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NMA Mining Week is a weekly publication of the National Mining Association. Mining Week archives are always available online at www.nma.org.

OSM issues environmental impact statement for revised stream buffer zone rule

The Office of Surface Mining (OSM) on Oct. 17 released a final environmental impact statement (EIS) that evaluates the potential impacts of proposed changes to the agency's excess spoil and stream buffer zone (SBZ) rules.

OSM said the EIS is meant to provide decision makers with information about the impacts that could result if the rules are revised in line with a proposal the agency previously published.

The rulemaking alternatives evaluated in the EIS address requirements contained in the Surface Mining Control and Reclamation Act of 1977 (SMCRA) designed to prevent additional contributions of sediment to streams outside the permit area and minimize adverse impacts on fish and wildlife.

OSM published its proposed alternatives in August 2007 and released an associated draft EIS at that time. Consistent with the National Environmental Policy Act, after considering a range of 17 alternatives, OSM narrowed its environmental analysis to four action alternatives and a fifth "take no action" alternative.

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MSHA to hold additional substance abuse rule hearing; extends public comment period

The federal Mine Safety and Health Administration (MSHA) this week announced that it will hold an additional hearing on a proposed substance abuse testing rule that has drawn fire from mine operators for weakening operators' existing substance abuse testing programs and failing to accurately reflect the safety environment at mine sites. MSHA announced the additional hearing in an Oct. 23 *Federal Register* notice.

The additional hearing will be held Oct. 28 at MSHA's headquarters in Arlington, Va. Those unable to attend the hearing in person can testify remotely from locations in Beckley, W.Va., Birmingham, Ala., and Virginia, Minn.

The Oct. 28 hearing follows an Oct. 14 hearing at which mine operators voiced their support for federal action to govern alcohol and drug testing programs at mine sites as a means to eliminate the gaps that exist across the patchwork of state regulatory programs. However, operators warned that MSHA's proposed rule needs to be greatly expanded to cover all mine site employees and warned that the proposal threatens to reverse progress many operators have made with their own substance abuse plans.

Mining representatives also used the Oct. 14 hearing to fault the proposal for relying on outdated substance abuse testing protocols and for permitting employees to return to work after an initial positive test.

In addition, MSHA also announced it has extended the deadline for submitting public comments to the agency on the proposed rule until Nov. 10.

A copy of the *Federal Register* notice is available at: [MSHA Notice](#).

Mine operator testimony delivered at the Oct. 14 hearing is available at: [MSHA Hearing](#).

MINExpo INTERNATIONAL® 2008 largest in show history; attendance, exhibit space up dramatically



MINExpo INTERNATIONAL 2008, the mining industry's premier exhibition of mining equipment, technology and services drew a record crowd of 38,500 visitors to the Las Vegas Convention Center Sept. 22-24 according to newly released attendance figures.

Sponsored by the National Mining Association (NMA), attendance for the 2008 show was 44 percent above the figure recorded at the last MINExpo® in 2004. The 2008 show featured almost 1,300 exhibitors showcased throughout approximately 600,000 square feet of exhibit space, an increase of 30 percent from the exhibit space used in 2004.

This year's show focused on the record global demand for the coal, minerals, equipment and services needed to sustain growing economies and populations. The show featured the latest advances in equipment, products and services that will allow the mining community to mine more productively, more safely and continue its commitment to environmental improvement.

For the first time in MINExpo's long history, the 2008 show featured daily video podcasts posted online at www.minexpo.com. The podcasts highlighted news of the day, including the show's opening ceremony, a state of the industry press conference, as well as mine safety and environmental award ceremonies. The podcasts also highlighted the shows' comprehensive array of education sessions and the cutting-edge mining technology on display at the show.

The show's web site is also home to presentations given at the 19 educational sessions held during MINExpo.

Those attending the sessions were able to gain valuable professional educational credits.

