Rewriting the ground rules

How countries are streamlining mine development for the energy transition

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Savannah Carr-Wilson, Chrissie Pantoja, Lorena De La Puente Burlando, Umama Rahman

Advisor: Kate Whitefoot

RFF Critical Minerals Research Lab

RESEARCH DESIGN

Proposed format & issue/question

- **Examine contemporary mine permitting reforms in the United States, Australia, Chile, and Peru**
- **Describe:**
  - Types of permitting reforms currently underway for critical minerals
  - Key political and economic actors driving these reforms, plus supporting arguments
  - Social and environmental risks and opportunities, particularly for affected communities

RESEARCH DESIGN

Method & contribution

APPROACH

- Qualitative comparative case study

ACADEMIC / POLICY CONTRIBUTION

- Foundation for future empirical research
- Conceptual framework for policymakers and civil society to design reforms that mitigate risks and enhance benefits

INITIAL FINDINGS

United States

TIMELINE OF RECENT REFORMS

- Trump second term – EOs to speed up critical mineral mining
- March 2025 – EO that boosts FAST-41 mine count
- Feb 2026 – Critical Mineral Dominance Act (CMDA) passes the House

KEY ACTORS

Government, industry

MAIN ARGUMENT IN FAVOR

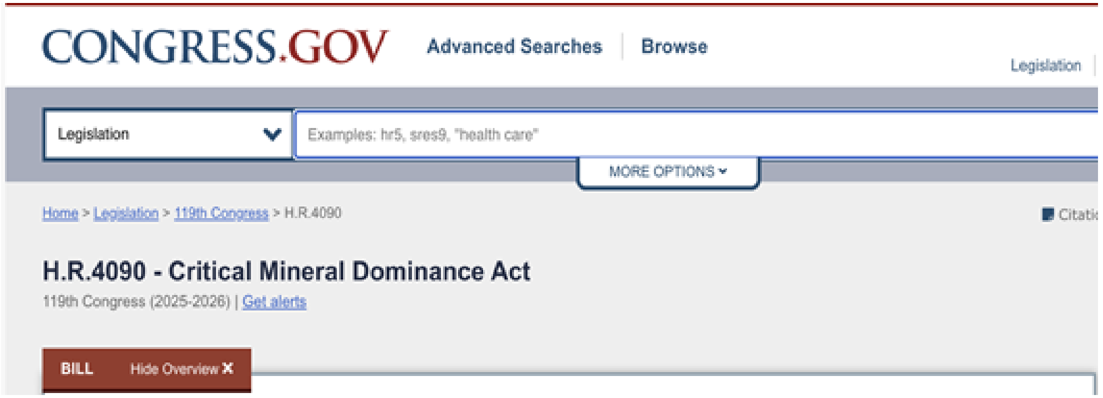
US needs critical minerals for supply chain security

OPPORTUNITIES

FAST-41 leading to permitting improvements

RISKS

CMDA — environmental, social, and other risks



Representative Jared Huffman (Democrat, California), speaking in opposition to the Bill:
"In prioritizing lands for mining, the bill makes no mention of minimizing conflict with neighboring communities, like Tribes, or protecting other important natural resources and uses of public lands like logging, grazing, and recreation. The bill also looks to the mining industry itself for direction on which regulations to roll back..."

INITIAL FINDINGS

Chile

US$65B

Investment pipeline unlocked by faster permitting

70% → 30%

Timeline cut: low-impact vs. large-scale projects

380+ → 1

Permits consolidated onto a single digital platform

Silence = Consent

Agency deadlines are legally binding

REFORM

- One-stop SUPER digital platform; 380+ permits in parallel
- "Silence is consent" — binding agency deadlines
- Focus: lithium & copper (2023 National Lithium Strategy)

KEY ACTORS

- Congress, Min. of Economy, SEA, SERNAGEOMIN, CORFO
- Investors & mining firms pushing faster permitting
- Indigenous communities in lithium-rich Atacama

