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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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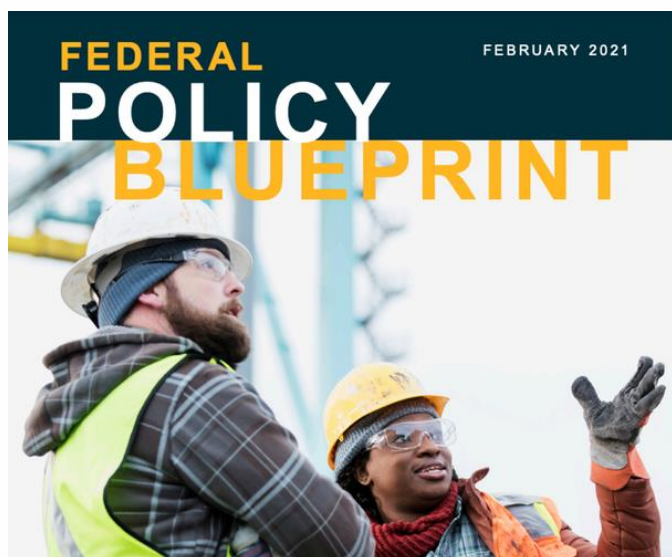
This Week in The News

Congress pushed forward along partisan lines for a \$1.9 trillion COVID relief bill, and the Senate continued moving methodically on confirmations of Biden administration cabinet officials. The National Mining Association (NMA) remains focused on actively engaging in a bipartisan manner to advance mining's interests at both ends of Pennsylvania Avenue. Plus we have updates on how the mining and energy markets are faring.

Safety Share

Stanford University researchers identified four causes of [Zoom fatigue](#) (and what you can do about them).

NMA-Backed Coalition Rolls Out Carbon Capture Agenda



Last week the NMA-backed Carbon Capture Coalition released its updated [2021 Federal Policy Blueprint](#). The blueprint articulates a comprehensive and ambitious federal policy agenda to help achieve the goal of economywide carbon capture deployment to meet net-zero emissions by 2050 and help the U.S. sustain its position as a global leader in the commercialization and deployment of these energy and industrial technologies and associated infrastructure.

Building upon the coalition's original policy blueprint released during the 116th Congress, the 2021 blueprint will help guide coalition engagement and communications strategy during the 117th Congress in seeking widespread support for deployment of carbon capture, removal, transport, utilization and storage. A federal portfolio of supportive policies includes enhancements to the 45Q tax credit and other tax credits and incentives, expanded funding for research, development and deployment, and financing and grants for

the buildout of CO₂ transport and storage infrastructure. Taken together, these policies would leverage private investment in near- and medium-term deployment of carbon capture projects.

The Carbon Capture Coalition is a nonpartisan collaboration of more than 80 businesses and organizations including industry, energy and technology companies; energy and industrial labor unions; and conservation, environmental and energy policy organizations.

House E&C Leadership Unveils Climate Bill

Senior House Energy and Commerce Committee Democrats on Tuesday unveiled their plan to address climate change through sector-by-sector and economy-wide proposals to eliminate carbon dioxide and reach net-zero emissions by 2050. The “Climate Leadership and Environmental Action for our Nation’s (CLEAN) Future Act” would achieve net zero greenhouse gas emissions no later than 2050, with an interim target of reducing greenhouse gases by 50 percent from 2005 levels no later than 2030.

Overall, the nearly 1,000-page bill would authorize \$565 billion over a decade, including a variety of new programs for environmental justice, energy efficiency, transportation, and electrical transmission. The legislation, however, does not include a price on carbon.

The CLEAN Future Act includes a nationwide Clean Electricity Standard (CES) requiring all retail electricity suppliers to obtain 100 percent clean electricity by 2035, in line with President Biden’s call to action for the power sector. The standard would be administered on a technology-neutral basis via a system of clean energy credits. The CES mandates that all retail electricity suppliers provide an increasing supply of clean electricity to consumers starting in 2023, rising to 80 percent clean by 2030 and then 100 percent clean by 2035.

