

[View this email in your browser](#)



MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

Issue 58 | November 23, 2021

Brought to you by the National Mining Association

This Week in the News



Happy Thanksgiving from *MINE Update*, which is coming to you a day early this holiday week. The House of Representatives narrowly passed President Biden's social programs

and climate bill before leaving the Capitol for Thanksgiving recess. The bill now faces a difficult path in the Senate and both chambers will be occupied with budget and debt limit issues in the few remaining legislative days of 2021. 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 the mining and energy markets are faring.

Safety Share

The National Fire Protection Association pointed out that Thanksgiving is by far the leading day for home cooking fires. Be sure to follow these [safe cooking tips](#) and especially take note of the [dangers of turkey fryers](#).

Budget Reconciliation Legislation / Build Back Better Act Update

Last week, the U.S. House of Representatives voted 220-213 to pass the House version of the Build Back Better Act, otherwise known as the House version of the reconciliation bill, following an eight-and-one-half-hour speech in opposition to the bill by Minority Leader Kevin McCarthy (R-Calif.). The bill passed entirely along party lines, with the exception of Rep. Jared Golden (D-Maine), who voted against the bill. The text of the legislation can be found [here](#) and the section-by-section summary can be found [here](#).

Ahead of the bill's vote, the Congressional Budget Office (CBO) released [remaining tables on costs for portions of the bill](#). CBO released the negative score for the Natural Resources Committee provisions in the bill. Please find the NMA memo on the score [here](#).

The bill now heads to the Senate, where consideration will take further time with many changes likely. The Senate is also waiting on the extended cost estimates from CBO in

addition to the tables released prior to the House vote. The extended cost estimates will also contain additional narratives explaining the estimates. The NMA has already engaged with industry allies in the Senate and will continue to work with those allies, NMA member companies, and allied trade groups and organizations to remove damaging mining provisions included in the House version of the bill as it is further considered in the Senate.

Upcoming Mineral Production Financing Meeting with DOE's Loan Programs Office



The NMA has scheduled a virtual meeting for Dec. 8 with John Lushetsky, Senior Advisor in the Department of Energy's (DOE) Loan Programs Office (LPO), to discuss ongoing loan guarantee opportunities for qualifying minerals projects as well as other DOE funding opportunities included in the Infrastructure Investment and Jobs Act (Public Law No: 117-58). Mr. Lushetsky will also be able to answer questions regarding previously released program guidance and general inquiries about member eligibility for these programs. Please find a link to the NMA's memo on the upcoming meeting [here](#).

EPA and Army Corps Release WOTUS "Step One" Proposal

On Nov. 18, the Environmental Protection Agency (EPA) and the Army Corps released a [pre-publication](#) version of their proposed “Step One” Waters of the U.S. (WOTUS) rule. As expected, the proposed rule repeals the 2020 Navigable Waters Protection Rule and returns to the pre-2015 framework, which includes regulations from the 1980s and several guidance documents. However, the proposal appears to do more than simply recodify the 1986 regulations and includes substantive changes that expand the definition of WOTUS. Publication in the Federal Register will kick off a 60-day public comment period. The agencies also plan to host three virtual public hearings in January 2022 to solicit additional feedback on the proposal. The NMA continues to review the almost 300-page proposal and its potential impact on the mining industry, but click [here](#) for several takeaways from our initial review. We will follow up with a more detailed analysis and schedule a conference call with members to discuss in the coming weeks.

DOI Announces Scoping Period for Sage-Grouse Management Plans

This week, the Bureau of Land Management (BLM) published a [Notice of Intent](#) to prepare several Environmental Impact Statements to address the management of Greater Sage-Grouse and sagebrush habitat on BLM-managed land. The BLM is accepting comments during the scoping period, which ends on Feb. 7, 2021. Dates and locations of any public meetings will be announced at least 15 days in advance through the BLM [Eplanning](#) website. This development was not unexpected as the Department of Interior (DOI) filed a status report notifying the U.S. District Court for the District of Idaho of the intent to publish an announcement of the scoping period for a new planning process for the six resource management plans that were preliminarily enjoined by the court.

The BLM will examine new scientific information, including the effects of stressors like climate change, to assess what management actions may best support sagebrush habitat conservation and restoration on public lands to benefit Greater Sage-Grouse, as well as the people who rely on the landscape to support their livelihoods and traditions. Specific preliminary issues BLM requests comments on include treatment of sagebrush focal areas, designation of priority and general habitat, appropriate habitat objectives, use of the mitigation hierarchy (including compensatory mitigation), use of disturbance/density caps and buffer zones, and the leasing of mineral or renewable energy resources.