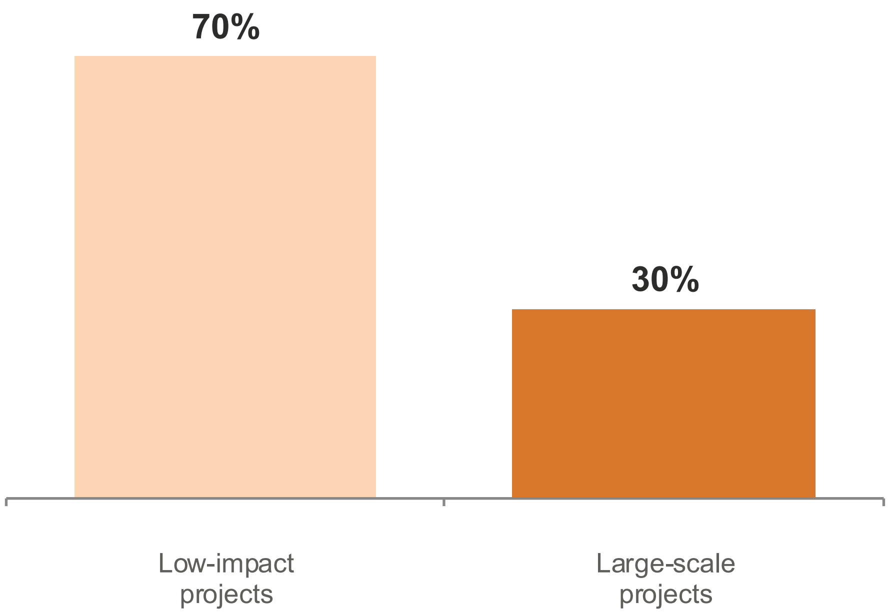
MECHANISM

- Unified digital single-window (SUPER) authorization
- Parallel, not sequential, sectoral permit review
- Legally binding deadlines lower regulatory uncertainty

IMPLICATIONS

- + Investment, jobs & fiscal revenue from stronger pipeline
- + Faster copper & lithium supply for energy transition
- − Weaker FPIC; environmental stress on water & wetlands

PERMITTING TIMELINE REDUCTION



Trade-off to watch: Faster, automatic approvals raise concerns over weaker FPIC consultation and reduced scrutiny of water, wetland, and biodiversity impacts in lithium-rich Atacama territories.

Source: MINECON (2025a, 2025b) — Ley N° 21.770, Ley Marco de Autorizaciones Sectoriales.

