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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

Congress moved with uncharacteristic speed to avert a potential national rail strike and again rejected a permitting legislative proposal from Senator Manchin for inclusion in a key end of year bill. More high stakes issues remain for the lame duck session, however, as attention now turns to government funding for next year and positioning for the change in House control in the next Congress. 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

[Driving safely in winter weather](#) can be a challenge for even the most experienced driver. The National Highway Traffic Safety Administration has a refresher.

Final WOTUS Rule Expected for Release Soon



The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) final rule defining “waters of the United States” (WOTUS) cleared interagency review at the Office of Management and Budget late last week. We believe a pre-publication version of the final rule could be released as early as next week. The NMA continues to work closely with the Waters Advocacy Coalition and other allies on next steps, including Capitol Hill engagement and preparation for our coalition legal challenge.

NMA Advocates for Mining Priorities with Western Governors



This week, NMA's Jerry Mullins and Scott Gemperline attended the annual Western Governors Association Winter Meeting in Phoenix, Arizona. During the three day event, the NMA engaged state and federal policymakers to advocate for policy priorities important to domestic mining in the Western U.S. Special guest speakers included White House Senior Advisor and Infrastructure Coordinator Mitch Landrieu and Secretary of the Interior, Deb Haaland. Secretary Haaland's remarks described the ambitious renewable energy goals of the administration. During a Q&A portion, Utah Governor Spencer Cox asked Secretary Haaland for a status update on the Interagency Working Group (IWG) on minerals mining and reiterated the importance of state and federal collaboration to secure domestic mineral supply chains. The Secretary acknowledged the importance of critical minerals and said the IWG will work to maximize responsible mining, chiefly through an update of the General Mining Law. Former DOI Solicitor John Leshy also spoke and offered his perspective on public lands, while panel presentations and discussions focused on the immediate need to expand the domestic mineral supply for a variety of applications.

IWG Recommendations on Tribal Consultation Released

As part of last week's White House Tribal Summit, the Department of the Interior (DOI) [announced](#) recommendations on tribal consultations that will be part of the forthcoming report from the White House IWG on Mining Laws, Regulations and Permitting. These recommendations include:

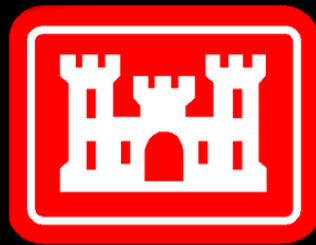
- Informing Tribes of explorations notices and creation of a website to track such notices (supported by NMA in its supplemental IWG comments);
- Developing a system to allow Tribes to confidentially specify geographic areas of interest and receive notifications when mineral exploration or mining proposals occur within these areas;
- Inviting Tribal governments to participate in pre-exploration or mining plan submission meetings with mine developers (supported in NMA IWG comments);
- Exploring the formation of intergovernmental teams composed of federal, Tribal, state and local government officials to facilitate information-sharing and identification of issues of concern related to mining proposals;
- Consulting with Tribal governments on reclamation plans and appropriate financial assurance levels for mineral exploration and mining proposals, and engage Tribes in discussions about desired post-mining land uses (engagement on post-mining land uses supported in NMA IWG

comments); and

- Making additional efforts to include Tribal governments who have a current or historical presence in a potentially-impacted area, or who would be impacted by mineral development, to participate in the NEPA process as cooperating agencies.

Notably missing from these recommendations is giving Tribes any explicit right to veto mining projects. That said, however, the breadth of the policies announced at the summit could definitely impact permitting timeframes and mine approvals.

