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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

Debt limit negotiations became more urgent as the Treasury Department indicated the government may hit its ceiling as early as June 1. On the regulatory front, the Biden administration's aggressive agenda continues to move forward. On Capitol Hill, new permitting and energy bills have been introduced along with more hearings. 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 U.S. Environmental Protection Agency (EPA) publishes a "[Citizen's Guide to Radon](#)" with suggestions for protecting against radon exposure. *Quartz* published an informative [deep dive](#) on the naturally occurring gas which is the number one environmental cause of any type of cancer.

More Permitting and Energy Legislation Introduced



Responding to the House-passed H.R. 1, Senate Energy and Natural Resources Committee Chairman Joe Manchin (D-W.Va.) [introduced his American Energy Security Act](#), a re-introduction of his permitting and energy legislation, which failed in the Senate last year. Additionally, this week we expect Senators John Barrasso (R-Wyo.) and Shelley Moore Capito (R-W.Va.), ranking members of the Senate's Energy and Natural Resources and Environment and Public Works Committees, to introduce two permitting, energy and production companion bills, which include new provisions on electricity reliability, regulatory overreach and federal coal production, and mineral provisions contained in H.R. 1 plus additional NMA-backed provisions.

Bipartisan Rosemont Bills Introduced in Senate and House in Lead Up To Permitting Hearings

In addition to provisions in the House-passed H.R. 1, and expected comprehensive permitting legislation in the Senate this week, Senators Catherine Cortez Masto (D-Nev.) and Jim Risch (R-Idaho) introduced the Mining Regulatory Clarity Act ([S. 1281](#)), a bill codifying ancillary uses on mining claims and pushing back on the Rosemont decision. The Senate bill has identical companion legislation that was introduced last week in the House by Representatives Mark Amodei (R-Nev.) and Mary Peltola (D-Alaska). [H.R. 2925](#) is standalone legislation that was included in the recently passed House permitting legislation – H.R. 1. Both bipartisan standalone bills have continued bipartisan support impacting broader permitting discussions on both sides of the Capitol.

DOI Notice of Intent to Prepare an EIS on Coal Leasing

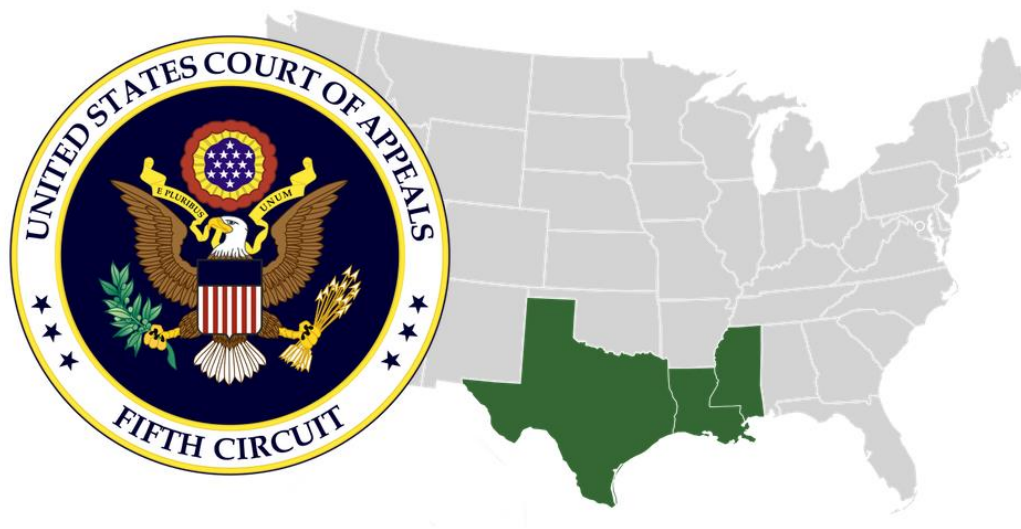


Last Friday, the Department of the Interior (DOI) released the prepublication version of its notice of intent to prepare an environmental impact statement (EIS) to analyze the potential environmental effects from maintaining or revoking the coal leasing moratorium put in place by former Secretary Sally Jewell in 2016. The [proposed rule](#) was published on Monday. DOI asserts this step is necessary to respond to a Montana federal district judge’s decision in August 2022 in *Citizens for Clean Energy v. U.S. Dep’t of the Interior*. Recall, in that case an activist judge issued a legally suspect and outcome driven [ruling](#) manufacturing 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. The NMA intervened in the litigation in support of the lifting of the moratorium and appealed the egregious decision to the U.S. Court of Appeals for the Ninth Circuit. Briefing in the appeals begins this summer and at this juncture we do not believe today’s notice impacts our ability to move forward with that challenge. The NMA will prepare comments on this latest action. Comments are due June 15, 2023.