The NMA Submits Comments on Proposed CEQ Phase 1 NEPA Rule

This week, the [NMA submitted comments](#) on the Council on Environmental Quality's (CEQ) [proposed "Phase 1" rule](#) to nullify certain components of the 2020 reforms to its National Environmental Policy Act (NEPA) regulations. As discussed on last month's conference call, the comments express concern that the Phase 1 proposal appears to be more a kneejerk rush to reversal than a thoughtful assessment of the 2020 changes and whether any of them merit retention. The NMA urges CEQ to discontinue the announced two-step process and instead propose all changes to the 2020 rule in one rulemaking as part of a broader analysis of how to best effectuate the goals of NEPA while ensuring efficient processing of permits. The comments also detail the mining industry's experience with protracted NEPA delays and escalating costs associated with NEPA compliance. Finally, the comments rebut CEQ's rationale for reverting back to the pre-2020 regime.

House Transportation & Infrastructure Committee Weighs in on NEPA Rule



The House Committee on
**Transportation
& Infrastructure**

Also this week, House Transportation and Infrastructure Committee full committee and subcommittee minority leadership [submitted comments](#) on the CEQ's NEPA Phase 1 rule. On the heels of the President's signing the [Bipartisan Infrastructure Investment and Jobs Act](#), congressional leaders are questioning the new regulatory changes to the first NEPA regulations in 40 years - only finalized last year - likely working to frustrate the new \$1.7 trillion in infrastructure spending in the new law. Additionally, the same congressional leaders are [questioning the suspension of Clean Water Act Section 404 permits](#), key permits to much of the projects states and localities will seek to fund through the newly enacted infrastructure bill.

NMA and Third Party Voices

The [Elko Daily Free Press](#) (Nev.), [Billings Gazette](#) (Mont.), [Kokomo Tribune](#) (Ind.), [Colorado Springs Gazette](#) (Colo.), [Northwest Indiana Times](#) (Ind.), [Casper Star Tribune](#) (Wyo.), [Pottstown Mercury](#) (Pa.), [Exton Daily Local](#) (Pa.), [Swarthmore Times Herald](#) (Pa.), [Lansdale Reporter](#) (Pa.), [Delaware County Daily Times](#) (Pa.), [Mainline Times and Suburban](#) (Pa.), [Montana Standard](#) (Mont.) and [The Trentonian](#) (N.J.) ran an op-ed by the NMA's Rich Nolan in which he argues the U.S. can win the EV revolution, produce the emissions-free vehicles essential to climate action, and ensure the auto jobs of tomorrow are American jobs, but we must make mining policy the foundation of this effort.

[Politico Pro](#) quotes the NMA in a report on the BLM's process to possibly amend sweeping greater sage grouse protection plans covering millions of acres across the West that have been among the most divisive public lands issues in the past decade.

The [High Country News](#) mentions the NMA in a report on the recent skirmishes over the Build Back Better Plan, in which lawmakers skipped a chance to reform the General Mining Law of 1872.

Mining and Energy News

[Bloomberg Green](#) reported that coal mining chief executives said the fuel they produce is far from being consigned to history, regardless of stricter global climate action agreed at the COP26 summit.

[The Wall Street Journal](#) reported that coal power plants are running at full tilt in parts of Europe and enjoying a rare bout of massive profitability. [Mining.com](#) reported that, in the U.S., coal prices hit a 12-year high, threatening more energy inflation.

[Argus Media](#) (subscription) reported that Northern Appalachian coal production increased in the third quarter [as did Powder River Basin coal](#) amid higher U.S. and global demand.

[S&P Global reported](#) that hydrogen-based steelmaking is unlikely to displace blast furnace-based steelmaking for two to three decades, which will support demand for metallurgical coal during that period, according to miners and analysts at the Financial Times Commodities Asia Summit last week.

S&P Global analyzed the [surge in western U.S. coal production](#) in the third quarter and reported coal exports from Hampton Roads [hit a 19-month high](#) in October.

A former head of the U.S. Office of Fossil Energy wrote about the [future for coal](#).

North American Electric Reliability Corporation's [Winter Reliability Assessment](#) contained warnings for [almost every region](#) of the U.S.

[Los Angeles Times](#) reported that drilling is beginning at a General Motors-backed effort to extract lithium for batteries and produce geothermal power at southern California's Salton Sea.

[Mining.com](#) reported that metals — even old-world varieties like steel — can already be considered green if their contribution to climate change mitigation is taken into account, according to a Citigroup Inc. report.

[E&E News reported](#) that vanadium imports do not harm national security according to a Department of Commerce report. Two U.S. producers, AMG Vanadium LLC and U.S. Vanadium LLC, had petitioned Commerce to look at vanadium (a key ingredient in military grade steel), arguing volatility in prices made the U.S. industrial base vulnerable to undue market distortions by major sources of the metal, such as China and Russia.

[The Silver Institute's recent Interim Silver Market Review](#) is forecasting global silver to rebound to a new high this year, with physical silver investments increasing 32 percent for a 6-year high. Every key area of silver demand is forecast to rise, including a record total for industrial demand and despite ongoing supply chain challenges.

Axios surveyed coverage of the recent [rally in gold prices](#).



Copyright © 2021 National Mining Association, All rights reserved.

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).