Invitation: NMA Virtual Member Meeting with Army Corps Regulatory Branch Leadership



**US Army Corps
of Engineers®**

On **Wednesday, Dec. 14, from 1-2 p.m. (Eastern)**, the NMA will hold a virtual member meeting with the Corps regulatory leadership. Expected

attendees from the Corps are Tom Walker, the new Regulatory Chief at Corps headquarters, and Jacob Siegrist, the new mining subject matter expert at Corps headquarters. This virtual meeting is an opportunity for members to hear directly from the Corps about their priorities for the coming year, discuss updates on important regulatory initiatives, and ask questions. A high-level agenda is available [here](#). **Click [here](#) to RSVP and download the Outlook invitation.**

NMA Participates in U.S. Chamber Mineral Supply Chain Webinar

Last week, the NMA's Justin Prosser participated in a U.S. Chamber of Commerce webinar to discuss domestic mineral supply chains and the need to enact durable permitting reforms to secure the metals essential for U.S. economic and national security. The webinar, entitled *EV Battery Resources: Advances in Securing the Domestic Critical Mineral Supply*, focused on what the federal government can do to secure a domestic mineral supply chain to support anticipated demand and how this could be accomplished in a bipartisan manner. In addition to Prosser, panel participants included Matt Sloustcher (Sr. Vice President of Communications & Policy for MP Materials), John Drake (VP for Transportation, Infrastructure, and Supply Chain Policy at the U.S. Chamber of Commerce) and Andrew Morley (Sr. Legislative Assistant for Rep. Pete Stauber (R-Minn.)). Rep. Stauber will be the incoming Chairman of the House Subcommittee on Energy and Mineral Resources, is the principal author of the *Permitting for Mining Needs Act* (H.R. 8928) and a lead cosponsor of the *Securing America's Mineral Supply Chains Act* (H.R. 8981). Please find the NMA's memo on H.R. 8928 [here](#) and the memo on H.R. 8981 [here](#). In addition to the panel discussion, webinar attendees received a presentation entitled, *Critical Minerals and the Battery Supply Chain*, linked [here](#), from the Department of Energy's Office of Energy Efficiency and Renewable Energy.

Congress Considering Lands Legislation



NATURAL RESOURCES C O M M I T T E E

Tomorrow, the House Natural Resources Committee will markup a number of small lands bills. Due to the non-controversial nature of the bills being considered they will likely be considered by unanimous consent in the committee.

On the Senate side, the Energy and Natural Resources Committee is in the process of possibly developing a lands package. Committee staff have indicated that they are not close to a deal, but conversations are ongoing. The following bills, for which the NMA has previously solicited feedback from member companies, are under consideration for the package with the potential for others to be included. The bills include the Smith River National Recreation Area Act ([S. 1538](#)), the Rim of the Valley Corridor Preservation Act ([S. 1769](#)), the Buffalo Tract Protection Act ([S. 180](#)), the Ruby Mountains Protection Act ([S. 609](#)), and the Oregon Recreation Enhancement Act ([S. 1598](#)).

NMA Discusses Interagency Working Group at AEMA Annual Meeting



The NMA's Justin Prosser this week participated in a panel discussion on DOI's IWG on Mining Regulations, Laws and Permitting at the American Exploration & Mining Association's 128th Annual Meeting in Reno, Nev. The panel - which also included Debra Struhsacker (Environmental Permitting and Government Relations Consultant and Co-founder and Director of the Women's Mining Coalition) and Carolyn McIntosh (Senior Partner at Squire Patton Boggs (US) LLP) and was moderated by Laura Granier (Holland & Hart LLP) - discussed the IWG process in great detail, including its inception, intent, forthcoming recommendations and possible impacts, as well as likely oversight from bipartisan mining industry allies in the 118th Congress.

National Defense Authorization Act Agreement Reached



This week, the House and Senate reached a final agreement on the annual National Defense Authorization Act. As usual, the bill contains minerals related provisions. This year's NDAA also included this Congress' Water Resources Development Act (WRDA). Please find a link to NMA's memo outlining the mineral and WRDA provisions [here](#).

