



## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Ocean Energy Management**

**[Docket No. BOEM-2026-0100]**

#### **Commercial Leasing for Outer Continental Shelf Minerals Offshore the Commonwealth of Virginia – Request for Information and Interest**

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Request for information and interest.

**SUMMARY:** On November 13, 2025, the Bureau of Ocean Energy Management (BOEM) received an unsolicited request to lease hard minerals (herein “minerals”) in an area on the Outer Continental Shelf (OCS) offshore the Commonwealth of Virginia. After reviewing the request, BOEM decided to initiate the first step that could potentially lead to a lease sale by publishing this request for information and interest (RFI). This RFI is not a final decision to lease the minerals and does not prejudice any future Secretarial decisions concerning leasing offshore the Commonwealth of Virginia. This RFI requests information and comments on, and indications of interest in, the leasing of OCS minerals in and around the area identified in this RFI (hereby referred to as the RFI Area). BOEM will consider information and interest received in response to this RFI when considering whether to proceed with additional steps leading to the offering of OCS minerals for lease offshore the Commonwealth of Virginia. Those interested in providing comments should provide the information requested in section 6, “Types of Information and Comments Requested,” of this RFI. Those interested in leasing in and around the RFI Area for OCS mineral development should provide the types of information described in section 7, “Requested Information for Indications of Interest.” BOEM may or may not offer a lease for commercial OCS mineral development offshore the Commonwealth of Virginia after

conducting consultations and environmental review, and after considering public comments.

**DATES:** BOEM must receive all comments, information, and indications of interest in response to this RFI no later than **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

**ADDRESSES:** Please submit indications of interest in commercial leasing electronically via email to [BOEMVAMineralLeaseSale@boem.gov](mailto:BOEMVAMineralLeaseSale@boem.gov) or by hard copy by mail to the following address: Bureau of Ocean Energy Management, Office of Strategic Resources, Marine Minerals Division, 45600 Woodland Road, Sterling, Virginia 20166. If you elect to mail a hard copy, also include an electronic copy on a portable storage device. Do not submit indications of interest via the Federal eRulemaking Portal.

Please submit all other comments and information as discussed in section 6, entitled “Types of Information and Comments Requested,” by either of the following two methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. In the search box at the top of the webpage, enter BOEM-2026-0100 and then click “search.” Follow the instructions to submit public comments and to view supporting and related materials.
2. By mail to the following address: Bureau of Ocean Energy Management, Office of Strategic Resources, Marine Minerals Division, 45600 Woodland Road, Sterling, Virginia, 20166.

Treatment of confidential information is addressed in section 8 of this notice entitled, “Protection of Privileged, Personal, or Confidential Information.” BOEM will post all comments received on [regulations.gov](http://www.regulations.gov) unless labeled as confidential and BOEM determines that an exemption from disclosure applies.

**FOR FURTHER INFORMATION CONTACT:** Geoffrey Wikel, Bureau of Ocean Energy Management, Office of Strategic Resources, 45600 Woodland Road, Sterling, Virginia, 20166, at [BOEMVAMineralLeaseSale@boem.gov](mailto:BOEMVAMineralLeaseSale@boem.gov), 703-787-1283.

**SUPPLEMENTARY INFORMATION:**

The OCS Lands Act (43 U.S.C. 1331 *et seq.*) declares that it is the policy of the United States that the OCS “is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.” *Id.* at 1332(3). BOEM requests information and comments from Federally Recognized Indian Tribes, Federal agencies, state and local governments, environmental and other public interest organizations, the marine mineral mining and dredging industries, other interested organizations and entities, and the public, for use in the consideration of whether to offer OCS minerals for lease offshore the Commonwealth of Virginia. BOEM is seeking a wide array of information, including but not limited to information on the potential impact of OCS mineral exploration and development on OCS resources and the marine, coastal, and human environments. This RFI published under the OCS Lands Act, 43 U.S.C. 1337(k)(1), and its implementing regulations at 30 CFR 581.12.

