

NATIONAL MINING ASSOCIATION
Minutes of the Board of Directors Meeting
The Wynn, Las Vegas, Nev.
September 12, 2021

The meeting of the National Mining Association's (NMA) Board of Directors was called to order at 2:20 p.m. by the Chair of the Board, Jimmy Brock, Consol Energy Inc.

In addition to the chair, the following members of the board were present:

Randall Atkins, Ramaco Resources, Inc.; Phil Baker, Hecla Mining Co.; Bappaditya Banerjee, Wabtec Corp.; J.C. Butler, The North American Coal Corp. (Virtual); Joe Craft, Alliance Resource Partners, L.P.; Jeff Dawes, Komatsu Mining Corp.; Greg Gibson, SSR Mining Inc.; Stephen Gottesfeld, Newmont (Virtual); Jim Grech, Peabody; Greg Gregory, Materion Natural Resources; Trevor Hall, Teck American, Inc.; Peter Halpin, World Resources Co. (Virtual); Gregory Hinshaw, J.H. Fletcher & Co.; Denise Johnson, Caterpillar Inc.; Michael Kendrick, Climax Molybdenum Co. (Virtual); Mitchell Krebs, Coeur Mining, Inc.; Paul Lang, Arch Resources, Inc.; Andrew Lye, Rio Tinto; Sean McLanahan, McLanahan Corp. (Virtual); Michael Morriss, Trapper Mining Inc.; Clark Moseley, Navajo Transitional Energy Co., LLC; Richard Mullen, Drummond Company, Inc. (Virtual); Craig Nunez, Natural Resource Partners L.P. (Virtual); Alan Prouty, J.R. Simplot Company; Catherine Raw, Barrick Gold Corp. (Virtual); Wayne Robinson, Sibanye-Stillwater (Virtual); Meri Sandlin, Western Fuels Association, Inc. (Virtual); Walter Scheller, Warrior Met Coal, Inc.; Robert Stenger, Cincinnati Mining Machinery; Victor Tapia, Sandvik Mining & Construction USA, LLC; and Joseph Usibelli, Usibelli Coal Mine, Inc.

No alternate board members were present.

The following representatives from member companies were present:

Matthew Adams, Navajo Transitional Energy Co., LLC; Reinaldo Arreaza, Wabtec Corp.; Dan Barron, Alliance Resource Partners, L.P.; Mike Berube, Strata Products (USA) LLC; Doug Blom, Komatsu Mining Corp.; Mark Compton, American Exploration & Mining Association; Boris Dantus, Total Power, Inc.; Denise Dragoo, Snell & Wilmer LLP; Robert Duncan, J.H. Fletcher & Co.; Christina Erling, Barrick Gold of North America; Baron Fidler, DYNOL NOBEL INC.; Stacy Gramazio, Florence Copper; Lisa Herbert, Usibelli Coal Mine, Inc.; Drayton Land, Nexans AmerCable; Lee Lemke; Georgia Mining Association; C. David Morrison, Steptoe & Johnson PLLC; Dave Moss, North Star Strategies, LLC; James Pinkley, Mapei Corp.; Michael Satre, Hecla Greens Creek Mining Co.; Loralie Simon, Usibelli Coal Mine, Inc.; Sidney Smith, American Exploration & Mining Association; Kevin Spiller, Cummins Engine Company, Inc.; Josh Swank, Philippi-Hagenbuch, Inc.; Ernie Thrasher, Xcoal Energy & Resources; James Voyles, Lewis Roca Rothgerber Christie LLP; Mike Wandler, L&H Industrial, Inc.; Brian Wells, Hitachi Mining; and David Willick, Schneider Electric.

The following officers and staff members were present:

Conor Bernstein, Tawny Bridgeford, Ashley Burke, Katie Coon, Scott Gemperline, Ryan Jackson, Catherine Krill, Caitlin McHale, Katie Mills, Jerry Mullins, Justin Prosser, Roger Roberts (Treasurer), Matt Roper, Veronika Shime, Katie Sweeney (Sec.), Ben Walters and Mike Zabko.

