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**MINE** Update  
MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

Efforts to advance major Biden administration legislative priorities this week include the first Oval Office meeting between the president and the top four congressional leaders to discuss infrastructure and spending. Meanwhile, the pace of regulatory activities in executive branch agencies is beginning to increase as senior policy officials settle into their roles. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue. Plus we have updates on how mining and energy markets are faring.

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## Safety Share

As gardening season gets under way, brush up on tips to avoid [pesticide poisoning](#), especially around kids.

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## NMA-Supported AML Reauthorization Bill Introduced in the Senate

Wyoming Senators John Barrasso and Cynthia Lummis planned to today introduce *The Abandoned Mine Land Reclamation Fee Reauthorization Act* to reduce by 40 percent fees levied under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) on each ton of domestically produced coal for surface, underground and lignite mining.

Originally created in 1977, the fee is set to expire on September 30, 2021. The bill reauthorizes fee collection for seven years, until September 30, 2028, to allow lawmakers and stakeholders to review and revise the program more frequently as industry conditions change. Since the fee was last reauthorized in 2006, U.S. coal production has fallen by 53 percent. The bill will reduce the per ton tax on surface-mined coal from 28 cents to 17 cents, underground coal from 12 cents to 7 cents, and lignite coal from 8 cents to 5 cents.

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## Senate Commerce Committee Reports Minerals Legislation

The Senate Commerce Committee on Wednesday is reporting Sens. Schumer (D-N.Y.) and Young's (R-Ind.) [Endless Frontier Act](#) legislation, making investments in the scientific research arms of the federal government such as the National Science Foundation (NSF) for new education, research and development, technological innovation programs to ensure the U.S. remains competitive with foreign nations and principally China. Section 214 of the committee substitute is an amendment offered by Senator Lummis (R-Wyo.) with bipartisan support from Senator Rosen (D-Nev.) to authorize investments related to

minerals mining. Specifically, the language directs the NSF director to award grants to support basic research that will accelerate innovation to advance critical minerals mining strategies and technologies for the purpose of making better use of domestic resources and eliminating national reliance on minerals and mineral materials that are subject to supply chain disruptions.

Eligible grant opportunities include mining research and development for new mapping and mining technologies for advanced critical mineral extraction, production, separation, alloying or processing techniques and technologies that can decrease energy intensity and potential environmental impact and costs of mining activities. The language also builds on the workforce provisions enacted in the *American Mineral Security Act* last Congress by providing NSF investments for undergraduate and graduate training to students for next generation mining engineers and researchers. The legislation also directs the Critical Minerals Interagency Subcommittee of the National Science and Technology Council to coordinate federal science and technology efforts on research, development and deployment programs and activities of federal agencies to promote a secure and reliable supply of critical minerals necessary to maintain national security, economic well-being and industrial production.

Importantly, the definition of critical minerals in the amendment directly references the broader definition the NMA was able to secure in the Title VII- Critical Minerals Section of the *Consolidated Appropriations Act for FY21* to include critical minerals recovered as a product of their host minerals or the recovery of which depends on the production of its host mineral. The NMA will continue to work to broaden the focus of mineral production and processing legislation in Congress and protect this language through the congressional legislative process.

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## **Barrasso to DOE: Act Now or Risk Losing U.S. Uranium Mining and Conversion Industries Permanently**



On April 30, Senate Energy and Natural Resources Committee (ENR) Ranking Member John Barrasso (R-Wyo.) [sent a message](#) to David Turk, Deputy Secretary of the Department of Energy (DOE), urging him to “accelerate the Department’s efforts to establish the reserve and request that you begin purchasing uranium this year.” In the letter, Barrasso expresses concern that the DOE is not on track to establish a uranium reserve or procure uranium from domestic sources this year, which could lead to a collapse of U.S. uranium mining and conversion industries and increase our nation’s reliance on artificially low-priced uranium imports from state-owned entities, including in Russia, Kazakhstan and Uzbekistan. He further urged the DOE to include funding for the uranium reserve in its FY2022 budget request.

Ranking Member Barrasso’s letter comes little more than a week after ENR Chairman Joe Manchin (D-W.Va.) [sent a letter](#) to President Biden, urging him to preserve the United States’ civil nuclear fleet and prevent further plant closures, calling nuclear energy critical to providing a reliable power grid, reducing carbon emissions and addressing climate change. Both letters also follow [an ENR hearing](#) on nuclear energy in which Scott Melbye, Executive Vice President of Uranium Energy Corporation – an NMA member – [testified](#). The NMA will continue to support establishment of a DOE uranium reserve and support its full funding.

