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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

Following decisive election victories that have Republicans poised to control the White House, Senate and House of Representatives next year, Congress returned to a lame duck session that will be packed with issues ranging from judicial appointments to a December government funding deadline. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue and with the transition teams. Plus, we have updates on how the mining and energy markets are faring.

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## Safety Share

With the Thanksgiving holiday on the horizon, Federal Emergency Management Agency has "[five tips to gobble up](#)" for safe cooking, travel, and shopping.

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## President-Elect Trump Picks EPA Administrator



President-elect Donald Trump chose former New York congressman Lee Zeldin to head the U.S. Environmental Protection Agency (EPA).

Zeldin is an attorney and former four-term U.S. House of Representatives member from Long Island, N.Y. He ran unsuccessfully for Governor of New York against the current Governor, Kathy Hochul, in 2022.

In his loss to Governor Hochul in 2022, he did far better than expected, taking 47 percent of the vote in a very blue state. In that race, he ran on a

deregulatory platform, emphasizing the need for domestic energy production, specifically, in the case of New York state, reversing the state's ban on fracking.

In a statement on Monday, Trump said: "Lee, with a very strong legal background, has been a true fighter for America First policies. He will ensure fair and swift deregulatory decisions that will be enacted in a way to unleash the power of American businesses while at the same time maintaining the highest environmental standards."

In response, Zeldin posted on X: "It is an honor to join President Trump's Cabinet as EPA Administrator. We will restore U.S. energy dominance, revitalize our auto industry to bring back American jobs, and make the U.S. the global leader of A.I. We will do so while protecting access to clean air and water."

In Congress, Zeldin was a staunch opponent of President Trump's impeachment. He served on the House Foreign Affairs and Financial Service committees and was a member of the Climate Solutions Caucus and Conservative Climate Caucus. Zeldin, along with the rest of the Republican Conference, voted against the Inflation Reduction Act.

After his defeat in the New York Governor's race, he became chair of the China Policy Initiative at the America First Policy Institute. AFPI, chaired by Linda McMahon, has been a key part of the incoming Trump administration's transition planning efforts.

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## **Republicans Win White House, Senate and House of Representatives**

With most of the counting over, Donald J. Trump is heading back to the White House having carried the electoral college [312-226](#). Trump also carried the [popular vote](#), by 50.2 percent to Vice President Kamala Harris' 48.1 percent. Trump becomes the first Republican to carry the popular vote since George W. Bush defeated John F. Kerry in 2004.

In the [Senate](#), Republicans flipped four seats, West Virginia, Ohio, Montana, and Pennsylvania, while losing none. Next year, Republicans will have a 53-47 majority. Jim Justice (R-W.Va.) replaces retiring Senator Joe Manchin (I). Bernie Moreno (R-Ohio) defeated Senator Sherrod Brown (D). Tim Sheehy (R-Mont.) beat Senator Jon Tester (D). In the closest of the four races, David McCormick (R-Penn.) overcame Senator Bob Casey Jr. (D).

In the [House of Representatives](#), it appears Republicans will maintain a narrow majority. While the Associated Press has yet to call the House, [Real Clear Politics](#) reports a 219—to-209 seat Republican majority with 7 seats still outstanding. The [AP](#) has a more conservative count of 216 to 207, with 12 outstanding. Both organizations have yet to call the Alaska House race, where Democratic Congresswoman Mary Peltola is trailing Republican challenger Nick Begich.

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## Thune Voted Majority Leader



Senator John Thune (R-S.D.) won the secret ballot election to become the Senate majority leader in the 119<sup>th</sup> Congress. The election was held today by the Republican conference to succeed Mitch McConnell (R-Ky.). Thune ran against Senators Rick Scott (R-Fla.) and John Cornyn (R-Texas). Senator John Barrasso (R-Wyo.) ran uncontested and won the number two Republican leadership spot, majority whip. Joining Senators Thune and Barrasso in Republican leadership are Senator Tom Cotton (R-Ark.) as Republican conference chair; Senator Shelly Moore Capito (R-W.Va.) as Republican policy committee chair; Senator James Lankford (R-Okla.) as Republican conference vice chair; and Senator Tim Scott (R-S.C.) as National Republican Senatorial Committee chair.

