

Attachment 1

Framing Paper on National Tribal Critical Minerals Initiative Consultation 2024

Outline

1. Purpose of Consultation
2. White House Council on Native American Affairs (WHCNA) National Tribal Critical Minerals Initiative

1: Purpose of Consultation

WHCNAA appreciates your participation in this crucial consultation on the National Tribal Critical Minerals Initiative and the policy & regulatory recommendations for improving Tribal consultation and engagement, and protections in domestic critical minerals supply chain.

As the Administration works to secure an American supply chain of critical minerals, the federal government is striving to not repeat the problems of the past with extractive industry. As part of this effort, in summer 2022, the Administration's Interagency Working Group (IWG) on Mining Laws, Regulations and Permitting held four Tribal consultations and other Tribal listening sessions on improving mining on public lands. In September 2023, the IWG published the *Recommendations to Improve Mining on Public Lands* report (Mining Report) with dozens of recommendations for improving Tribal consultation and engagement and protections when it comes to mining. Note, the report makes clear these recommendations may also support improved practices for projects not on public lands. A list of all the recommendations is available in the table in attachment #3.

In response to Tribal inquiries about the Administration's actions on critical minerals, WHCNAA created a Critical Minerals Working Group. This Working Group has been interfacing with other interagency coalitions on critical minerals to bring Tribal perspectives to the forefront. One of our top priorities is to prioritize and implement recommendations from the September 2023 *Recommendations to Improve Mining on Public Lands* report and we want to hear Tribes' views on these recommendations and any other actions that Federal agencies should consider under the National Tribal Critical Minerals Initiative.

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2: WHCNAA – National Tribal Critical Minerals Initiative

The purpose of the WHCNAA Critical Minerals Working Group is to work to ensure Tribal interests are meaningfully considered early and often in the pursuit of a domestic critical minerals supply chain, including environmental and human health protection, tribal and cultural resources protection, and economic development or other benefits sharing.

Objectives

Following are the draft objectives of the WHCNAA National Tribal Critical Minerals Initiative pending consultation with Tribes:

- Pursue Tribal leads or partnerships in the U.S. Government’s USG critical minerals supply chain grant programs during FY 24-25;
- Connect existing Tribal partnership networks for Tribes to engage on the critical minerals supply chain and permitting reforms;
- Conduct robust Tribal consultations on critical minerals as prescribed in Executive Order (EO) 13175, Conduct additional engagements including Tribal governments, NGOs, and convening with industry, states, and other stakeholders;
- Commit to supporting implementation of priority recommendations from the September 2023 “Recommendations to Improve Mining on Public Lands” report (Mining Report), including those already committed to by Department of the Interior DOI and U.S. Department of Agriculture USDA <https://www.doi.gov/pressreleases/departments-interior-agriculture-advance-mining-reforms-aimed-protecting-and;>
- Serve as a convening body for formal consultations and informal engagements with Tribes regarding implementation of Mining Report and consultation recommendations;
- Develop a toolkit of resources, programs, and information produced by agencies regarding critical minerals;
- Engage and listen to Tribes’ varying interests related to critical mineral supply chain and use information from these engagements to determine additional actions not captured in the Mining Report;
- Communicate federal opportunities to Tribes that are interested in the critical minerals supply chain as an economic development engine; and
- Communicate opportunities and resources available to Tribes to participate in the regulatory permitting processes for critical minerals projects.