



MINING: Center Stage in Washington and the World

National Mining Association (NMA) Fall
Board of Directors and Annual Members Meeting

September 16, 2022

Welcome NEW MEMBERS



Draslovka



Jervois



STRATIC
GLOBAL SOURCING

THIESS

Vermil, Inc.

Meeting Sponsors
THANK YOU



Safety Share

DETECTING STROKES



Every 40 seconds, someone in the United States has a stroke



Every 3.5 minutes, someone dies of stroke



Every year, more than 795,000 people in the United States have a stroke

F.A.S.T. WARNING SIGNS

Use the letters in F.A.S.T. to spot a stroke

F = Face Drooping

Does one side of the face droop or is it numb? Ask the person to smile. Is the person's smile uneven?

A = Arm Weakness

Is one arm weak or numb? Ask the person to raise both arms. Does one arm drift downward?

S = Speech Difficulty

Is speech slurred?

T = Time to Call 911

Send for a defibrillator if available



Meeting AGENDA

Welcome and Introductions

Safety Share

Approval of Meeting Agenda*

**Approval of Minutes from Board Meeting
Held May 4, 2022***

Executive Committee Report

Association Report

**Audit and Finance
Committee Report***

- Budget Presentation

Nominating Committee Report*

- Officers

- Audit & Finance Committee

- Executive Committee

- Directors

Adjournment

*Requires Board Action



EXECUTIVE COMMITTEE REPORT

ASSOCIATION REPORT

MINING: Center Stage in
Washington and the World



MINING: Center Stage

GLOBAL IMPACTS ON MINING



**Inflation
Crisis**



**Ukraine
Crisis**



**Global
Energy Crisis**

MINING: Center Stage

DOMESTIC IMPACTS ON MINING



**Commodity
Prices**



**Production
Costs**



Inflation

2022 MIDTERMS



Midterms

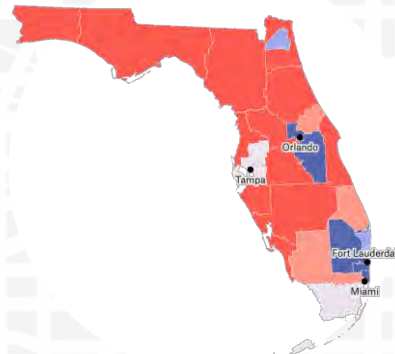
SHIFTING FOCUS: 53 DAYS TO GO

RETIREMENTS



*MID-TERM ISSUES
IN SPRING 2022...*

REDISTRICTING



POLLING



AND NOW...

**ELECTION ISSUES &
CANDIDATES**

VOTER INTENSITY

MORE POLLING

Biden Approval Rating

WHAT DOES IT MEAN FOR THE MIDTERMS?

Jan 28, 2021

September 12, 2022

43.1%

APPROVE

53.5%

DISAPPROVE

Presidential job approval — particularly at this stage of an election — can serve as a proxy for understanding how the public feels about the party in power

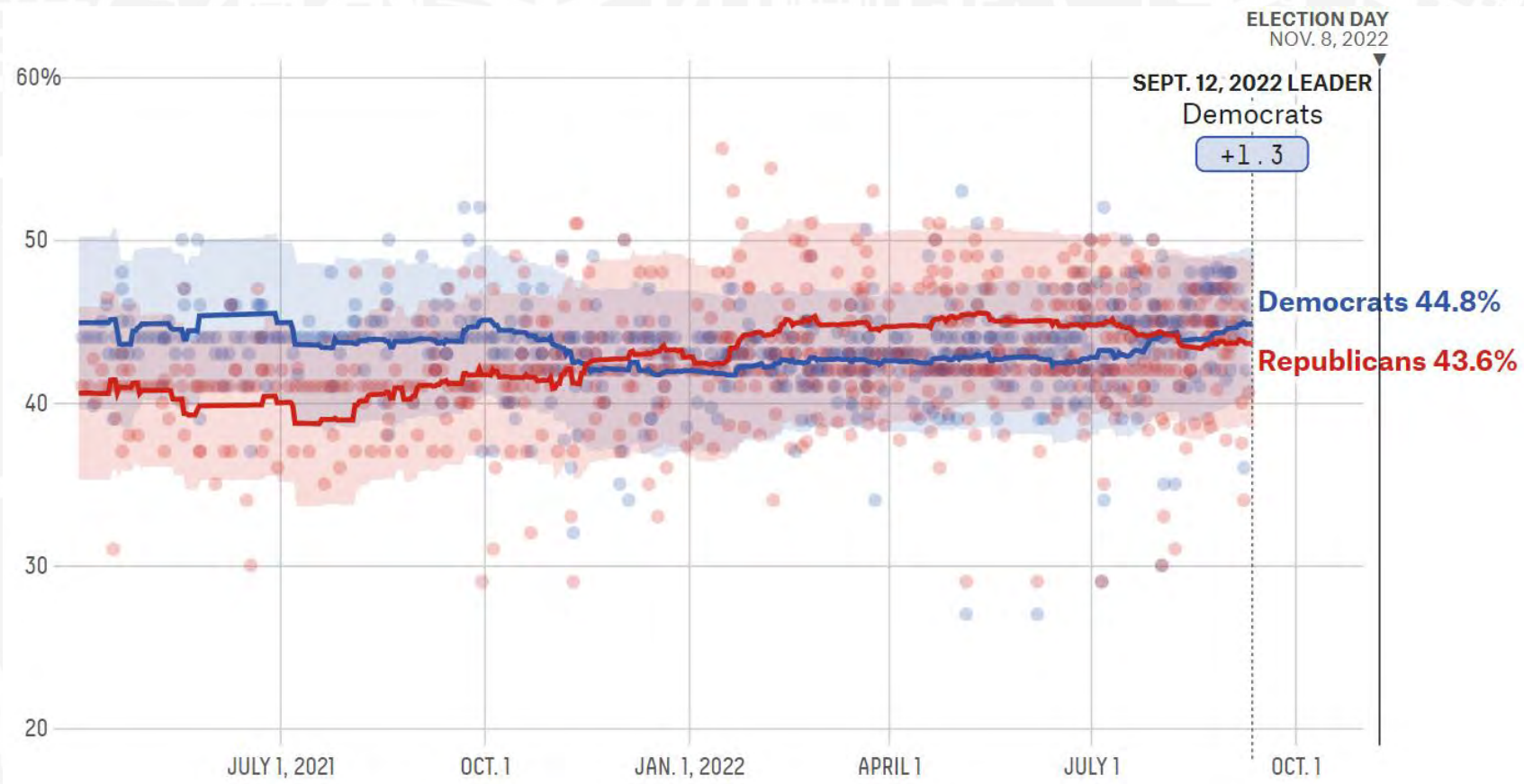
Source: RealClearPolitics



Generic Congressional Ballot

DO VOTERS WANT REPUBLICANS OR DEMOCRATS IN CONGRESS?

Based on polls that ask people which party they would support in an election:



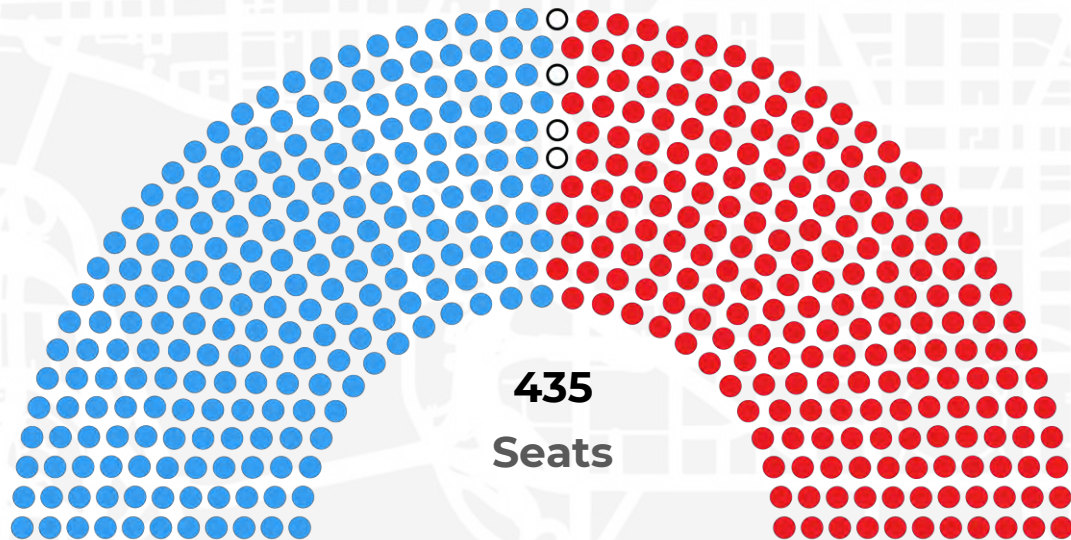
Source: FiveThirtyEight | September 12, 2022

