

## Alert | Environmental



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### NOAA Finalizes Changes to Deep Seabed Mining Regulations

On Jan. 21, 2026, the National Oceanic and Atmospheric Administration (NOAA) finalized revisions to its existing regulations governing deep seabed mining in areas beyond the national jurisdiction of the United States. [91 Fed. Reg. 2642](#). NOAA's action implements changes called for in [Executive Order 14285](#), which directed the secretary of commerce "to expedite the process for reviewing and issuing seabed mineral exploration licenses and commercial recovery permits."<sup>1</sup> The rules apply specifically to the exploration for and recovery of polymetallic "nodules," which are spherical objects of various sizes residing on the deep sea floor that contain manganese, nickel, cobalt, or copper. 91 Fed. Reg. 2656 (citing 30 U.S.C. § 1403(6); 15 C.F.R. §§ 970.101(j), (k)). NOAA's rules do not apply to other potential deep seabed mineral resources, such as "sulphides and crusts." 91 Fed. Reg. 2656.

NOAA made several revisions to its rules aimed at expediting the permitting process, including requiring more standardized applications for exploration licenses and mining permits and requiring applications to be submitted electronically. But the most important part of the regulations is the creation of a consolidated process that will allow a company to apply simultaneously for an exploration license *and* a mining permit. The final regulations also authorize a single environmental impact statement (EIS) to evaluate the impacts of exploration *and* commercial recovery activities. Previously, the rules required

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<sup>1</sup> The order similarly directed the secretary of the interior to establish an expedited process for permitting mining within the Outer Continental Shelf. See U.S. Department of the Interior, [Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security](#), Press Release (June 25, 2025).

those approvals to be obtained sequentially via separate applications and EISs. Some commenters objected on grounds that the statute requires the sequential process, and that requiring separate EISs for each approval facilitates the gathering of data and understanding of environmental conditions during the exploration phase that may be used in a separate analysis evaluating the mining permit. 91 Fed. Reg. at 2646. NOAA responded that it maintains discretion to fashion appropriate National Environmental Policy Act compliance on a case-by-case basis, and that in some cases two EISs, or a supplemental EIS, may be required. *Id.*

NOAA first promulgated deep seabed mining rules in 1981 and 1989, pursuant to the Deep Seabed Hard Mineral Resources Act. 30 U.S.C. § 1401 *et seq.* Congress passed the Act while negotiations were underway for a treaty that became the **United Nations Convention on the Law of the Sea**, and provided authority for deep seabed exploration and extraction by U.S. citizens in anticipation that the United States would eventually become a party to the Convention. The Law of the Sea Convention became effective in 1994, but the United States has never become a party, in part over concerns with Part XI of the treaty, which governs deep seabed mining.

NOAA has issued exploration permits pursuant to its longstanding regulations but has never issued a permit for commercial extraction of metals from the deep seabed. The lack of technology and environmental data, along with the challenging economics of deep seabed mineral recovery, have limited demand for permits. However, in recent years, interest in seabed minerals has burgeoned as technology has advanced and international competition for critical minerals escalates. The **International Seabed Authority (ISA)**, created under the Law of the Sea Convention, has been considering deep seabed mining regulations for over a decade but has yet to adopt final regulations. NOAA's new rules arrive in the context of that as-yet unsuccessful effort to establish international rules.

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