FWS Finalizes ESA Listing of Northern Long Eared Bat

Last week, the U.S. Fish and Wildlife Service (FWS) [listed](#) the Northern Long Eared Bat (NLEB) as an endangered species under the Endangered Species Act (ESA). The FWS determined that the foremost stressor impacting the NLEB is white nose syndrome, a disease found in bats for which there is no known cure. The listing becomes effective on Jan 30, 2021. In the final listing, the FWS has a list of actions that are not likely to result in a violation of section 9 of the ESA. The NMA has also been working with the House Natural Resources Minority Staff on a letter requesting Congressional appropriators to prohibit federal funding for listing the NLEB as endangered under the ESA.

NMA and Third Parties In the News

Rich Nolan's [latest President's blog](#) urges policymakers to take action on permitting reform.

From our third parties, the [Houston Chronicle](#) (Texas) and [Lincoln Journal](#) (W.Va.) carry an op-ed by Terry Jarrett, an energy attorney and consultant who has served on both the board of the National Association of

Regulatory Utility Commissioners and the Missouri Public Service Commission, in which he argues rather than race to dismantle more coal plants, the U.S. must recognize the essential utility of its remaining coal fleet as a reliability and affordability backstop.

Mining and Energy News

[Visual Capitalist](#) profiled the world's largest copper producers.

[Kitco News](#) reported on analysis by Metals Focus indicating that the average head grade at the world's primary gold operations has been declining every year since reaching a 10-year peak in 2017 and by 2021, the average grade had dropped by 8 percent. "Because a rising price incentivizes more low-grade production, average industry grades in the gold sector have an inverse relationship to the gold price," the authors of the report found.

[Mining.com](#) reported that Australia's Arizona Lithium Ltd said on Monday it had entered into an alliance with Navajo Nation, a Native American mining services firm, to help develop its flagship Big Sandy lithium project in Arizona.

[Forbes](#) reported that "King Coal is making a comeback all around the world."

[Argus](#) reported that the Surface Transportation Board (STB) plans to fill the vacant seats reserved for coal producers on its Rail Energy Transportation Advisory Committee (RETAC) by early March.

[Argus](#) reported that U.S. coal generation decreased in September by nearly 18 percent from a year earlier as natural gas power climbed.

The [Columbus Dispatch](#) reported that EPA announced that [it has denied](#) the James M. Gavin coal plant in Gallia County Ohio permission to keep depositing

coal ash into an unlined pond. The facility was given 135 days to find another way to dispose of the coal ash, but if it can't find one, the plant may eventually have to close.

[Argus](#) reported that U.S. third-quarter coking coal output fell by about 3 percent in the third quarter as weak demand signs emerged and rail delays and geologic conditions held some production back.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	12/6/2022	\$23.56
Copper Spot Price (\$/lb)	12/6/2022	\$3.78
Gold Spot Price (\$/ounce)	12/6/2022	\$1,773.35
Lithium Spot Price (\$/kg)	12/6/2022	\$82.62
Molybdenum Spot Price (\$/kg)	12/6/2022	\$46.50
Nickel Spot Price (\$/lb)	12/6/2022	\$13.21
Silver Spot Price (\$/ounce)	12/6/2022	\$22.54
Steel HRC Price (\$/mt)	12/6/2022	\$665.87
Steel Rebar Price (\$/mt)	12/6/2022	\$529.07
Zinc Spot Price (\$/lb)	12/6/2022	\$1.42
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	12/6/2022	\$281.33
Coal Spot Price - Central Appalachian (\$/st)	12/2/2022	\$193.45
Coal Spot Price - Newcastle futures (\$/mt)	12/6/2022	\$399.64
Coal Spot Price - Rotterdam futures (\$/mt)	12/6/2022	\$266.65
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	11/30/2022	\$6.80
Uranium Spot Price (\$/lb)	12/6/2022	\$48.30

Sources: publically available data from eia.gov, dailymetalprice.com, tradingeconomics.com, sgxgroup.com, investing.com

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 December edition of CORESafety TV explores CORESafety's module eleven on Change Management.



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