

DEEP SEABED MINING

BOEM Is Openly Cutting Environmental Safeguards and Public Comments; American Samoans Need That Information From the Source

Driven by an Executive Order from the White House, the Bureau of Ocean Energy Management (BOEM) is fast-tracking deep-sea mining by stripping away local notification and consultation rules. At the same time, the Department of the Interior (DOI) has shifted NEPA procedures to allow officials to limit public input, skip detailed environmental assessments, and rely more on shorter reviews, making the process less predictable and enforceable for States and Territories.

In American Samoa, our leaders are giving us rosy information about DSM, even as the Bureau of Ocean Energy Management (which regulates and would license DSM) states clearly that they are actively working to shorten comment periods. Here we compare some statements from the AS Republican Party and Michael McDonald side by side with facts, and direct comments from BOEM. The facts are clear. We are asking our leaders to stand with their community — not with BOEM.

McDonald is the Assistant Director of the Department of Port Administration and the Senior Policy Advisor on DSM for the American Samoa Government (ASG), as well as the Chairman of the territory's DSM Steering Committee.

Megan Carr is the Associate Director of Strategic Resources at BOEM.

What You Need to Know

BOEM may not be cutting corners, it is changing the shape of the regulatory and legal box.

Revenue Sharing Remains a Dream; No Concrete Steps Toward It Have Been Taken

BOEM is changing the rules so that environmental review comes later, if necessary.

Rosy Statements

"It is important to state clearly: there will be no cutting corners. The entire process is guided by federal law, including the Outer Continental Shelf Lands Act (OCSLA), regulations governing hard mineral resources, the National Environmental Policy Act (NEPA), and other applicable statutes and requirements." - Michael McDonald¹

"Likewise, there is strong support in Congress for legislation enabling revenue sharing for Pacific U.S. territories—modeled after the successful programs for oil- and gas-producing states." American Samoan Republic Party⁵

"BOEM is required to follow these laws, which mandate thorough environmental review, public engagement, and scientific scrutiny at every stage." - Michael McDonald⁷

The Facts

BOEM has proposed changes to OCSLA regulations, which remove references to environmental review and consultation.² The Department of Interior (where BOEM sits) issued a Final Rule regarding NEPA, weakening requirements for environmental review.³ Megan Carr told a room of industry actors that "that within the next few years she expects the federal permitting process at BOEM to be clearer and "less burdensome. "We always want you to come to us," she said, adding that public-private partnerships are going to be critical."⁴

Fact Check: Legislation has not been introduced to this effect in Congress⁶, nor has mandated revenue sharing for Pacific territories been proposed in the multiple congressional hearings on DSM.

"BOEM will also start preparing environmental assessments during the lease sale phase, reserving more detailed environmental impact statements for later planning stages if necessary. These steps will help reduce delays and shorten public comment periods. To further encourage participation, BOEM will offer favorable lease terms, including lower minimum bids and waivers for some rental fees." BOEM Press Release⁸

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What You Need to Know	Rosy Statements	The Facts
BOEM is actively streamlining the post-lease assessment phase.	"A BOEM lease, if executed, only authorizes preliminary activities. ... a Delineation Plan, Testing Plan, and/or Mining Plan. These plans must then be submitted to BOEM. BOEM conducts a rigorous technical and environmental review of the submissions, which often includes additional public comment periods and in-depth environmental analysis under NEPA, before granting any further approvals." - Michael McDonald ⁹	"Once a lease is issued, BOEM and BSEE will continue to streamline the process by considering offshore critical mineral projects for expedited permitting under the Department's emergency procedures and other applicable laws. Approvals for mapping, testing, and site development will be fast-tracked by minimizing unnecessary paperwork and compliance steps". BOEM Press Release ¹⁰
After a lease, BOEM will conflate three review periods into one, if a company asks them to.	"This [post lease] phase of data collection, testing, experimentation, and plan development is expected to take several years —commonly three to five years or more —depending on the site's complexity and the volume of data required. The community should anticipate a deliberate, multi-year timeline rather than rushed development." - Michael McDonald. ¹¹	"When requested by the lessee, BOEM will also consolidate exploration, testing, and mining plans into a single review, reducing duplication and speeding up decision-making." BOEM Press Release ¹²
The Cook Islands has not committed to DSM, and have stated they will definitely not mine before 2032.	"Commercial extraction [in the Cook Islands] could potentially begin in roughly 1.5 years" - American Samoan Republic Party ¹³	"Cook Islands will extend seabed minerals exploration for a further five years, pushing the decision on whether to mine its polymetallic nodules-rich seafloor to at least 2032." ¹⁴
Regulations for DSM Are Outdated and Missing Required Information.	"Modern regulations enforced by the Bureau of Ocean Energy Management (BOEM), paired with advanced technologies and processes, ensure that any development will be conducted with the highest standards of environmental protection and minimal impact on the ocean ecosystem. Detailed environmental analyses, mitigation measures, and rigorous scientific oversight are built into every stage of the process." - American Samoan Republic Party ¹⁵	The regulations are "bare bones" and "lack provisions requiring companies to demonstrate their fitness to operate", or "financial assurance" requirements outlining responsibility in the event of environmental damage or bankruptcy. They also lack "specificity around how we will ensure environmental protection." - Elizabeth Klein, former director of the Bureau of Ocean Energy Management (BOEM) from 2023 to 2025. ¹⁶
Countries and Territories Throughout the Pacific Have Taken, and Maintained, a Strong Moratorium Stance Against DSM	"While opposition remains the loudest voice, a growing interest in learning more is emerging—not only here in American Samoa but across Pacific communities. Where some initially responded with outright moratoriums, others have shifted to a more precautionary stance, emphasizing the need for more information." - American Samoan Republic Party ¹⁷	In the Pacific, in countries and territories who have said "no" to DSM include Federated States of Micronesia, Fiji, Guam, Hawai'i, Marshall Islands, New Caledonia, CNMI, Palau, Solomon Islands, Tahiti, Tuvalu, Samoa, Papua New Guinea, and Vanuatu. They have done so alongside American Samoa. It is unclear that any community or territory has moved away from a moratorium position. ¹⁸