House & Senate MAJORITIES

HOUSE

Democrats 220

Republicans 211



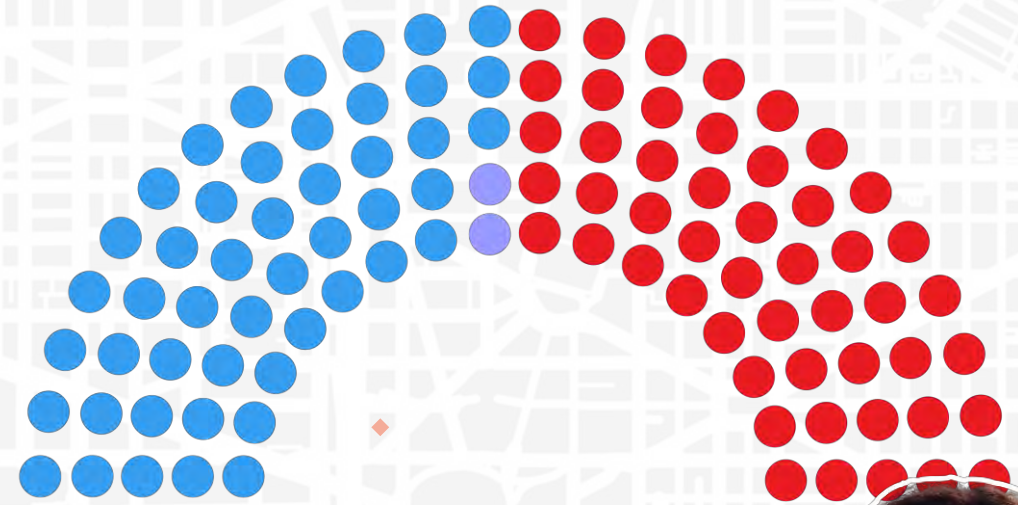
○ Vacancies 4

SENATE

Democrats 48

Independent 2

Republicans 50



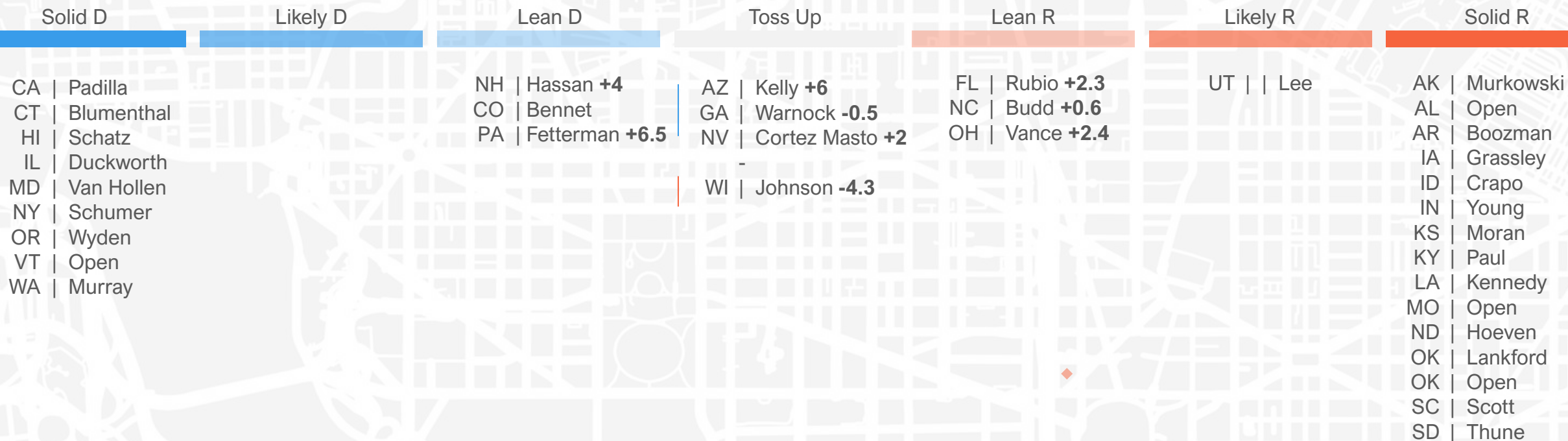
Tightest Majorities in 20 Years

Senate Tie-Breaker, Vice President Kamala Harris



Political Outlook

SENATE COMPETITIVE RACES



14 Democrat-controlled seats and 21 Republican-controlled seats are up for election

Political Outlook

HOUSE COMPETITIVE RACES

Likely D	Lean D	D Toss Up	R Toss Up	Lean R	Likely R
AZ-04 Stanton	CA-09 Harder	AK-AL Peltola	CA-22 Valadao	AZ-01 Schweikert	AZ-02 O'Halleran
CO-7 Open	CA-47 Porter	CA-13 Open	CA-27 Garcia	AZ-06 Open	CA-03 Open
CT-02 Courtney	CA-49 Levin	IL-17 Open	CO-08 New Seat	CA-41 Calvert	CA-40 Kim
GA-02 Bishop	CT-05 Hayes	IN-01 Mrvan	NC-13 Open	CA-45 Steel	FL-07 Open
IL-11 Foster	IL-06 Casten	KS-03 Davids	NE-02 Bacon	IA-03 Axne	FL-13 Open
IL-14 Underwood	IL-13 Open	ME-02 Golden	NM-02 Herrell	NJ-07 Malinowski	FL-15 New Seat
MD-06 Trone	MI-03 Open	MI-07 Slotkin	NY-22 Open	NY-01 Open	FL-27 Salazar
NC-06 Manning	NC-01 Open	MI-08 Kildee	OH-01 Chabot	PA-07 Wild	IA-01 Miller-Meeks
NJ-03 Kim	NY-03 Open	MN-02 Craig		TX-15 Open	IA-02 Hinson
NJ-05 Gottheimer	NY-17 Maloney	NH-01 Pappas		WA-03 Open	MI-10 Open
NM-03 Leger Fernandez	NY-19 Ryan	NH-02 Kuster		WI-03 Open	MN-01 Finstad
NY-04 Open	OR-04 Open	NV-01 Titus			MT-01 New Seat
PA-12 Open	OR-06 New Seat	NV-03 Lee			NY-02 Garbarino
	TX-34 Merged Seat	NV-04 Horsford			NY-11 Malliotakis
	VA-07 Spanberger	NY-19 Vacant			
		OH-09 Kaptur			
		OH-13 Open			
		OR-05 Open			
		PA-08 Cartwright			
		PA-17 Open			
		RI-02 Open			
		TX-28 Cuellar			
		VA-02 Luria			
		WA-08 Schrier			

Political Outlook

GOVERNOR RACE RATINGS

Solid D

Likely D

Lean D

Toss Up

Lean R

Likely R

Solid R

CA | Newsom
CO | Polis
HI | Open
IL | Pritzker
NY | Hochul
RI | McKee

MA | Open
MD | Open

CT | Lamont
MN | Walz

ME | Mills
MI | Whitmer
NM | Lujan Grisham
OR | Open
PA | Open **D +6**

KS | Kelly
NV | Sisolak **-0.4**
WI | Evers
-
AZ | Open **Tie**

GA | Kemp **+5.5**

AK | Dunleavy
FL | DeSantis
OH | DeWine
TX | Abbott

AL | Ivey
AR | Open
IA | Reynolds
ID | Little
NE | Open
NH | Sununu
OK | Stitt
SC | McMaster
SD | Noem
TN | Lee
VT | Scott
WY | Gordon

NMA Political Action Committees

COALPAC + MINEPAC



*Follow the QR code to
donate today!*

- Supporting allies, investing in the future
- **\$400,000** in contributions
- Bipartisan contributions
- **70+** total candidates supported



Mine the Vote

YOUR LEADERSHIP ROLE

Employers are rated the **most credible** source for information about election issues affecting an employee's job, company and industry – *rated higher than media and political parties.*

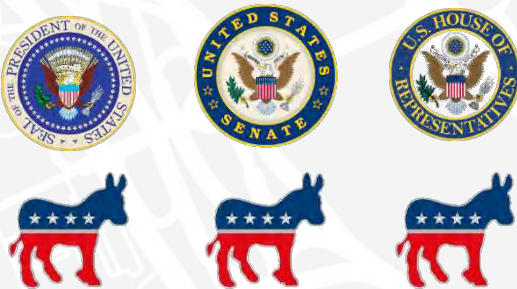
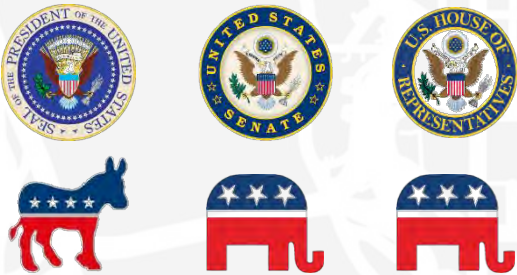
Use **Mine the Vote** to provide your employees with election information related to the mining industry, including:

- Easily register to vote in the 2022 election
- Find the closest polling location, when and where to vote early, and register for an absentee ballot
- Get the latest mining-related election news



Possible Outcomes

POST-MIDTERMS



Split Control of Congress

- Conflicting legislative priorities between a new Republican majority in the House and Democratic Senate
- New House oversight and investigations of the Biden administration
- Senate special focus on judicial confirmations

