

[View this email in your browser](#)



MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

Issue 32 | August 21, 2024

Brought to you by the National Mining Association

This Week in The News

The Democratic National Convention took center stage this week as Congress remained out of session and the political clock continued ticking toward November's elections. Meanwhile, federal regulatory action continued unabated. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue, and in Chicago. Plus, we have updates on how the mining and energy markets are faring.

Safety Share

September is right around the corner. It's time to start preparing for [National Preparedness Month](#).

Arch and CONSOL Combine to Create Core Natural Resources



Arch Resources and CONSOL Energy today announced their intention to combine in a merger of equals to create Core Natural Resources, a premier North American natural resource company focused on global markets, producing and exporting high-quality, low-cost metallurgical and thermal coals. Read the full announcement [here](#).

News from the Democratic National Convention



Reps. Mike Thompson (D-Ca.), Sanford Bishop (D-Ga) and Jim Costa (D-Ca.) discuss election issues at a NMA-sponsored Blue Dog Coalition discussion at the Democratic National Convention in Chicago on Tuesday.

This week the NMA is on the ground in Chicago attending the Democratic National Convention (DNC). The tone at the convention has focused on the moderate – with the party’s messaging clearly targeting all voters as it works to draw contrasts between the tones and styles of the two campaigns vs. drilling down into the details of specific policy positions.

The NMA’s Ashley Burke and Jerry Mullins are participating in a range of events—from small roundtables and targeted discussions to the larger convention events, highlighting our industry’s messaging around the need for permitting reform, the importance of affordable and reliable energy, the challenges to our minerals and manufacturing supply chains, and the value in domestic sourcing. The convention continues through Thursday and the NMA team will continue to engage, with particular focus on the New Democrat Coalition and the Blue Dog Coalition.

NMA Files Opposition to EPA Request for Partial Voluntary Remand of the Ozone Transport Rule

The NMA joined state and industry petitioners in [opposing](#) the U.S. Environmental Protection Agency's (EPA) recent request at the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) to partially remand the Ozone Transport Rule. That rule imposed a federal implementation plan (FIP) on 23 states to address significant contributions of ozone to downwind states that result in nonattainment of the 2015 ozone National Ambient Air Quality Standards. EPA requested the partial remand so it can "take a supplemental final action addressing the record deficiency identified by the Supreme Court" when it issued a stay of the Ozone Transport Rule in June. In taking that action, the Supreme Court explained that EPA "failed to supply a satisfactory explanation" for how the rule would operate once states were no longer covered by the FIP due to regional appellate court stays putting EPA's denials of 12 state implementation plans [SIPs] on hold. Without these SIP denials, EPA cannot impose controls on power plants covering 70 percent of the emissions the agency planned to address through the FIP. The Supreme Court found that EPA "ignored an important aspect of the problem before it" and held that the final rule was likely "arbitrary and capricious." In our opposition to the remand, we argued that the Supreme Court could not have been clearer: "[T]he Clean Air Act prevents [the Supreme Court] (and courts that may in the future assess the [Federal Implementation Plan]'s merits) from consulting explanations and information offered after the rule's promulgation." Thus, if the D.C. Circuit does anything at this stage, it should vacate the Ozone Transport Rule and require EPA to start over.

BLM Limits New Federal Coal Leasing in North Dakota



Earlier this month, the Bureau of Land Management (BLM) issued the revised Resource Management (RMP) Plan and Environmental Impact Statement (EIS) for the [North Dakota Field Office](#), which applies to approximately 58,500 acres of BLM-managed surface lands and 4.1 million acres of BLM-administered subsurface minerals in North Dakota. The proposed North Dakota RMP went out for [notice](#) and comment last year, and identified Alternative B as the preferred alternative. The NMA [commented](#) on the RMP and strongly objected to Alternatives B and B.1 as foreclosing further coal leasing of nearly all lands within the planning area based on the coal screening analysis detailed in Appendix F. Under the final RMP and EIS, the BLM identified Alternative D as the proposed plan, which restricts federal coal leasing within 4 miles of existing coal mine permit boundaries. The BLM's decision does not affect current coal leases on its lands but would impact any plans for major expansions to operations. BLM contends that the proposed plan and updates to the 1988 North Dakota RMP will better balance energy and mineral development while supporting outdoor recreation, cultural resources, and sustaining healthy habitat for priority plant wildlife, and fish species. The notice also announces an opportunity to protest the RMP and EIS within 30-days of publication, ending on Sept. 9, 2024. [Protests](#) may be filed by any person who previously

participated in the planning process and has an interest that is (or may be) adversely affected by the proposed plan. The NMA is planning to file a protest.

