

Happy Fourth of July...

On behalf of NMA, *Mining Week* extends best wishes to its readers for a happy Fourth of July holiday. In light of the Fourth of July congressional recess, *Mining Week* will take a short hiatus from its regular publishing schedule. The next issue of *Mining Week* will be published July 10.

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House to vote on Waxman-Markey climate bill

As *Mining Week* went to press the House of Representatives was poised to vote on climate change legislation introduced by Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.). If enacted, the "American Clean Energy and Security Act" (H.R. 2454) could wipe-out nearly 70,000 high-paying coal mining jobs and saddle American consumers and businesses with drastically higher energy bills.

Prior to the vote, NMA President and CEO Hal Quinn sent a letter to every member of the House detailing the drawbacks of H.R. 2454, urging House members to pursue more reasonable climate change legislation.

"America's families, communities and businesses cannot sustain higher energy costs, additional job losses and further weakening of our economy," Quinn wrote.

Watch for full coverage of the House vote in the July 10 edition of *Mining Week*.

A copy of Quinn's letter is available at: [NMA Letter](#).

To learn more about the impact on jobs and the economy of H.R. 2454, visit www.nma.org.

To urge your elected officials to oppose this bill, visit: [Climate Alert](#). ✕

NMA stresses economic, energy benefits of mountaintop mining at Senate subcommittee hearing



More than 200 mining employees and family members from West Virginia travelled to Washington, D.C., this week to show their support for mining at a Senate subcommittee mountaintop mining hearing.

NMA this week used a Senate subcommittee hearing to detail the numerous economic and energy security benefits made possible by U.S. mountaintop mining (MTM) operations.

In a written statement submitted as part of a June 25 Senate Water and Wildlife Subcommittee hearing, NMA stressed that MTM operations provide more than 10 percent of total U.S. coal production, providing enough energy to power 77 million households.

MTM operations employ 14,000 surface coal miners in Appalachia, NMA noted, adding that for every MTM job an additional 3.5 jobs are created, meaning MTM operations are responsible for 60,000 jobs. NMA also noted the average MTM wage is more than \$66,000 per year, a level 57 percent higher than the average for industrial jobs.

NMA told subcommittee members that MTM operations are the safest and most efficient method for mining coal near the surface in steep terrain, noting that mine sites are restored through reclamation in accordance with stringent federal and state permit

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requirements. NMA also pointed out that reclaimed mine sites are often used for forest land and wildlife habitat, or for much needed commercial development.

Serving as a backdrop to the subcommittee hearing was proposed legislation that would severely restrict domestic coal mining.

"The Appalachian Restoration Act" (S. 696), co-sponsored by subcommittee Chairman Ben Cardin (D-Md.) and Lamar Alexander (R-Tenn.), could effectively idle much of America's coal production nationwide by eliminating the ability to dispose of excess rock and dirt in fills under Section 404 of the Clean Water Act.

In a June 25 press statement, NMA President and CEO Hal Quinn warned that the bill "would destroy tens of thousands of high-wage jobs in Appalachia and throughout the country." Quinn said there "is no rational justification for such wholesale threats to the nation's coal mining community."

"This is true throughout the Eastern coal states, particularly in eastern Tennessee, western Maryland, Pennsylvania and Ohio where much of the surface mining is conducted at formerly abandoned coal mines," said Quinn.

"For example, since 2004, 125 miles of abandoned highwalls in Tennessee have been systematically restored and repaired by the state's coal mining operators, providing safer mine sites with improved water quality and the opportunity for a sustainable economy for the area," he concluded.

"At a time when we are spending billions of taxpayer dollars to create jobs, it is inconceivable that some in Congress would attempt to destroy some of the highest paying jobs in American industry," said Quinn. "NMA urges Congress to oppose this deeply flawed proposal."

A copy of NMA's subcommittee statement is available at: [NMA Subcommittee Statement](#).