Republican Congress – Biden White House

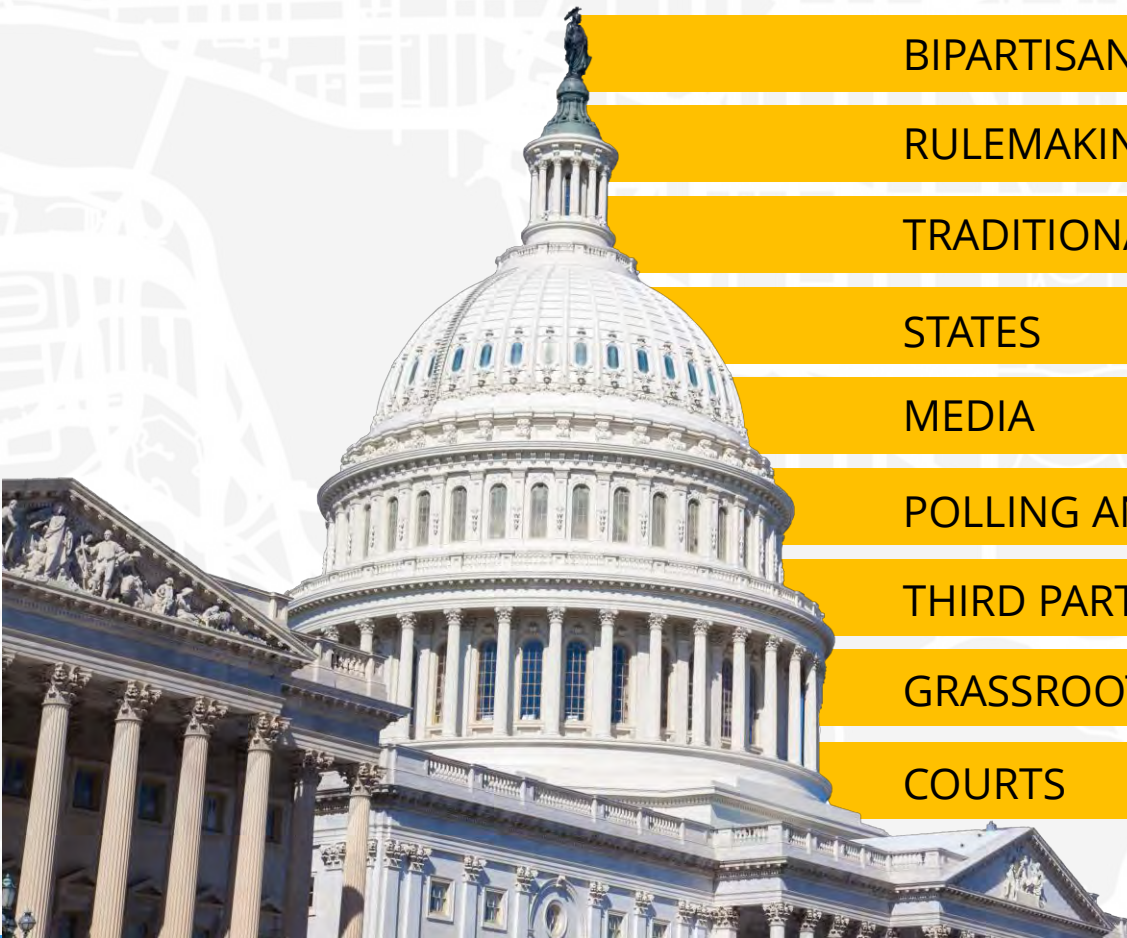
- Congress will pass an agenda to differentiate itself from the administration's agenda
- New focus on policy and appropriations riders to counter administration's regulatory agenda
- Administration will be forced to substantially focus more on regulatory agenda

Status Quo

- New partisan reconciliation legislation and new threats to the filibuster
- Renewed legislative threats to mining
- Emboldened regulatory agenda

Outcomes

HOW WE ARE PREPARING



BIPARTISAN CONGRESSIONAL ALLIES

RULEMAKING ENGAGEMENT

TRADITIONAL AND NON-TRADITIONAL ALLIES

STATES

MEDIA

POLLING AND RESEARCH

THIRD PARTY ADVOCACY

GRASSROOTS

COURTS

Industry Priorities Take Center Stage

KEY PERFORMANCE INDICATORS



TELLING OUR STORY YTD 2022



INFLUENCING STAKEHOLDERS 2022



DELIVERING VALUE 2022

267	Op-Eds	7.38M	Audience Reached	206	Press Inquiries	628	Tweets + Posts	51	Blogs
35	President & CEO Op-Eds	2,593	Media Audience Reached	1.3M	Video Views	595K	Followers		

266	Administration Contacts	7,397	Congressional Contacts	385	State Contacts	79	Congressional Letters & Testimony
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24	Comments	4	Legal Filings	436	Coalition/Ally Meetings	14	Press Releases
42	Committee Meetings	143	Memos to Members	35	MINE Update Newsletters		

RECONCILIATION

Build Back Better – Now Inflation Reduction Act

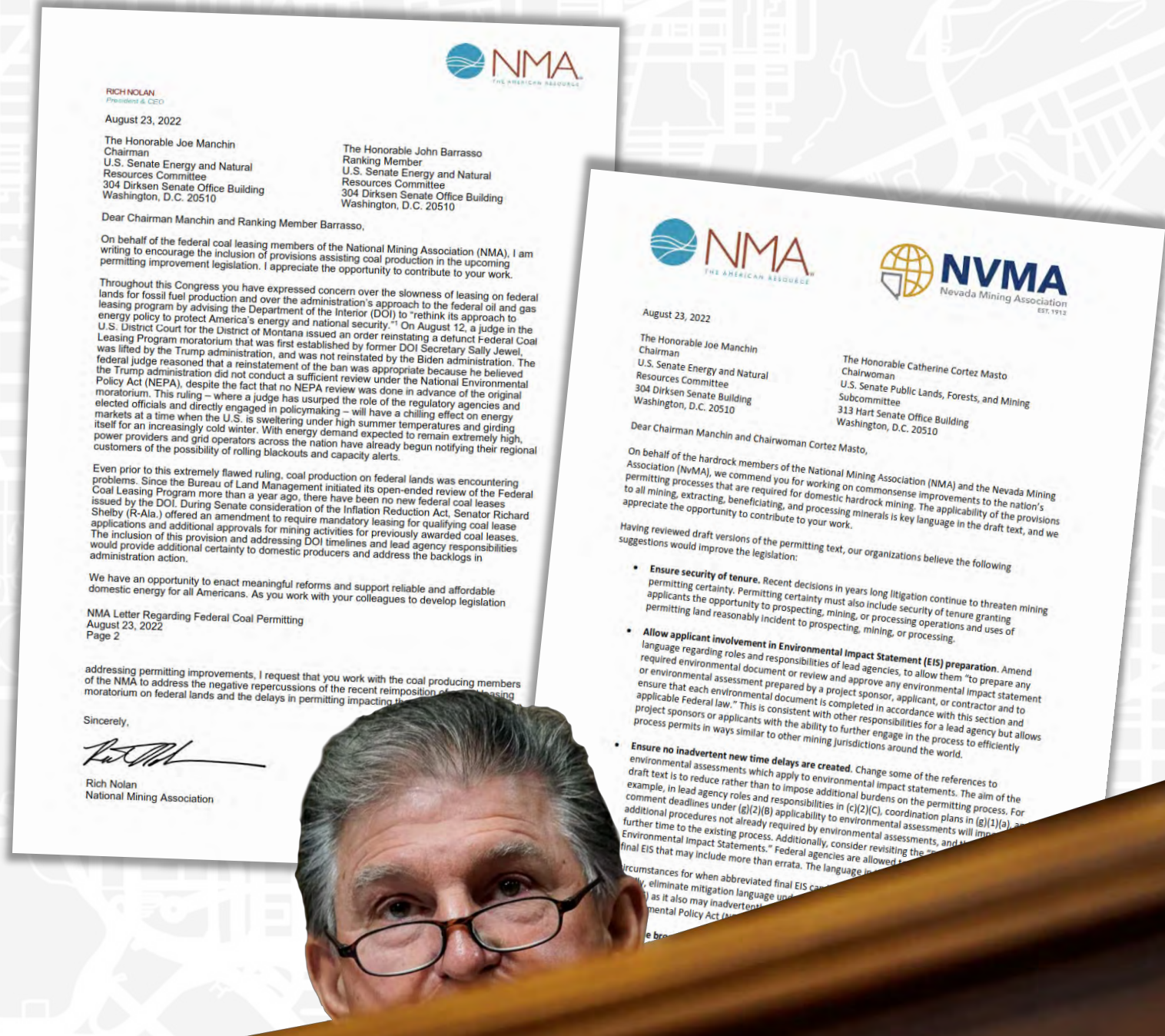
AFTER 18 MONTHS...

