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MINE Update
MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in the News

Foreign affairs issues continued to dominate the headlines and Congress appeared to be on a trajectory for passing another short-term continuing budget resolution before government funding runs out on February 18. At the same time, the regulatory agencies are ramping up reviews of many important rules impacting mining. 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 Highway Traffic Safety Administration reported traffic fatalities continue to [increase at an unprecedented rate](#).

Congressional Western Caucus Holds 2022 Chairman's Brief



Last week, the Congressional Western Caucus (CWC) held its 2022 Chairman's Briefing. Please find a link to the briefing [here](#). CWC Chairmen Senator Steve Daines (R-Mont.) and Congressman Dan Newhouse (R-Wash.) were joined by several members of the caucus including House Natural Resource Committee Ranking Member Bruce Westerman (R-Ark.) and Energy and Mineral Resources Subcommittee Ranking Member Pete Stauber (R-Minn.) to outline their priorities and goals for the coming year. Specific priorities include preventing destructive policies that limit access and resource extraction on federal lands, the need for more domestic resource production, and oversight opportunities. Ranking

Member Stauber discussed the cancelation of federal leases held by Twin Metals Minnesota and will hold a Minnesota Mining Summit later this week where NMA Senior Vice President of Government and Political Affairs Ryan Jackson will provide testimony on a panel with local officials and leaders. Ranking Member Westerman reiterated the close working relationship between the CWC and the House Natural Resources Committee in working on these issues. The NMA will continue to work with both the CWC and the House Natural Resources Committee on the priorities outlined at the event and others important to NMA member companies.

NMA-Supported Bipartisan Good Samaritan Bill Introduced

On Feb. 3, Senators Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho) introduced the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2022, which requires the U.S. Environmental Protection Agency (EPA) to establish a seven-year pilot program for 15 Good Samaritan remediation projects of abandoned mine sites on federal, state, tribal and private lands. Please find a link to the legislation [here](#). Importantly, this is the first bipartisan Good Samaritan legislation to be introduced since 2009 and is the culmination of several years of hard work between the NMA, the American Exploration and Mining Association and Trout Unlimited. In addition to Heinrich and Risch, Senators Ben Ray Luján (D-N.M.), Steve Daines (R-Mont.), Jon Tester (D-Mont.), Mike Crapo (R-Idaho), Michael Bennet (D-Colo.), and John Barrasso (R-Wyo.) are original cosponsors. In addition, please find a link to the NMA's press release [here](#), as well as a link to Senator Heinrich's press release [here](#) and Senator Risch's press release [here](#). A link to the NMA's memo on the introduction of the bill can be found [here](#). Further, please find links to positive news articles related to the bill's introduction [here](#) and [here](#). The NMA is currently working on a bipartisan introduction of the same bill in the U.S. House as well as hearings in the Senate.

Capito Asks EPA for Details on Coal and Power Rules



Yesterday, Senate Environment and Public Works (EPW) Ranking Member Shelley Moore Capito (R-W.Va.) sent an oversight request [here](#) to EPA Administrator Michael Regan seeking documents related to the administration's push for more comprehensive, stringent coal and power sector rules. The detailed letter asserts that the agency has not been transparent about its process or intentions regarding these upcoming rulemakings.

Capito said EPA "appears to be planning to use overly expansive interpretations of several federal environmental statutes to target affordable, reliable sources of electricity generation." As EPA prepares these broad air, water and waste rules, the administration's aim is to take more coal-generated energy out of the mix. This sweeping plan to undercut coal production and use is viewed as a work around to avoid the direct regulation of greenhouse gases, the authority for which will soon be before the Supreme Court. Specifically, Senator Capito is seeking the timely release of documents detailing communications and meeting information about EPA's regulatory strategy, as well as a list of all White House and EPA staff involved in this planning. The NMA will continue to work with the EPW Committee as well as the House Committee on Energy and Commerce to

ensure robust oversight of this unprecedented regulatory strategy targeting coal in the power sector. E&E's coverage can be found [here](#).

Utah Member Chosen for Top Ranking Member Oversight Slot on House Resources



This week, Congressman Blake Moore (R-Utah) was named Ranking Member for the House Natural Resources Subcommittee on Oversight and Investigations. Please find a link to the committee's press release [here](#). The subcommittee is responsible for the oversight of all federal agencies, programs and policies within the Committee's jurisdiction and will have a significant role to play in holding the Biden administration accountable. The NMA will work with Ranking Member Moore and his staff to identify and support oversight opportunities that align with NMA-member priorities.

