



**NATIONAL MINING ASSOCIATION
Minutes of the Board of Directors Meeting
The Conrad
Washington, D.C.
Sept. 22, 2023**

The meeting of the National Mining Association's (NMA) board of directors was called to order at 9:34 a.m. by Chair, Mitch Krebs, Coeur Mining, Inc.

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

Adam Anderson, Western Fuels Association, Inc.; Phil Baker, Hecla Mining Co.; Jimmy Brock, Consol Energy Inc.; JC Butler, North American Coal Corp.; Tony Calandra, Jennmar Corporation; Joe Craft, Alliance Resource Partners, L.P.; Paul Davis, Nexans AmerCable; Denise Dignam, The Chemours Co.; Mary Beth Donnelly, Newmont; Christina Erling, Barrick Gold of North America; Jon Giesen, Nelson Brothers, Inc.; Jim Grech, Peabody Energy; Peter Halpin, World Resources Co.; Greg Hinshaw, J.H. Fletcher & Co.; Mike Kendrick, Climax Molybdenum Co.; Paul Lang, Arch Resources, Inc.; Vern Lund, Navajo Transitional Energy Co., LLC; Andrew Lye, Rio Tinto; Kris McCaig, Teck American, Inc.; Michael Morriss, Trapper Mining Inc.; Rich Nolan, National Mining Association; Richard Mullen, Drummond Company, Inc.; Alan Prouty, J.R. Simplot Co.; Peter Salditt, Komatsu Mining Corp.; Robert Stenger, Cincinnati Mining Machinery Co.; Justin Thompson, Iron Senergy; and Tim Viskocil, Materion Natural Resources.

Tom Borer, Epiroc USA LLC; Kevin Craig, Natural Resource Partners L.P.; David Hibbs, Prairie State Generating Co. LLC; Rob Hoenes, Caterpillar Inc.; Scott Kreutzer, Ramaco Resources, Inc.; Joel Lerner; Liebherr USA, Co.; Heather McDowell, Sibanye Stillwater; Ryan McManis, Hallador Energy Co.; Christian Palish, Eagle Specialty Materials LLC; Randy Shefman, Royal Gold, Inc.; Lorali Simon, Usibelli Coal Mine, Inc.; Dennis Watson, American Consolidated Natural Resources Inc.; and D'Andre Wright, Warrior Met Coal, Inc.; were present as alternate board members.

The following representatives from member companies were present:

Matthew Adams, Navajo Transitional Energy Co., LLC; Tyler Andrews, First Mode; Kent Armstrong, Draeger Safety Canada Ltd.; Emily Arthun, American Coal Council; Rusty Ashcraft, North Star Strategies, LLC; Nikki Bailey-