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## **Trump Cabinet and Senior Advisors Taking Shape**

President-elect Trump has been busy picking senior officials for his income administration. To date, he has selected:

- Susie Wiles as White House Chief of Staff

- Former Congressman Lee Zeldin (R-N.Y.) as EPA Administrator
- Pete Hegseth as Secretary of Defense
- Governor Kristi Noem (R-S.D.) as Secretary of Homeland Security
- Robert Lighthizer as the U.S. Trade Representative
- Former Director of National Intelligence John Ratcliffe as Director of the CIA
- William McGinley as White House Council
- Elon Musk and Vivek Ramaswamy as heads of a nongovernmental “Department of Government Efficiency”
- Congresswoman Elise Stefanik (R-N.Y.) as U.S. Ambassador to the United Nations
- Former Governor Mike Huckabee (R-Ark.) as U.S. Ambassador to Israel
- Steven Miller as Deputy Chief of Policy

In addition, Senator Marco Rubio (R-Fla.) is expected to be nominated for Secretary of State, Michael Waltz is considering becoming the National Security Advisor, and Tom Homan is expected to be “Border Czar.”

For a full list of all reported names associated with cabinet-level positions, please click [here](#).

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## **House Transportation and Infrastructure Committee Demands Transparency in WOTUS Implementation**

The House Transportation and Infrastructure (T&I) Committee, led by Chairman Sam Graves (R-Mo.) and Subcommittee Chairmen David Rouzer (R-N.C.) and Rick Crawford (R-Ark.), joined 24 other Committee members wrote a letter [raising concerns](#) about the Biden-Harris Administration’s

implementation of the U.S. Supreme Court's 2023 *Sackett v. EPA* decision. Building on testimony from the [September 2024 hearing](#) on the "waters of the United States" (WOTUS) rule, the Committee's oversight letter addressed the U.S. Environmental Protection Agency's (EPA) and U.S. Army Corps of Engineers (Corps) compliance challenges.

The letter echoes key concerns raised by the NMA and the Waters Advocacy Coalition, including non-compliance with the *Sackett* ruling, ambiguous regulatory terms, delayed permit decisions, and a lack of transparency in the agencies' implementation materials and processes. The Committee seeks clarity on several issues, such as the purpose of non-legally binding WOTUS memoranda, timelines for jurisdictional determinations pre- and post-*Sackett*, and the impact of guidance delays on permitting in Corps districts. Specific demands include establishing a transparent permitting regime consistent with the Supreme Court's ruling and ensuring accessible, clear information for stakeholders navigating federal requirements.

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## House Expected to Advance Mineral Parity Legislation

Tomorrow, the full House of Representatives is expected to consider the NMA-backed bipartisan Critical Mineral Consistency Act of 2024 ([H.R. 8446](#)). H.R. 8446 would create parity between the Department of Energy's (DOE) [critical materials list](#) and the Department of the Interior's (DOI) [critical minerals list](#), further expanding the eligibility for certain tax credits, improved permitting processes, or other benefits to items on the DOE list. The bill was favorably reported out of the House Natural Resources Committee on June 12 by a bipartisan vote and is [supported](#) by the U.S. Geological Survey. The NMA has continued to work with committee staff to provide additional feedback and

talking points and advance the legislation. Ahead of tomorrow's vote, the NMA has also engaged bipartisan members of Congress and a diverse set of Congressional caucuses, urging their support to pass the bill. In the Senate, companion legislation (S. 5274) was introduced by Senators Kyrsten Sinema (I-Ariz.) and Mike Lee (R-Utah).

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## Lawmakers Call Out Federal Overreach on Georgia Mining Project

Earlier this month, Congressman Buddy Carter (R-Ga.), along with Congressman Austin Scott (R-Ga.), House Natural Resources Committee Chairman Bruce Westerman (R-Ark.), and House Transportation and Infrastructure Committee Chairman Sam Graves (R-Mo.), [sent a letter](#) to President Joe Biden and Vice President Kamala Harris. The letter raised concerns about [federal overreach](#) in the permitting process for a proposed mining project in Charlton County, Georgia.

The lawmakers argue that the Biden Administration is pressuring Georgia to halt the project despite the U.S. Army Corps of Engineers' determination that no federal permit is required under the Clean Water Act. They criticize actions by the Department of the Interior, including Secretary Deb Haaland's letter urging Georgia to deny approval and the Fish and Wildlife Service's proposal to expand the Okefenokee National Wildlife Refuge to encompass the mining site. These moves, they argue, undermine state authority, circumvent the Supreme Court's *Sackett v. EPA* decision, and threaten the project's progress.

