



Memorandum

TO: Environment Committee
CC: Minerals Policy Task Force
FROM: Katie Sweeney, Executive Vice President & COO
DATE: June 20, 2025
SUBJECT: Proposed Forest Service Locatable Minerals Rule Sent to OMB for Interagency Review

On June 12, the U.S. Forest Service forwarded a proposed rule to [update and clarify its locatable minerals regulations](#) (36 CFR Part 228A) to the Office of Management and Budget (OMB) for review. OMB is charged by various executive orders to conduct reviews of significant regulations. At this stage in the rulemaking process, no rule text is publicly available.

Recall, the Forest Service first attempted this rulemaking with a proposed rule in 2008 and then through an advanced notice of proposed rulemaking in 2018. The National Mining Association's (NMA) primary interest in the rulemaking relates to the need to align the Forest Service's treatment of notice-level exploration activities with those of the Bureau of Land Management (BLM) to allow exploration disturbing less than five acres to be approved or denied expeditiously. This harmonization was recommended by the National Academy of Science in 1999 but has yet to be implemented. Under its regulations, BLM utilizes a 15-day timeframe for determining a notice is complete and the operator may conduct notice-level operations once it has submitted the required financial guarantee. In contrast, exploration projects on Forest Service lands can wait years to secure necessary approvals.

The NMA also anticipates and would support the Forest Service's updating of the financial guarantee provisions applicable to locatable minerals. During the Obama administration, the U.S. Environmental Protection Agency attempted to impose new and duplicative financial guarantee requirements upon the hardrock mining industry under its Comprehensive Environmental Response, Compensation, and Liability Act authority. The Forest Service's financial assurance requirements were particularly vulnerable to criticism as

most of its financial assurance practices came from policy or guidance rather than codification in regulations.

To ensure that OMB takes into consideration the concerns of the mining industry as it conducts its review, the NMA proposes to schedule a call with OMB officials in the upcoming weeks. The NMA will host a Teams meeting in advance of the OMB call to discuss participation and strategy.

If you have any questions about these next steps, please contact me at ksweeney@nma.org.