Lundahl, Nevada Mining Association; Richard Bark, Freeport-McMoRan Inc.; Dan Barron; Alliance Resource Partners, L.P.; Joe Becko, Cummins Sales and Service; Cameron Bishop, J.R. Simplot Co.; James Blatchford, ERM; John Boyd, John T. Boyd Co.; James Chamberlain, Philippi-Hagenbuch, Inc.; Mark Compton, American Exploration & Mining Association; Mary Cordes, The Chemours Co.; Tim Crowley, Lithium Americas-Lithium Nevada; Ben Davenport, Idaho Mining Association; Robert Duncan; J.H. Fletcher & Co.; Adam Foulstone, Nyrstar; Allen Freemyer, Freemyer & Associates; John Gefferth, Barr Engineering Co.; Greg Gillian, Stantec; Ted Grandy, Lithium Americas-Lithium Nevada; Danny Hall, Marsh; Stan Harlen, Minova Global; Adam Hawkins, Global External Relations; Drayton Land, Nexans Americable; Jason Lockard, Stantec; Nicola Lower, ERM; Matt Mackowiak, Consol Energy Inc.; Colin Marsh, NewRange Copper Nickel LLC; Evan Midler, Alliance Resource Partners, L.P.; Ryan Modlin, Rio Tinto; Michael Mondshine, Stantec; Kevin Moore, 3 Proton Lithium, Inc.; Dave Moss, North Star Strategies, LLC; Renee Munasifi, Nutrien; Winston Nelson, Nelson Brothers, Inc.; John Neumann, The North American Coal Corp.; Matt Nugen, Peabody; James Pinkley, Mapei Corp.; Caitlin Purdy, ERM; Maria Randazzo, First Mode; Rita Reed, Rio Tinto; Ken Reindl, DYNOL NOBEL INC.; William Rising, Freeport-McMoRan Inc.; Connie Rogers, All-Terrain Law, LLC; Rachel Rogier, Arch Resources, Inc.; Keith Russell, Partners in Performance; Melissa Russell, Caterpillar Inc.; George Salamis, Integra Resources; Jamalyn Sarver, Sunrise Coal, LLC/Hallador Energy; Michael Satre, Hecla Greens Creek Mining Co.; George Shaw, Lisbon Valley Mining Co.; Deantha Skibinski, Alaska Miners Association; Deck Slone, Arch Resources, Inc.; Sidney Smith, American Exploration & Mining Association; Brian Somers; Utah Mining Association; Tony Stenger, Cincinnati Mine Machinery Co.; Josh Swank, Philippi-Hagenbuch, Inc.; Tim Swendseid, Elevation Gold Mining Corp.; Fran Taglia, Weir International, Inc.; Alysén Tarrant, Lisbon Valley Mining Co.; and Robert Ward, 3 Proton Lithium, Inc.

The following officers and staff members were present:

Conor Bernstein, Tawny Bridgeford, Ashley Burke, Katie Coon, Sonal Dahiya; Scott Gemperline, Ryan Jackson, Lucas Joseph, MK Kirlin, Catherine Krill, Paul Krivokuca, Wil MacPherson, Caitlin McHale, Katie Mills, Jerry Mullins, Justin Prosser, Roger Roberts (Treasurer), Matt Roper, Veronika Shime, Katie Sweeney (Sec.), Ben Walters, James Young, and Mike Zabko.

I. Call to Order

A quorum of the board was established before Chair Krebs reviewed the purpose of the meeting. In opening remarks, he introduced and welcomed 31 new members to the association and thanked the opening session and board meeting sponsors.

II. Safety Share

Paul Krivokuca, NMA Vice President, Safety and Health, provided a safety share on the importance of teams and teamwork to improve morale, increase engagement and creative problem-solving and deepen a commitment to safety.

III. Association Business

- **Approval of the Agenda**

Following the presentation of antitrust guidance by NMA General Counsel and Senior Vice President of Regulatory Affairs Tawny Bridgeford, Chair Krebs placed approval of the meeting agenda before the board. Without any proposed changes or objection, the agenda was approved.

- **Approval of Minutes of April 4, 2023, Board Meeting**

Chair Krebs placed approval of the minutes of the April 4, 2023, board of directors meeting before the board. Following a motion, duly seconded, and no request for further discussion, the minutes were unanimously approved.

IV. Executive Committee Report

Chair Krebs provided a brief recap of the Sept. 21 Executive Committee meeting. He indicated that the committee received an update on the proposed 2024 budget from Jim Grech, who was presenting in the absence of Walt Scheller, Vice Chair of Audit, Finance and Membership. Given the pace of the regulatory onslaught with many key rules due for finalization, he noted a larger allocation of the legal budget to litigation matters. He also reported that with the upcoming MINExpo revenues for the 2024 show, NMA's reserves at the end of next year will be right on target.

