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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in The News

The clock is ticking toward the December 11 deadline for Congress to reach a funding deal that avoids a government shutdown. Congress seems to be making progress on an omnibus appropriations bill, although end of year negotiations sometimes involve short appropriations extensions to reach a final bill. Despite continuing discussions around additional COVID relief measures, it is unclear if the House and Senate can reach any agreement on a package in time for a vote on government funding legislation and before leaving Washington for the year. Meanwhile, transition activities by President-elect Biden's team are in full gear and the National Mining Association (NMA) continues to advance mining's interests at both ends of Pennsylvania Avenue.

Safety Share

In New Hampshire so far this year, eight people have died in seven home fires. None of them had [working smoke alarms](#).

Congressional Focus on Uranium

Today, the Senate Environment and Public Works (EPW) Committee held a markup on Chairman John Barrasso's (R-Wyo.) recently introduced American Nuclear Infrastructure Act of 2020 ([S. 4897](#)). The legislation was successfully reported to the full Senate by a 16-5 vote. The EPW Committee held a hearing on the legislation's discussion draft on August 5. Please find a link to the hearing and witness testimony [here](#). The bipartisan S. 4897 seeks to preserve our nation's existing nuclear energy capabilities and support uranium mining and conversion industries by authorizing the creation of the National Strategic Uranium Reserve. The bill would also reduce regulatory barriers that stand in the way of advanced nuclear technologies and provide the Nuclear Regulatory Commission with the authority to deny imports of Russian and Chinese nuclear fuel.

As efforts continue to pull together an omnibus spending package before the end of the year, the NMA joined the Nuclear Energy Institute and several state mining organizations in advocating to House and Senate appropriators to fully fund the National Strategic Uranium Reserve. This final push is a follow-up to similar advocacy in July. The recent Senate Appropriations package recommended a total of \$150 million for the creation of a reserve at the Department of Energy (DOE). The NMA will continue to seek out opportunities to support congressional efforts to fund a uranium reserve.

Final Defense Authorization Legislation



The House and Senate Armed Services committees are trying to complete negotiations both in Congress and with the administration on this year's National Defense Authorization Act (NDAA). For nearly 60 years, Congress has passed this bill annually and intends to do so again this year, although the White House is threatening a veto due to the base renaming controversy and over unrelated liability protections for social media platforms like Facebook and Twitter. The House version of the NDAA contained a number of amendments including the House-passed Protecting America's Wilderness Act ([H.R. 2546](#)), designating hundreds of thousands of acres of new wilderness land restrictions, and the House-passed Grand Canyon Centennial Protection Act ([H.R. 1373](#)), permanently withdrawing more than 1 million acres of public land well outside of the boundaries of the Grand Canyon National Park from new mining claims.

It remains highly unlikely that any public lands provisions will appear in a final conferenced NDAA due to wide ranging differences between the leadership of the Senate Energy and Natural Resources Committee and the House Natural Resources Committee. However, the NMA advocated earlier this year and has continued to advocate [for a number of priorities](#). We expect the conferenced NDAA to include a focus on not only critical but strategic minerals and metals, an assessment of the Department of Defense's (DOD) needs, as well as supply chain vulnerabilities to further the DOD's focus on domestic requirements and domestic production. We expect the conferenced NDAA to also include a focus on domestic rare earths production.

Georgia Still on Our Minds



This week MINE PAC, COAL PAC, NMA member Political Action Committees and executives held a fundraiser for Senator Kelly Loeffler’s January 5, 2021 re-election. Both Senators Loeffler and David Perdue will appear on the January 5 ballot determining U.S. Senate control. The NMA and NMA members have raised more than \$100,000 for both Senators directly through these two events, and NMA members and executives are contributing through supporting organizations and political action committees helping these races. There’s still an opportunity to contribute to Senators Loeffler and Perdue. Please [contact Ryan Jackson](#), Sr. Vice President for Government and Political Affairs, for information on how to help.