- Build Back Manchin total: \$740 billion, down from \$3.5 trillion
- No new hardrock or higher coal royalties
- No new rental or claims maintenance fees
- No new coal severance tax, lease changes, deferred payment increase or repeal of royalty relief
- No hardrock dirt tax, regulatory changes or withdrawals
- 15 percent corporate alternative minimum tax on \$1 billion of book income (three-year average)
- Domestic sourcing for electric vehicles and components
- 10 percent production tax credit for critical minerals and 48C manufacturing tax credit for processing and refining of critical materials
- \$40 billion for new Department of Energy critical mineral lending
- \$250 billion loan guarantees for coal retrofits / emission reductions
- Long-term extension of 45Q and energy production tax credits
- Permanent extension of Black Lung Excise Tax prospectively



- One Federal Decision timelines: two years for Environmental Impact Statement (EIS), one year for Environmental Assessment (EA)
- Limits on timing for lawsuits
- Presidential priority list

Components





REGULATORY WAVE

Regulatory Wave

REMAINDER OF 2022

MINING ACTION STRATEGY TEAM (MAST) TRACKER



PASSWORD: MINING

-  National Ambient Air Quality Standards (NAAQS) Particulate Matter
-  Toxic Substances Control Act (TSCA) Risk Evaluation Procedures
-  Modification of Clean Water Act (CWA) Nationwide Permits
-  Coal Ash Legacy Impoundments
-  Endangered Species Act (ESA) – Critical Habitat
-  Waters of the U.S. (WOTUS)
-  Risk Management Program
-  Fugitive Emissions
-  Per-and Polyfluoroalkyl Substances (PFAS) Toxic Substances Control Act (TSCA) Reporting
-  National Environmental Policy Act (NEPA) – Step 2
-  Endangered Species Act (ESA) – Section 10
-  Coal Ash Permitting Program
-  Uranium Groundwater Protection
-  Water Quality Standards for Tribal Reservations
-  Black Lung Self-Insurance
-  Per-and Polyfluoroalkyl Substances (PFAS) Toxics Release Inventory Rulemaking
-  Per-and Polyfluoroalkyl Substances (PFAS) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Designation
-  Mercury Air Toxics Standard (MATS) – Supplemental Cost Finding
-  Endangered Species Act (ESA) – Compensatory Mitigation
-  National Environmental Policy Act (NEPA) Greenhouse Gas Guidance
-  Forest Service Locatable Minerals
-  Clean Water Act (CWA) Protections for Historic Properties
-  Mine Safety and Health Administration (MSHA) Silica
-  Power Plant Effluent Limitation Guidelines
-  Securities and Exchange Commission (SEC) Rulemaking
-  National Emission Standards for Hazardous Air Pollution (NESHAP) Primary Copper Smelting

COAL POLICY



North American Elect

June 6, 2022

<https://www.nerc.com/news/Headlines/2012/WarningsGrowAcrossUS/>
¹ Blunt, Katherine, "Electricity Shortage Warnings Grow Across U.S."
<https://www.wj.com/articles/electricity-shortage-warnings-grow-across-u-s>
 11652002380?u=15wsgp37ks939p&reflink=share_mobilewhshare

- addition of a dedicated bank of reliability allowances to address seasonal reliability concerns;
- addition of a reliability-based "Reliability Safety Valve" ("RSV") to support short-term reliability needs on the bulk electric system;
- elimination or substantial modification of dynamic budgeting, because, if allowed to remain, it will unnecessarily reduce the ability of capacity resources to operate; and
- recognition of the potential cost impacts associated with purchasing allowances that will likely be passed through to end-use customers.

² PJM, through the ISO/RTO Council, and the EPA previously collaborated during the development of the Clean Power Plan to incorporate a "Reliability Safety Valve" into the final regulation in order to allow operation of generation units needed for reliability. Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, Final Rule, EPA-HQ-OAR-2013-0602, 80 Fed. Reg. 64,662, 64,877-79 (Oct. 23, 2015) ("Clean Power Plan").



Coal Messaging Takes Center Stage

June Polling for the NMA

8 in 10 voters

want the U.S. government to take action to prevent premature closings of functioning power plants until replacement generating capacity is built and online

9 in 10 voters

are concerned about rising electricity rates

6 in 10 voters

agreed the U.S. should ramp up coal production to help wean Europe off of Russian coal

 MORNING CONSULT

The Washington Times
America's Newspaper

Inflation Reduction Act could threaten U.S. power systems

[INSIDESOURCES] Creating Our Own Electricity Crisis

Boston Herald

Opinion: Coal Is at the Heart of Efforts Overseas to Keep the Lights On

THE MERCURY

Guest column: Europe's energy crisis offers bleak warning for U.S.

The Intelligencer.
Wheeling News-Register

U.S. Should Begin Exporting More Coal to European Nations

The Washington Times
America's Newspaper

An electricity crisis of our own making

If it feels like the reliability of the nation's power supply is eroding, that's because it is



Amidst Soaring Summer Heat and Electricity Prices, Rolling Blackouts are Coming

For all of the focus on energy policy in Washington, attention to the unfolding GRID RELIABILITY CRISIS remains alarmingly absent



Grid Reliability is at a Tipping Point this Summer

Author: Rich Nolan



The image shows the exterior of a classical building, likely the U.S. Department of the Interior. The facade is made of large, light-colored stone blocks. At the top, there are decorative iron grates with a diamond pattern and small floral motifs. Below this, the words "DEPARTMENT OF THE INTERIOR" are carved in large, serif capital letters across the stone. Further down, there are three rectangular doorways, each with a similar decorative iron grate. The overall style is neoclassical.

DEPARTMENT OF THE INTERIOR

MINERALS POLICY

White House Interagency Working Group (IWG)

MINING REFORM

PURPOSE • To evaluate potential reforms to hardrock mining laws and regulations, including financial assurance and permitting policies

SCOPE • Conversion to leasing system
• Imposition of royalties
• Changes to financial assurance requirements
• Use of international standards and best practices

NMA ENGAGEMENT • Interagency Working Group kickoff meeting – May 10, 2022
• Regular communications on next steps
• July roundtables
• August 16 meeting with Interagency Working Group on NMA comments
• NMA August 30 comments highlighting importance of domestic mining and processing to secure mineral supply chains
• Inclusion in September Interagency Working Group subgroups on specific topics

TIMING • Interagency Working Group to recommend changes to Congress on the Mining Law by Nov., and proposed regulations by end of 2022, but timeframes are likely to slip



White House Interagency Working Group

BIPARTISAN COMMENTS



GRASSROOTS
ACTIVATION

2.6K

SUPPORTER
COMMENTS

Congress of the United States
Washington, DC 20515

August 30, 2022

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Haaland,

The Interagency Working Group (IWG) on reforming hardrock mining laws, regulations and permitting policies announced in February, allows stakeholders and interested individuals throughout the country to respond and contribute to new recommendations from this administration. The pandemic and geopolitical instability have provided Americans with sobering examples of the value of strengthening supply chains including for minerals key to new technologies, infrastructure, energy production, manufacturing, and national defense, among other priorities.

As the IWG considers a variety of views, recommendations, and policies to formulate its own recommendations, we would suggest that the IWG consider the following principles in proposing new policies and recommendations:

- Promote the development of domestic mineral resources in a timely, safe and environmentally sustainable manner pursuant to U.S. world-class standards.
- Recognize the urgency of securing American production of minerals to reduce our reliance on China and other un dependable foreign supply chains for minerals and materials critical to our economic and national security.
- Ensure valid concerns about environmental protection are fully considered and addressed while preventing permitting process delays which unnecessarily increase the cost of a mining project and can trap mining projects in a limbo of duplicative, unpredictable and endless review without a decision point.
- Acknowledge the important role of western mining states and other states with major mining projects in partnering with the federal government in the development of minerals policy.
- Increase coordination and reduce duplication between federal and state agencies and regulations.
- Encourage greater mapping of U.S. minerals resources.
- Steer clear of changes to U.S. Mining Law that make new and existing projects unworkable by undermining the regulatory certainty needed to attract the large capital investments required to bring mining projects into operation.

- Propose an all-encompassing strategy that includes coordination with allied nations sharing U.S. values, investments in human capital, minerals recycling, and innovative mining processes to boost efficiencies.
- We believe the IWG has the opportunity to propose positive, forward-leaning recommendations that meaningfully support new U.S. production and processing of needed minerals to meet the current and coming demand for increased mineral use and reach and maintain essential U.S. competitive advantages all while ensuring U.S. labor, environmental, and safety standards. We appreciate the opportunity to contribute to the IWG process.

Sincerely,

Catherine Cortez Masto
United States Senator

Steven Horsford
Member of Congress

Mark Kelly
United States Senator

Kyrsten Sinema
United States Senator

Jacky Rosen
United States Senator

John Garamendi
Member of Congress

James E. Risch
United States Senator

Blake D. Moore
Member of Congress

Cynthia M. Lummis
United States Senator

Steve Daines
United States Senator

Roger Marshall, M.D.
United States Senator

Mike Crapo
United States Senator

Vicente Gonzalez
Member of Congress

Eric Swalwell
Member of Congress

Henry Cuellar
Member of Congress

Jiri Costa
Member of Congress

Susie Lee
Member of Congress

Cathy McMorris Rodgers
Member of Congress

Chris Stewart
Member of Congress

John Curtis
Member of Congress

Burgess Owens
Member of Congress

Mike Simpson
Member of Congress

Lisa Murkowski
United States Senator

John Barrasso, M.D.
United States Senator

James Lankford
United States Senator

Michael S. Lee
United States Senator

Pete Stauber
Member of Congress

Dan Newhouse
Member of Congress

Mark Amodei
Member of Congress

Bruce Westerman
Member of Congress

Garret Graves
Member of Congress

FOX
BUSINESS

Top industry group raises alarm on
future of green energy: 'Has now
become a crisis'

The U.S. has a 'broken and cumbersome' permitting process, the the National Mining Association president tells FOX Business

Recent Minerals Incentives

PROCESSING, REFINING, RECYCLING

- **\$1 billion** for Defense Production Act for production and processing of strategic and critical minerals for battery manufacturing
- **\$40 billion** for Department of Energy Loan Program Office for critical mineral production
- **\$3 billion** for Department of Energy Advanced Technology Vehicles Manufacturing Loan program for mineral production for electric vehicle components
- **45X new 10 percent** Production Tax Credit for cost of production of critical minerals listed in the bill through 2032 with direct pay for the first five years
- **48C** manufacturing tax credit applicability to processing, refining or recycling critical materials



Minerals Messaging Takes Center Stage

reno gazette journal America's electric vehicle ambitions need American mining

Forbes America's Mineral And Metal Insecurity Is A National Security Threat. It Doesn't Have To Be.