Congress Works on 2022 WRDA and Begins Implementing Infrastructure Law

Yesterday, the House Committee on Transportation and Infrastructure held its second of three hearings to inform the development of Water Resources Development Act (WRDA) 2022 legislation. The [hearing](#) featured witnesses that engage with the U.S. Army Corps of Engineers (Corps) who shared project priorities and challenges to be addressed in the new legislation. Hearing remarks focused on the importance of climate change resiliency, deepening ports to address supply chain constraints, and support for ensuring the Corps has the necessary tools and resources to modernize policies and procedures – such as project feasibility processes that consider environmental justice and climate change mitigation as additional project benefits. [Testimony](#) from the Mario Cordero, Executive Director for the Port of Long Beach also emphasized the need for Congress to support the Corps to effectively distribute the new \$9.3 billion in funding for the Harbor Maintenance Trust Fund (HMTF). NMA worked with a coalition of trades during WRDA 2020 to ensure all fees for the HMTF are used for the HMTF. In the Senate, the Environment and Public Works Committee has proposed dates for a hearing on WRDA in late April and marking up the legislation in early May. The NMA will continue to engage the House and Senate committees to confirm hearings in the coming weeks.

In the meantime, the White House will start to announce funding opportunities for the \$16.7 billion allocated under the recent passage of the Infrastructure Investment and Jobs Act (IIJA). Project eligibility, timing, and the process for applying for contract awards for IIJA funding can be found in an NMA memo [here](#).

NMA Comments on Step One WOTUS Definition

The NMA this week filed [comments](#) on the EPA's and the Corps step one revised definition of "waters of the United States" (WOTUS). The NMA's comments highlighted numerous concerns with the proposed rule's approach that expanded the scope of federal jurisdiction under the Clean Water Act and urged the agencies to withdraw the proposal or at least pause the rulemaking given the U.S. Supreme Court's decision to hear the *Sackett v. EPA* case this fall. As reportedly the agencies do not plan to pause or slow down this rulemaking effort, the NMA's comments also provided several recommendations that would make the rule clearer for the regulated community and agency field staff to implement. The NMA's comments specifically advocated retaining the longstanding waste treatment system exclusion with several necessary clarifications and encouraged the agencies to codify several additional exclusions that have been part of longstanding agency practice.

NMA Submits Comments on Sage-Grouse Scoping



Yesterday, the NMA submitted [comments](#) to the BLM on the management of sage-grouse and sagebrush habitat on BLM-managed public lands. The BLM amended or revised land

use plans in 2015 and 2019 respectively. The U.S. District Court for the District of Idaho preliminarily enjoined the BLM from implementing the plans and remanded for further review under NEPA. As the BLM is reinitiating NEPA, this scoping period solicited comments on a number of similar topics to the 2015 and 2019 plans, including Sagebrush Focal Areas, and Areas of Critical Environmental Concern. The NMA's comments stress, among other things, the importance of U.S. mining to fulfill the administration's agenda and reiterate the BLM's multiple-use mandate under the Federal Land Policy and Management Act.

The comment period closed despite last week's request by House Western Caucus Chairman Dan Newhouse (R-Wash.), Natural Resources Committee Ranking Member Westerman and 21 other members [urging](#) Department of the Interior (DOI) Secretary Haaland to extend the comment period to increase participation from states, local governments, tribes, and impacted stakeholders. This follows a December 2021 [letter](#) from Western Caucus members cautioning the DOI to use the best available science to implement range-wide measures that reduce risks to sage grouse populations while effectively implementing and maintaining Interior's core mission of multiple-use.

NMA's Environment Committee Meeting is March 7-8; Book Rooms by Mon., Feb 14



The NMA Spring Environment and Lands Committee meeting will take place in Scottsdale, Ariz. at the Hotel Valley Ho on March 7 and 8, 2022. **The hotel room block expires next Monday, Feb. 14, 2022. Please use this link, [NMA 2022 Room Block](#), to book your room.** This meeting is a great resource for learning about the mining industry's regulatory priorities, what the Administration plans to accomplish this year, and how the association plans to respond to these challenges. We encourage companies to send a representative to engage in this interactive discussion.

This year's meeting will begin at 1 p.m. on Monday, Mar. 7. Our outdoor networking reception will also occur that evening. The next day, Tuesday, Mar. 8, we will begin at 8 a.m. and conclude the meeting by 5 p.m. Please note that the Uranium Environmental Subcommittee is planning to meet at 9 a.m. on Mar. 7. A formal agenda will be sent prior to the meeting. Proof of vaccination, or proof of a negative COVID test result received within 48 hours of the meeting, will be required to attend this meeting.

If you plan on attending the NMA's Environment and Lands Committee meeting, please RSVP to [James Scribner](#) with your complete contact information (name, company, title and email). If you have any questions regarding this meeting, please contact [Tawny Bridgeford](#).

NMA and Third Party Voices

The [Washington Examiner](#) quotes the NMA's Rich Nolan in a report on how nations across the globe are engaged in a critical mineral supply chain race, and the U.S. "may be sitting out this competition from the sidelines" without a change of direction in federal policy.

The NMA is mentioned in Good Samaritan legislation coverage from [E&E Greenwire](#), [KPVI](#), [Global Mining Review](#), [Hi-Line Today](#) and [Elko Daily Free Press](#).

The [Epoch Times](#) (USA) ran the Count on Coal blog on Europe's self-made energy crisis and the role of coal in stabilizing electricity prices and energy reliability.