New Department of Energy Critical Minerals Financial Support

The Department of Energy (DOE) has issued new [guidance](#) directing the agency’s [Loan Program Office](#) (LPO) to “interpret the Title XVII Program and the Advanced Technology

Vehicles Manufacturing (ATVM) Program broadly to encourage applications from potential projects involving the production, manufacture, recycling, processing, recovery, or reuse of Critical Minerals and other minerals.” This broader authority was included in President Trump’s Executive Order [13953](#), which established LPO lending policies directed at mineral production activities. The guidance provides several examples of potential mineral projects under Title XVII and the ATVM statute that can be used as a reference. For more information on the guidance and to learn more about the application process, please [see NMA’s memo](#).

The NMA was able to secure a call tomorrow at 4:00 p.m. Eastern, December 3, with LPO Senior Advisor John Lushetsky. Mr. Lushetsky will provide an overview of the process and discuss what potential applicants will need to consider moving forward. If you would like to participate on the call, please access the call-in information [here](#). In the meantime, please contact jprosser@nma.org if you have any questions.

Latest COVID-19 Relief Legislation News

Negotiations continue in Congress on legislation to provide additional federal funding for health care services, vaccine development and distribution, and financial support for the economic impacts from the COVID-19 pandemic. Speaker Pelosi and Leader McConnell this week made statements regarding a willingness to negotiate. To date, the House and Senate have been upwards of \$2 trillion apart with differing priorities. As recently as yesterday, Leader McConnell’s office was [circulating a proposal](#) that is similar to previous Senate majority proposals. Senate majority proposals continue to maintain support for the bipartisan minerals production and coal rare earth element proposals. Speaker Pelosi’s office may be circulating a further proposal. Yesterday a bipartisan and bicameral group of Senators and House members introduced the [framework of legislation](#) reaching just over \$900 billion in COVID-19 relief.

Army Corps Mining RGL Nears the Finish Line

This week the NMA continued its advocacy with the Army Corps of Engineers to encourage the swift issuance of a mining-specific regulatory guidance letter (RGL) to clarify existing flexibilities in the 2008 compensatory mitigation rule and recognize the unique aspects of the mining industry when it comes to compensatory mitigation. NMA President and CEO Rich Nolan met with Assistant Secretary of the Army for Civil Works R.D. James to reiterate the importance of the RGL to the mining industry and ensure its prioritization as the administration works to complete its priorities in the coming weeks. We understand the mining RGL will be included in a package of broader compensatory mitigation guidance and will address many of the NMA's top priorities including: recognition of reclamation efforts as a mitigation measure; clarity on site protection and financial assurances; consideration of the requirements by other regulatory agencies; and making long term management of large scale compensatory mitigation projects more predictable and practical. NMA will continue our advocacy in and keep you informed of developments as the RGL nears the finish line in the regulatory process.

Comment Period Opens on FPISC to Add Mining as Fast-41 Covered Sector

The comment period has opened for the Federal Permitting Improvement Steering Council's (FPISC) [proposed rule](#) to include minerals mining as a covered sector eligible for the expedited permitting process available under section 41 of the Fixing America's Surface Transportation Act (FAST-41). Comments on the proposal are due on Dec. 28, 2020.

NMA will advocate for a quick finalization of the rule and urge FPISC to oppose any extensions of the comment deadline to allow finalization of the rule in early 2021. We expect many environmental organizations to oppose the addition of the minerals mining sector and urge individual companies and state associations to submit comments in

support of the proposal. NMA will be sending out a draft comment template in the coming days to assist with preparation of company or state association comments.

Senate Confirms FERC Nominees

The Senate on Monday night confirmed the nominations of Mark Christie and Allison Clements to join the Federal Energy Regulatory Commission (FERC), bringing the Commission to its full, five-member complement of commissioners for the first time in nearly two years. The Senate's action ensures a Republican 3-2 majority at FERC until at least the end of June when Commissioner Neil Chatterjee's term expires.

Christie, Chairman of the Virginia State Corporation Commission, was confirmed to a term that ends in 2025. Clements, a policy consultant for The Energy Foundation and previously with the Natural Resources Defense Council, was confirmed to a term that ends in 2024. FERC Commissioners serve five-year, staggered terms.

