



## **The NEPA Process Needs to be More Efficient**

by David F. Briggs

When our nation's environmental laws were first enacted during the late 1960s and 1970s, this legislation was never intended to be used as an impediment to projects, which were required to meet the basic needs of modern society. However, over the next four decades the process we employ to permit mining projects has become so cumbersome, it now seriously threatens our economic and national security.

This process currently averages seven to ten years and costs tens of millions of dollars to complete. The Kensington mine in Alaska took nearly twenty years to permit. Our efforts have become so narrowly focused on dealing with the environmental and social aspects of permitting mineral projects, we have become blind to the difficulties this process has caused in attracting the investment capital required to find and develop the natural resources, which will be necessary to fulfill the needs of present and future generations of Americans. According to a recent report published by Behre Dolbear Group, Inc., titled "Where Not to Invest," the risks associated with delays in permitting was identified as the number one reason for not investing in mining opportunities located in the United States.

This has ultimately reduced our ability to supply the minerals we require to ensure our national security and to maintain and improve our infrastructure and standard of living. Today, less than half of the minerals used by the U. S. manufacturing sector are derived from domestic sources. This dependence on foreign sources for raw materials has not only contributed to our country's large trade deficits, but has also left our security needs vulnerable to decisions made by foreign governments.

Is a good permitting process, which takes two to three years and meets or exceeds all legal regulatory standards better than a perfect one that requires seven, ten or even twenty years to complete?

Do the incremental benefits the United States receives from a longer permitting period exceed the negative impacts it has on our economic and national security?

On February 15, 2013, the National Strategic and Critical Minerals Production Act of 2013 (H. R. 761) was introduced in the U. S. House of Representatives. This bill is designed to restore a balance between our national security and economic needs and the protections provided under our environmental laws. It accomplishes this goal by limiting the total review time required under the National Environmental Policy Act to thirty months. It also places time limits on filing civil suits that challenge a federal agency's action and encourages the courts to expeditiously deal with these cases.

The environmental standards of other industrialized nations like Canada and Australia are very similar to ours. If they are able to permit their mining projects in two or three years and meet or exceed all of the regulatory standards of their laws, there is no reason why the United States should not be able to do the same.

Passage of this legislation will significantly reduce the costs and risks associated with indefinite permitting delays. In accomplishing this goal, we will decrease our reliance on foreign sources for the minerals we use, revitalize our domestic minerals supply chain and create incentives for investment and employment opportunities throughout the natural resource and manufacturing sectors of our economy.

Disclaimer: David F. Briggs is a resident of Pima county and a geologist, who has worked in the mining industry for thirty-five years.

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Originally published by Green Valley News and Sun on July 16, 2013.