NMA Appeals WOTUS FOIA Response



Last week, the NMA [appealed](#) the U.S. Army Corps of Engineers' response to our Freedom of Information Act (FOIA) [request](#) seeking "Waters of the United States" (WOTUS) implementation documents. The NMA sought internal guidance and training materials related to implementing the revised WOTUS Rule. Unfortunately, the agencies redacted more than half of the 1,200 pages of documents they provided us, including PowerPoint presentations, talking points, and other materials related to implementation of the rule, invoking the deliberative process privilege under FOIA Exemption 5. The deliberative process privilege is intended to protect agency documents that are pre-decisional and deliberative. The NMA's appeal makes three main arguments. First, it argues that the agencies misapplied the deliberative process privilege because the revised rule was already final and in effect at the time these documents were prepared and shared so materials interpreting it are no longer pre-decisional nor deliberative. Second, our appeal explains how the agencies' misapplication of the deliberative process privilege conflicts with existing FOIA guidance and agency direction, including a recent memorandum from the U.S. Department of Justice instructing federal agencies to be more transparent and open through FOIA. Finally, our appeal affirms that disclosure is in the public interest, even if the deliberative process privilege did apply, because our

members and the broader regulated community have an interest in how the rule is being implemented so they can comply with it.

Alaskans Cast Ballots in Congressional Primary Election



Yesterday, Alaska held its congressional primary election for its seat in the U.S. House of Representatives. Congresswoman Mary Peltola (D-Alaska) faced 11 challengers. In Alaska's top-four primary system, the four candidates with the most votes, regardless of party, move on to the general election. Peltola garnered the most votes as of early this morning carrying more than 50 percent of the total. Besides Peltola, Republican candidates Lt. Governor Nancy Dahlstrom and Nick Begich will move on to the general. At our writing it is too early to call the fourth candidate. Outside the top three candidates, no other candidate claimed more than one percent of the vote.

A key issue in the race is how the candidates approach natural resource development, particularly mining. Before entering politics, Peltola worked as a community manager for a mining company for six years. Her campaign has

focused on the potential of developing Alaska's natural resources to create jobs and boost the economy. Dahlstrom has shared this focus, advocating for resource development to grow the state's economy and create jobs. She supports reducing regulations to help industry development. Begich also promotes resource development, emphasizing the economic opportunities it could bring to Alaskans.

Because of Alaska's voting system and geography, final election results can take several weeks to be certified, as absentee ballots can be received up to 10 days after the election.

Stauber Leads Congressional Contingent on Alaska Resource Tour



Last week, Energy and Mineral Resources Subcommittee Chairman Pete Stauber (R-Minn.), Federal Lands Subcommittee Chairman Tom Tiffany (R-Wis.), Congressman Russ Fulcher (R-Idaho), and committee staff visited Alaska to discuss energy and mining issues. While in Anchorage, Alaska Miners Association Executive Director Deantha Skibinski convened a mining panel for

the group where they heard from mining companies about permitting and litigation reform, federal requirements under the Alaska National Interest Lands Conservation Act, Waters of the United States, and overall abuses perpetrated by the U.S. Department of the Interior. NMA member companies represented at the meeting included Coeur, Hecla, Kinross, Ambler Metals, NOVAGOLD, Teck, Stantec and Pebble. The NMA will continue to work closely with Chairman Stauber and committee staff to support and advance industry priorities while holding the administration accountable for its actions.

NMA Team Visits Resolution Copper Mine



NMA team members Rich Nolan, Katie Sweeney, Jerry Mullins, Roger Roberts and Katie Mills last week had the opportunity to tour Rio Tinto's Resolution Copper Mine near Superior, Ariz. Led by Resolution's President, Vicky Peacey, and manager of underground operations, Rob Tobin, the NMA ventured nearly 6800 feet underground at what is expected to become one of the largest copper mines in North America. The team also witnessed firsthand the company's work to reclaim historic abandoned mine tailings in the surrounding areas.