The next MINExpo is scheduled for 2012 in Las Vegas. ✕

OSM *continued from page 1*

Of the five alternatives, OSM ultimately chose one that the final EIS concluded had a "slightly positive" environmental impact because it requires coal mining operations to minimize certain impacts relating to the placement of excess spoil material. The impacts targeted in the alternative cover the volume of rock and spoil placed outside a mined area, the footprint of a placement area and the adverse effects from such placement.

OSM concluded that the other four alternatives analyzed in the final EIS would result in little or no net environmental change.

The preferred alternative also clarifies the applicability of the stream buffer zone rule such that certain activities that are purposefully conducted in streams, such as mining through streams, placement of bridge abutments or culverts, construction of sediment ponds, or construction of valley fills, are exempted from the SBZ rule. However, such activities are subject to other regulatory requirements. Other surface coal mining activities conducted within 100 feet of a stream would be prohibited unless the regulatory authority grants a waiver for such activities.

OSM said it received approximately 2,000 written comments on the draft environmental impact statement during an 88-day comment period. The agency also held four public hearings and two public meetings to solicit feedback.

The final EIS was released in two books. The first book is the main body of the final EIS and is available at: [Book One](#). The second book contains appendices, such as OSM's response to public comments, hearing transcripts and copies of comment letters, and is available at: [Book Two](#). ✕

NMA's Mine the Vote program ready for November elections



The November presidential and congressional elections are less than three weeks away. Throughout the campaign trail issues of great significance to the mining community continue to be prominently featured.

To ensure the mining community can mobilize and effectively make its voice heard, NMA is once again promoting its highly effective Mine the Vote online campaign program. So far this year, almost 125,000 people have used Mine the Vote to find important election information.

Mine the Vote helps supporters of the mining community, such as employees, family, friends and retirees, effectively participate in federal elections, ensuring that political candidates understand the vital role coal, minerals and metals play in ensuring America's economic well-being and national security.

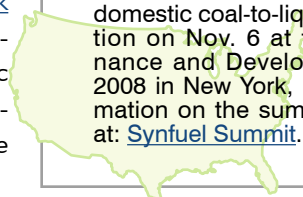
Mine the Vote provides voters with information on how to register, how to use absentee ballots, how to vote early in person, the location of their local polling place and information on where candidates stand on issues important to the mining community.

To utilize Mine the Vote, visit: [Mine the Vote](#).

To see NMA's new Mine the Vote animated message, visit: [Mine the Vote Animation](#). ✕

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 Vice President of Industry Communications Corey Henry will deliver a presentation on the outlook for federal action supporting domestic coal-to-liquid fuel production on Nov. 6 at the Synfuel Finance and Development Summit 2008 in New York, NY. More information on the summit is available at: [Synfuel Summit](#).



NMA urges Supreme Court to review lower court Clean Water Act jurisdictional decision

NMA and a coalition of industry allies recently urged the U.S. Supreme Court to grant a U.S. government request seeking review of a lower court ruling regarding how to determine whether a body of water falls under the jurisdiction of the Clean Water Act (CWA).

At issue is a dispute over a two-pronged test the federal government created to determine whether a body of water is subject to the CWA. The two-pronged federal test was created as a result of a previous Supreme Court decision in the Rapanos case.

The amicus brief, filed Sept. 22, by NMA, the American Farm Bureau Federation, the American Forest & Paper Association, the Associated General Contractors of America and the U.S. Chamber of Commerce is focused on over-turning the two-pronged jurisdictional test.

NMA's brief is meant to provide the court with a clear understanding of the confused state of CWA permitting on-the-ground and how federal agencies have confounded the problems by implementing the two-prong scheme, particularly with CWA Section 404 permit backlogs at historic levels.

The brief argues that the two-pronged test, created by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA), has caused significant confusion and does not account for the majority opinion expressed by the Supreme Court in the Rapanos decision.

