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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

This Week in the News

President Biden returned to Washington earlier this week to sign the partisan Inflation Reduction Act, a sweeping tax and spending bill that the Democrat Majority will use to claim progress on climate and drug costs as they head into the midterms. With his signature, the question of promised permitting reform and what may or may not happen this fall is on the minds of many, with the National Mining Association (NMA) 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

In the waning days of summer, the Occupational Safety and Health Administration [offers tips](#) on how to prevent heat illness at work.

Bipartisan Congressional Action to Disapprove Biden NEPA Rules



On August 4, the Senate considered and passed a Congressional Review Act (CRA) [Resolution](#) of Disapproval, introduced recently by Senator Dan Sullivan (R-Alaska) to nullify President Biden's final Phase 1 National Environmental Policy Act (NEPA) [rule](#), which was finalized on April 20 by a bipartisan vote of [50 to 47](#). Specifically, the Biden administration Phase 1 rule rolls back part of the 2020 NEPA reform [rule](#). It replaces those reforms with provisions providing federal agencies full authority to address alternative approaches that could minimize environmental health and public costs; and establishes CEQ's NEPA regulations as a floor, rather than a ceiling, for the environmental review standards that federal agencies should be meeting. Please find a link to Senator Sullivan's press release [here](#) and a link to the NMA's statement of support for the Senate CRA [here](#).

In the House of Representatives, Congressman Garret Graves (R-La.) last month introduced a House companion ([H.J. Res. 91](#)) to Senator Sullivan's CRA. The NMA is

joining with a large number of other organizations to support this resolution and its consideration in the House, which would require a majority of total House members to support. House consideration is expected sometime in September.

NMA Meets with White House Interagency Working Group on Mining Reforms

This week, the NMA's Katie Sweeney met with officials at the Department of the Interior and the Council on Environmental Quality to discuss the NMA's draft comments on the *Request for Information to Inform the Interagency Working Group (IWG) on Mining Regulations, Laws and Permitting*. The meeting was an opportunity to preview and discuss NMA's draft comments at a high level prior to submission, to allow for the final document to reflect the best understanding of the purpose and intent of the IWG's efforts. The NMA stressed support of the "all the above" approach to secure mineral supply chains while emphasizing that domestic production is a key part of the solution. She also discussed the need for the government to implement proactive policies quickly to meet the skyrocketing demand for minerals that will need to grow exponentially with the passage of the Bipartisan Infrastructure Law and the Inflation Reduction Act. Finally, she emphasized that prescriptive one-size-fits-all approaches to regulations, standards or certifications are impractical for mining because mining confronts too great an assortment of site-specific technical, environmental and social conditions.

Judge Reinstates Obama-Era Federal Coal Leasing Moratorium – NMA to Appeal



Last week, in a legally suspect and outcome driven ruling, a judge for the U.S. District Court for the District of Montana issued an [order](#) reinstating the federal coal leasing program moratorium established by former Department of the Interior (DOI) Secretary Sally Jewell. The order manufactures an unprecedented novel and indefinite nationwide injunction against federal coal leasing until the Bureau of Land Management (BLM) completes a “sufficient” National Environmental Policy Act (NEPA) analysis of the 2017 revocation of the moratorium. In the order, Judge Brian Morris essentially rewrites terms of the Secretarial Orders at issue, and fashions a novel legal obligation for the BLM to prepare a Programmatic Environmental Impact Statement (PEIS) that was voluntary in the first place. The NMA plans to appeal this egregious decision to the 9th Circuit by the 60-day filing deadline.

Recall, the NMA has been extensively involved in the litigation on this matter from the beginning. Most recently, the NMA filed motions to dismiss the case as moot, and for lack of jurisdiction. The NMA contended in its motion that the Jewell Order’s programmatic review of coal leasing was entirely voluntary and paused some new federal coal leasing only while the voluntary review was underway. The motion also reiterated that the Zinke Order effectively ended the Jewell Order’s voluntary review as well as the pause. The NMA argued that the Haaland Order subsequently vacated the Zinke Order, and that the DOI is already undergoing a new programmatic review of federal coal leasing that was required by the Haaland Order, and that no new federal coal lease have been issued under the current review. The U.S. Department of Justice also filed a summary judgement motion

arguing the case was moot because the Haaland Order vacated the Zinke Order. Despite these clearly reasoned arguments to dismiss the case, the court found because the Haaland Order does not return the status quo that existed under the Jewell Order, that environmental groups have a remedy through NEPA; and that the BLM's final EA from the Zinke Order failed to comply with NEPA.