***1. Public Comment Procedure***

BOEM’s strong preference is to receive comments via [regulations.gov](https://www.regulations.gov), except when a comment contains proprietary information. Comments should include the full name and address of the individual submitting the comment(s). Before including personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made publicly available. While you can ask BOEM in your comment to withhold your personal identifying information from public review, BOEM cannot guarantee that we will be able to do so. Even if BOEM

withholds your information in the context of this RFI, your submission is subject to the Freedom of Information Act (FOIA), and if your submission is requested under the FOIA, your information will only be withheld if a determination is made that one of the FOIA's exemptions to disclosure applies. Such a determination will be made in accordance with the Department of the Interior's (DOI) FOIA regulations and applicable law.

## ***2. Background Information***

Section 8(k) of the OCS Lands Act (43 U.S.C. 1337(k)) authorizes the Secretary of the Interior to grant leases on the OCS to qualified persons offering the highest cash bonuses for minerals other than oil, gas, and sulfur on a competitive basis. The Trump Administration recognizes that an overreliance on foreign critical minerals and their derivative products could jeopardize U.S. defense capabilities, infrastructure development, and technological innovation. To support and facilitate domestic production of critical minerals, the Trump Administration has issued a series of Executive Orders (E.O.s), including E.O. 14156, "Declaring a National Energy Emergency" (January 20, 2025); E.O. 14154, "Unleashing American Energy" (January 20, 2025); and E.O. 14285, "Unleashing America's Offshore Critical Minerals and Resources" (April 24, 2025). The Secretary of the Interior also issued Secretary's Order (SO) 3417, "Addressing the National Energy Emergency" (February 3, 2025) and SO 3418, "Unleashing American Energy" (February 3, 2025), which direct DOI bureaus to responsibly facilitate and expedite OCS critical mineral permitting, leasing, and development.

On November 13, 2025, a United States based company, Odyssey Marine Exploration (OME), submitted an unsolicited request for a mineral lease sale offshore the Commonwealth of Virginia. BOEM conducted an evaluation of the request, including the area proposed for leasing, the OCS minerals of primary interest (i.e., heavy minerals

sands and phosphorites), and the available OCS mineral resource and environmental information pertaining to the area of interest. On December 12, 2025, pursuant to 30 CFR 581.11(b), BOEM announced the initiation of the steps that could potentially lead to an OCS mineral lease sale.

In response to the E.O.s, SOs, and the unsolicited mineral lease sale request, BOEM is taking immediate action to accelerate the responsible exploration and development of OCS mineral resources with the publication of this RFI.

The initiation of this process has the potential to advance America's national security and future prosperity through the identification of and access to OCS minerals, which include those minerals identified as critical minerals by Federal statute and as defined by the Secretary of the Interior. Pursuant to Section 7002 of the Energy Act of 2020 (Pub. L. No. 116-260, Division Z), critical minerals are defined as any minerals, elements, substances, or materials that are determined to be essential to the economic and national security of the United States, have a supply chain vulnerable to disruption, and play an essential role in manufacturing a product whose absence would significantly affect U.S. economic or national security. On November 7, 2025, the Secretary of the Interior, through the U.S. Geological Survey, identified 60 critical minerals with 43 of these minerals being found on the OCS (90 FR 50494).

If a lease is issued, it would grant to the lessee the right to conduct preliminary activities and, with prior BOEM approval, to explore, develop, and produce leased minerals from the lease area, unless reserved as explained in 30 CFR 581.8. Exploration, development, and production is contingent on BOEM's evaluation and approval of delineation, testing, and mining plans submitted by the lessee. The only operations permissible under a lease without prior review and approval are preliminary activities as defined in 30 CFR 582.21(d). If BOEM proceeds with the critical minerals planning and leasing process for the area identified offshore Virginia, the environmental review

completed by BOEM will focus on preliminary activities. Subsequent operations described in 30 CFR part 582 will be subject to additional environmental review.