For further information on surface coal mining and its contributions to the economy and U.S. energy supply, see NMA's web site at www.nma.org. ☒

Supreme Court upholds Alaska gold mine permit

The U.S. Supreme Court this week upheld a Clean Water Act permit issued to Coeur Alaska's Kensington gold mine. In a 6-3 decision, the court overturned a ruling by the U.S. Court of Appeals for the Ninth Circuit that had invalidated a Clean Water Act (CWA) Section 404 permit that allowed the mine to discharge mine tailings.

The ruling enables work to resume at the Kensington mine, located near Juneau, Alaska.

"The Kensington mine has enjoyed extraordinary support from Juneau," said Sen. Lisa Murkowski (R-Alaska) in a June 22 statement. "The Supreme Court has resolved the most significant obstacle to the creation of hundreds of direct and indirect jobs and a major boost for the economy of Juneau and southeast Alaska."

The Supreme Court ruled on June 22 that when issuing the CWA permit, the U.S. Army Corps of Engineers acted in accordance with the CWA in labeling mine tailings, or slurry, as "fill material." As such, the court ruled the Corps has the authority to permit the Kensington mine to deposit mine tailings into Lower Slate Lake in the Tongass National Forest.

Justice Anthony Kennedy, writing for the majority, said the decision "clarifies that any material that has the effect of fill is regulated under section 404." The court's decision echoes an argument NMA made in an amicus brief filed last October.

Voting in favor of Coeur Alaska in the 6-3 decision were Chief Justice John Roberts, Justices Kennedy, Clar-

Show your support for mining, visit ACT Online and contact your elected officials

Now more than ever, members of the mining community need to take



an active role in advocating the critical role mining plays in providing jobs and shaping America's economic and national security.

NMA's Advocacy Campaign Team for Mining (ACT) is an online national network of mining community members who recognize the importance of being involved in the political process and are willing to make their voice heard. So far this year, ACT Online supporters have sent more than 32,000 letters to Congress on key mining issues.

In Congress and state capitols across the nation, issues of enormous importance to the mining community are being debated. NMA's ACT Online homepage offers supporters the chance to contact their elected officials on a wide range of coal, mineral, metal, economic and environmental issues.

Visit [ACT Online](#) today and show your support for America's mining community. ☒

ence Thomas, Samuel Alito, Stephen Breyer and Antonin Scalia. Dissenting were Justices Ruth Bader Ginsburg, David Souter and John Stevens. A copy of the Supreme Court's complete decision is available at: [Supreme Court Decision](#).

A copy of NMA's amicus brief is available at: [NMA Brief](#). ☒

Congress approves IMF gold sale

The House of Representatives and the Senate recently gave final approval to a conference report for the "Supplemental Appropriations Act" (H.R. 2346), which includes provisions authorizing a proposed gold sale by the International Monetary Fund (IMF). The Senate approved the conference report on June 18 following a June 16 vote by the House. The bill will now be sent to President Obama for his signature.

The conference report authorizes the sale of approximately 13 million ounces of gold that the IMF has acquired since April 1978. The report requires that such a sale be consistent with guidelines agreed to by the IMF's executive board in April 2008, which were based on recommendations contained in the Crockett Report, released in 2007.

The Crockett Report backed the creation of an IMF endowment fund using the proceeds from a limited gold sale, which would be undertaken in accordance with the Central Bank Gold Agreement so as to prevent disruption to the world gold market.

The conference report approved last week also would allow the IMF to use some of the proceeds from the gold sale for "the purpose of assisting low-income countries," after the secretary of the Treasury consults with Congress. Separately, the bill directs the secretary of the Treasury to seek to ensure that the IMF will make available \$4 billion of its resources to provide support for certain low-income countries, leverage additional support and forgive interest on loans. ✕



Mining Calendar Events and conferences covering important mining issues are routinely held across the nation. The following may be of interest to members of the mining community:

June 28-30 Snowmass, Colo. Rocky Mountain Coal Mining Institute 105th Annual Meeting and Convention The convention will offer technical sessions, mine rescue evaluations, scholarship awards and short course classes. Eugene Kranz, flight director of the Apollo 13 lunar mission, will be the keynote speaker. For more information, visit www.rmcmi.org.