[INSIDESOURCES] Adapting to Reliance on Imports of Battery Metals Is Dangerous

LAS VEGAS SUN America's EVs shouldn't rely on Chinese slave labor

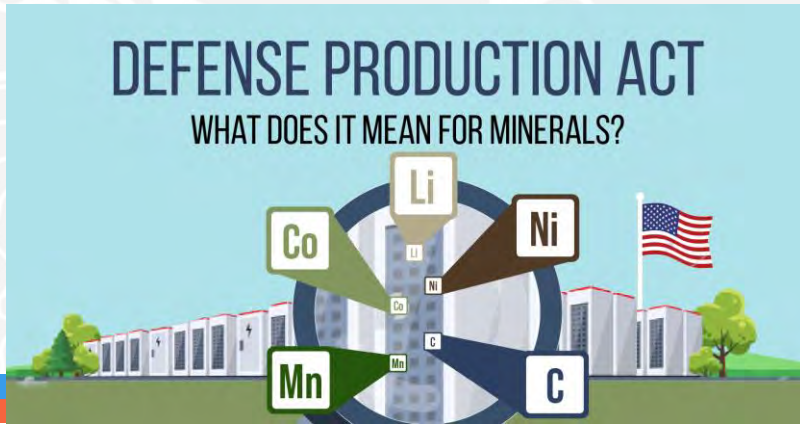


Top industry group raises alarm on future of green energy: 'Has now become a crisis'

The U.S. has a 'broken and cumbersome' permitting process, the the National Mining Association president

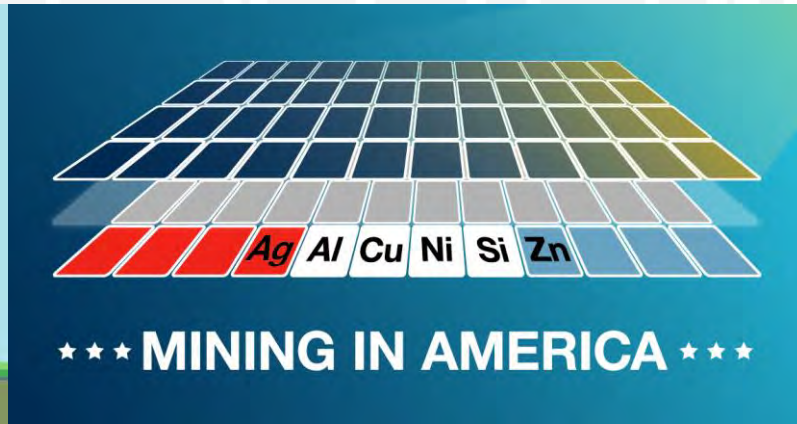
Defense Production Act – What Does it Mean for Minerals?

Author: Rich Nolan



Mine Permitting is the Foundation of the Supply Chain

Author: Rich Nolan



HOW TO WIN THE GLOBAL MINERALS RACE

Global events have sent the price of mineral commodities soaring. This combined with the growing demand for minerals is exacerbating stressed supply chains and limited production capacity. The International Energy Agency predicts the energy sector's demand for minerals could grow 6X by 2040.

The U.S. has stood by idle while China and other countries have emerged as dominant producers of minerals needed for EV batteries, technology and infrastructure.

THE UNITED STATES IS BEHOLDEN TO CHINA FOR MINERALS

China is the largest processor of **copper, nickel, cobalt, lithium** and **rare earth elements**, controlling **75%** of lithium battery production, **80%** of cathode production and **80%** of anode production.

The U.S. relies on China for 16 critical minerals.

Only 9 of the world's 142 lithium-ion battery mega factories are planned for the U.S., while 137 are in China. That's equivalent to China building one factory a week while the U.S. builds one every four months.

20 YEARS OF IMPORT DEPENDENCE

In 2021, the U.S. imported more than **50%** of **47** mineral commodities, **15** were critical minerals. Of those **47**, the U.S. imported **100%** of **17** minerals, **14** were critical minerals.

The U.S. is home to an estimated **\$6.2 trillion** in minerals, but we had net imports of **\$90 billion** worth of minerals in 2021 alone.

CONTINUED IMPORTS DESPITE AN AMPLE SUPPLY

U.S. Reserves: **69 MILLION** metric tons of copper, **340 MILLION** metric tons of nickel, **48 MILLION** metric tons of cobalt, **750 MILLION** metric tons of lithium.

U.S. Imports: **76%** IMPORTED, **48%** IMPORTED, **45%** IMPORTED, **25%** IMPORTED.

WIN METALS

Twin Metals: 30 million pounds of cobalt available in mine plans, permitting process currently stalled.

POLYMETALS

PolyMet: 170 million pounds of nickel available in mine plans, permitting process currently stalled.

RESOLUTION

Resolution Copper: 25% of U.S. copper consumption, in permitting since 2013.

LITHIUM

Lithium Americas Thacker Pass: largest known lithium deposit in the U.S., in development more than a decade.



U.S. MINERALS MINING ON THE BRINK

Average time to permit a new mine in the U.S. is **7-10 years**.

It takes **5X longer** to get approval to mine our own mineral resources than it does for countries with similar environmental standards.

7-10 years to secure a mine permit in the U.S. vs. **2-3 years** in Canada and Australia.

THREE STRATEGIC STEPS FOR SUPPLY CHAIN RESILIENCY

The United States must enact a **comprehensive minerals strategy** to meet soaring mineral demands and secure our unstable minerals supply chains.

- 1. IMPLEMENT COMMONSENSE PERMITTING REFORMS**
 - Improve the permitting process in the U.S.
 - Increase coordination and reduce duplication between federal and state agencies.
 - Adhere to schedules for permit reviews, transparently tracking progress to provide accountability.
 - Do no harm: New regulatory requirements or environmental reviews are unnecessary. U.S. minerals mines are already subject to over three dozen federal and state laws and regulations.
 - Additional financial burdens through new regulations or taxes may make many U.S. mines financially unworkable. Many mines already pay between 40-50% of earnings in federal, state and local taxes.
- 2. INCREASE DOMESTIC PRODUCTION AND PROCESSING**
 - U.S. is home to an estimated \$6.2 trillion of mineral reserves that will help ensure the success of future energy technologies and security of our economic prosperity.
 - Utilize the Defense Production Act to help secure the minerals and materials necessary for battery minerals and our national security.
 - Prioritize both mineral production and processing within the United States.
 - Ensure timely and appropriate access to mineral-rich federal lands.
- 3. PURSUE AN ALL THE ABOVE APPROACH**
 - Collaborate with allies to grow capacity throughout new minerals supply chains.
 - Leverage the DPMCA and existing mining industries within North America.
 - Seek long-term, fixed price contracts to guarantee supply with federal procurement requirements.
 - Invest in new technologies and human capital through grant programs to boost efficiency.
 - Encourage minerals recycling efforts across every sector of the economy.
 - Become an innovation hub to develop smart mining practices that are cleaner, faster and cheaper.

CROSS-CUTTING PRIORITIES



Cross-Cutting

SECURITIES AND EXCHANGE COMMISSION

The Honorable Gary Gensler
Chair
U.S. Securities and Exchange Commission
100 F Street NE
Washington, D.C. 20549

Re: File No. S7-10-22, the Enhancement and Standardization of Climate-Related Disclosures for Investors

Dear Chair Gensler,

We write regarding the Securities and Exchange Commission's (SEC) requiring publicly traded companies to disclose extensive climate "climate risks." The proposed rules exceed the SEC's statutory authority to misappropriate the SEC's rulemaking authority. Congress did not policy nor to be the final arbiter of businesses' strategies to combat what these rules will do. We call on the SEC to rescind the proposed

As you know, the "SEC's long-standing tripartite mission to provide orderly, and efficient markets, and facilitate capital formation" is the work. Congress passed the Securities and Exchange Acts of 1933 and 1934 to implement a disclosure-based regime that facilitates — not parties to the investment decision-making process. Over the last 80 plus years, this statutory directive through a principle-based approach to rule-making has determined what is material to investors, not the SEC.

[illegible]

We call on you to rescind these proposed climate rules and to respect the statutory line Congress placed on the SEC in the '33 and '34 Acts. It is Congress' job to set our energy policy, not the job of unelected regulators. The SEC should focus on its core mission: investors; maintaining fair, orderly, and efficient markets; and facilitating capital formation rather than a far-left social agenda.