Mr. Krebs also noted that Coal Policy Vice Chair Paul Lang provided a recap of the Coal CEO meeting, which focused on top coal priorities including the proposed silica standard, black lung self-insurance, regulations forcing premature coal plant retirements, rail transportation and federal coal leasing. He added that Minerals Policy Vice Chair Christina Erling recapped the Mineral CEO meeting, which focused on the release of the White House Interagency Working Group on Mining Regulations, Laws and Permitting's recommendations, mining law litigation, legislation to address the Rosemont court decision, permitting reform legislation and land access. He also discussed the update from Mike Kendrick, environmental, social and governance (ESG) vice chair on the NMA ESG task force activities and resource sessions. Finally, he mentioned that the committee meeting ended with a discussion of the presentation relating to mining engineering programs from Heather Wilson, President of University of Texas, El Paso.

V. Association Report

Rich Nolan initiated the association report, the theme of which was “Unearthing Potential: People, Policy and Permitting.” Specifically, he noted that the current operating environment is challenging, including ongoing inflationary pressures to tight labor conditions and an aggressive regulatory regime. He added that the NMA continues to work diligently to create opportunities to address these challenges and leverage the fact that mining remains center stage in Washington, D.C. He discussed how the continued awakening to supply chain risks and energy security has opened new doors and blunted some threats but that the administration’s regulatory wave is showing no signs of diminishing.

Next, Mr. Nolan provided additional details about efforts by the NMA to address workforce challenges faced by the mining industry. He noted that a key role for the association to play is to help put a face to modern mining and open eyes to employment opportunities in the industry. He turned to Ashely Burke to detail the NMA’s efforts. Ms. Burke explained some of the hurdles to recruiting and retaining the workforce of tomorrow, including the continued decrease of mining specific curriculum in higher education. She described the NMA’s new workforce video series, made possible through the cooperation of Consol Energy and Coeur Mining, as designed to dispel misperceptions about jobs in the mining industry. She added that the original idea to create one video grew into an 11-piece video series, including policy related videos on energy and the environment. She reported the interviewed miners were very powerful voices for the industry and that the videos had received more than four million views in just seven weeks. Ms. Burke’s presentation was followed by discussion among various board members on workforce-related issues.

Mr. Nolan then turned to the current political situation as we enter into another election cycle. He noted that the 2024 presidential primary is already underway and then turned to Ryan Jackson to provide a political update. Mr. Jackson reported on the latest presidential candidate polling, which foreshadowed a Biden-Trump rematch, with the winner likely influencing the control of the House of Representatives. On the Senate side, he explained that there are twice as many democrats up for election, allowing the republicans to be on offense and attempt to regain control. Finally, Mr. Jackson spoke about the importance of the NMA Political Action Committees to help provide the NMA resources for engagement in these races.

Mr. Nolan next addressed several key association victories achieved since the Spring board meeting including: a very favorable ruling on waters of the U.S. (WOTUS) from the Supreme Court that has significantly curtailed some

of the administration's attempted overreach; passage of the long-awaited Chilean Tax Treaty; bipartisan amendments to the National Environmental Policy Act (NEPA) as part of the Fiscal Responsibility Act, providing significant progress on streamlining the permitting process; and the blocking of the U.S. Environmental Protection Agency's (EPA) Ozone Transport rule in 12 states. Mr. Nolan then asked Ashley Burke to walk through the year-to-date key performance indicators that demonstrate the effectiveness of the NMA's efforts. Ms. Burke noted the placement of 309 op-eds, a nearly 14 percent increase over 2022, as well as submission of 48 sets of comments, more than 5,000 congressional contacts and an audience reach of nearly 6 million people. She also highlighted the NMA's receipt of the Transform Award North America for best visual identity in the professional services sector, honoring the association's rebranding effort.

Mr. Nolan subsequently discussed the threats posed by the regulatory wave, and the NMA's preparations to address it, including congressional oversight and creating and strengthening alliances. He turned to Tawny Bridgeford to provide additional details on the threats and the NMA's engagement strategy. She indicated that the NMA was monitoring over 98 rulemakings on the administrative agenda. She predicted the rulemaking pace would continue to quicken as the administration attempts to finalize its priorities in advance of the presidential election.