New House Committee and Caucus Leadership Next Congress

This week and next, Democrats and Republicans in the House will further determine leadership positions for the [next Congress](#). Already the Democratic Steering Committee is recommending that Congresswoman Rosa DeLauro (D-Conn.) become chairwoman of the House Appropriations Committee and David Scott (D-Ga.) become chairman of the House Agriculture Committee among other changes. Congresswoman Suzane DelBene (D-Wash.) was elected to chair the New Democrat Coalition in the House, one of the largest partisan caucuses in Congress. Chairman Raul Grijalva (D-Ariz.) and Chairman Frank Pallone (D-N.J.) will remain chairman of the House Natural Resources Committee and House Energy and Commerce Committee respectively. However, on the Republican side Congressman Bruce Westerman (R-Ark.) is the new ranking member of the House Natural

Resources Committee, and Congresswoman Cathy McMorris Rodgers (R-Wash.) is the new ranking member of the Energy and Commerce Committee.

NMA and Third-Party Voices

[E&E News PM](#) quotes the NMA in a piece on the Trump administration's action to add mining as a sector eligible for expedited permitting under the Fixing America's Surface Transportation Act.

[The Fayetteville Observer](#) quotes the NMA making the case for domestic mining to ensure that the mining boom that will accompany President-elect Biden's plans for electric vehicles is done domestically, in accordance with some of the highest environmental standards in the world.

The NMA is quoted in a [NPR piece](#) on the likelihood of action on a new silica standard under the Biden administration.

In third party news, the [Arizona Capitol Times](#) (AZ), [The Montana Standard](#) (MT), [Reno Gazette Journal](#) (NV), [Bucks County Courier Times](#) (PA), [Johnstown Tribune Democrat](#) (PA), [Doylestown Intelligencer](#) (PA), [Miami Valley Today](#) (OH), [Buffalo News](#) (NY), [Bryan Times](#) (OH), [Northwest Signal](#) (OH), [St. Joseph News Press Now](#) (MO), [St. Cloud Times](#) (MN), [Harrisburg Patriot News](#) (PA), [Bluefield Daily Telegraph](#) (WV), [Las Vegas Sun](#) (NV), [Alaska Journal of Commerce](#) (AK) and [Greeley Tribune](#) (CO) all ran an op-ed by Kevin Kearns, president of the U.S. Business and Industry Council, in which he argues President-elect Joe Biden's plans require an increase in U.S. mining.

The [Lima News](#) (OH) carries an op-ed by Robert Chase, former professor and chair of the Department of Petroleum Engineering and Geology at Marietta College and former DOE employee, in which he warns against the dangers of mineral import reliance.

Energy and Mining News

[S&P Global reported](#) that the expected 5-10% increase in coal production next year should result in higher railroad coal car loadings.

Argus Media reported (November 24, 2020, subscription) that according to Noble Resources analysis, thermal coal demand should increase 3.8% or 35 million metric tons next year as economic activity improves in India and Southeast Asia.

Argus Media reported (November 25, 2020, subscription) that according to a recent Bank of America coal forecast, average U. S. coal-based generation will rise to 2018 levels next year with generators switching from natural gas to coal as gas prices increase.

[Argus Media reported](#) on EIA data indicating that U.S. coal-based generation fell 20% in September compared to September of last year due to cooler weather and competition from natural gas and renewable generation.

[Mining.com reported](#) on analysis from Benchmark Mineral Intelligence that forecasts that the battery industry will require 100,000 metric tons of cobalt by 2025.

Bloomberg reported on community resistance to [transmission line construction](#) that is necessary for greater integration of solar and wind power. *E&E News* reported on how the issue is affecting Idaho Power's [move away from coal](#).

[E&MJ reported that](#) this year's iron ore market looks better than many expected, and that "high prices and a tight market could extend the rally well in to 2022."

[TampaBay.com reported that](#) decommissioning the Duke Energy Crystal River Energy nuclear plant has begun, with dismantling work expected to ramp up further next year.

[Happy 50th Birthday](#) to the U.S. Environmental Protection Agency today.



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