The CLEAN Future Act empowers states to complete the transition to a net zero economy based on the existing federalism model in the Clean Air Act. Each state would be required

to submit a climate plan to the U.S. Environmental Protection Agency (EPA) for its review and approval. The bill also would direct the Securities and Exchange Commission to require disclosure from public companies about their climate-related risks. Bill text can be found [HERE](#) and a section-by-section can be found [HERE](#). A fact sheet – including highlights of new provisions from the draft legislation released last year – is available [HERE](#), and a one-pager is available [HERE](#).

Yesterday's introduction marks the beginning of the legislative process. Energy and Commerce leaders said they want to advance their bill through regular order and with hearings in the coming months. There are talks, however, of moving climate, infrastructure, and economic stimulus policy in a second round of reconciliation once Congress finishes with the COVID-19 relief bill.

Rep. Haaland Confirmation Hearing for Secretary of the Interior



On February 23, the Senate Energy and Natural Resources Committee began a two-day hearing to consider the nomination of [Congresswoman Deb Haaland](#) (D-N.M.) to serve as the Secretary of the Department of the Interior (DOI). Please find a link to the NMA's

memo on the first day of the hearing [here](#), and the second day [here](#). Day one of the hearing was largely focused on responding to the Biden administration's executive activities, including the 60-day freeze on any new or pending regulations, actions related to oil and gas production and transmission, as well as the resulting jobs impacts from each. The second day included a more diverse discussion on public lands and western issues with Rep. Haaland fielding questions on the importance of a domestic supply chain of critical minerals, the Endangered Species Act, environmental regulations, and the administration's 30 by 30 plan.

For her part, Rep. Haaland deflected criticisms about her past positions and legislative priorities responding on multiple occasions that she understands that the role of a cabinet secretary is very different than that of a Member of Congress, and she would seek to focus on the needs of the entire country rather than just her individual district. She also, in response to several questions, pledged to follow the law as Secretary and rely on the science when directing policy or making agency-related decisions.

Ahead of the confirmation hearing, the NMA prepared numerous questions related to association priorities for allies on the committee. Please find a link to those questions [here](#). The Committee submitted nearly 300 questions to Rep. Haaland for her response. Once available, the NMA will review the Congresswoman's answers and share relevant responses. The Committee is expected to hold a confirmation vote for Rep. Haaland on Thursday, March 4, ahead of the hearing to consider the nomination of David M. Turk to be the Deputy Secretary of Energy. Last week, Chairman Manchin released a [statement](#) indicating his plans to vote in favor of the Congresswoman's nomination as DOI Secretary. Concerns, however, remain on the other side of the dais with many Republican Senators not satisfied with the responses they received during the hearing. As such, the confirmation vote is likely to be along party lines.

Bipartisan Critical Minerals Amendment Included in House Wilderness Bill

Last week, the House of Representatives passed the Protecting America's Wilderness and Public Lands Act ([H.R. 803](#)), which consisted of eight lands bills to withdraw more than 1.2 million acres of public lands from mineral entry and create nearly 1.5 million acres new wilderness and conservation designations across several states. In response to the Grand Canyon Protection Act, one of the more impactful bills in the package to mining, the NMA joined with a coalition of other stakeholders to express opposition to the legislation. Please find a link to the letter [here](#) and to the NMA's press release [here](#).

The only amendment to receive a stand-alone vote to the package was offered by Rep. John Curtis (R-Utah). The NMA-backed [amendment](#) requires the Secretary of the Interior, in consultation with the Secretaries of Energy and Commerce, to conduct a study to determine whether the acreage to be withdrawn in the package contains geothermal resources, or minerals needed for battery storage, renewable energy technology, and electric vehicles. The amendment passed with bipartisan support by a [vote](#) of 221 to 205 and represents a strong bipartisan recognition by the House of the need to strengthen domestic mineral supply chains to meet growing economic demands.