INITIAL FINDINGS

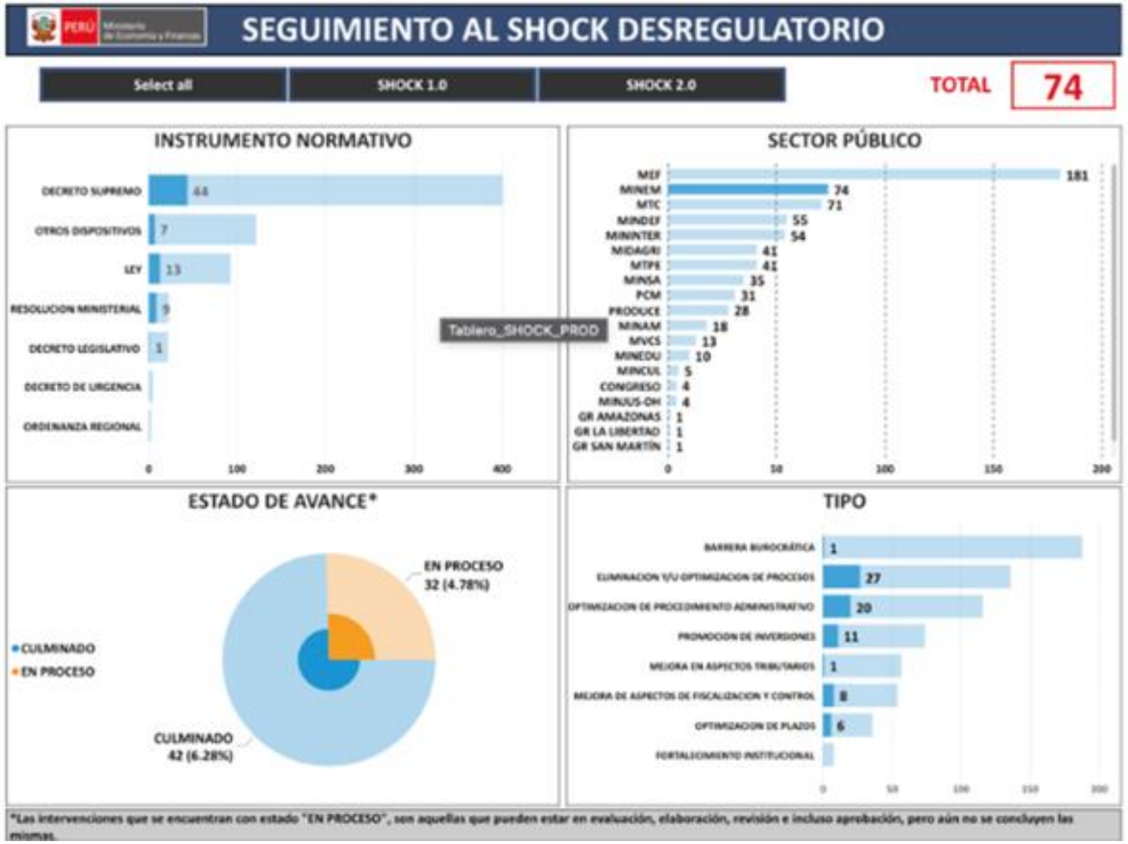
Peru

TIMELINE OF RECENT REFORMS

- 2005-2018: mining boom and strengthening of environmental institutions
- 2021-present: pandemic, political crisis, new markets, and race to the bottom
  - Rising international demand for critical minerals, particularly copper, has fueled deregulatory efforts
  - 2025 deregulatory shock: 600+ reforms; 74 directly impact mining, 18 affect environmental institutions, 5 concern cultural and Indigenous rights
  - SENACE has lost authority and budget to pro-extractive sectors
  - Natural areas and forests are now less protected
  - Informal and illegal mining has become easier to conduct

RISKS AND OPPORTUNITIES

- Mistaking sustainable, efficient governance for mere red tape (*tramitologia*)
- Increased environmental risks and escalation of social conflicts
- Shift toward prioritizing private and corporate interests over environmental protection and collective rights



Ministry of the Economy and Finance (MEF) self-promoting the deregulatory shock, figures for the Energy and Mines Ministry, with 74 out of 669 reforms.

INITIAL FINDINGS

Australia

~13%
Mining's share of Australian GDP and exports

5
Federal and state laws shaping mine permitting

Federal + State
Dual-level permitting authority across jurisdictions

No Veto
Native Title Act gives negotiation rights, not a veto

PERMITTING APPROACH

- Established process; shaped by historical laws
- No full reform — focus on speed, less inter-agency bureaucracy
- More state-level processing than federal

KEY ACTORS

- Federal and state governments
- Mining companies
- Civil society and NGOs
- Indigenous groups

KEY LAWS

- EPBC Act (1999) — federal environmental approvals
- Native Title Act (1993) — negotiation rights, no veto
- Mining Act (1978) & Mineral Resources Act (1989) — approvals & leases
- Environmental Protection Act (1994) — environmental regulation

REFORM RATIONALE

- Energy transition → critical minerals supply
- Economic growth (~13% of GDP, exports)
- Reduce approval delays → attract investment