Upon publication of this RFI, BOEM intends to engage with the Government of the Commonwealth of Virginia, relevant OCS users, and Federal agencies including, but not limited to, the U.S. Fish and Wildlife Service; the National Park Service; the U.S. Army Corps of Engineers; the U.S. Coast Guard; the National Oceanic and Atmospheric Administration; the Department of War; the National Aeronautics and Space Administration; and the Mid-Atlantic Regional Council on the Ocean (MARCO), which is a Congressionally-authorized Regional Ocean Partnership established by the governors of Virginia, Maryland, Delaware, New Jersey and New York. BOEM also intends to engage with Federally Recognized Indian Tribes, consistent with the Department of the Interior Tribal Consultation Policy, regarding economic, environmental, and public health concerns with OCS mineral development throughout the OCS mineral planning and leasing process. In addition, BOEM considers other information when conducting its lease sale decision-making processes, including available data and information on the location of marine life and habitat areas, cultural resources, transportation links, fishing areas, and other human uses.

### ***3. BOEM's Leasing Process***

BOEM will follow the steps required by 30 CFR 581.11 through 581.23 if it decides to proceed with the competitive leasing process after analyzing the responses to this RFI. Briefly, those steps are:

- (1) OCS Mining Area Identification: BOEM will select tracts to be considered for offering of a lease. The selected tracts will be considered in the environmental analysis conducted for the proposed lease offering.
- (2) Proposed Leasing Notice (PLN): BOEM will publish a PLN in the *Federal Register* at least 60 days prior to the publication of a final leasing notice. The

PLN will describe the areas that BOEM intends to offer for leasing; proposed primary terms of the OCS mineral leases to be offered; lease stipulations, including measures to mitigate potentially adverse impacts on the environment; and such rental, royalty, and other terms and conditions that BOEM may prescribe in the leasing notice.

- (3) Final Leasing Notice (FLN): If it decides to proceed to conduct a lease sale, BOEM will publish a FLN in the *Federal Register* at least 30 days before the date of the lease sale. The FLN will state whether oral or sealed bids or a combination thereof will be used; the place, date, and time at which sealed bids will be filed (if applicable); and the place, date, and time at which bids are received. The FLN will contain or reference a description of the tract(s) to be offered for lease; specify the mineral(s) to be offered for lease (if not all OCS minerals are being offered); specify the period of time the primary term of the lease will cover; and any lease stipulations, terms, and conditions. Additionally, the FLN will include a reference to the OCS mineral lease form that will be issued to successful bidders and specify the terms and conditions governing the payment of the winning bid.

- (4) Bid Submission and Evaluation: BOEM will offer the lease area(s) through a competitive, cash bonus bidding process under terms and conditions specified in the FLN.

- (5) Issuance of a Lease: Following identification of a winning qualified bidder, BOEM will notify that bidder and provide the lease documents for signature.

#### **4. Purpose of the RFI**

The purpose of this RFI is to gather comments, information, and indications of interest from any interested parties for a potential OCS mineral lease sale offshore the Commonwealth of Virginia. This RFI is one of the initial steps in the process to ensure