I. Call to Order

A quorum of the board was established a reading of the list of in-person and virtual attendees. Chair Brock reviewed the purpose of the meeting. In opening remarks, he introduced and welcomed new members to the association and thanked the opening session and board meeting sponsors.

II. Safety Share

Chair Brock provided a short safety share on COVID protocols for the board meeting and MINExpo. He also recognized the winners of NMA's Sentinel of Safety Awards and the National Institute for Occupational Safety and Health's Mine Safety and Health Technology Innovation Awards.

III. MINExpo INTERNATIONAL 2021

Chair Brock turned to Jeff Dawes, MINExpo chair for a preview of the show. Mr. Dawes provided an overview of the show schedule of events as well the latest metrics including over 21,000 attendees, 1400 exhibitors and over 650,000 square feet of exhibit space sold. He concluded that despite the pandemic, MINExpo was on target to be a very successful show for the association and exhibitors alike.

IV. Association Business

- **Approval of the Agenda**

Following the presentation of antitrust guidance, Chair Brock placed approval of the meeting agenda before the board. Without any proposed changes or objection, the agenda was approved.

- **Approval of Minutes of April 21, 2021 Board Meeting**

Chair Brock placed approval of the minutes of the Apr. 21, 2021, Board of Directors meeting before the board. Following a motion, duly seconded, and no request for further discussion, the minutes were unanimously approved.

V. Executive Committee Report

Chair Brock provided a brief recap of the Sept. 12 Executive Committee meeting, which focused on MINExpo and NMA's Environmental, Social and Governance (ESG)

initiatives. He turned to NMA President & CEO Rich Nolan and ESG Vice Chair Mitch Krebs for an ESG update. Mr. Nolan thanked Mr. Krebs for his hard work in establishing the ESG task force to add value to NMA members as they face increasing pressures on ESG reporting.

Mr. Krebs provided details about the positive feedback received from task force members, especially on the value of information sharing, external stakeholder presentations, and practical tools to navigate ESG frameworks. He also reviewed the process taken by the task force to develop NMA position statements on three issues identified by the task force: climate change, human rights, and health and safety. Finally, he discussed the newest initiative of the ESG taskforce – resources sessions on key ESG topics that would be open to the entire NMA membership – not just task force members.

VI. Association Report

Rich Nolan initiated the association report focusing on the transformative changes in DC as the Biden Harris Administration began to more aggressively move forward with its agenda. He explained that the administration's approach to mining provides immense opportunities and challenges, the outcomes of which will shape the future of mining. He detailed how NMA prepared to engage in this political environment by developing the right messages and shoring up bipartisan relationships.

He then turned to Ryan Jackson to discuss the congressional landscape. Mr. Jackson explained the dynamics of the budget reconciliation process in which the House was seeking numerous provisions that would detrimentally impact the mining industry. As a result, NMA was working closely with bipartisan allies in the Senate to prevent those measures from moving forward.

On minerals mining, Mr. Nolan added that the partisan House reconciliation provisions, particularly those relating to changes to the Mining Law to include exorbitant royalties and fees, were a serious threat. Katie Sweeney provided additional details about those punitive provisions followed by Ashley Burke, who explained NMA's messaging in response to the House approach. Messages highlighted how punitive royalties would impede securing mineral supply chains at a time when mineral demand is skyrocketing.

Rich Nolan noted that several House provisions similarly threatened coal mining. Mr. Jackson provided additional details about those threats which included higher royalties, fees and a clean electricity payment program (CEPP). Ms. Burke then focused on the messaging being deployed to push back on these provisions, particularly the CEPP. Messages highlighted reliability, the need for fuel diversity and affordability. Jerry Mullins discussed the tax provisions expected to be part of the tax package but noted that many of the details about these provisions had yet to be released.

The next section of the association report focused on NMA's bipartisan outreach. Mr. Nolan explained how those efforts were integral to achieving mining industry priorities in the bipartisan infrastructure legislation. Ryan Jackson provided additional details on

outreach to key democrats including Senators Cortez Masto, Manchin and Sinema and Reps. Costa, Gonzalez and Swalwell. He noted that the Senate passed infrastructure legislation contained many beneficial provisions for the industry including billions in abandoned mine land funding, investment in carbon capture technology, new financing and lending opportunities and permitting reforms.