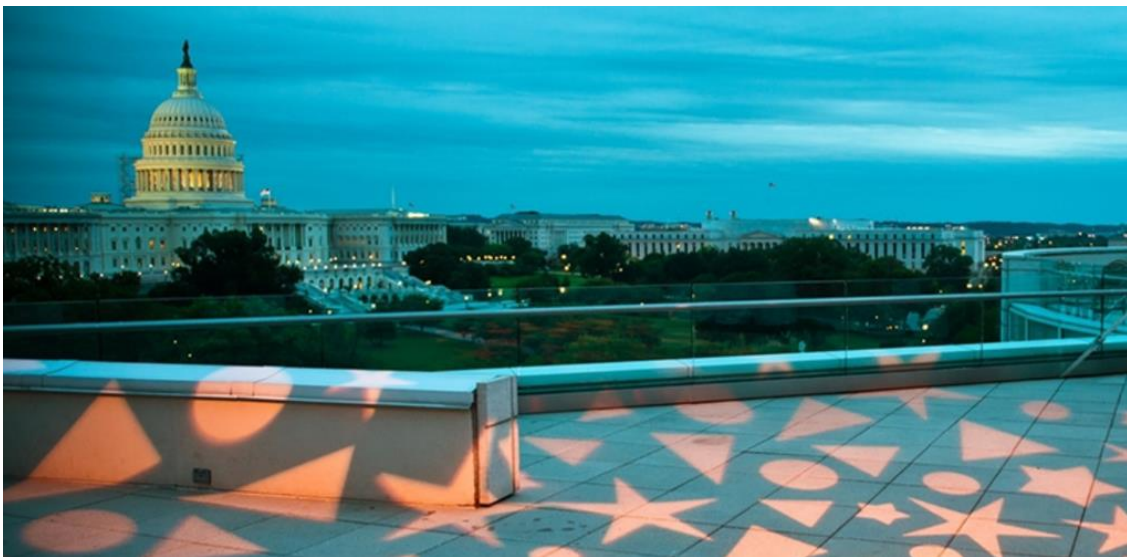
Reserve Your Rooms Now for NMA's Fall Board of Directors and Annual Members Meeting in Washington, D.C.



As a reminder, the NMA Fall Board of Directors and Annual Members Meeting will be held September 14-16, at the [Conrad Washington, D.C.](#), located at 950 New York Avenue NW, Washington, D.C. 20001. Washington is very busy in the fall, and hotels are booking up quickly. The deadline to book hotel rooms at the group rate is **Friday, August 26, 2022**. Hotel rooms in the NMA block are on a first come, first serve basis. The group rate (\$429 /night) will be available until **August 26, 2022**, or until the block is full. [Click here](#) to reserve a room at the Conrad Washington, D.C.

If you have not already done so, to register for the Board Meeting and the congressional reception, please [click here](#). If you are only planning to attend the NMA congressional reception, please be sure to [RSVP](#).

Invite Your Delegation to NMA's Rooftop Congressional Reception



Coinciding with the fall Board of Director's meeting, the NMA will be hosting a congressional reception on the evening of September 15 for Members of Congress and key congressional staff on the rooftop of 101 Constitution Ave. A highly anticipated event that has been paused because of COVID and virtual meetings for the last few years, the NMA is inviting Members of Congress and their key staff. Invitations have already been sent and RSVPs are continuing to roll in, but feel free to invite your delegation members and favorite Congressional staff to join us. Please find a link to a digital postcard that you can [share with them](#).

Register for NMA's Fall Environment and Lands Committee Meeting



[Reserve your room today](#) for the NMA's Fall Environment and Lands Committee meeting, taking place Oct. 3 and 4, 2022, at the [InterContinental Washington D.C. - The Wharf](#) in Washington, D.C. NMA staff will lead an opening session to provide updates on the [Biden-Harris administration's regulatory agenda](#), relevant legislative and state activities, and a midterm election overview. We have invited key federal regulators from the U.S. Environmental Protection Agency, the U.S. Department of the Interior, and the Small Business Administration, as well as a slate of congressional staff to provide perspectives on our priority environmental and lands issues. The room block will close on Friday, Sept. 9, 2022. After this date, rooms may be available at a higher rate, and will be based on availability. If you have any questions regarding this meeting, please contact Tawny Bridgeford at tbridgeford@nma.org.