OSMRE Proposes Problematic Revisions to Ten-Day Notices Under SMCRA

Last week, the Office of Surface Mining Reclamation and Enforcement (OSMRE) published its [proposed rule](#) revising the Ten-Day Notice (TDN) process under the Surface Mining Control and Reclamation Act (SMCRA). The proposed rule would largely revert back to the pre-2020 changes that were implemented by the previous administration. The OSMRE contends that the proposed changes will reduce burdens for citizens to file complaints and allow OSMRE to evaluate citizen complaints quicker. The NMA disagrees and believes that these changes will unlawfully and inappropriately erode state primacy under SMCRA. The NMA will be filing comments on this proposal, which are due on June 26, 2023.

Fifth Circuit Stalls Ozone Transport Rule in Texas and Louisiana



The U.S. Court of Appeals for the Fifth Circuit (Fifth Circuit) last week stayed EPA's disapproval of Texas and Louisiana's state implementation plans (SIPs) intended to satisfy the Clean Air Act's "good neighbor" requirement to mitigate emissions that significantly contribute to downwind states' ability to meet the 2015 ozone national ambient air quality standards. The court held that the states "are likely to prevail on the claim that the EPA arbitrarily and capriciously based its Final SIP Denial in part on information only available after Texas and Louisiana had submitted their SIPs." The court opined that EPA transformed its "statutory role from that of a 'ministerial' overseer to one of a freewheeling dictatorial regulator." The court also chided EPA for the "multi-year delay" in disapproving the SIPs. According to the court, "time is of the essence with respect to the public's interest in ready access to affordable electricity" and "a steady supply of electricity during the summer months," thus supporting the stay. This ruling is significant in that it also keeps this case in the Fifth Circuit to be decided on the merits. EPA requested that the Fifth Circuit transfer this case to the more favorable U.S. Court of Appeals for the D.C. Circuit, claiming its SIP denials have nationwide scope and are only properly heard in Washington, DC. Given the stay of the SIP denials, EPA's final Ozone Transport Rule that would impose a stringent federal plan on 23 states will not apply to Texas and Louisiana while the case is heard and decided by

the Fifth Circuit. EPA is expected to publish that rule at any time, which will trigger additional legal challenges regarding the federal plan for the remaining states.

NMA Participates in Offshore Technology Conference Panel on Minerals



This week, the NMA's Justin Prosser spoke at the 2023 Offshore Technology. To an audience new to mining and minerals issues, Justin discussed mineral demand necessary for electric vehicles and energy technologies, U.S. mineral import reliance, the need for access to federal lands, lengthy permitting processes in the U.S., and the need to enact responsible minerals policy to meet manufacturing, infrastructure, energy and national defense priorities. Justin contributed on a panel that included Anthony Huston, CEO of Graphite One; Drue Pearce, Government Affairs Director with Holland & Hart LLP; and Kendra MacDonald CEO of Canada's Ocean Supercluster and was moderated by

former Commissioner of the Alaska Department of Natural Resources Corri Feige.



NMA and Third Parties In the News

[The Washington Post](#) published a letter from Rich Nolan in which he makes the argument for more support for domestic mining projects to ensure cleaner EV supply chains.

Rich Nolan is quoted by [Grist](#) in a story on the potential impact of a pending Supreme Court ruling on the Clean Water Act.

[Forbes](#) quotes Rich Nolan in a story on the world's copper needs.

The NMA is quoted by [E&E Greenwire](#) in a story on the formal, court-ordered environmental review around the effects of either scrapping or keeping intact an Obama-era ban on coal leasing on public lands.

The NMA is quoted by [Inside EPA](#) in its coverage of efforts by power and other industry groups that are urging EPA to ease provisions in its proposed effluent limits for coal-fired power plants, including extending the deadline to comply with more stringent standards for facilities that were “early adopters” of the 2020 Trump-era rule and warning of the cumulative impacts EPA’s power sector rules may have on grid reliability.

From our third parties, [The Cleveland Plain Dealer](#) (Ohio) carries an op-ed by Robert Chase, the chair of the Petroleum Engineering and Geology Department at Marietta College from 1978 to 2015, in which he argues Congress must take action on legislation to simplify the U.S. permitting process for mines and processing facilities so that automakers have a secure supply of minerals and metals.

Mining and Energy News

[Argus](#) reported that the EPA is proposing changes to Texas haze standards that would require upgrades at a handful of coal and natural gas power plants.

[E&E Greenwire](#) reported that a precedent-setting legal decision four years ago around the dumping of mine waste continues to send shock waves through the mining industry — delaying and halting projects and ratcheting up the likelihood that Congress will try to step in.

The [Department of Energy](#) announced its intent to fund projects that advance domestic production of critical minerals from coal-based resources.

