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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.

BLM approves new Barrick Nevada gold mine

The federal Bureau of Land Management (BLM) this week gave the go-ahead for a new million-ounce per year gold operation in Lander County, Nev., that will be operated by Barrick Gold.

BLM on Nov. 12 issued a record of decision approving an Environmental Impact Statement for Barrick's Cortez Hills project. In a Nov. 12 press release, Barrick said the Cortez project "is expected to become a significant contributor to Barrick's quality Nevada production base in the first half of 2010."

Barrick estimates that the \$500 million project will yield an average annual production of 1 million ounces of gold for each of the first full five years of production. The project has already created 250 jobs with 100 additional positions expected in 2009.

"This is a vitally important achievement for Barrick and for the communities where we do business in Nevada," said Greg Lang, president of Barrick's North America region. "The Cortez Hills project creates new economic development and job opportunities in ru-

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New IEA report predicts surge in global coal use, calls for increased CCS investment

A new report released this week by the International Energy Agency (IEA) predicts that primary world energy demand will grow 45 percent by 2030 with global demand for coal increasing more than any other fuel source.

IEA's latest *World Energy Outlook*, released Nov. 12, predicts that coal will be tapped to meet more than a third of the predicted increase in global energy demand.

The report concludes that China and India will account for more than half of the projected increase in global energy demand. As energy use in these two nations soar, IEA predicts that global emissions of greenhouse gasses will jump 45 percent by 2030, with China, India and the Middle East accounting for approximately 75 percent of that projected growth. The report forecasts that 97 percent of the projected increase in greenhouse gas emissions will be come from developing countries outside the Organization for Economic Cooperation and Development (OECD).

To combat the projected increase in greenhouse gas emissions and limit global temperature increases to 3 degrees centigrade, IEA said at least \$4.1 trillion in additional investments in new energy technologies is necessary. However, IEA said that figure could balloon to \$9.3 trillion if the global temperature increase is to be limited to 2 degrees centigrade. To achieve this target, greenhouse gas concentrations would need to be limited to 450 parts per million (PPM) of carbon dioxide. The report highlighted the development and use of carbon capture and storage technologies as one of the primary options needed to effectively address climate change.

To tackle climate change, the report emphasizes the need for action by all major emitters of greenhouse gasses. "Our analysis shows that OECD countries alone cannot put the

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NMA urges Supreme Court to hear valid existing rights case

NMA this week filed a reply brief with the U.S. Supreme Court urging the court to hear an appeal sought by NMA against a lower court ruling that upheld a narrow federal agency definition that wrongfully restricts coal mining in certain areas.

At issue is whether the Office of Surface Mining (OSM) correctly interpreted the term "valid existing rights" (VER).

The Surface Mining Control and Reclamation Act (SMCRA) bars surface coal mining operations in certain designated areas. However, Congress made this prohibition "subject to" valid existing rights. OSM defined VER very narrowly, so that qualifying for VER required that one must show not only ownership of coal reserves and the right to mine those reserves, but also demonstrate that a good faith effort had been made to obtain all necessary permits before SMCRA was enacted.

NMA challenged that definition, but it was upheld by both a district court and the D.C. Circuit Court of Appeals. This week's filing is linked to a petition NMA filed earlier with the Supreme Court urging it review the decision by the D.C. circuit.

NMA's reply brief notes that Congress has used the term 'VER' more than 100 times in the course of enacting laws over the past century and argues that the term has an established meaning from which OSM cannot deviate.

NMA argued that not only was the agency interpretation contrary to congressional intent, but that the D.C. circuit's opinion also applied an incorrect standard that essentially afforded too much deference to the agency and not enough to the intent of Congress.

The Supreme Court is expected to review the briefs at the end of November and a decision on whether the court will

hear the case could come by the end of the year.

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

Gold mine *continued from page 1*

ral Nevada at a time when other industry projects in Nevada are being shelved and jobs are being lost."

Barrick also announced that it recently signed a collaborative agreement with leaders of several Western Shoshone native communities in Nevada. The agreement enables Barrick and these communities to launch a partnership to improve education, promote business and employment opportunities for the Western Shoshone, enhance awareness of native culture and build greater mutual understanding. The agreement also establishes a Western Shoshone Educational Legacy Fund tied directly to revenues from the Cortez Hills mine. The fund is expected to provide financial support for generations of Western Shoshone seeking higher education.