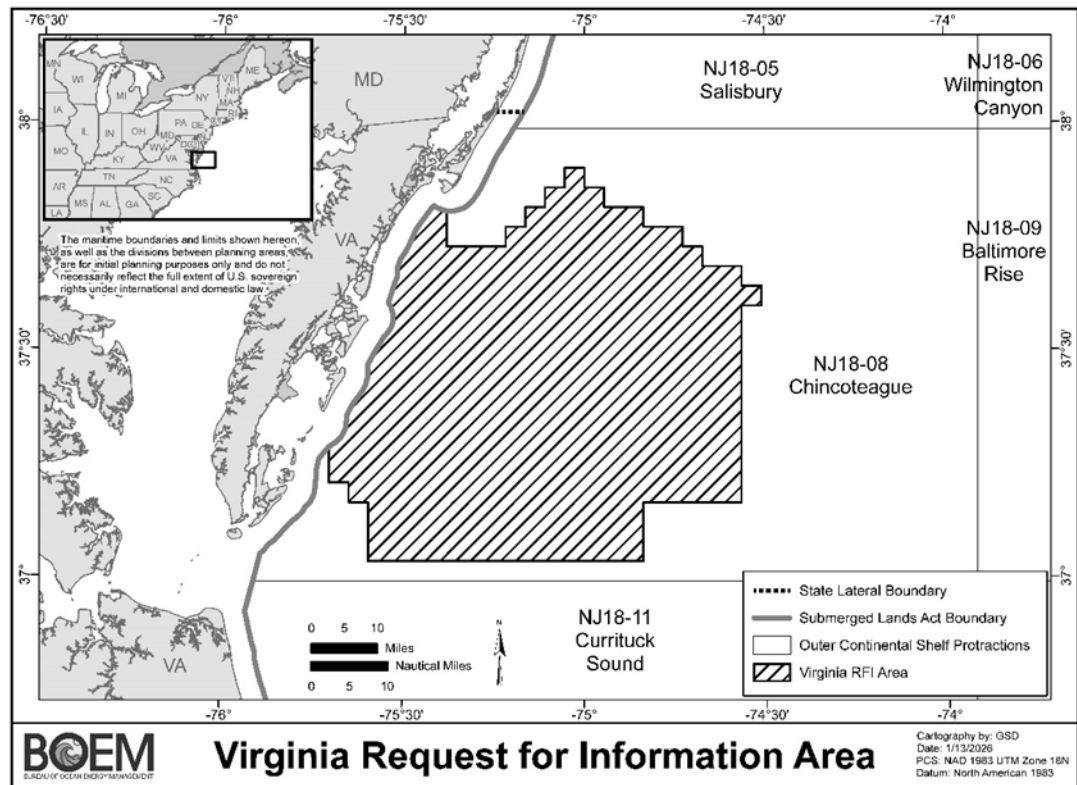
that all interests and concerns are considered for future leasing decisions. This does not mean that DOI or BOEM have reached a decision about whether or under what circumstances to lease in this area. BOEM will consider information and comments received that may identify any potential environmental impacts, multiple use conflicts, and ways to eliminate, mitigate, and monitor for impacts to assist in future analysis and leasing decisions. The input received may help BOEM determine the scope of the National Environmental Policy Act (NEPA) review that BOEM would need to prepare to support the lease sale. BOEM will also determine if any responses identify specific areas of interest in and around the RFI Area that could support commercial mineral development, potential conflicts among offshore activities and the Commonwealth of Virginia's Coastal Zone Management Plan, and any requirements that could ensure safe and environmentally responsible activities should any leases be issued.

#### ***5. Description of the RFI Area***

The RFI Area is derived from the area of interest identified in the unsolicited mineral lease sale request submitted by OME on November 13, 2025. The RFI Area is located between three and 63.5 miles offshore of the Delmarva Peninsula seaward of Accomack and Northampton counties in the Commonwealth of Virginia and lies entirely on the OCS of the United States. This area is comprised of approximately 1,769,196 acres (2,764 square miles) with an approximate water depth of 30 – 410 feet (9 – 125 meters). The RFI Area is located on the continental shelf and includes 301 whole and 19 partial OCS lease blocks. BOEM plans to refer to Official Protraction Diagrams, whole or partial OCS lease blocks, and aliquots for the purpose of area identification and tract size specification. This is consistent with previous RFIs issued related to OCS mineral lease sales and the practice used by BOEM for other OCS leasing activities (e.g., oil and gas, other minerals). The map depicting the RFI Area (Figure 1), a spreadsheet listing its specific OCS blocks, and an Esri shapefile are available for download on the BOEM

website at: <https://www.boem.gov/marine-minerals/discovering-offshore-critical-mineral-resources-atlantic-outer-continental-shelf>.

**Figure 1: Request for Information and Interest (RFI) Area**



BOEM is seeking to identify one or more locations suitable for OCS mineral development in and around the RFI Area. Respondents may nominate areas of interest and comment on any OCS acreage in and around the RFI Area. The RFI Area is not necessarily indicative of the area that may ultimately be offered for lease. Responses to this RFI will help determine lease tract size and block configurations for potential leasing. If BOEM proceeds with the leasing process, tract sizes will be proposed in the PLN and finalized in the FLN.