Next, Mr. Nolan discussed how our bipartisan outreach and early engagement with the administration would help shape upcoming policies and regulatory actions. He then turned to NMA team members Caitlin McHale, Tawny Bridgeford, Katie Sweeney and Katie Mills to provide updates on high priority regulatory matters. Ms. McHale covered the latest developments on the Environmental Protection Agency's (EPA) waters of the U.S. rulemaking as the administration initiated its two-step process to repeal the Navigable Water Protection Rule. She also provided an overview of the administration's "whole of government" approach to environmental justice, which is likely to impact standards, permits and enforcement. Ms. Bridgeford discussed the Securities and Exchange Commission's preliminary steps to mandate climate disclosure reporting before turning to the Supreme Court's consideration of petitions (including a petition by NMA) to review the D.C. Circuit Court's decision on EPA's Affordable Clean Energy rule. Ms. Mills detailed the Department of the Interior's (DOI) efforts to revise or rescind five Endangered Species Act rules that had been implemented by the previous administration to provide regulatory certainty and needed constraints on Fish and Wildlife Service authority. Ms. Sweeney reported on the Council on Environmental Quality's initiation of a two-phased process to rollback the important reforms to its National Environmental Policy Act regulations that had been finalized by the previous administration. She also covered a recent court decision that required the DOI to reconsider the 2017 cancellation of a 10-million-acre mineral withdrawal associated with land use conservation plans for the sage grouse as well as an anticipated Mine Safety and Health Administration rulemaking to reduce the silica exposure limit by 50 percent.

The next section of the association report focused on the role of messaging and narratives that appeal to a broad base as a foundational piece of the association advocacy platform. Mr. Nolan explained that NMA was leveraging the importance of minerals to the administration agenda and turned to Ashley Burke for additional details on the association's communication strategy. Ms. Burke discussed the importance of polling to hone our messages to ensure they stay relevant and effective. Based on the polling data, she noted that jobs, the economy and increased mineral demand driven by advanced energy technologies are strong bipartisan messages for minerals mining. On coal messaging, she highlighted the effectiveness of messages pertaining to affordability, reliability, clean coal technology, and the importance of metallurgical coal to the pandemic recovery. Ms. Burke also previewed an upcoming Atlantic Council Report on the role of minerals in U.S. transportation electrification goals.

Mr. Nolan concluded the association report by emphasizing that while formidable challenges lie ahead, the association's bipartisan engagement, as demonstrated by our

successes in the bipartisan infrastructure legislation, have positioned the NMA to maintain our momentum and to defend our successes.

VIII. Audit & Finance Committee Report

Chair Brock then presented the audit and finance committee report and the proposed 2022 budget. He provided a summary of the Aug. 25 committee meeting to review the proposed 2022 budget. He noted the 2022 budget include expenses of \$15.8 million, a 4.8 percent increase from 2021 to allow an expansion of the successful bipartisan outreach necessary to work in the current political environment. It also provides resources to maintain a strong regulatory program to engage the anticipated push against mining by the administration as well as resources to enhance the association's digital presence.

Mr. Brock noted that the budget includes a 4.5 percent increase in producer dues that would be split between a 3 percent increase on existing members with the remaining 1.5 percent coming from new member recruitment. Finally, he explained that the gap between the operating expenses and projected revenue will be filled with a \$6.1 million draw from operating reserves, up from the \$5.98 million in 2021. This draw will leave an projected \$25 million reserve at the end of 2022, a level sufficient to support operations through the next show while maintaining a reserve to meet unexpected financial needs. Following a motion, duly seconded, and no request for further discussion, the proposed 2022 budget was unanimously approved.

IX. Nominating Committee Report

Chair Brock referred the board to the report of the Nominating Committee, which was distributed electronically in advance of the meeting. The slate of nominees was considered, and after motions and seconds, the nominees were elected.

X. Adjournment

At the conclusion of the meeting, Chair Brock announced that the Spring Board of Directors meeting is scheduled for May 3-4 in Sarasota, Fla. There being no further business, the meeting was adjourned at 3:58 p.m.