NMA Champions Mining Safety at Bluefield Coal Symposium

Paul Krivokuca, NMA Vice president of Health and Safety addressed the Bluefield Coal Symposium on the industry's ongoing push to get to zero fatalities and the role CORESafety is already playing in getting there. The Symposium was organized by the Chamber of Commerce of the Two Virginias and CoalZoom at the Chuck Mathena Center in Princeton, W.Va. August 12-14. Krivokuca told attendees it took until 1983 for the coal industry to get below 100 fatalities in a year but by 2000 the industry had reduced that number to just five. His message was that if the industry can make that kind of dramatic progress, getting to zero fatalities is achievable. While challenges persist, it's essential to remember accidents are caused, they do not just happen. And because they are caused, they can be prevented. It's within the power of the industry to eliminate them. Krivokuca highlighted that companies using the NMA CORESafety Health and Management System have experienced an 83 percent reduction in fatalities since 2011 and that the system is currently undergoing a refresh to further efforts to achieve zero mining fatalities and injuries. The CORESafety refreshed version includes numerous updates along with additional resources for mental health and substance considerations as well as enhanced governance procedures with the goal of gaining international recognition. The NMA plans a final rollout of the refreshed CORESafety at MINExpo INTERNATIONAL.

**Get Your Spot for MINExpo
INTERNATIONAL® 2024**

MINEXPO®

**20
24** | **SEPTEMBER 24-26, 2024**
LAS VEGAS, NEVADA, USA

MINExpo INTERNATIONAL®, the world's largest (and heaviest) mining event, will bring over 10 million pounds of equipment, products and technology to Las Vegas, Sept. 24-26, and [registration and housing are open!](#) Choose from our new registration options that make it easy to attend, book your hotel room, then join your peers and 1,500+ suppliers from all over the world at the home of mining innovation.

The NMA will be livestreaming from the show floor this year with a new marketing offering: **NMA TV – book your TV time today!** Learn more [here](#).

To attend MINExpo, act fast! ALL ACCESS and EXPO PLUS registration options are limited. Please note, you MUST use your company email in order to receive discounted pricing. **Once you have registered, you will receive access to the hotel booking site.**

[RESERVE NOW!](#)

NMA and Third Parties In the News

Rich Nolan is quoted in an op-ed published by the [Grand Junction Daily Sentinel](#) arguing against creating a national monument over uranium reserves.

[Freight Waves](#) mentions the NMA in a story on reports that the Surface Transportation Board will hear from more than three dozen participants during its two-day hearing next month regarding recent trends and strategies for growth in freight railroad traffic.

[Inside EPA](#) quotes the NMA in a story on the EPA's final guidance governing Clean Water Act (CWA) permits for discharges from a point source through groundwater, noting that industry groups are renewing concerns about vague language in the draft version that they fear could make it difficult to implement and continue uncertainty about when dischargers must seek permits.

[Law 360](#) mentions the NMA in a story noting that EPA is defending its decision to ratchet down a fine particulate matter air pollution standard, telling the D.C. Circuit that states and industry groups challenging it aren't seriously questioning the scientific support for the change and misread the Clean Air Act to argue that the agency overstepped.

[Law 360](#) mentions the NMA in its coverage of U.S. Solicitor General Elizabeth B. Preloger's arguments to the U.S. Supreme Court to reject industry groups' and states' attempts to block the EPA's rule curbing greenhouse gas emissions from power plants, saying the agency did not exceed its statutory authority.

From our third parties, [Arizona Capitol Times](#) (Ariz.), [Ogden Standard Examiner](#) (Utah), [Johnstown Tribune Democrat](#) (Pa.), [Bakersfield Californian](#) (Calif.), [Lima News](#) (Ohio), [Kokomo Tribune](#) (Ind.), [Pottstown Mercury](#) (Pa.), [Herald Journal News](#) (Utah), [Bryan Times](#) (Ohio), [Northwest Signal](#) (Ohio), [Grand Junction Daily Sentinel](#) (Colo.), [Fargo Inforum](#) (N.D.) and [Provo Daily Herald](#) (Utah) all ran an op-ed by Matthew

Kandrach, president of Consumer Action for a Strong Economy, in which he argues in favor of coal-generated power to ensure grid reliability.

Mining and Energy News

[The Wall Street Journal](#) writes on China's antimony restrictions and the need for permitting reform, highlighting Perpetua's Stibnite project as an example of domestic sources that could secure our supply chains.

