Brothers
MiningWatch Canada
Monterey Bay Aquarium
National Aquarium
National Ocean Protection Coalition
National Wildlife Federation
North American Climate, Conservation and Environment (NACCE)
NRDC (Natural Resources Defense Council)
Ocean Conservation Research
Ocean Defense Initiative
Ocean Hoptimism
Ocean Vision Legal
Oceana
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