## ***6. Types of Information and Comments Requested***

BOEM invites comments from anyone who would like to submit information and suggestions for BOEM's consideration in determining, among other things, the

appropriate size and location of potential OCS mineral leasing in and around the RFI Area. Commenters should be as specific and detailed as possible. Where applicable, spatial information should be submitted in a format compatible with Esri ArcGIS (Esri shapefile, Esri file geodatabase, KML (Keyhole Markup Language), GeoJSON, or GeoPackage) in the WGS84 geographic coordinate system. BOEM is requesting information on the following:

- a. Information concerning the offering of a specific OCS mineral, a group of OCS minerals, or all OCS minerals (other than oil, gas, and sulfur) for lease in and around the RFI Area or the offering of one or more discrete tracts which represent a minable orebody.
- b. Geological conditions, archaeological resources, or potential hazards on the seabed in and around the RFI Area.
- c. Multiple uses in and around the RFI Area, including shipping, navigation, and recreation.
- d. Socioeconomic, biological, and environmental information in and around the RFI Area or analogous sites for comparative analysis; potential impacts of leasing and mining activities to these resources; and methods to eliminate, mitigate, and monitor for impacts.
- e. Information regarding commercial, Tribal, and recreational fisheries, including but not limited to, the use of the areas, the fishing gear types used, seasonal use, and recommendations for reducing use conflicts.
- f. Relative environmental sensitivity and marine productivity in and around the RFI Area.
- g. Information on the preliminary activities necessary to develop comprehensive delineation, testing, or mining plans, particularly the types of any necessary surveys and associated equipment.

- h. Information on the types of potential activities associated with future delineation, testing, or mining of OCS minerals.
- i. Information concerning the relationship between OCS mineral leasing and the Virginia Coastal Zone Management Program administered under Section 305 or Section 306 of the Coastal Zone Management Act of 1972, as amended, (16 U.S.C. 1454 and 1455).
- j. Information relevant to Federally Recognized Indian Tribes and the potential presence of traditional cultural properties (TCPs), cultural landscapes, and other places of cultural, spiritual, or historical importance in or adjacent to the RFI Area. BOEM also invites recommendations for avoiding or minimizing potential effects to such areas during planning and analysis. BOEM understands that some information regarding TCPs may be sensitive and encourages respondents to identify any confidentiality concerns associated with their submissions. BOEM will protect confidential information shared in response to this RFI to the extent authorized by Federal law. Treatment of confidential information is addressed in section 8 of this notice entitled, “Protection of Privileged, Personal, or Confidential Information.”
- k. Socioeconomic information for communities potentially affected by OCS mineral leasing in and around the RFI Area, including community profiles, vulnerability, and resiliency data. BOEM is also requesting comments on how best to engage with these communities.
- l. Information from the marine minerals industry on the considerations for OCS mineral development in and around the RFI Area, such as water depth, seafloor conditions, operational challenges, mineral extraction feasibility, offtake strategies, proximity to processing centers, costs, and other relevant items.

- m. Information on the appropriate lease size and number of mineral leases BOEM should offer. Each lease area would consist of contiguous full or partial OCS blocks and likely be of a size that could reasonably be developed under typical industry practices.
- n. Information on what a reasonable and fair rental rate would be for an OCS mineral lease offshore the Commonwealth of Virginia. Should adjustment or suspension of rental payments be allowed under certain conditions, such as geologic, geographic, technical, or economic factors? If so, what specific conditions should apply?
- o. The regulations at 30 CFR 581.26(h) and 30 CFR Part 1206, Subpart G, establish a framework for valuing production for royalty purposes. If BOEM proceeds with a lease sale offshore the Commonwealth of Virginia, BOEM intends to apply a royalty to all marketable mineral production. BOEM is seeking information on potential royalty rates and schedules that would effectively serve as both an incentive for development and assure a fair return to the public for extracted minerals. The royalty schedule may be modified from the provisions in 30 CFR 581.28(b) and may include a flat royalty on all marketed mineral production.
- p. Information on appropriate bid deposit, minimum bid levels, and preferred auction format (sealed bid or ascending). BOEM is evaluating the use of an ascending oral bid auction format and is considering limiting bidders to one lease area per lease sale if multiple areas are offered. Please note that OCS mineral leases will be awarded solely through competitive cash bids.
- q. Information on the primary lease term and related conditions that BOEM should consider, including information on the appropriate duration of the primary term. Please note that the term could potentially be a 10-year term for sand and gravel or a 20-year term for marine minerals other than sand and gravel.