In adopting the two-prong scheme, NMA argued that the Corps and EPA wrongly relied on the dissenting opinions in the Supreme Court case to establish support for the jurisdictional test. Such an approach, the brief argues, is contrary to fundamental principles that govern interpretation of Supreme Court decisions and has resulted in substantial expansion of federal jurisdiction under the CWA.

A copy of NMA's brief is available at: [NMA Supreme Court Brief](#). ✕

NMA staff tour West Virginia underground, surface coal mines



NMA staff members this week toured underground and surface coal mines near Charleston, W.Va., and meet with senior representatives from Arch Coal, Inc., Patriot Coal and the International Coal Group (ICG) to learn about a range of critical issues impacting production at Appalachian mine operations.

Pictured prior to an Oct. 21 tour of Arch Coal's underground Mountain Laurel mine are from left to right: NMA Senior Vice President of Government Affairs Rich Nolan, NMA Vice President of Environmental Affairs Karen Bennett, NMA Vice President of Safety, Health and Human Resources Bruce Watzman, Arch Coal Vice President of Safety Tony Bumbico, NMA Associate General Counsel Bradford Frisby, NMA Vice President of Industry Communications Corey Henry, NMA Director of Air Quality Ben Brandes and NMA Director of Congressional Affairs Hewitt Strange.

NMA extends special thanks to staff at Arch Coal, Patriot Coal and ICG for their hospitality and efforts to organize the extensive tours and briefing sessions. ✕



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:

October 30-31, 2008

Enabling Global Coal to Liquids Markets Summit, Houston, Texas The summit will bring together leading private and public sector experts to discuss the latest developments regarding CTL production and will focus on the key market and technological development needed in order to fully enable commercial CTL production. Among those slated to speak at the conference are representatives from leading coal producing and technology developing members of the Coal-to-Liquids Coalition. www.enabling-coal-to-liquids-markets.com.

November 6-7, 2008

Synfuel Finance and Development Summit 2008, New York, NY The summit will bring together leading project developers, coal companies, investors, lenders and experts to share their perspectives on what it will take to successfully develop and finance a new fleet of coal-to-liquid plants. More information, including registration details, is available at: [New York CTL Conference](#).

June 9-11, 2009

BPI Mining Conference 2009, Toronto, Canada Penn State University's Department of Energy and Mineral Engineering is hosting the conference, which will include presentations from industry leaders in key mining sectors — coal, metals, and nonmetallic minerals — as well as from customers, suppliers and others with a keen interest in mining industry performance. Keynote speakers will include executive management from the world's largest and most successful mining companies and manufacturers. <http://programs.psu.edu/bpi2009>.

Mining Market Snapshot

Coal Figures	Cumulative year to date	Change over last year
<i>Week ended October 11, 2008</i>		
EIA Coal Production (000 tons)	917,020	1.4%
Edison Electric Institute Electricity Output (GWh)	3,241,546	-1.0%
American Iron and Steel Institute Raw Steel Production (000 tons)	85,417	1.5%
Metal Figures		
Copper Prices (\$/mt - week avg. Grade A Cash) 10/10/08		\$5,469.90
Gold Prices (\$/troy ounce - week avg. London Final) 10/10/08		\$887.95
Source: NMA Weekly Statistical Summary/Platts Metals Week		

Sen. Enzi visits P&H Wyoming facility



U.S. Sen. Michael Enzi (R-Wyo.) (second from right) paid a visit to P&H MinePro Services Western Operations office in Gillette, Wyo., on Oct. 16 for a tour of the facility and a meet and greet with company employees. P&H's Gillette facility supports all the mining shovels, draglines and drills used in Powder River Basin coal mines. Sen. Enzi was presented with a model of P&H's 4100 XPC shovel for display in his office. Sen. Enzi is the ranking member of the

Senate Health, Education, Labor and Pensions Committee, which has oversight over the Mine Safety and Health Administration.