Sincerely,

Bloomberg Corporate Backlash Over SEC Climate Plan Takes Shape

THE WALL STREET JOURNAL.

Wall Street Rails Against Costs of Chairman Gary Gensler's Regulatory Agenda at SEC

Cross-Cutting

G:\M\17\NEWHOUSE\NEWHOUSE_071.XML

AMENDMENT TO DIVISION E OF RULES COMMITTEE PRINT 117-55 (INTERIOR AND ENVIRONMENT APPROPRIATIONS DIVISION) OFFERED BY MR. NEWHOUSE OF WASHINGTON

At the end of division E (before the short title), insert the following:

1 SEC. _____. None of the funds made available by this
2 division may be used to develop, propose, finalize, im-
3 ment, enforce, or administer new regulations revising
4 definition of the term "waters of the United States"
5 used in the Federal Water Pollution Control Act
6 U.S.C. 1251 et seq.), during the period beginning
7 date of enactment of this Act and ending on Ju-
8 2023.



COMMITTEE ON
**TRANSPORTATION
& INFRASTRUCTURE**
SAM GRAVES, REPUBLICAN LEADER

Press Releases

Graves, Rouzer, Newhouse Lead 201 House Republicans in Renewing Calls for the Biden Administration to Drop WOTUS Expansion



COMMITTEE ON
**TRANSPORTATION
& INFRASTRUCTURE**
SAM GRAVES, REPUBLICAN LEADER

Press Releases

Graves, Capito Lead Colleagues in Filing Amicus Brief on Clean Water Act Authority

Congress of the United States
Washington, DC 20515

March 8, 2022

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

The Honorable Michael L. Connor
Assistant Secretary of the Army for Civil Works
U.S. Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Administrator Regan and Assistant Secretary Connor:

We write to you today regarding the United States Supreme Court's most recent announcement to grant certiorari to *Michael Sackett, et ux., Petitioners v. Environmental Protection Agency, et al.* (*Sackett*).¹ For almost two decades, rural communities, businesses, and industries who rely on clean water have been trapped in political and legal limbo, surrounded by a shroud of legal opinions and faulty federal regulations. On June 9, 2021, the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) (collectively, the "Agencies") announced their intent to revise the definition of "waters of the United States," (WOTUS).² Any decision by the Supreme Court on *Sackett* will have profound impacts on the Agencies' rulemaking process. Therefore, we urge the EPA and the Corps to halt its current rulemaking.

The United States Court of Appeals for the Ninth Circuit has improperly held that federal jurisdiction for WOTUS should follow the "significant nexus" test laid out in Justice Kennedy's concurring opinion in *Rapanos v. United States*, 547 U.S. 715 (2006), rather than a more narrow approach based on the areas the Kennedy opinion and the plurality opinion authored by Justice Scalia have in common.³ The Obama Administration's 2015 WOTUS rule also followed this flawed "significant nexus" approach, resulting in an unprecedented expansion of the definition of

Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Eric S. McFadyen
Chief Counsel
Office of General Counsel

April 28, 2022

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

The Honorable Michael L. Connor
Assistant Secretary of the Army for Civil Works
U.S. Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Administrator Regan and Assistant Secretary Connor:

We write today regarding the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers' (Corps) (collectively, the "Agencies") stakeholder outreach in advance of the Agencies' revision of the definition of "waters of the United States" (WOTUS) under the *Clean Water Act*.¹ In October 2021, the Agencies announced a new and complex process for receiving stakeholder feedback consisting of two regional roundtables for interested parties to provide input on differing regional challenges, opportunities, and experiences concerning the definition of WOTUS.² The modifications of a new definition of WOTUS will be far reaching for farmers, small businesses, rural communities, infrastructure projects, and countless other stakeholders across the country. While we agree robust and meaningful public outreach is critical, we have substantial concerns and questions regarding the Agencies' use of a new and complicated roundtable process for public outreach, particularly around its organization and execution.

The roundtable process, which was announced on October 13, 2021, required interested stakeholders to organize a group of regional participants across a wide range of prescribed interest groups specified by the Agencies and then self-nominate by November 3, 2021.³ As a result, stakeholders only had three weeks from the press release and a little over a week from the Federal Register notice on October 25th to organize and respond.⁴ This rushed timeline necessitated the deadline for nominations be extended until December 1, 2021.⁵

The Agencies' process also appeared to undermine the administrative work of the Agencies to applicants, thereby potentially excluding smaller groups lacking the resources needed to meet the extensive requirements. Given the Administration's repetitive calls for equity in achieving these goals, despite this complex process and short timeline, regional roundtables are not expected to be held until this summer.⁶ On February 24, 2022, the Agencies announced selection of the ten regional roundtables, but have not provided further clarity on execution of the roundtables and when they will take place.⁷

Furthermore, we have concerns with the lack of transparency in the selection process, as well as with the purpose of the discussions facilitated at the roundtables. In the original announcement, the Agencies stated the roundtables will provide dialogue "to inform the Agencies' work to develop an enduring definition of WOTUS."⁸ Yet when they inform the potential selection of the participants, they described the role of each roundtable as being "to receive suggestions that the Agencies are not interested in soliciting and considering feedback for a WOTUS definition. Rather, it appears they have already moved onto implementation of a new definition of WOTUS, despite ongoing legal challenges and an anticipated ruling from the Ninth Circuit. We strongly believe that the Agencies must fairly and genuinely utilize the stakeholder process to incorporate as much input as possible from across the spectrum of the direct community prior to reaching a final regulatory decision. This cannot be a mere advisory exercise for the Agencies that is designed to encourage failure instead of success.

It is critical that the process the Agencies use to inform any update of the regulatory definition of WOTUS is transparent to the public. Accordingly, we respectfully ask that the Agencies provide the following documents and written responses to the questions by May 12.

1. Please provide the criteria used to evaluate each application, including any documents and memos used to expand the criteria and its development.
2. How many applications/nominations did the Agencies receive for the regional roundtable process?
3. Who at the Agencies, or other individuals within the Administration, approved the applications/nominations?
4. Please provide copies of each application for the regional roundtables, as well as the corresponding evaluation of each application.
5. When will the Agencies make public the participants in each of the ten regional roundtables? Please also provide the list of participants the Agencies have selected for each regional roundtable.
6. How did the Agencies ensure that small entities and traditionally underrepresented organizations were given the ability to participate in the regional roundtables? Please also provide the list of participants the Agencies have selected for each regional roundtable which falls into these categories.
7. Why did the Agencies provide such a short time frame for the roundtable nomination process when that the roundtables for the Agencies have selected for each regional roundtable?
8. How were the geographic regions for the ten roundtables determined?
9. Will implementation of the regional roundtables by the Agencies be done by Federal agency personnel or by contract?
10. Where in the process are the Agencies in organizing the regional roundtables?
11. Please provide documentation concerning the format and organization of each regional roundtable.

Roundtables be scheduled?
Roundtables be recorded or documented?
Members of the public who were not selected to participate
Roundtables be able to submit information and feedback in this
two-part rulemaking process to revise the definition of
waters of the United States?
On this matter, if you have questions, please contact Ryan
Subcommittee on Water Resources and Environment, at

Sincerely,

David Rouzer
Ranking Member
Subcommittee on Water Resources and
Environment

Cross-Cutting ENDANGERED SPECIES ACT

- Final Definition of Habitat rule – June 2022
- Proposed revisions to regulations for Experimental Populations – June 2022
- Final Exclusion from Habitat rule – July 2022
- Proposed Section 10 regulations – Oct. 2022
- Proposed Compensatory Mitigation rule – Dec. 2022
- District Court overturned three remaining Endangered Species Act regulations finalized under previous administration
- Migratory Bird Treaty Act Incidental Take regulations — Aug. 2022 (Delayed)

IMPLICATIONS

- Return to pre-Trump species regulations
- Longer permitting times
- More mitigation and due diligence
- Strong push from environmental groups to list species close to mining



NEXT STEPS

- Litigation
- Engaging with allies on coalition comments
- Working with Capitol Hill on legislation
- Extensive comments
 - Pointing out when Fish & Wildlife Service doesn't use the best available science, and other legally flawed analyses
 - Providing individual comments on company-specific and mine-specific listings