The next section of the association report focused on minerals policy. Mr. Nolan asked Katie Sweeney to provide an update on the recently released White House Interagency Working Group (IWG) "Recommendations to Improve Mining on Public Lands." Ms. Sweeney detailed the detrimental reforms to the Mining Law offered by the administration including conversion of the location system to leasing and new punitive royalties and fees. She noted that congressional action to implement the recommendations is unlikely in the current Congress but the recommendations, nonetheless, send the wrong messages to investors at a time when mineral demand is at an all-time high. Mr. Nolan discussed how labor is a new ally for the industry in pushing back on the administration's recommendations. He noted this administration is very sensitive to labor concerns and our labor outreach resulted in letters from International Union of Operating Engineers, the National Infrastructure Alliance, and the North American Building and Trades Union speaking to the uncertainty an overhaul of the Mining Law would create, at precisely the moment the nation should be ramping up domestic production to meet surging demand. These unions do not want to see good mining jobs inevitably going overseas.

Ryan Jackson then provided an update on the congressional reaction to the IWG recommendations. He noted that the NMA's congressional briefings in advance of the release of the IWG report positioned our congressional allies

to provide strong statements of opposition and promises of oversight. He also detailed congressional efforts to improve permitting processes for mining, including legislation to address the unfavorable Rosemont decision in the U.S. Court of Appeals for the Ninth Circuit. Ms. Sweeney then addressed another minerals challenge – access to federal lands. She noted that while the administration has been slow to permit new mines with only two major mines approved, it has worked rapidly to put more than 4.5 million acres of land off limits to mining.

Ms. Burke concluded the minerals section of the association report with a discussion of the Biden administration's continued divergent and contradictory statements and actions when it comes to reducing reliance on foreign sources of minerals. She discussed NMA's pre-briefing of the media in advance of the IWG report, highlighting the disconnect between the administration's words and actions. This disconnect resulted in more media scrutiny of the IWG report and sharper language and messaging from the NMA.

Turning to coal policy, Mr. Nolan noted the Biden administration was doubling down on its anti-coal regulatory agenda and continuing to ignore that agenda's growing threat to reliability. He added reliability concerns and warnings are not just coming from the industry as Congress has zeroed-in on this issue with hearings, testimony and engagement from the nation's federal reliability regulators, the grid operators, Co-ops, utilities and even the unions. He then asked Tawny Bridgeford to provide additional details on the EPA's aggressive regulatory agenda designed to force the shutdown of the coal fleet and the NMA's strategy for pushing back.

Ms. Bridgeford discussed the suite of eight EPA regulations, with four receiving priority attention from the agency: particulate matter national ambient air quality standards; mercury air toxics standards; coal ash disposal; and the ozone transport rule. She noted that in each of these rulemakings, numerous stakeholders had urged the EPA to look at the cumulative impacts on reliability, a recommendation repeatedly ignored by the agency. She also provided an update on the NMA's planned challenge to the ozone transport rule. James Young discussed Congress' engagement on the EPA agenda. He reported that Congress had held over 21 hearings related to premature coal plant retirements that highlighted significant reliability impacts. He also described a recent Coal Caucus report on the EPA's threat to grid reliability. Mr. Jackson subsequently highlighted a recent hearing where all the members of the Federal Energy Regulatory Commission raised reliability concerns about the direction and pace of the EPA agenda. Ashley Burke concluded the coal section of the association report with an explanation of the postponement of an NMA event on reliability. She explained that all the congressional activity and hearings

preempted the need for an event as “Congress provided a stage and the NMA served as a megaphone.”