NMA Joins Coalition Urging NEPA Reform

The NMA has [joined with 40 organizations](#) urging Congress to consider the importance of National Environmental Policy Act (NEPA) modernization when considering upcoming infrastructure legislation. The letter highlighted President Biden's decision to withdraw the 2017 "One Federal Decision" policy that would improve the environmental review and permitting process of projects and called for a review of the past administrations actions to modernize the NEPA permitting process. Furthermore, the letter confirms the signatories support to work with Congress to update the federal permitting system and enhance agency, state, tribe and localities coordination.

More Key Senate Subcommittee Assignments Announced

This week, Senate Energy and Natural Resources and Senate Environment and Public Works Committees announced subcommittee leadership and new assignments with relevant jurisdiction for the mining sector. Of note, Senator Catherine Cortez Masto (D-Nev.) will chair the Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining, which has jurisdiction over the Bureau of Land Management and directs policy on surface mining, reclamation and enforcement, mining research, and more. Subcommittee leadership is listed below with links to the full committee roster:

Energy and Natural Resources

Energy

Mazie Hirono (D-Hawaii)

John Hoeven (R-N.D.)

Public Lands, Forest, and Mining

Catherine Cortez Masto (R-Nev.)

Mike Lee (R-Utah)

Water and Power

Ron Wyden (D-Ore.)

Cindy Hyde-Smith (R-Miss.)

Full roster available [here](#).

Environment and Public Works

Transportation and Infrastructure

Ben Cardin (D-Md.)

Kevin Cramer (R-N.D.)

Clean Air, Climate, and Nuclear Safety

Edward Markey (D-Mass.)

Jim Inhofe (R-Okla.)

Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight

Jeff Merkley (D-Ore.)

Roger Wicker (R-Miss.)

Fisheries, Wildlife, and Water

Tammy Duckworth (D-Ill.)

Cynthia Lummis (R-Wyo.)

Full roster available [here](#).

NMA WOTUS Coalition Victory in 10th Circuit Makes NWPR Effective Nationwide



In an important legal victory for the mining industry, yesterday the U.S. Court of Appeals for the Tenth Circuit [sided](#) with the NMA's industry coalition in its defense of the 2020 Navigable Waters Protection Rule (NWPR). Recall that the NWPR was in effect everywhere except Colorado, where a district court stayed the rule's effective date and enjoined the agencies. The Tenth Circuit reversed the Colorado injunction, ruling that Colorado failed to show irreparable injury on the record and the district court abused its discretion when it granted the state injunctive relief. While the case was remanded back to the district court to proceed on the merits, the Tenth Circuit's ruling means the NWPR now is in effect in every state across the country.

Minnesota Supreme Court Reverses Lower Court Decision on Polymet Permit

Last week, the [Minnesota Supreme Court held](#) that the Clean Air Act (CAA) did not require the Minnesota Pollution Control Agency (MCPA) to investigate allegations of sham permitting when Polymet applied for a CAA synthetic minor source permit for its planned North Met project. In March 2020, the Minnesota Court of Appeals had sided with environmental groups and the Fond du Lac Band of Lake Superior Chippewa in finding that MCPA had failed to take a hard look at whether Polymet was seeking a "sham" permit. The groups and tribe pointed to Polymet's Canadian securities filings, which discussed various future potential expansion scenarios where emissions would exceed the limit for minor sources, to allege the company was trying to circumvent preconstruction review.

The NMA filed an [amicus brief](#) highlighting the harm to industry if the lower court decision were upheld. Specifically, we argued the decision below threatens to support a theory that would allow unsubstantiated claims of bad faith and reliance on discussion of speculative future scenarios included in securities filings, to derail critical air permitting that must precede beginning construction on new mining facilities. While the Minnesota Supreme Court ruled favorably on whether MCPA had to investigate the unsubstantiated sham permit claims, the case back has been sent back to the court of appeals for further proceedings.