Cross-Cutting

NATIONAL ENVIRONMENTAL POLICY ACT REFORMS

PHASE 1: FINALIZED IN APRIL

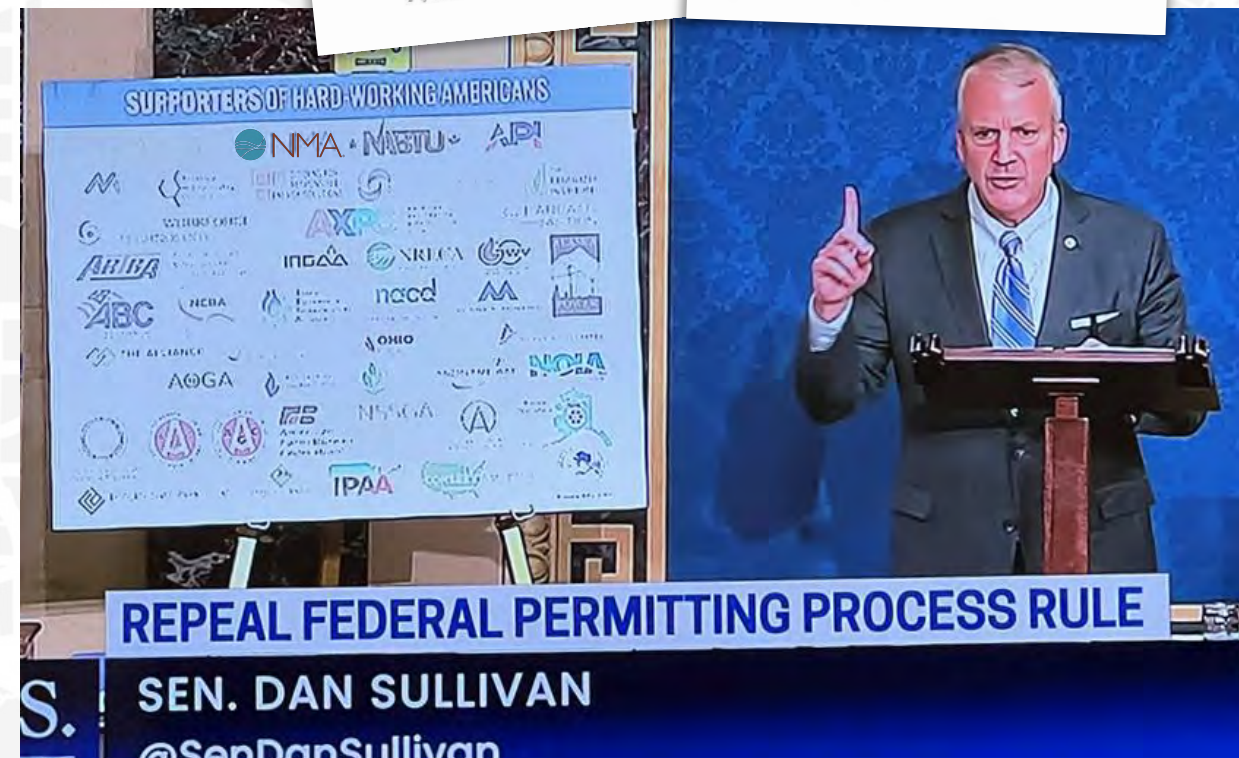
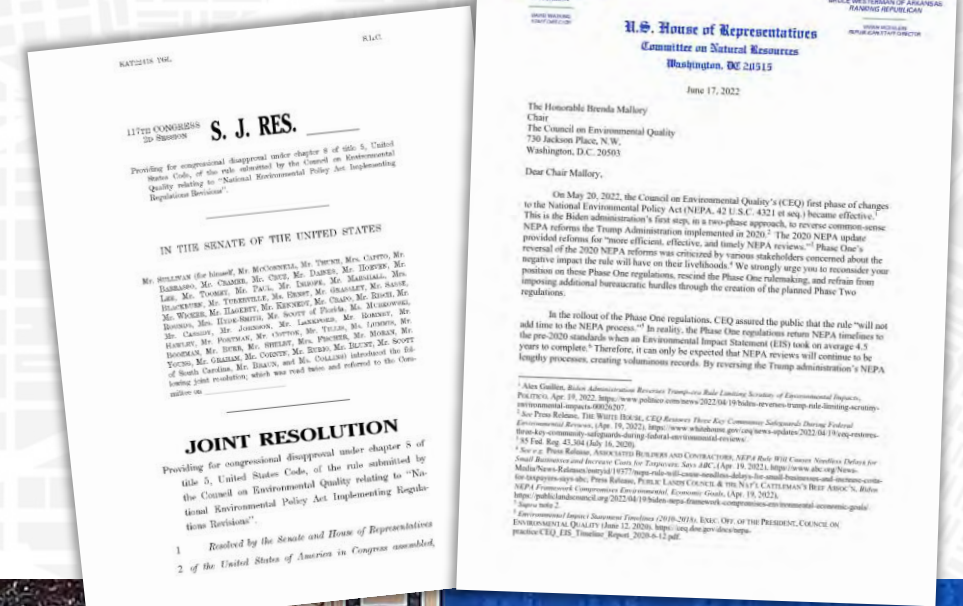
- Largely reverts back to pre-2020 regulations
- Three main revisions:
 - Effects analysis reinstated
 - Council on Environmental Quality's rule is floor, not ceiling for federal agencies
 - No requirement that federal agency base the purpose and need on the goals of an applicant

PHASE 2: Expected Aug. 2022 (likely delayed)

- Broader set of changes, likely will include requirement of climate change analysis and others

Congressional Review Act

- Senate passed Congressional Review Act Resolution (S. J. Res. 55) 50-47 to repeal new Phase 1 National Environmental Policy Act regulations
- House may consider Congressional Review Act Resolution (H. J. Res. 91) to repeal new Phase 1 National Environmental Policy Act regulations



Cross-Cutting SILICA STANDARD

Mine Safety and Health Administration Assistant Secretary Identified as Highest Priority

- Enforcement initiative announced – June 2022
- Anticipated proposed rule to lower silica exposure limit by 50 percent for all miners – Sept. 2022

NMA Position and Preparation

- Support use of powered air purifying respirators and administrative controls to meet new standard – June 2022
- Outreach to allied industry associations to align positions
- NMA technical silica workgroup
- Identification of silica expert to advise the NMA on technical issues both before and during the rulemaking
- Encourage the Mine Safety and Health Administration (MSHA) to complete rulemaking activities for Part 18
- Research new and evolving technology for silica testing and sampling devices





CORES SAFETY®

0

CORESafety pathway messaging changing to Excellence of Mine Safety - Zero Fatalities



Updating certification and recertification processes to accommodate any size operation, manufacturer or supplier



Explore opportunities to establish the CORESafety Health and Safety Management System as a recognized body or clearing house for national and international recognition



Enhance CORESafety video as a value-added safety tool that is user friendly



NMA Health and Safety committee is evaluating opportunities to add Spanish-language captioning to select CORESafety videos



The NMA is working collaboratively with the Mine Safety and Health Administration to update the 2004 MSHA/NMA Alliance Agreement



NMA is updating the CORESafety website

NMA BRANDING



Branding

REBRANDING TIMELINE

February – May

- Two rounds of opinion leader and decisionmaker focus group research
- 20 individual one-on-ones with select NMA members, Republican and Democrat Hill contacts

May – August

- Three rounds of creative development
- Draft new boilerplate descriptor

August

- Rebrand approval

September

- Rollout



The NMA's Rebrand Process

RESEARCH INSIGHTS

- The NMA has strong name recognition among Hill Democrats and Republicans
- General consensus:



Name change not needed *BUT participants like the idea of shifting the focus from the process to the product, moving from mining and extraction (process) to incorporating*

Evolution of Our Descriptor

ORIGINAL



The National Mining Association (NMA) is U.S. mining's advocate in Washington, D.C. and beyond.

The NMA is the only **national trade organization that represents the interests of mining before Congress, the administration, federal agencies, the judiciary and the media—providing a clear voice for U.S. mining.**

The NMA's mission is to build support for public policies that will **help America fully and responsibly utilize its mineral and coal resources.** Headquartered in Washington, D.C., the NMA has a membership of more than 250 corporations and organizations involved in various aspects of mining.

The NMA provides a forum for these diverse industry segments to be informed, heard and represented.

Evolution of Our Descriptor

NEW



America's mining industry supplies the essential materials necessary for nearly every sector of our economy – from technology and healthcare to energy, transportation, infrastructure and national security.

The National Mining Association (NMA) is the only national trade organization that serves as the voice of **the U.S. mining industry and the hundreds of thousands of American workers** it employs before Congress, the federal agencies, the judiciary and the media, advocating for public policies that will **help America fully and responsibly utilize its vast natural resources. We work to ensure America has secure and reliable supply chains, abundant and affordable energy and the American-sourced materials necessary for U.S. manufacturing, national security and economic security, all delivered under world-leading environmental, safety and labor standards.**

Headquartered in Washington, D.C., the NMA has a membership of more than 250 companies and organizations involved in every aspect of mining, from producers and equipment manufacturers to service providers.

Design Direction



Focus on simplified, bold iconography that establish the industry's position as a modern industry, key to future innovation



Iconography that pushes conceptual thinking to create a logo that is memorable and unique to the NMA



Iconography that lends itself to profile image representation across social media platforms, which is essential when the icon cannot be locked up with the name



A blend of upper- and lower-case typography that strikes a balance between modern approachability and bold confidence

Design Options

1.



2.



3.



4.



5.



6.



7.



Design Recommendation



The stylized “M” is sliced into sections to create dimension, where angular forms extend outward towards the viewer. While the “M” represents mining quite literally, the stylization of the letterform blends brightness, energy and future focus to create one holistic statement.

The design leads viewers to see more below the surface, a direct analogy to the work our industry does – both surface and underground mining – with imagery that has a forward momentum, pointing to our industry’s relevance now and in the future.

Both bold and modern, the image and typography don’t abandon the traditional mining feel.

Color Options



Option 1

Vibrant blue, symbolic of trust, strength and modernity, is coupled with a dark blue to create a balance of energy and gravitas.