NMA and Third Party Voices

Rich Nolan is quoted by the [Associated Press](#), [Casper Star-Tribune](#), [Washington Examiner](#), [Politico Pro](#), [Washington Post](#), [The Hill](#), [Bloomberg](#) and others on the news that a federal judge on Friday blocked all coal leasing on federal lands, the latest development in long-running litigation over the federal coal program.

From our third parties, [St. Joseph News Press](#) (MO), [Reno Gazette Journal](#) (NV), [Mesabi Tribune](#) (MN), [Grand Rapids Herald Review](#) (MN), [Morrison County Record](#) (MN), [Fairbanks Daily Miner](#) (Alaska), [Waco Tribune Herald](#) (Texas), [Elko Daily Free Press](#) (Nev.), [Johnstown Tribune Democrat](#) (Pa.), [Grand Junction Daily Sentinel](#) (Colo.), [Salem News](#) (Ohio), [East Liverpool Review](#) (Ohio), [Montana Standard](#) (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 [Lisbon Morning Journal](#) (Ohio) all ran an op-ed by Thomas Madison Jr., an infrastructure consultant who has previously served as administrator of the U.S. Federal Highway Administration, in which he argues regardless of why politicians seek permitting reform, it's clear that our country desperately needs it.

Mining and Energy News

[Argus](#) reported that coal-fueled generation in the Southwest Power Pool ticked down in July despite warmer weather and a spike in electricity demand.

[Washington Examiner](#) reported that German coal importers are expecting a flurry of new shipments beginning next month as the country scrambles to secure alternatives to Russian gas.

[Argus](#) reported that coal generation in the Midcontinent Independent System Operator (MISO) fell from a year earlier for the ninth month in a row in July as natural gas and renewable dispatch continued to increase.

[Argus](#) reported that coal generation in Texas' ERCOT power region fell in July for the third straight month despite record- setting electricity demand.

[S&P Global](#) reported that as an indication of demand destruction, U.S. steam coal exports fell 15.2 percent in June as the CIF ARA monthly average price more than tripled to \$371.02/mt, according to U.S. Census Bureau data released Aug. 4.

[Argus](#) reported that U.S. western bituminous coal production rose from a year earlier in the second quarter as output from Colorado mines increased.

[E&E Greenwire](#) reported that “Even as President Joe Biden calls for creating a U.S. supply chain to source metals necessary for the energy transition, his administration is approving few new mines on federal land.”

[E&E Greenwire](#) reported that, in a resounding loss to the Oglala Sioux Tribe, an appeals court found today that federal nuclear regulators had adequately analyzed the environmental risks of a contentious uranium mining project in southwest South Dakota.

[E&E Greenwire](#) reported that Talon Metals announced that it acquired 400,000 acres of land to explore for battery-grade nickel in Michigan’s Upper Peninsula.

[The Washington Post](#) reported on sustainability in mining, focusing on Minnesota.

[Washington Examiner](#) reported that advanced nuclear reactor developers are worried about lacking alternatives to Russian high-assay low enriched uranium, the special fuel needed to power their reactors.

[Reuters](#) published: “Miners face supply chain overhaul to meet U.S. EV credit deadline.”

[E&MJ](#) reported that Stillwater Mining reduced its production guidance for its U.S. platinum group metals (PGM) operations by 120,000 oz after floods forced a month’s long suspension at its Stillwater mine in Montana.

[E&E EnergyWire](#) reported that California Gov. Gavin Newsom has officially proposed keeping the state's last nuclear power plant open five to ten years beyond its planned 2025 final closure date.

Mining Action Strategy Team

Access the latest snapshot of the NMA's ongoing regulatory efforts. The MAST tracker is updated weekly to the extent new actions have occurred.

Current password: Mining

[Mining Action Strategy Team](#)

CORESafety



The August edition of CORESafety TV:

- A discussion of the dangers of extreme heat.
- An interview with Stephen Gigliotti from MSHA.

- CORESafety's module eight on Communication and Collaboration.

Bluefield Coal & Mining Show



**THE
BLUEFIELD
COAL & MINING
SHOW**
© **A Show for Mining:
Our Past, Present, Future**

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