July 1-2 Denver, Colo. 2009 NMA/NRC Uranium Recovery Workshop NMA and the Nuclear Regulatory Commission will again host a joint uranium recovery workshop offering an opportunity for industry representatives to communicate directly with federal and state regulators regarding regulatory trends and other important issues affecting the industry. For more information on this year's event, please contact NMA Legal Affairs Specialist Anthony Hagman at (202) 463-2655 or ahagman@nma.org.

July 14 Denver, Colo. NMA/NIOSH Risk Assessment Workshop The National Institute for Occupational Safety and Health's (NIOSH) Office of Mine Safety and Health Research and NMA will jointly sponsor a free workshop on using risk-based analysis to improve safety performance in the mining industry. The one-day workshop is designed to educate mining sector safety professionals and managers about the Major Hazard Risk Assessment (MHRA) process. More information is available at: www.cdc.gov/niosh/mining.

July 23-25 San Francisco, Calif. 55th Annual Rocky Mountain Mineral Law Institute The two and a half day program features presentation by leading public and private sector representatives focused on the latest energy, environmental, land management and international issues. More information is available at: [55th Annual Rocky Mountain Mineral Law Institute](http://www.55thAnnualRockyMountainMineralLawInstitute.com).

August 2-6 Morgantown, W.Va. Energy & Mineral Law Foundation Coal Law Short Course A comprehensive 25-hour course developed for lawyers new to the practice of coal and energy law, covering laws and regulations impacting coal mining and transactions, mineral ownership concepts and synthesizing environmental, labor and safety law concepts. More information available at www.emlf.org

August 4-6 Prestonburg, Ky. Appalachian Regional Reforestation Initiative Conference The Kentucky Department for Natural Resources, the University of Kentucky and the Office of Surface Mining will host the ARRI conference, which will address the role of industry in forestry reclamation by providing permitting and inspection guidance to coal applicants. Panels of industry and regulatory personnel will present case studies, success stories and topics of concern. The registration deadline is June 30. More information is available at: [ARRI Conference](http://www.arri-conference.com).

August 11 Paducah, Ky. 61st meeting of the Inland Waterways Users Board The 61st meeting of the Inland Waterways Users Board will be held on Tuesday, Aug 11, 2009, in Paducah, Ky., at the Luther F. Carson Four Rivers Center. More information is available by contacting Kenneth Lichtman with the Inland Waterways Users Board at (703) 428-8083 or Mark Pointon, executive secretary, Inland Waterways Users Board at (202) 761-4691.

September 21-24 Belo Horizonte, Brazil Brazilian Mining Show The U.S. Commercial Service of the U.S. Embassy in Brazil will again organize a pavilion for U.S. exhibitors for the show, which is expected to draw more than 40,000 visitors. This show is the most important mining sector event in Brazil and is held every two years. Exhibition space has sold out in the last editions and U.S. companies planning to participate are encouraged to contact the Commercial Service as soon as possible. More information is available at: [Brazilian Mining Show](http://www.brazilianminingshow.com).

October 28-30 Lexington, Ky. 34th Kentucky Mineral Law Conference sponsored by the Energy and Mineral Law Foundation. Watch for more information at www.emlf.org.

February 4-6, 2010 Captiva Island, Fla. Winter Workshops on Energy Law sponsored by the Energy and Mineral Law Foundation. Watch for more information at www.emlf.org.

May 9-11, 2010 Amelia Island, Fla. Energy & Mineral Law Foundation Annual Institute Sponsored by the Energy and Mineral Law Foundation. Watch for more information at www.emlf.org.

NMA urges EPA to withdraw endangerment finding on greenhouse gas emissions

NMA this week urged U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson to withdraw an endangerment finding that would force EPA to impose new, nationwide carbon dioxide (CO₂) regulations under the Clean Air Act (CAA).

NMA cautioned EPA that its efforts are likely to cause substantial economic damage, while doing little to actually reduce global concentrations of greenhouse gas (GHG) emissions.