New NMA Polling

Last week the NMA worked with Morning Consult to field national polling examining voter attitudes around our minerals supply chains and on the Texas power crisis. The results showed tremendous voter support across our issues that we are working to highlight with policymakers, journalists and third parties.

For minerals, we found that more than 80 percent of voters – including majorities of Democrats, Republicans and Independents – want to see the Biden administration and Congress support domestic mining projects to create jobs, secure our supply chains and reduce reliance on foreign countries for minerals we could be mining here at home. The research also found that 70 percent of voters are concerned that new land withdrawals would occur at the same time that mineral demands are set to soar to support advanced technologies, forcing the United States to turn to geopolitical rivals for minerals we could be sourcing here at home. Read the NMA's press release and access the polling [here](#).

For coal, we found that seven in 10 voters – including a majority of Democrats, Republicans and Independents – support maintaining baseload, on-demand power plants, such as coal plants, to support the reliable supply of electricity. The NMA's press release and accompanying polling results can be found [here](#).

NMA and Third-Party Voices

The NMA's Rich Nolan is quoted in coverage from [E&E Greenwire](#), [Washington Examiner](#), [Pittsburgh Post-Gazette](#), [E&E Energywire](#) and [Global Mining Review](#) on President Biden's executive order addressing supply chain vulnerabilities in four areas including critical minerals and electric vehicle batteries. The NMA's press release is [here](#).

Rich Nolan is also quoted in coverage from the [Washington Post](#) and [Market Screener](#) covering the Department of Agriculture's decision regarding Resolution Copper. The

NMA's press release is [here](#).

The NMA is quoted in coverage from the [Courier Journal](#) and [Inside Climate News](#) on Blackjewel's bankruptcy proceedings and questions around land reclamation obligations.

From our third parties, the [Gillette News Record](#) (WY) and [The Dominion Post](#) (WV) ran an op-ed from Syd Peng, the Charles E. Lawall Chair of Mining Engineering emeritus in the Department of Mining Engineering at West Virginia University, in which he argues securitization-backed closure of coal plants is putting shareholders before electricity consumers.

[The Nevada Appeal](#) (NV) carries an op-ed by Jaak Daemen, a professor emeritus, mining engineering, at the University of Nevada, in which he argues that new mining projects face political obstacles which should be removed to address our growing need for minerals and metals.

Mining and Energy News

[Mining.com reported](#) that the recent Fraser Institute [2020 survey](#) of resource and exploration companies indicates that Nevada is now the most attractive region for mining investors. Arizona ranked second in the report.

Wood Mackenzie published: "Are we on the cusp of another [mining super-cycle?](#)"

[Mining.com reported](#) on research by Adamas Intelligence showing global electric vehicle sales pushed up battery metals deployment in the second half of 2020.

[Energy Information Administration's \(EIA\) Uranium Production Quarterly report](#) shows that during the fourth quarter of 2020, six U.S. uranium facilities produced uranium, one more than in the third quarter of 2020.

[Northern Miner reported](#) that an analyst at StoneX has forecasted copper demand to rise

by about 5% in 2021, outstripping supply.

[Argus Media](#) reported that “U.S. coking coal prices held firm at the end of this week supported by ongoing tight supply but spot trade remained sparse with European mills undergoing term contract discussions and Chinese mills exiting the market ahead of the lunar new year holiday.”

[The World Steel Association reported](#) that world crude steel production totaled 162.9 million metric tons in January 2021, a 4.8% increase compared to January 2020.

[Argus Media reported](#) on EIA’s latest Electric Power Monthly data showing that coal generation was 8% higher in December 2020 due to colder weather making coal more competitive. Coal’s 2020 share of generation fell from 23% to 19%.

U.S. EIA reported Texas natural gas production [fell by almost half](#) during the polar vortex cold snap.

S&P Global analysis of utility carbon reduction goals indicated coal retirements [will have to accelerate](#) if the goals are to be met.



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