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## Amodei Reintroduces Minerals Permitting Reform Legislation



On Friday, Congressman Mark Amodei (R-Nev.) is expected to reintroduce his *National Strategic and Critical Minerals Production Act*, which would make key mine permitting systems more efficient by designating a lead agency for coordination, reducing duplication and setting firm timeframes for permitting decisions. The Amodei bill has previously passed the House of Representatives six times in the last five Congresses. While it is unlikely to gain much traction in the Democrat-controlled House, the legislation offers our congressional allies an opportunity to highlight the ongoing issues with the mine permitting process and the need to strengthen mineral supply chains by reducing our reliance on foreign sources of metals and minerals. The legislation also stands in stark contrast to House Natural Resources Committee Chairman Raul Grijalva's (D-Ariz.) *Hardrock Leasing and Reclamation Act* from the last Congress, which would have made drastic changes to the General Mining Law of 1872. The NMA continues to work under the assumption that Chairman Grijalva intends to reintroduce his bill in the near-term.

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## DOI to Reconsider Sage Grouse Mineral Withdrawal



The Department of the Interior (DOI) filed a [status report](#) this week in response to the March 2021 U.S. District Court for the District of Idaho [decision](#) that vacated the department's 2017 cancellation of the proposed withdrawal of 10 million acres identified as "Sagebrush Focal Areas" in six western states from location and entry under the Mining Law. The court directed reinitiation of the National Environmental Policy Act (NEPA) process to evaluate the environmental impacts of a withdrawal. In the status report, the department asked for an additional 60 days to further determine whether the existing NEPA analysis should be revised before distributing a draft to the public. Additionally, the Bureau of Land Management confirmed on its [website](#) that it will soon comply with the court's order to "begin re-consideration of whether a withdrawal from mineral location and entry, which could potentially limit hardrock mining in sage brush focal areas, is necessary for the conservation of the greater-sage grouse."

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## Release of White House Report on 30x30 Conservation Initiative

The White House and other federal departments and agencies last week released a [new report](#) entitled “Conserving and Restoring America the Beautiful” that lays out the administration’s vision for moving forward with the “30x30 initiative.” President Biden’s Executive Order 14008 on “Tackling the Climate Crisis at Home and Abroad” set an ambiguous goal to protect at least 30 percent of our lands and waters by 2030. The order further directed DOI to release a report by April 27 that provides recommendations to achieve the 30x30 conservation goal. Rather than providing any concrete recommendations on criteria to identify such lands and waters, the report focuses primarily on the identification of principles to guide a decade-long national conservation effort.

The report leaves unanswered questions about the baseline from which progress will be measured and what conservation will count towards the goal. The report, however, does draw a distinction between conservation and preservation. It specifically “emphasizes the notion of ‘conservation’ of the nation’s natural resources (rather than the related but different concept of ‘protection’ or ‘preservation’) recognizing that many uses of our lands and waters, including of working lands, can be consistent with the long-term health and sustainability of natural systems.” This distinction is consistent with the NMA’s recent conversation with the acting Bureau of Land Management director Nada Culver, who stressed that the 30x30 initiative is not the death knell for multiple use of public lands and likened conservation to a functioning ecosystem where the majority of species survive.

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## MSHA Fills Director of OSRV Position

The Mine Safety and Health Administration (MSHA) issued an [Administration Information Bulletin](#) announcing that Jessica D. Senk has been appointed Director, Office of Standards, Regulations and Variances (OSRV), a career position vacant since

mid-2020. In her role, Senk will lead the administrative rulemaking process and oversee all petitions for modification (variances) from standards. Additionally, Sheila McConnell recently rejoined MSHA. Before retiring, McConnell was Director of OSRV. These hires foreshadow an expected uptick in mine safety and health regulatory actions from the current administration.

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## Fish and Wildlife Service Proposes to Revoke Migratory Bird Treaty Act Rule Regarding Incidental Take

The U.S. Fish and Wildlife Service last week published a [proposed rule](#) to revoke the January 7, 2021, rule defining the scope of the Migratory Bird Treaty Act (MBTA) as it applies to incidental conduct resulting in the injury or death of migratory birds.

Simultaneously, the Service opened a 30-day comment period on whether the final rule should be revoked, the costs or benefits of revocation or leaving the final rule in place, and any reliance interests that may be affected by revocation of the final rule. The effect of the revocation would be to return to implementing the MBTA as prohibiting incidental take and applying enforcement discretion. Comments on the proposal are due on June 7, 2021.

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## EPA's New Water Regulation Listening Tour

At this morning's nomination hearing before the Senate Environment and Public Works Committee, Radhika Fox, the President's nominee to be EPA's Assistant Administrator for Water, committed to members of the committee that EPA plans to initiate listening sessions possibly throughout the country, and roundtables in some cases, with the Army Corps of Engineers concerning the changes to the Navigable Water Protection Rule, the regulation that replaced the Waters of the United States Rule. This coincides with [outreach from the Waters Advocacy Coalition](#), of which the NMA is a member, with a

number of other trade associations requesting to meet with the EPA Administrator on the new regulation and to be a part of the extensive stakeholder outreach on this important regulation.

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## MINE expo INTERNATIONAL® Registration is Open



MINE expo 2021 is happening this September 13-15, 2021, in person, in Las Vegas, and registration is open. You must [pre-register online](#) for the show. As has been the case in the past, registration for NMA Members who are producers and resource developers is free of charge, so please remind your employees to use their work email when registering to ensure fees are waived.