The endangerment finding concludes that CO₂ poses a danger to human health and welfare and was developed in response to a 2007 Supreme Court decision that determined EPA has the authority to regulate GHG emissions using the CAA.

If finalized, the endangerment finding would trigger the imposition of burdensome and costly CO₂ control regulations.

NMA filed comments with EPA on June 23 that urged EPA to withdraw the endangerment finding, saying efforts to address climate change are best left to Congress.

NMA also stressed that regulating GHG emissions under the existing CAA would result in a vast expansion of EPA regulatory authority that would profoundly impact virtually every sector of the U.S. economy.

Such an expansion would seriously damage the mining community because it would alter the way in which Americans use coal and increase the cost of

processing nonfuel minerals and metals, NMA said.

NMA noted that even if a new EPA regulatory scheme were to completely eliminate American CO₂ emissions, the global mix of GHG emissions in the atmosphere would go virtually unchanged. Given such a negligible change in emissions, NMA said the imposition of burdensome new regulations on the American economy cannot be justified.

NMA also reiterated its long-held position that the CAA, as it currently exists, is an ill-equipped mechanism for addressing the complicated impacts of climate change.

A copy of NMA's comments is available at: [NMA Comments](#). ☒

Senate committee approves renewable electricity standard

The Senate Energy and Natural Resources Committee recently approved an energy bill that creates a renewable electricity standard (RES) and establishes a new government entity designed to accelerate the development of advanced clean energy technologies.

The committee approved the "The American Clean Energy Leadership Act of 2009" by a vote of 15-8 on June 17. The legislation is the final product of dozens of hearings and 12 markups the committee has held since January.

The bill's RES provision mandates that 15 percent of retail electricity be generated from renewable sources by 2021. The bill permits state governors to allow up to 26.67 percent of the mandate be met using efficiency increases.

Advanced coal powered plants that utilize carbon capture and storage (CCS) technologies are exempted from the generation baseline used to determine the 15 percent level, and coal mine methane is treated as a renewable source.

In addition, the development of clean coal technology is eligible to receive funds generated by a 2.1 cent per kilo-

watt hour alternative compliance fee created as part of the RES.

To help speed the development of CCS and other advanced clean energy technologies, the bill creates the Clean Energy Deployment Administration and establishes a national program to support up to 10 commercial scale carbon CCS projects.

The fate of the bill on the Senate floor is unclear. Sen. Majority Leader Harry Reid (D-Nev.) is hoping to combine the bill with Senate climate change legislation. However, efforts to advance such legislation in the Senate have yet to begin, as the Senate is waiting for the House of Representatives to approve a climate bill. ☒

NMA Outreach: *NMA regularly participates in various conferences, events and other forums to highlight key association initiatives and spotlight important developments in the mining community. Here's a look at upcoming events.*

- NMA General Counsel **Katie Sweeney** will give a Mining Law update at the Rocky Mountain Mineral Law Institute in San Francisco, Calif., on July 25.

NMA, NRC uranium recovery workshop set for July 1-2



NMA and the Nuclear Regulatory Commission (NRC) will again host a joint uranium recovery workshop that

will offer an unmatched opportunity for industry representatives to communicate directly with federal and state regulators regarding regulatory trends and other important uranium mining issues.

This year's event will mark the 16th time NMA and NRC have partnered to host the workshop, which will be held July 1-2 in Denver, Colo.

More information, including a detailed agenda and information regarding registration, is available at: [NMA/NRC Workshop](#). ☒

NMA, NIOSH to host safety workshop



NMA and the National Institute for Occupational Safety and Health's (NIOSH) Office of Mine Safety and Health Research will jointly sponsor a free workshop on using risk-based analysis to improve safety performance in the mining sector. The workshop is scheduled for July 14 in Denver, Colo.

The one-day workshop is designed to educate mine safety professionals and managers about the Major Hazard Risk Assessment (MHRA) process. Specifically, the workshop will focus on providing attendees examples of the MHRA process, how it is applied in the workplace, demonstrate its use through classroom exercises and discuss the strengths and weaknesses of the process.