From our third parties, [Grand Junction Daily Sentinel](#) (Colo.), [Wichita Falls Times Record News](#) (Tex.), [MSN.com](#) (USA), [Bakersfield Californian](#) (Calif.), [Fort Myers News Press](#) (Fla.), [Naples Daily News](#) (Fla.), [Johnstown Tribune Democrat](#) (Pa.), [Montana Standard](#) (Mont.), [Elko Daily Free Press](#) (Nev.), [Billings Gazette](#) (Mont.), [The Trentonian](#) (N.J.), [Pottstown Mercury](#) (Pa.), [Exton Daily Local](#) (Pa.), [Swarthmore Times Herald](#) (Pa.), [Lansdale Reporter](#) (Pa.), [Delaware County Daily Times](#) (Pa.) [Mainline Times and Suburban](#) (Pa.) and [Yahoo News](#) (USA) carry an op-ed by Michael Stumo, CEO of the Coalition for a Prosperous America, in which he argues it's past time to rebuild America's mining industry and reestablish secure, domestic supply chains in order to support a competitive, future American industrial base.

[Scranton Times Tribune](#) (Pa.) and [Johnstown Tribune Democrat](#) (Pa.) carry an op-ed by Forrest Remick, emeritus professor and emeritus associate vice president for research at The Pennsylvania State University and commissioner (retired) US Nuclear Regulatory Commission, in which he argues minerals, metals and met coal are all integral to infrastructure improvement.

[The Wheeling Intelligencer](#) (W.Va.) carries an op-ed by Robert Chase, professor emeritus at Marietta College, in which he argues baseload electricity from natural gas, coal

and nuclear power generation has been essential in keeping the lights on and assembly lines moving.

[The Detroit News](#) (Mich.) carries an op-ed by Mark Perry, a professor emeritus at the University of Michigan and a senior fellow at the American Enterprise Institute, in which he argues continuing our reliance on China, Russia, Kazakhstan or the Democratic Republic of the Congo for the minerals and metals for our energy future needs is a mistake we must not make.

[The Roanoke Times](#) (Va.) carries an op-ed by Matthew Kandrach, president of Consumer Action for a Strong Economy, a free-market advocacy organization, in which he argues the coal fleet helps to stabilize electricity prices.

Mining and Energy News

[E&E News reported](#) on USGS' recent annual analysis showing the country's reliance on foreign minerals isn't improving, noting that the U.S. is "100 percent net import reliant" on 14 of 35 minerals listed on the government's critical minerals list.

Axios reported that the global [supply chain crunch](#) impacting EVs is real with last year seeing significant price increases for steel, lithium, nickel and other metals, and chip shortages.

[Foreign Policy](#) reported that onshoring critical minerals mining doesn't address the root causes of predatory extraction.

[Reuters](#) reported that large mining companies are under pressure to increase their exposure to minerals needed to drive the electric vehicle revolution, and have so far opted for the cautious approach of joint ventures with small explorers rather than buying them outright.

[The Wall Street Journal](#) reported that the U.S. race to secure lithium, known as 'white

gold,' turns to California's Salton Sea, where energy companies hope to extract lithium from a geothermal reservoir.

[Politico](#) published: "FWS proposes habitat for rare flower in path of lithium mine."

[Bloomberg](#) reported that uranium investments have been especially volatile recently, and January in particular has been far from normal for uranium, pushing volatility in the stocks to a new level.

[Washington Examiner](#) reported that leading Republicans on the Senate Energy and Natural Resources Committee are pressing Interior Secretary Deb Haaland to use her authority to ensure that uranium and helium remain on the USGS's list of critical minerals.

[Bloomberg's](#) editorial board ran an opinion piece: "Nuclear power is more important than ever. Retiring nuclear plants early was a bad idea. Failing to invest in new ones would be disastrous."

[Reuters](#) reported that nearly 80 scientists and academics, including a former U.S. energy secretary, are urging Governor Gavin Newsom to delay closure of California's remaining nuclear plant to comply with state laws on fighting global warming.

[Energy Wire reported](#) that an electric vehicle-related operation will build a rare-earth magnet facility in Kentucky, creating 200 full-time jobs. The \$95 million Louisville plant will be Quadrant's first mass production facility in the U.S.

[Argus](#) reported that coal-fired generation in the PJM Interconnection surged in January amid colder weather and higher natural gas prices.

[The Gillette News Record](#) published: "Increased PRB coal production and employment point to 'strong 2022' amid overall downturn."

[E&E News published](#): "Georgia Power plans to double renewables, ditch all coal."

[Corporate Knights](#) published: "Could rare earth minerals give coal country a second life?"

[Washington Examiner](#) reported that the exorbitant rise in natural gas prices which Europe began to suffer last year interrupted the retirement of coal-fueled electricity within the EU.

OilPrice published: “France [braces for blackouts](#) as gas stockpiles dwindle.”

[Climatewire](#) reported that the Jim Bridger power plant facility, one of the biggest U.S. emitters, will convert two coal units to gas if an agreement with EPA doesn't collapse.

POWER published: “Coal will [remain prominent for decades](#) despite growing renewable power capacity.”

U.S. Energy Information Administration concluded utilities' carbon-reduction goals will [have little impact](#) on total carbon dioxide emissions.



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