Pictured with Sen. Enzi are Field/Shop Operations Manager Scott Bradley (left), Service Operations Manager Nick Kasperik (second from left), Region General Manager Dave Jones (center) and Operations Support Manager Art Beyersdorf (right). ❌

New DOE report highlights increased coal production value in 2007

A preliminary report released recently by the U.S. Department of Energy's Energy Information Administration (EIA) highlights the increased value of U.S. coal output in 2007.

According to EIA's Annual Coal Report 2007, the average open market price of coal reached \$26.20 per short ton, an increase of 4.1 percent. United States coal production of 1.163 billion short tons was down 1.4 percent from 2006. The report also includes information on the number of employees directly employed by U.S. coal mines and the total number of operating mines. In addition, EIA also reported demonstrated and recoverable coal reserves of 489.4 billion tons and 262.7 billion tons respectively.

A complete copy of the report is available at: [DOE Coal Report](#). ❌

EIA Coal Statistics	
	2007
Coal Production (million st.)	1,147
Average Open Market Price (\$/st.)	26.20
Number of Mines	1,374
Mine Employment	81,278*
Demonstrated Reserves (million st.)	489,395
Recoverable Reserves (million st.)	262,689

Source: Energy Information Administration, *Annual Coal Report, 2007*

* employees at mine operations, excluding contractors

Kennecott Utah Copper to close visitor center for winter; will reopen April 2009

Kennecott Utah Copper (KUC) announced this week that its Bingham Canyon Mine Visitor Center will close for the season on Nov. 2 and re-open for visitors in April 2009.

In an Oct. 21 release, KUC said due to the visitor center being located 6,340 feet above sea level the building has to be closed during the winter months and re-opened in the spring when road and weather conditions improve. At the end of each year, all tax deductible entrance fees collected from visitors are donated by the Kennecott Utah Copper Visitor Center Charitable Foundation to selected organizations in the Salt Lake Valley.

The visitor center is located on the edge of the 2.5 mile-wide Bingham Canyon Mine, offering visitors an exciting view and first-hand opportunity to see the mine's operations. Visitors can watch giant electric shovels and two-story-tall haul trucks carrying 300 tons of rock. Visitors also have the opportunity to learn about Utah's rich mining history through exhibits and videos inside the 6,000 square foot facility.

A map to the visitor center and information on entry are available at: www.kennecott.com. ❌

OSM, American Chestnut Foundation sign coal mine land partnership agreement

The U.S. Department of the Interior's Office of Surface Mining (OSM) and the American Chestnut Foundation (TACF) this week announced they will soon sign a five-year agreement designed to use former coal surface mined lands as sites for new chestnut tree plantings.

An Oct. 21 press release said the partnership has "the potential for propelling forward a reforestation renaissance on surface mines as no other effort can."

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OSM Director Brent Wahlquist said the "idea for a formal partnership between the TACF and OSM materialized in the spring of this year when 11,809 American chestnuts were planted on reclaimed mine sites by operators, TACF and university scientists, and hundreds of school-children during Arbor Day events hosted by the coal industry." He said OSM anticipates that the partnership with "will play a key role in the reestablishment of healthy and productive forests on mine sites across Appalachia."

TACF President and CEO Marshal Case said the partnership will be a boon for wildlife populations, as the newly planted trees will provide on-the-ground habitat protection. Case stressed that the return of the chestnut will help improve air and water quality, facilitate carbon sequestration and provide an economic boost.

More information on the partnership is available at: [OSM Chestnut Partnership](#). ✕

Newsbits

The **Inland Waterways Users Board** will hold its next meeting on Nov. 18, in Chicago, Ill. The agenda for the meeting includes briefings on the status of funding for inland navigation projects and the **Inland Waterways Trust Fund**. The meeting will also include a discussion of a preliminary plan for a future business model for inland waterways projects. More information on the meeting is available in an Oct. 17 [Federal Register](#) notice.



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