- r. BOEM invites public comment on whether there are any barriers to leasing and production of marine minerals that commenters think BOEM should be aware of, including regulatory barriers.

#### ***7. Requested Information for Indications of Interest***

Indications of interest for specific areas and the accompanying rationale are extremely useful in helping BOEM understand and model the commercial viability and technical feasibility of mining portions of the OCS. BOEM requests that respondents nominate specific blocks or acreage within the RFI Area that are of particular interest for consideration in a possible OCS mineral lease sale. Nominations must be depicted on a map of the RFI Area with the area(s) of interest clearly outlined. Where applicable, interested companies should submit spatial information in a format compatible with Esri ArcGIS (Esri shapefile, Esri file geodatabase, KML (Keyhole Markup Language), GeoJSON, or GeoPackage) in the WGS84 geographic coordinate system.

If you wish to indicate interest in obtaining a commercial OCS mineral lease in one or more areas within or around the RFI Area, you should provide the following information for each area of interest:

- a) The area to be offered for lease.
- b) The OCS minerals of primary interest.
- c) The available OCS mineral resource, geological, archaeological resources, and environmental information (including methods to eliminate, mitigate, and monitor for potential impacts) pertaining to the area of interest to be offered for lease.

Although the identities of those indicating interest in specific areas in response to this RFI become a matter of public record, their indications of interest in specific areas are considered proprietary information. BOEM will not release information that associates any particular area of interest or nomination with any particular party, so as not

to compromise the competitive position of any participants. Respondents may rank areas of specific interest according to priority: 1 (high), 2 (medium), and 3 (low). Please include in your response the name and telephone number of a person in the respondent's organization that BOEM can contact for additional information or clarification.

Please submit indications of interest in commercial leasing electronically via email to [BOEMVAMineralLeaseSale@boem.gov](mailto:BOEMVAMineralLeaseSale@boem.gov) or by hard copy by mail to the following address: Bureau of Ocean Energy Management, Office of Strategic Resources, Marine Minerals Division, 45600 Woodland Road, Sterling, Virginia 20166. If you elect to mail a hard copy, also include an electronic copy on a portable storage device. Do not submit indications of interest via the Federal eRulemaking Portal.

#### ***8. Protection of Privileged, Personal, or Confidential Information***

##### **a. Freedom of Information Act**

BOEM will protect privileged or confidential information that you submit when required by FOIA. Exemption 4 of FOIA applies to trade secrets and commercial or financial information that is privileged or confidential. If you wish to protect the confidentiality of such information, clearly label it and request that BOEM treat it as confidential. BOEM will not disclose such information if BOEM determines that it qualifies for exemption from disclosure under FOIA. Please label privileged or confidential information "Contains Confidential Information" and consider submitting such information as a separate attachment.

BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such privileged or confidential information. Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release.

##### **b. Personally Identifiable Information**

BOEM discourages the submission of anonymous comments. Please include your name and address as part of your comment. You should be aware that your entire comment, including your name, address, and any personally identifiable information (PII) or otherwise sensitive information included voluntarily in your comment may be made publicly available. All submissions from identified individuals, businesses, and organizations will be available for public viewing on regulations.gov. Note that BOEM will make available for public inspection all comments, in their entirety, submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

For BOEM to consider withholding your PII from disclosure, you must identify any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. Even if BOEM withholds your information in the context of this RFI, your submission is subject to FOIA and, if your submission is requested under FOIA, your information will be withheld only if a determination is made that one of FOIA's exemptions to disclosure applies. Such a determination will be made in accordance with the Department's FOIA regulations and applicable law.

- c. Section 304 of the National Historic Preservation Act (NHPA) (54 U.S.C. 307103(a))

After consultation with the Secretary, BOEM is required to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Federally Recognized Indian Tribes, communities, and organizations should designate information that falls under Section 304 of the NHPA as confidential. If appropriate, BOEM may also use submitted information to support the

Section 106 consultation required by the NHPA related to historic preservation concerns and in part address the commenting requirements noted in 36 CFR part 800.

**Matthew N. Giacona,**  
*Acting Director,*  
*Bureau of Ocean Energy Management.*

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