The next section of the report addressed important industry-wide matters. NMA team members Paul Krivokuca, Caitlin McHale, Scott Gemperline, Katie Mills, Justin Prosser, and Jerry Mullins elaborated on these high priority regulatory cross-cutting matters. First, Mr. Krivokuca discussed the significant NMA concerns with the proposed Mine Safety and Health Administration silica standard – not with the proposed limit – but with the implementation of the rule and its failure to adhere to the hierarchy of control. Next, Ms. McHale provided an update on WOTUS litigation, including the recent favorable Supreme Court decision that found the Biden administration’s phase 2 WOTUS rule relied on the wrong test for determining which wetlands are WOTUS. She noted that EPA and the Army Corps must respond to the court decision, which will likely result in further litigation. Mr. Gemperline noted that in addition to Congress’ continued extensive oversight of the agencies’ WOTUS efforts, congressional resolutions of disapproval against the Phase 2 rule had been introduced in both the House and Senate.

Mr. Jackson and Ms. Mills provided an update on NMA’s engagement to assist members with ongoing freight rail service issues involving Class I rail carriers. Mr. Jackson covered congressional oversight, including hearings on rail service and engagement with the Surface Transportation Board (STB). Ms. Mills added that the latest association survey on rail service noted continued problems with timely service. She urged members to continue to respond to the quarterly surveys as they provide information used in our congressional and STB advocacy efforts. Ms. Mills also covered challenges related to the pace of the administration’s Endangered Species Act (ESA) listings, which doubled the listings under the previous administration. She noted that ESA issues are becoming a growing litigation tool for challenging mining projects and outlined NMA’s capabilities in helping push back in such cases. Mr. Prosser discussed congressional action on the ESA, including a working group in the House to evaluate ESA reforms. Jerry Mullins concluded the industry-wide portion of the association report by reporting on the NMA’s engagement with states, from governors to regulators to attorneys general, to promote the NMA’s priorities. Successful examples of this collaboration included collaboration on WOTUS and ozone transport litigation.

On CORESafety, Mr. Krivokuca discussed the ongoing effort, with the expertise of the CORESafety Advisory Group, to conduct the first significant refresh to the program since its creation in 2011. He noted the work is proceeding on two tracks but with the same goal: to grow the number of companies on the path to certification. He explained that while the advisory group is refreshing modules, an outside consultant is evaluating

opportunities for external recognition. He noted the work will be completed in time for a roll out in conjunction with MINExpo 2024. Mr. Nolan next requested Katie Coon to provide an update on developments related to MINExpo. She announced that the NMA had already sold over 700,000 square feet of exhibit space to more than 900 exhibitors. She also discussed the refresh of the MINExpo logo to provide a more advanced vision of the mining industry and a new look for 2024.

Mr. Nolan concluded the association report by noting that this is a dynamic moment for the industry, one which demonstrates the need for a unified industry voice. He thanked the membership for their engagement and stressed that despite the challenges ahead, the association is well positioned to maintain our momentum and to defend our successes.

VI. Audit & Finance Committee Report

Chair Krebs turned to Jim Grech, acting in Walt Scheller's absence to present the audit and finance committee report and the proposed 2024 budget. Mr. Grech noted the proposed 2024 budget includes \$17.2 million for operating expenses, a 4 percent increase from the 2023 budget to address the predicted litigation related to the ongoing regulatory wave and to ensure adequate resources for staff retention and recruitment. He noted that NMA anticipates engagement in more than 12 lawsuits in 2024. Additionally, Mr. Grech explained that the 2024 budget requires a \$6.6 million draw from operating reserve, on par with previous years. The draw down rate allows the association to maintain the operating reserve at a reasonable level and is a sustainable usage rate in line with the cyclical nature of the reserve balance, with an influx of MINExpo proceeds every four years and a steady spenddown in between shows. Finally, Mr. Grech recommended the board approve the proposed budget. Following a motion, duly seconded, and no request for further discussion, the proposed 2023 budget was unanimously approved.

VII. Nominating Committee Report

Chair Krebs 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.

VIII. Adjournment

Chair Krebs announced that the Spring 2024 board of directors meeting is scheduled for April 7-9, 2024, in Washington, D.C. There being no further business, the meeting was adjourned at 11:18 a.m.