



## Policy Resolution 2025-06

### National Minerals Policy

#### A. **BACKGROUND**

Mining and production of minerals are vital to ensuring national and economic security. The mineral endowment of western states allows them to stand out as a major hub for mining activities with western states having the highest producing minerals operations. In these same states, federal lands can constitute up to 86 percent of the land area, emphasizing the importance of state and federal cooperation and coordination on mineral activities. Despite this abundance, U.S. dependence on foreign minerals continues to rise and is being amplified by the development of new technologies in the energy, manufacturing, and national defense sectors. The U.S. Department of Energy estimates that the U.S. is import-reliant for more than half of the nation's supply of 31 of 50 minerals designated by the U.S. Geological Survey (USGS) as critical minerals. The U.S. is also entirely dependent on foreign sources for more than a dozen other minerals. The Mining and Minerals Policy Act of 1970 recognized the critical role of domestic mineral production in supporting economic stability, national security, and environmental stewardship. However, contributing to this over-reliance on imported critical minerals is an inefficient, time consuming federal permitting system that continues to slow access to and disadvantage the development of domestic supplies of minerals. Addressing these barriers and inefficiencies will be critical to ensuring a reliable and stable domestic supply of minerals to meet energy, economic, and national security needs.

The 1872 Mining Law provides the framework for mineral rights on federal lands and has been supplemented by a large body of federal, state, tribal and local environmental and reclamation laws and regulations. However, further modernization efforts to this legal framework would benefit both mining industry and environmental outcomes. Supplements added to the existing framework for developing hardrock minerals on federal lands should reflect and respect the primacy of state authority and traditional cooperative federalism understanding of jurisdiction.

#### B. **GOVERNORS' POLICY STATEMENT**

1. Western Governors recognize that urgent action is warranted through legislation and policies that will unlock our mineral potential to ensure access to the minerals that are critical to U.S. economic and national security – providing vital base materials for electronics, telecommunications, satellites, aircraft, manufacturing, and energy technologies.
2. Western Governors recognize that the minerals mining industry is an important component to both the local and national economies. Reliable and stable supplies of minerals play a critical role in meeting our energy, economic, and national security needs.
3. Western Governors commend efforts by the USGS and state geological surveys to identify potential, critical minerals deposits for energy technologies and other consumer products vital to modern society. Congress should continue to provide USGS with funding to increase the pace and scale of data collection, mapping, and resource assessment through programs

like the Earth Mapping Resources Initiative (MRI) program.

4. Congress, in consultation with the states, should develop a National Minerals Policy that truly enables mineral exploration and development in a manner recognizing the importance of a reliable domestic supply of minerals for our country while providing protection of state equities, tribal interests, local communities, water, and the environment. The new policy should consider the extensive regulatory experience of states, address the length of the federal permitting process, including the National Environmental Policy Act (NEPA) review process, while not reducing environmental or other protections afforded by current laws and regulations. Evaluations of the potential water, environmental, and social impacts of mining operations on affected communities should be maintained, as well as policies and procedures to mitigate impacts.
5. A National Minerals Policy should address federal permitting complexities, patenting, maintenance fees, and establish a dedicated funding mechanism for the existing abandoned hardrock mine reclamation program using funding sources such as existing maintenance fees.
6. New financial assurance requirements imposed upon the hardrock mining industry under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 108(b) would duplicate or supplant existing and proven state financial assurance regulations in this area. This is of particular concern to the western states, because CERCLA is a non-delegable federal program that provides no opportunity for implementation through state environmental agencies. The western states have developed deep experience in mine permitting, regulation, financial assurance calculation and implementation, and closure. Federal preemption without active coordination of state bonding programs could threaten these effective state programs and may disincentivize mineral production in the West.
7. Western Governors encourage Congress and the Executive Branch to promulgate and pursue improvements to federal regulations and policies based on the best available science to provide certainty, predictability, and speed in the federal permitting process. Protracted completion of federal permitting reviews and excessive federal permitting litigation cause delays and impose unreasonable costs on a wide range of projects that use federal funds or are located on federal lands. Litigation risk should not cause federal agencies to take an overly cautious approach to the federal permitting review process. Instead, federal agencies should fully utilize existing mechanisms to streamline the environmental review process, such as any available categorical exclusions, where appropriate, while ensuring that robust consideration of environmental factors remains integral to the process. Reforming federal permitting procedures is an important step toward securing a reliable, domestic source of critical minerals. Such federal permitting reforms should also ensure that western states with significant amounts of public land are not put at a competitive disadvantage relative to other states.
8. The United States holds approximately 55 million surface acres and 59 million acres of subsurface mineral estate in trust for tribal nations, and the federal government has a responsibility to protect, administer, and account for the natural resources it holds in trust on behalf of tribes. Tribes that are seeking to make use of trust resources deserve to be able to do so without diminution of their value caused by the federal government's actions. Governors support meaningful government-to-government consultation with tribal

sovereigns intending to make use of trust resources, and support efforts to avoid delays in approving rights-of-way applications for linear infrastructure to support mine operations, or other delays affecting mineral development that may constitute a failure to uphold this trust responsibility and affect tribes' ability to benefit from their mineral resources.

9. Ensuring a stable and secure domestic mineral supply chain requires not only responsible extraction but also robust processing, recycling, and non-extractive technologies to maximize resource efficiency and meet energy, economic, and national security needs. Governors support the development of emerging tools and technologies that address barriers to mineral supply chain reliability, including technologies that help the processing, recycling, or reuse of existing mineral resources for use in new and emerging technologies.

**C. GOVERNORS' MANAGEMENT DIRECTIVE**

1. The Governors direct the WGA staff, where appropriate, to work with Congressional committees of jurisdiction and the Executive Branch to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

*This resolution will expire in June 2028. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.*