

NOAA and Deep Seabed Hard Mineral Exploration and Recovery

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Deep Seabed Hard Mineral Resources Act of 1980

- **Establishes requirements for U.S. citizens engaged in exploration or mining in international waters**
- **Does not apply to areas within U.S. jurisdiction**
- **Only pertains to manganese nodules**
- **Enacted as an interim measure pending U.S. ratification of the Law of the Sea**

Requirements

- **License required for exploration in international waters by U.S. citizens**
- **Permit required for mining in international waters by U.S. citizens**
- **Numerous other environmental and other compliance obligations may also apply**

History

- **Enactment was preceded by exploration in the 1970s demonstrating the feasibility of recovery**
- **NOAA studied potential environmental impacts in the 1970s**
- **1980 – Deep Seabed Hard Mineral Resources Act**
- **Four exploration licenses issued in 1984**
- **Soon after issuance, expectations changed**

Status

- **Two exploration licenses remain in effect**
- **Both are held by Lockheed Martin**
- **The licenses are extended every five years**
- **No at-sea exploration can occur without further environmental review and authorization**
- **No permits have been issued for mining**

2015 Litigation

- **The Center for Biological Diversity sued NOAA in 2015 challenging the 2012 license extension**
- **Violation of the Administrative Procedure Act**
- **Misstatements in the complaint and press reports created impression that mining was authorized**
- **Suit settled in 2016**

Where the U.S. Stands

- **No accession to the Law of the Sea Convention**
- **No membership in International Seabed Authority**
- **No international recognition of licenses**
- **Observer within International Seabed Authority**
- **If accession, changes in U.S. law will be needed**

Continuing Interest of the U.S. to Be Engaged

- **Effects of new sources on markets and producers**
- **Role of U.S. companies as subcontractors**
- **Information sharing on ocean and earth sciences**
- **Need to understand damages and how U.S. interests may be affected**
- **How will liability and compensation be assigned?**
- **Changes in U.S. law may be needed**
- **If accession occurs, U.S. companies could be at a competitive disadvantage**

Parting Thought

**There Are Many Challenges to Overcome Before
Deep Seabed Mining Becomes a Reality**

Questions?

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