We already have more than 1,200 exhibitors booked to date, but there is still time to sign up to exhibit. If your company would like to reserve space, please find the application [here](#).

The show will include robust health and safety measures, following the guidance of the CDC, state and local authorities, as well as the Las Vegas Convention Center, and we will be closely monitoring and incorporating the best practices and lessons learned from various shows as they occur this summer.

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## NMA and Third-Party Voices

[Inside Sources](#) quotes Rich Nolan in a story noting that the U.S. must increase its domestic mining in order to remain competitive with China.

The NMA is quoted in reports published by [The Associated Press](#), [The Colorado Sun](#), [Minneapolis Star Tribune](#) and [The Washington Post](#) that the Biden administration will consider a ban on new mining on large expanses of public lands in Western states to protect the greater sage grouse.

The [Casper Star Tribune](#) (Wyo.), [Colorado Springs Gazette](#) (Colo.), [Billings Gazette](#) (Mont.), [Pottstown Mercury](#) (Pa.), [Exton Daily Local](#) (Pa.), [Swarthmore Times Herald](#) (Pa.), [Lansdale Reporter](#) (Pa.), [Delaware County Daily Times](#) (Pa.), [Phoenix Reporter and Times](#) (Pa.), [Mainline Times](#) (Pa.) and [Montgomery News](#) (Pa.) all ran an op-ed by Michael Stumo, CEO of the Coalition for a Prosperous America, in which he argues to meet soaring demand and reduce imports from China, the United States must start mining more mineral resources at home.

The [Pittsburgh Tribune Review](#) (Pa.) carried an op-ed by Kevin Kearns, president of the U.S. Business and Industry Council, in which he argues that “made in America” must begin with “mined in America.”

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## Mining and Energy News

[Mining.com](#) reported that “record metals prices catapult mining profits beyond big oil.”

[Bloomberg reported](#) on an International Energy Agency analysis advising western governments to consider stockpiling critical battery metals cobalt and lithium.

Analysis by Energy Innovation found that 72 percent of existing U.S. coal capacity and 80

percent of existing U.S. coal plants are either more costly to continue operating compared to building new nearby wind or solar plants or are [slated to retire](#) in the next four years.

[Mining.com](#) reported aluminum prices rose last week over concerns that a commitment to reduce pollution by top producer China could limit the energy-intensive metal's supply.

[S&P Global reported](#) that "Iron ore prices have risen to record highs in recent weeks, largely because supply has not been able to keep pace with demand in China, where crude steel production has grown by 30 percent over the past five years."

[CNBC reported](#) on a Bank of America forecast arguing that copper could be the new oil and that low inventories could drive prices to hit \$20,000 per metric ton by 2025.

[Mining.com](#) reported that rising demand for lithium is stoking prices for the electric vehicle battery metal, fueling long-delayed expansions that still may not produce adequate supplies that automakers need to meet aggressive production plans.

[The New York Times](#) reported a race is on to produce lithium in the United States, but competing projects are taking very different approaches to extracting the vital raw material.

[Mining.com](#) reported that mining companies need to invest nearly \$1.7 trillion in the next 15 years to help supply enough copper, cobalt, nickel and other metals needed for the shift to a low carbon world, according to consultancy Wood Mackenzie.

[S&P Global](#) reported U.S. coal exports rose to an 18-month high of 6.88 million metric tons in March, as thermal coal exports jumped to their highest level since January 2019, while metallurgical coal shipments declined, according to U.S. Census Bureau data released May 4.

[Argus Media reported](#) that coal generation in the PJM Interconnect region climbed 40 percent in April.

[Argus Media reported](#) that coal generation in the Southwest Power Pool region grew by 18 percent in April.

[Argus Media also reported](#) on Midcontinent Independent System Operator data showing coal consumption in that region surged 54 percent in April.

[Argus Media reported](#) that U.S. and Canadian coking coal exports to China and Europe rose in the first quarter of 2021 but lost ground to Australian material in other markets amid further deterioration in Chinese-Australian trade relations.

[Argus Media reported](#) on a recent Electric Reliability Council of Texas assessment predicting that Texas electricity demand would likely reach a record this summer, but noted that the system has adequate installed capacity to handle it.

[Mining.com reported](#) that “iron ore prices jumped to a fresh high after China ‘indefinitely’ suspended all activity under a China-Australia Strategic Economic Dialogue, in the latest setback to the strained relations between Beijing and Canberra.”

[S&P Global reported](#) that some nuclear power plants face premature retirement due to power prices and policy decisions, and that “the complexion of the U.S. nuclear power fleet is in flux at a time when CO2 emissions reduction is high on the national agenda.”

U.S. Energy Information Administration’s “Short Term Energy Outlook” predicted “electricity generation will look different this summer compared with last summer as rising natural gas costs drive many electricity generators to [switch to renewables and coal](#).”



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