- 1 Michael McDonald, There Will Be No Cutting Corners on Deep Sea Mining, [Talane.com](https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/), June 3, 2026, <https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/>
- 2 "Administrative Revisions to Regulations Related to Outer Continental Shelf Minerals Other Than Oil, Gas, and Sulphur." *Federal Register*, 24 Feb. 2026, <https://www.federalregister.gov/documents/2026/02/24/2026-03690/administrative-revisions-to-regulations-related-to-outer-continental-shelf-minerals-other-than-oil>.
- 3 "National Environmental Policy Act Implementing Regulations." *Federal Register*, 24 Feb. 2026, <https://www.federalregister.gov/documents/2026/02/24/2026-03708/national-environmental-policy-act-implementing-regulations>
- 4 Trump Official: Deep-Sea Mining Just Years Away – ACCF. <https://accf.org/trump-official-deep-sea-mining-just-years-away/>. Accessed 16 June 2026
- 5 American Samoa Republican Party Letter to the Editor, *Samoa News*, April 28, 2026. <https://www.samoanews.com/local-news/concerns-about-impact-deepsea-mining>
- 6 <https://www.congress.gov/advanced-search/legislation>
- 7 Michael McDonald, There Will Be No Cutting Corners on Deep Sea Mining, [Talane.com](https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/), June 3, 2026, <https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/>
- 8 Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security | U.S. Department of the Interior. Press Release. 25 June 2025, <https://www.doi.gov/pressreleases/interior-streamlines-offshore-mineral-policies-strengthen-us-supply-chains-and>.

- 9 Michael McDonald, There Will Be No Cutting Corners on Deep Sea Mining, [Talane.com](https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/), June 3, 2026, <https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/>
- 10 Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security | U.S. Department of the Interior. Press Release. 25 June 2025, <https://www.doi.gov/pressreleases/interior-streamlines-offshore-mineral-policies-strengthen-us-supply-chains-and>.
- 11 Michael McDonald, There Will Be No Cutting Corners on Deep Sea Mining, [Talane.com](https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/), June 3, 2026 <https://www.talane.com/2026/06/03/there-will-be-no-cutting-corners-on-deep-sea-mining/>
- 12 Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security | U.S. Department of the Interior. Press Release. 25 June 2025, <https://www.doi.gov/pressreleases/interior-streamlines-offshore-mineral-policies-strengthen-us-supply-chains-and>.
- 13 American Samoa Republican Party Letter to the Editor, *Samoa News*, April 28, 2026. <https://www.samoanews.com/local-news/concerns-about-impact-deepsea-mining>
- 14 Cook Islands Delays Seabed Mining Decision, Extends Exploration to 2032." RNZ, 13 Nov. 2025, <https://www.rnz.co.nz/news/pacific/578735/cook-islands-delays-seabed-mining-decision-extends-exploration-to-2032>.
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- 16 Alberts, Elizabeth Claire. "Experts Say 'Bare Bones' US Laws Are Unfit to Regulate Nascent Deep-Sea Mining Industry." *Conservation News*, 9 June 2026, <https://news.mongabay.com/2026/06/experts-say-bare-bones-us-laws-are-unfit-to-regulate-nascent-deep-sea-mining-industry/>.
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