[Politico Pro](#) reported that courts, technology questions and Democrats' headwinds in 2024 could hamper the proposal to slash power plants' carbon pollution.

[Argus](#) reported that El Nino could improve the global coal supply outlook due to milder/more favorable weather patterns that are more conducive to production and transport.

[Energywire](#) reported that West Virginia regulators signed off on an attempt to save the Pleasants Power Station, writing in an order that it would be "imprudent" to not exhaust every option to save a coal plant.

[EIA's](#) recent *Today in Energy* report showed that slightly more coal was shipped to U.S. power plants in 2022 than in 2021 even though coal generation fell by nearly 8 percent in 2022. The 8-million-ton increase in coal shipments came as power plants replenished their coal stocks, which had been drawn down in 2021.

[Argus](#) reported that U.S. energy commodity shippers say rail transportation remains "unpredictable and unreliable," and are urging regulators to delve deeper into how well railroads are fulfilling customer orders for service.

[Mining.com](#) reported that a flexible gold sensor may become a game-changer for body glucose monitoring. Gold offers a new route toward miniaturized, flexible, implanted medical devices to diagnose and treat chronic diseases.

[Utility Dive](#) reported that Tesla is saying that rather than price, it is the lack of lithium refining capacity that will become an EV "choke point" for them. To further take control of its lithium supply, the company plans to start production by the end of this year on its own refinery in Corpus Christi, Texas.

[Mining.com](#) reported that silver market fundamentals are strong as silver enters a new era of supply deficits. In the past month, silver prices have gone up nearly 20 percent, eclipsing the S&P 500's approximate 5 percent gain over the same period, as well as outpacing other precious metals, including gold (9 percent), platinum (10 percent) and palladium (12 percent).

[The Economist](#) published: “Is mining set for a new wave of mega-mergers?”

[Mining.com](#) reported on recent International Lead and Zinc Study Group (ILZSG) forecast data indicating that global demand for refined zinc and lead will exceed supply in 2023.

[Climatewire](#) reported that coal plants may not use carbon capture to comply with EPA’s upcoming climate rules — because they might shut down instead.

[Visual Capitalist](#) graphically describes global gold production by country over the last 200 years (1820 to 2022), showing how gold mining has evolved to become increasingly global over time.

[Mining.com](#) reported that analysts expect solid copper mine production from new or expanded operations will push the market into surplus next year before growth slows down in the second half of the decade.

[Mining.com](#) reported on the World Bank’s recent *Commodity Markets Outlook* report predicting that metals prices will fall by 8 percent in 2023, and 3 percent in 2024. **“In the longer term, however, the energy transition could significantly lift the demand for some metals, notably lithium, copper, and nickel,” the bank said.**

[Forbes](#) reported that the world needs copper like that which would come from mines like Twin Metals Minnesota.

[Mining.com](#) reported that a leap in the estimated resources at Ioneer’s Rhyolite Ridge lithium-boron project in Nevada could give the site enough lithium to charge more than 50 million EVs, as the company eyes its first production in 2026.

International Copper Study Group's (ICSG) recent forecast predicts that world copper mine production will increase by 3 percent in 2023 with growth of about 2.5 percent in 2024. Refined copper production is forecast to rise by about 2.6 percent in 2023 and 4.4 percent in 2024, while apparent refined copper usage is expected to increase by about 1.4 percent in 2023 and 2.8 percent in 2024.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	5/1/23	\$15.84
Copper Spot Price (\$/lb)	5/2/23	\$3.84
Gold Spot Price (\$/ounce)	5/2/23	\$1,980.90
Lithium Spot Price (\$/kg)	5/2/23	\$25.65
Molybdenum Spot Price (\$/kg)	5/1/23	\$57.63
Nickel Spot Price (\$/lb)	5/1/23	\$10.98
Silver Spot Price (\$/ounce)	5/2/23	\$24.77
Steel HRC Price (\$/mt)	5/2/23	\$963.86
Steel Rebar Price (\$/mt)	4/28/23	\$526.59
Zinc Spot Price (\$/lb)	5/2/23	\$1.18
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	5/2/23	\$236.33
Coal Spot Price - Central Appalachian (\$/st)	4/28/23	\$81.35
Coal Spot Price - Newcastle futures (\$/mt)	5/2/23	\$187.59
Coal Spot Price - Rotterdam futures (\$/mt)	5/2/23	\$136.10
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	4/26/23	\$2.19
Uranium Spot Price (\$/lb)	4/24/23	\$52.10

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

CORESafety



In the May edition of CORESafety TV we revisit Dr. Pedram Roghanchi, Dr. Mostafa Hassanalian and their team who have been working to develop a drone that will fly safely in coal mines and will meet MSHA approval.



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