More information is available at: [NMA/NIOSH Workshop](#). ✕

Mining Market Snapshot		
Coal Figures	Cumulative year to date	Change over last year
<i>Week ended June 13, 2009</i>		
EIA Coal Production (000 tons)	493,313	-5.9%
Edison Electric Institute Electricity Output (GWh)	1,738,869	-4.3%
American Iron and Steel Institute Raw Steel Production (000 tons)	24,224	-52.1%
Metal Figures		
Copper Prices (\$/mt - week avg. Grade A Cash) 6/12/09		\$5,133.15
Gold Prices (\$/troy ounce - week avg. London Final) 6/12/09		\$947.65
Source: NMA Weekly Statistical Summary/Platts Metals Week		

Wyoming state mine inspector honors Peabody mines for safety excellence

Peabody Energy's Rawhide and Caballo mines in Campbell County, Wyo., were recently honored for safety excellence by the Wyoming State Mine Inspector and the Wyoming Mining Association.

The Wyoming State Mine Inspector annually honors mines with the lowest incident frequency rates at the Wyoming Mining Association Convention, which was held June 18 in Laramie, Wyo.

The Mine Inspector recognized the Rawhide Mine with its First Place Award for Surface Mine Safety in the small mine category after Rawhide reported the best safety performance among its peers, with 1.33 incidents per 200,000 hours worked in 2008. The operation sold 18.4 million tons of coal last year and has a workforce of 230.

The inspector also awarded the Caballo Mine with its Second Place Award for Surface Mine Safety in the large mine category. Caballo's workers operated more than 927,000 hours in 2008 without an injury requiring an employee to miss work.

"I salute the workforce at Rawhide and Caballo for making safety a way of life and setting a standard that is recognized by our peers and top mining authorities in the state," said Eric Ford, Peabody Energy executive vice president and COO. "Both mines are setting the pace in our pursuit of the ultimate vision: zero incidents of any kind."

More information is available at: [Peabody Safety Award](#). ✕

Looking ahead: *Here's a look at what's ahead for the mining community in Washington, D.C.*

- The Senate Energy and Natural Resources Committee will hold a hearing July 14 to examine the Hardrock Mining and Reclamation Act of 2009 (S.796) and the Abandoned Mine Reclamation Act of 2009 (S.140). Hecla Mining President and CEO Phil Baker is scheduled to testify on behalf of NMA.

Newsbits

The state of **New Jersey** this week joined the **U.S. Department of Energy's Regional Carbon Sequestration Partnership program**. New Jersey is the 43rd state to join the program. The program includes a variety of federal, state and private-sector participants working to develop suitable technologies, regulations and infrastructure for future carbon capture and storage activities in different areas of the country. More information is available at: [New Jersey Carbon Announcement...](#)

Sylvia Baca was recently named the new deputy assistant secretary for land and minerals management at the U.S. Department of the Interior, where she will oversee activities at the Bureau of Land Management, Minerals Management Service and the Office of Surface Mining. Baca's appointment did not require Senate confirmation. From 1995 to 2001, Baca served as the assistant secretary for land and minerals management at the department. Prior to accepting her new position, Baca had been general manager for social investment programs and strategic partnerships at **BP America Inc.** in Houston, Texas, since 2001. More information is available at: [Baca Announcement...](#) The **International Trade Administration** will host web-based seminars next week highlighting opportunities for U.S. energy, power generation, clean coal technology, and mining companies in Australia and the Philippines. The seminars provide market overviews for U.S. companies interested in establishing or expanding exports. The sessions will be led by U.S. and Foreign Commercial Service energy trade specialists. The seminars are set for June 30 at 6:30 p.m. Information on how to register for the seminars is available at: [Web Seminars](#).



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NMA Mining Week

Staff

*Carol Raulston,
Senior Vice President, Communications*
Corey Henry
Leslie Coleman Luke Popovich

Executive and editorial offices: Communications Department, 101 Constitution Ave., NW Suite 500E, Washington, D.C. 20001, telephone 202/463-2600. www.nma.org, fax: 202/463-2614. Change of e-mail address should be directed to mpheleps@nma.org.

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