KEY CONCERNS

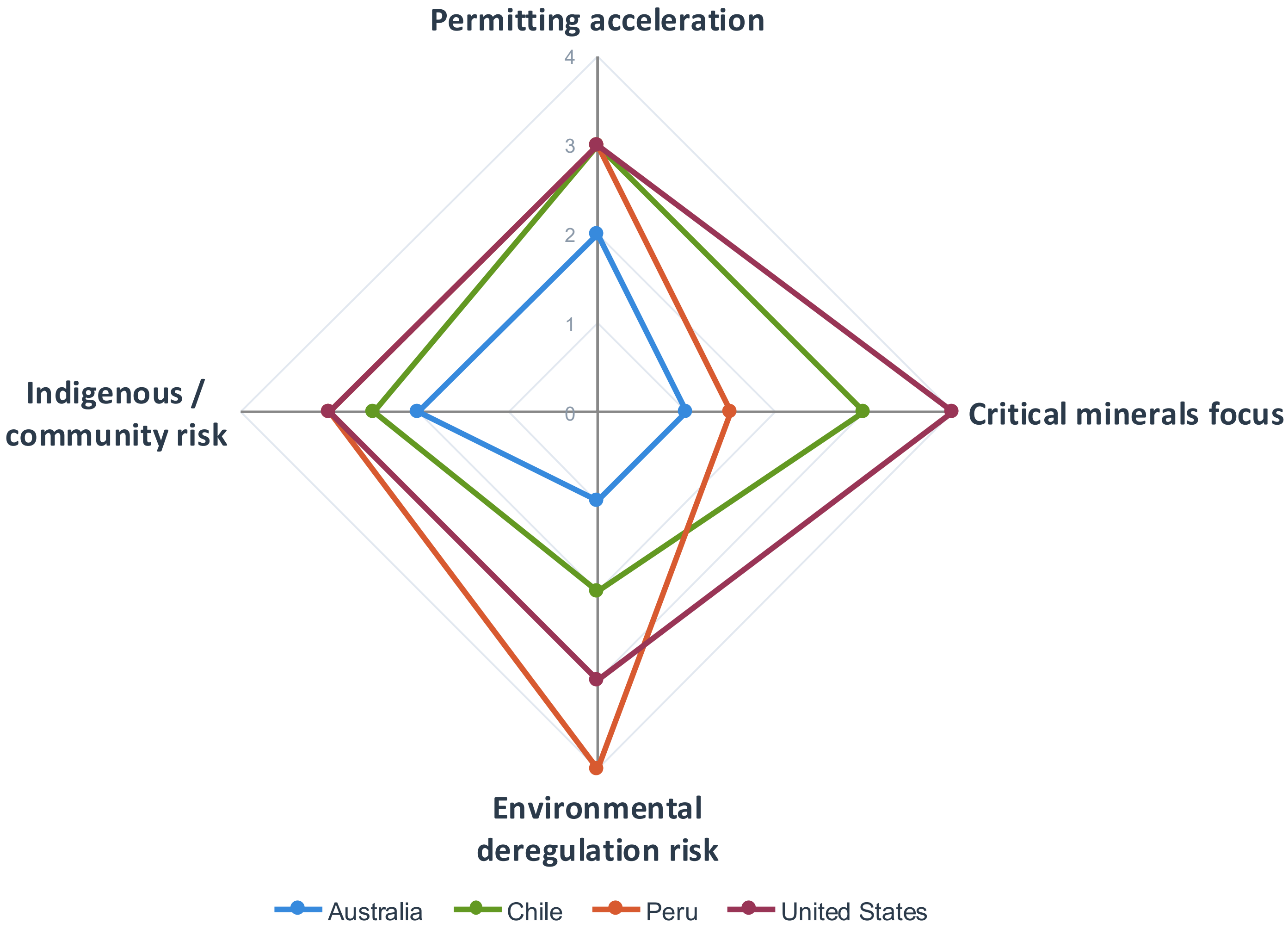
- Indigenous and tribal rights
- Water issues

IMPLICATIONS

- Opportunities: faster, more efficient approvals
- Social risks: rights and water-related impacts

Comparative scorecard: mine permitting reform

Qualitative comparison across four dimensions — Australia, Chile, Peru, United States



SCALE

1 = Low

2 = Medium

3 = High

4 = Very High

KEY FINDINGS

- All four countries are accelerating mine approvals.
- Environmental permitting is the primary reform target.
- Critical minerals narratives are strongest in Chile and the US.
- Peru shows the strongest deregulatory trend.

Scores reflect qualitative comparison based on case-study research, not a precise numeric index.

Policy recommendations

Designing permitting reform that captures efficiency gains without sacrificing safeguards

1 Decouple speed from scope

Coordination tools (one-stop platforms, binding deadlines) can cut delays without weakening review. Chile's LMAS and the US FAST-41 model show this is possible — keep environmental standards fixed while streamlining process.

2 Fund oversight before expanding access

Peru and the US both cut agency capacity (SENACE budget; CEQ rules) while accelerating approvals. Pair any timeline reform with guaranteed funding and staffing for the reviewing agency, not after the fact.

3 Make consultation a binding step, not a courtesy

No country in this set grants Indigenous communities a formal veto. At minimum, require documented early consultation before permits are finalized, with a public record of objections raised and how they were addressed.

4 Separate critical minerals framing from blanket deregulation

The strongest mineral-specific case (Chile & Australia) kept the most safeguards; the broadest deregulation (Peru) had the weakest mineral-specific strategy. This suggests sector-specific reform, not across-the-board rollback, better serves both energy goals and environmental protection.

Recommendations are derived from cross-country patterns identified in the comparative case studies, not a prescriptive model.

Thank you

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