The NMA is working with congress to prevent the Administration from setting a national precedent allowing the Department of the Interior to block projects on lands that are outside its jurisdiction. The proposed refuge boundary expansion

aligns with the administration's "30 by 30" initiative to conserve 30% of U.S. lands and waters by 2030.

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## BLM Finalizes Sage Grouse Land Use Plan Amendments



On Friday, the Bureau of Land Management (BLM) [announced](#) its Final Environmental Impact Statement (FEIS) and Resource Management Plan Amendment (RMP) for its Greater Sage-Grouse (GRSG) [Rangewide Planning](#). Of concern, the RMP increases protections for GRSG from the draft preferred alternative, and potentially creates additional hurdles for mining on federal land. Recall, in response to the draft RMP and draft environmental impact statement released earlier this year, the NMA submitted extensive [comments](#) expressing serious concern over the BLM's failure to critically evaluate impacts to mining, among other issues.

Fortunately, the recently announced RMP amendment does not propose new areas of critical environmental concern for designation and does not

contemplate a mineral withdrawal. However, the RMP and FEIS could have significant implications for mining activities in the planning areas. For example, for states with coal resources, unless a suitability process has already been conducted that considered GRSG Habitat Management Areas, at the time an application for a new coal lease or modification is submitted to the BLM, the BLM will determine whether the lease application is “unsuitable” for all or certain coal mining pursuant to its regulations. For locatable minerals, the proposed RMP alternative appears to assert new projects may be “deferred” in GRSG habitat subject to disturbance caps until such time as the percentage of habitat disturbance in the areas has been reduced below the cap threshold. Additional restrictions are also likely for new proposals to lease solid minerals under the Mineral Leasing Act.

Publication of the FEIS and RMP initiates a 30-day protest period, with protests due Dec. 16, 2024. The NMA is still reviewing the RMP and FEIS but intends to file a protest.

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## Coal Ash Update

On Aug. 21, 2024, East Kentucky Power Cooperative Inc. (EKPC) filed a motion to stay EPA's coal ash [legacy impoundments final rule](#) in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) while several challenges, including its own, played out in the same court. EKPC claimed that if the rule were not stayed, the utility would be “forced to expend significant resources and permanently alter its real property” to comply with a rule that it thinks will ultimately be declared invalid. On Nov. 1, 2024, a three-judge panel of the D.C. Circuit denied EKPC’s motion to stay, allowing the final rule to take effect this month. On Nov. 5, 2024, EKPC filed a new motion to stay the final rule in the U.S. Supreme Court claiming the rule is another attempt to “push the envelope” of agency authority. Litigation challenging the final rule is

ongoing and parties are ordered to submit proposed formats and schedules for court briefings by the middle of this month.

Meanwhile, EPA on Oct. 31, 2024, issued a [direct final rule](#) and [companion proposed rule](#) to correct errors in the legacy impoundments final rule. The changes reflected in the direct final rule and companion proposal fix an error that caused confusion regarding the Nov. 8, 2024, effective date of the legacy impoundments final rule. The changes also correct inadvertent deletions in existing 2015 regulatory text caused by incorrect amendatory instructions. This action is a direct final rule that will go into effect 90 days after publication ([Feb. 6, 2025](#)), unless EPA receives adverse comments by [Dec. 9, 2024](#). If necessary, and before the effective date, EPA will withdraw provisions that receive adverse comments. EPA is not reconsidering, proposing to reopen, or otherwise soliciting comment on any provisions of the legacy impoundments final rule or the coal ash regulations.



**New NMA Board Chair Paul Lang, CEO of Arch Resources, visits with the NMA team in D.C.**

## NMA and Third Parties In the News

In its election coverage, [E&E Greenwire](#) quotes Rich Nolan in a story noting that the U.S. mining sector is hoping to score significant wins under the incoming Trump administration, highlighting concerns around China's mineral dominance and growing demand for critical minerals as a tailwind.

[Mining Technology](#) quotes Rich Nolan in its election coverage.

[CSIS](#) quotes the NMA in a story on the Inflation Reduction Act (IRA) and its associated tax credits, grants and other incentive programs designed to boost domestic manufacturing of clean energy technologies and their components.

[S&P Global](#) quotes the NMA on the slowing of planned closures of coal power plants in the U.S. as forecasts show rising power demand from datacenters and manufacturing.

[Inside Climate News](#) quotes the NMA in a story on longwall mining.

[MountaineerENews](#) at West Virginia University reposts a link to the most recent CORESafety episode.