[Politico Pro](#) reports the Biden administration has suspended a water and wetlands permit for the proposed Ambler mining road in Alaska.

[Greenwire](#) reported that environmentalists have heralded Minnesota Gov. Tim Walz as a climate champion, but some have raised concerns about his record on mining.

[Kallanish](#) reported on recent Bureau of Labor Statistics data indicating that cheaper steel is moderating U.S. construction and building input costs.

[Climatewire](#) reported on EIA data indicating that wind and solar generated more power than coal through the first seven months of the year, in a first for renewable resources.

[Argus](#) reported that CSX logistics company was having a ship-loader mechanical issue at its Curtis Bay coal terminal in Baltimore in mid-August preventing the loading of large vessels. Argus says the disruption may affect high-volatile A (HVA) coking coal shipments. [Argus](#) later reported that terminal coal loadings may not resume for two weeks.

[Law 360](#) reported that a Native American tribe and the Sierra Club are

squaring off against mining companies challenging the U.S. Environmental Protection Agency's recent rule, which is intended to reduce emissions from copper-smelting facilities.

Argus reported that container ship owner Maersk has warned its customers that a potential port labor strike could disrupt cargo shipping operations along the U.S. east and gulf coasts in October. The current pay deal with the International Longshoreman's Association (ILA) expires on September 30.

Kallanish reported that the U.S. and Ukraine are considering a strategic agreement on rare earth minerals trade worth more than a trillion dollars.

Argus reported that coal generation in the PJM Interconnection power region edged up by around 1 percent in July compared with a year earlier as hot weather increased electricity demand in the eastern U.S.

E&E News PM reported that Arizona's attorney general has asked the Forest Service to update a nearly 40-year-old environmental review of Arizona's only active uranium mine, saying there's new evidence of danger to regional water supplies.

Greenwire reported that the developers of a long-delayed copper-nickel mining project in northeastern Minnesota announced last week that they plan to conduct a series of studies over the next year on potential ways to improve environmental safeguards and make the mine more cost and energy efficient, which could lead to significant changes to the design.

Politico Pro reported that China is fighting U.S. efforts to develop new high-standard sources of critical minerals to power electric vehicles and other green technologies by cutting its own prices for the key materials, Undersecretary of State for Economic Growth, Energy and the Environment Jose Fernandez said in a recent interview.

[**Greenwire**](#) reported that a Trump election win could jeopardize an up to \$500 million Biden administration grant that aims to transform the Cleveland-Cliffs Middletown, Ohio steel mill from a coal-based blast furnace to one producing steel with hydrogen and natural gas.

[**Hellenic Shipping**](#) reported that given the long port-to-port sailing timeline, time may be running out for shippers to take action ahead of the potential strikes at U.S. east and gulf coast ports.

[**Mining.com**](#) reported on Wood Mackenzie analysis warning that removing China from the world's copper supply chain would create a \$85 billion gap for Western economies to fill, which it says is a near-impossible task.

Commodity Prices

Commodity Price - Snapshot

Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	8/19/24	\$11.29
Copper Spot Price (\$/lb)	8/20/24	\$4.13
Gold Spot Price (\$/ounce)	8/20/24	\$2,510.56
Lead Spot Price (\$/lb)	8/20/24	\$0.93
Lithium Spot Price (\$/kg)	8/19/24	\$10.28
Molybdenum Spot Price (\$/kg)	8/20/24	\$66.48
Nickel Spot Price (\$/lb)	8/20/24	\$7.66
Silver Spot Price (\$/ounce)	8/20/24	\$29.43
Steel HRC Price (\$/mt)	8/20/24	\$660.10
Steel Rebar Price (\$/mt)	8/20/24	\$428.69
Zinc Spot Price (\$/lb)	8/20/24	\$1.26
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	8/20/24	\$205.00
Coal Spot Price - Central Appalachian (\$/st)	8/16/24	\$75.00
Coal Spot Price - Newcastle futures (\$/mt)	8/20/24	\$146.06
Coal Spot Price - Rotterdam futures (\$/mt)	8/19/24	\$121.50
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	8/14/24	\$2.17
Uranium Spot Price (\$/lb)	8/19/24	\$81.20

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

CORESafety



In the August edition of CORESafety TV, we cover a broad overview of the CORESafety system.



This is a confidential document intended for membership of the National Mining Association.

Please do not forward or post its content externally.

Copyright © 2024 National Mining Association, All rights reserved.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