"This agreement is a major accomplishment and provides a solid foundation for us to work on shared objectives with these communities," said Lang. "Barrick is the first company to do this in Nevada and I am very proud to have a role in this ongoing effort."

More information is available at: [Barrick Cortez Project](#). ☒

IEA *continued from page 1*

world onto a 450 PPM trajectory, even if they were to reduce their emissions to zero," said IEA Executive Director Nobuo Tanaka.

A copy of IEA's *World Energy Outlook 2008* can be purchased at: [World Energy Outlook](#). ☒

Action Alert: Stop EPA from misusing Clean Air Act to regulate greenhouse gas emissions



NMA recently posted a new action alert on its Advocacy Campaign Team (ACT) for Mining's web page that calls on mining community supporters to contact U.S. Environmental Protection Agency (EPA) Administrator Stephen Johnson and urge him not to misuse the Clean Air Act (CAA) to regulate greenhouse gas emissions.

Through NMA's ACT alert, mining supporters can write to EPA and warn them of the dangers of extending CAA programs to regulate greenhouse gas emissions, a move that could have devastating effects throughout the entire U.S. economy.

EPA on July 30, 2008, published an Advanced Notice of Proposed Rulemaking (ANPR) that would impose a vast new regulatory regime on key U.S. businesses to regulate carbon dioxide and

other greenhouse gas emissions using the CAA. If the ANPR is adopted, EPA will assume unprecedented regulatory control over virtually all aspects of the U.S. economy. The ANPR would impose staggering new costs on American businesses and consumers, while yielding negligible environmental benefits.

Mining supporters can use the ACT message to tell EPA that the CAA was never intended to be used this way. Regulating greenhouse gas emissions is such an important economic and environmental issue that the design of any solution should be left to the elected representatives of Congress, not to unelected career bureaucrats.

Go to [NMA EPA ACT](#), where you will find a letter you can send directly to EPA to make your voice heard. EPA is accepting comments on the ANPR until Nov. 28. A copy of your letter will also be sent to your members of Congress. ☒

Virginia commission unanimously backs uranium mining study

Virginia's Commission on Coal and Energy recently voted 12-0 to launch a study into the impact of uranium mining in the state. The study, approved Nov. 6, will take a broad look at the economic, social and health impacts of uranium mining, which has been banned in the state since the early 1980's.

The study is part of an effort to explore the possibility of mining approximately 110 million pounds of uranium, valued at \$8 billion, in Pittsylvania County.

"I want this study to be fair, and I want a lot of public involvement," commission Chairman Del. Terry G. Kilgore (R) told the *Richmond Times-Dispatch* following the Nov. 6 vote.

The commission has tasked the Center for Coal and Energy Research at Virginia Tech to work with the National Academy of Sciences, or a similar institution, to conduct the study.

Whitt Clement, a former state delegate and ex-state transportation secretary, spoke on behalf of Virginia Uranium Inc., a group formed by landowners who want to mine the Pittsylvania deposits. "These owners simply want a fair study of mining's impact," Clement told the *Richmond Times-Dispatch*.

The study could take two years to complete and cost \$1 million. Kilgore said he will look to mining supporters and opponents to fund the study. ✕

New data show surge in U.S. coal exports

The latest edition of NMA's *International Coal Review* (ICR) shows year-to-date exports of U.S. coal have jumped 41 percent, while imports have dropped nearly 10 percent.

The November edition of the ICR shows U.S. coal exports for January-September 2008 coming in at 58.8 million short tons, versus 41.7 million short tons for the same time period in 2007.

In total, the U.S. so far this year has exported approximately 32 million short tons of metallurgical coal and almost 27 million short tons of steam coal. Metallurgical coal exports account for 55 percent of total U.S. exports, with steam coal representing 45 percent of exports.

The largest export market increases this year for U.S. coal were Canada, Europe, India, Japan and Turkey, according to the ICR.

U.S. coal imports are down 9.4 percent, with the U.S. taking in slightly over 25 million tons of imported coal in the January-September time frame. The decrease in imports is in large part due to a significant drop-off in imports from Venezuela and a smaller drop in imports from Colombia.