Option 2

Blue-green, symbolic of growth, nature and energy, is coupled with a medium blue to create a bright and vibrant statement. The incorporation of the green tone reinforces our commitments in the sustainability space and the variety of future energy technologies that are made possible by mining.



Option 3

In a combination of options one and two, blue-green is paired with the darker blue to create a similar statement but with a bolder anchoring of the M icon to the text. The incorporation of the green tone reinforces our commitments in the sustainability space and the variety of future energy technologies that are made possible by mining.



Option 4

A brilliant gold, symbolic of optimism, clarity and warmth is paired with a deep blue, symbolic of strength and dependability.

New Brand Recommendation

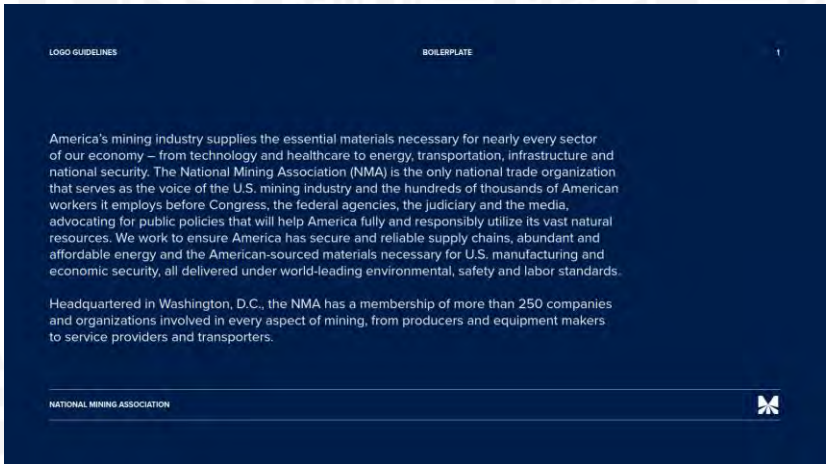
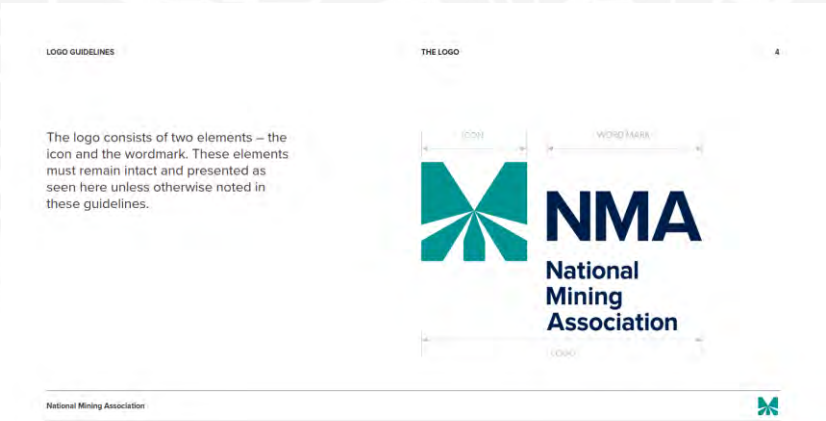
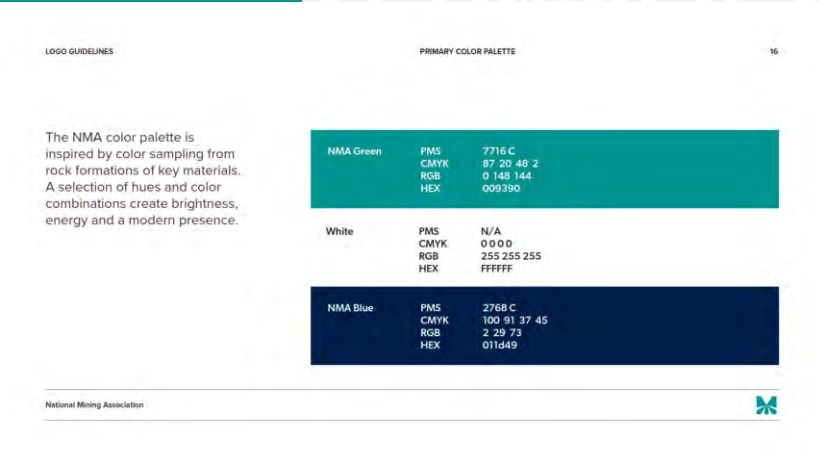
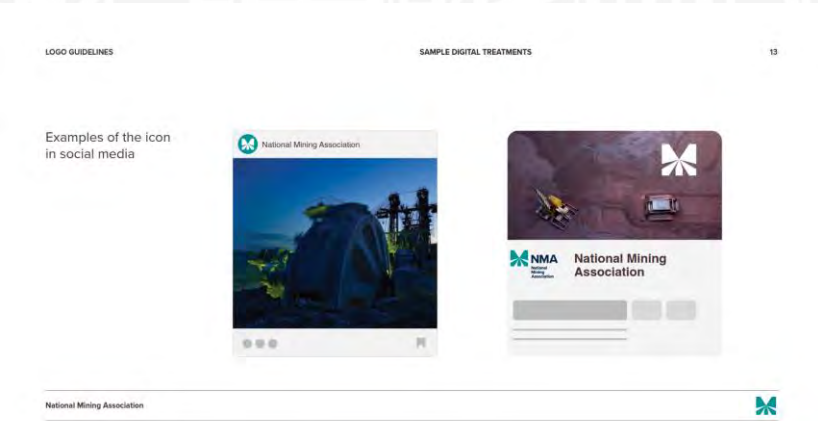


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The National Mining Association (NMA) is the only national trade organization that serves as the voice of the U.S. mining industry and the hundreds of thousands of American workers it employs before Congress, the federal agencies, the judiciary and the media, advocating for public policies that will help America fully and responsibly utilize its vast natural resources. We work to ensure America has secure and reliable supply chains, abundant and affordable energy and the American-sourced materials necessary for U.S. manufacturing, national security and economic security, all delivered under world-leading environmental, safety and labor standards.

Headquartered in Washington, D.C., the NMA has a membership of more than 250 companies and organizations involved in every aspect of mining, from producers and equipment manufacturers to service providers.


New Brand Guide



New Brand Guide



BRAND GUIDELINES 2022 / 1.0

 National Mining Association



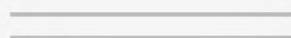
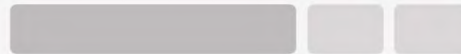
Ashley Burke
Senior Vice President,
Communications

National Mining Association
101 Constitution Ave. NW,
Suite 500 East
Washington, D.C. 20001

Phone: (202) 463-2600
Direct: (202) 463-2642
aburke@nma.org



National Mining
Association



Sample Heading

Subheading

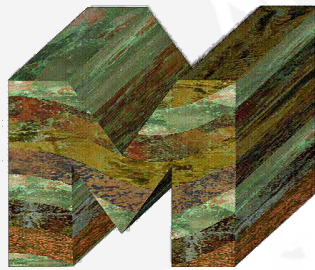
Body Copy

Callout/Quote

101 Constitution Ave. NW / Suite 500 East / Washington, D.C. 20001 / Phone: 202. 463. 2600

Brand Journey

Original Brand



National Mining Association®

2000s Update



New Recommendation



ASSOCIATION REPORT

MINING: Center Stage in
Washington and the World





AUDIT AND FINANCE COMMITTEE REPORT

NMA BUDGET

2023

Revenue

Producer Dues	6,350	6,823
Non-Producer Dues	1,365	1,485
Rental & Other Revenue	205	205
Investment	1,800	1,550
Total Revenue	9,720	10,063

Expenses

Salary & Benefits	8,179	8,494
Occupancy	2,016	2,006
General Operating	714	492
Legal & Regulatory	1,164	1,589
Government Affairs	1,044	1,164
Communications	535	519
Members & Administration	304	387
Count on Coal	850	810
Minerals Make Life	850	810
Labor Management Outreach	0	150
CORESafety®	140	142
Total Expense	15,795	16,563

General Operating Reserve Use	6,075	6,500
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2023 Budget Highlights

- Defend against the regulatory wave
- Expand bipartisan coalitions
- Grow membership to minimize dues increase
- Maintain robust communications program on all platforms



NOMINATING COMMITTEE REPORT

The background of the slide is a light gray map of New York City, showing the dense grid of streets and the outlines of the five boroughs. The map is oriented with Manhattan at the top and the other boroughs extending downwards and outwards.

NOMINATING COMMITTEE REPORT

OFFICERS

AUDIT & FINANCE COMMITTEE

EXECUTIVE COMMITTEE

DIRECTORS

Congratulations

INCOMING NMA CHAIRMAN

Mitch Krebs
President and CEO



- Vice Chair of the NMA Environmental, Social, and Governance Task Force
- Former Vice Chair of the Audit and Finance Committee



Jimmy Brock

PRESIDENT & CEO CONSOL ENERGY



Presented by the National Mining Association Board of Directors to Jimmy Brock, with grateful appreciation for outstanding leadership and service as Chairman of the Board

Next MEETING

National Mining Association Board of Directors Meeting

April 2-4, 2023 | Sea Island, Georgia