From our third parties, [Real Clear Energy](#) (D.C.) carries an op-ed by Danny Ervin, a Professor of Finance in the Perdue School of Business at Salisbury University, in which he argues from incentives for domestic uranium producers to tariffs and bans on imports from adversarial nations, Washington should use every tool at its disposal to level the playing field for domestic production.

## Mining and Energy News

[Axios](#) reported that General Motors is betting heavily on electric vehicles and taking extraordinary steps to control supplies of battery raw materials ahead of widespread EV adoption.

[S&P Global](#) reported on an Energy Evolution episode with CEOs Jimmy Brock of CONSOL Energy and Randall Atkins of Ramaco Resources discussing the evolving role of coal in the energy landscape.

[Kallanish](#) reported that Cleveland Cliffs expects a rebound in steel demand in early 2025 and lower coal costs, according to 3<sup>rd</sup> quarter results.

[Argus](#) reported that coal generation in the Southwest Power Pool (SPP) increased by five percent in October, as generators relied less on natural gas and nuclear generation to meet higher overall electricity demand.

[Washington Examiner](#) reported that utilities are slowing their roll when it comes to retiring coal plants in the U.S., as only 3 gigawatts worth of coal capacity is reportedly set to close in 2024 — the lowest amount in nearly 10 years.

[Argus](#) reported that U.S. thermal coal exports rose again in September, led by greater sub-bituminous coal shipments to Asia and increased bituminous coal volumes to north Africa.

[Greenwire](#) reported that the U.S. mining sector is hoping to score more policy wins under the incoming Trump administration compared with the first go-round — and concerns around China's dominance and growing demand for critical minerals could provide the tailwind.

**[Energywire](#)** reported that Duke Energy said it would consider shifting its plans for coal plants if Donald Trump follows through on his promises to terminate rules that stifle power-plant pollution.

**[Argus](#)** reported that former President Trump's victory in the U.S. election is expected to lead to the reversal of some federal regulations that limit coal generation at the same time as electricity demand growth is growing.

**[AIST Steel Rewind](#)** reported that "Despite president-elect Donald Trump's promises to block the United States Steel Corporation acquisition, Nippon Steel Corp. executives are hoping they can close the deal before the end of the year."

**[Energywire](#)** reported that FERC regulators have approved a request from PJM Interconnection to wait until next summer to conduct another power supply auction. The grid operator is under pressure to reform its capacity market after the price to secure future power soared eightfold last summer.

**[E&E Daily](#)** reported that the House is planning to vote this week on a pair of Republican energy-focused bills, including language that would add copper to the federal critical minerals list.

**[Energywire](#)** reported that President-elect Donald Trump is known for attacking electric vehicle "mandates," but what's less clear is how he will affect the EV supply chain, from mining to recycling.

**[Mining.com](#)** reported that President-elect Donald Trump has selected former New York congressman Lee Zeldin to lead the Environmental Protection Agency, placing the Long Island Republican in charge of his plans to boost energy production and curb regulations.

# Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	11/11/24	\$11.02
Copper Spot Price (\$/lb)	11/12/24	\$4.13
Gold Spot Price (\$/ounce)	11/12/24	\$2,599.25
Lead Spot Price (\$/lb)	11/12/24	\$0.91
Lithium Spot Price (\$/kg)	11/1/24	\$10.03
Molybdenum Spot Price (\$/kg)	11/12/24	\$66.40
Nickel Spot Price (\$/lb)	11/12/24	\$7.24
Silver Spot Price (\$/ounce)	11/12/24	\$30.70
Steel HRC Price (\$/mt)	11/12/24	\$695.46
Steel Rebar Price (\$/mt)	11/12/24	\$448.38
Zinc Spot Price (\$/lb)	11/12/24	\$1.33
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	11/12/24	\$213.00
Coal Spot Price - Central Appalachian (\$/st)	11/8/24	\$76.30
Coal Spot Price - Newcastle futures (\$/mt)	11/12/24	\$142.20
Coal Spot Price - Rotterdam futures (\$/mt)	11/11/24	\$120.85
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	11/6/24	\$1.80
Uranium Spot Price (\$/lb)	11/11/24	\$76.65

Sources: publically available data from [eia.gov](http://eia.gov), [dailymetalprice.com](http://dailymetalprice.com), [tradingeconomics.com](http://tradingeconomics.com), [sgxgroup.com](http://sgxgroup.com), [investing.com](http://investing.com)

## CORESafety



In the November edition of CORESafety TV, we visit West Virginia University where students are learning about mine safety from industry experts in hands-on and in-classroom training programs.



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