The latest ICR is available to NMA members at: [November ICR](#). ✕

U.S. Coal Trade*	Jan.-Sept. '08 (Mil. Short Tons)	Jan.-Sept. '07 (Mil. Short Tons)	Percent Change
Exports:	58.8	41.7	41.0%
Steam	26.5	17.8	48.9%
Metallurgical	32.2	23.9	34.7%
Imports:	25.1	27.7	-9.4%

* Bituminous. Subtotals may not add to total due to rounding.
Source: NMA *International Coal Review*, November 2008 Edition



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:

December 1-5, 2008

Reno, Nev. The Northwest Mining Association will hold its 114th Annual Meeting & Exposition, which will focus on the theme "Mining for a Minerals Dependent World." www.nwma.org/convention.asp.

February 24-26, 2009

Winston-Salem, N.C. N.C. Mine Safety & Health Law School The North Carolina Department of Labor's Mine and Quarry Bureau will hold a Mine Safety & Health Law School designed to help mine owners, operators, contractors and supervisory personnel fully understand both federal and state mine safety laws. Detailed information and registration will be available Jan. 5, 2008. More information is available by calling William Geringer at (919) 807-2790.

April 30-May 1, 2009

Sunset Beach, N.C. 32nd Annual North Carolina Mine Safety & Health Conference. More information is available by calling William Geringer at (919) 807-2790.

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>.

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are available on the

NMA web site.

www.nma.org

University of Wyoming, GE Energy reach joint agreement to advance clean coal

GE Energy and the University of Wyoming recently reached agreement on a proposed development plan for the High Plains Gasification Advanced Technology Center. The agreement outlines the framework for the development, design, construction and operation of the facility, and enables work to begin immediately, GE and the university said in an Oct. 30 release.

The center is designed to enable researchers to develop advanced gasification and clean coal solutions for Powder River Basin and other coals and will

house a small-scale gasification system.

"This is the beginning of what I hope is a productive, long-term relationship with GE to demonstrate how Wyoming coal can be utilized into the future," Wyoming Gov. Dave Freudenthal (D) said. "There is a community of interests here -- for GE, there is a desire to develop and utilize new technology to gasify Powder River Basin and other Wyoming coals," said Freudenthal. "As the demand for electricity continues to rise, this question of managing carbon while still utilizing coal is an issue we will be confronting

for many years to come. I am confident that the research developed at this facility will help us answer some of these questions and keep coal in the mix of cleaner and more secure domestic fuels long into the future."

"We are pleased to be working with the University of Wyoming to build a gasification research facility," said Steve Bolze, president and CEO of GE Energy's Power & Water business. "A diverse fuel mix for power generation is necessary to ensure the security and reliability of our customers' power generation portfolios, as well as the nation's energy independence.

"The acceleration of reliable, low-cost, cleaner coal power technology will help meet a growing demand for power, create jobs, support economic growth and positively impact the environment," said Bolze.

"We're very pleased to reach this step in the process," University of Wyoming (UW) President Tom Buchanan said. "This project allows UW to advance critical coal research and to offer unique educational opportunities to our students."

The cost of the center will be split by GE Energy and UW. The state's contribution will come from appropriations to the university from the federal Abandoned Mine Reclamation Fund. The initial state appropriation in 2008 was \$20 million. Gov. Freudenthal proposes to seek an additional \$30 million during the 2009 legislative session. The university will own the facility and be responsible for its operation. Under the agreement, GE Energy will lease the facility from the university, with options to renew.

More information is available at: [Gasification Center Announcement](#).

Mining Market Snapshot		
Coal Figures	Cumulative year to date	Change over last year
<i>Week ended November 1, 2008</i>		
EIA Coal Production (000 tons)	975,894	1.6%
Edison Electric Institute Electricity Output (GWh)	3,457,271	-1.0%
American Iron and Steel Institute Raw Steel Production (000 tons)	90,446	0.0%
Metal Figures		
Copper Prices (\$/mt - week avg. Grade A Cash) 10/31/08	\$4,144.55	
Gold Prices (\$/troy ounce - week avg. London Final) 10/31/08	\$742.20	
Source: NMA Weekly Statistical Summary/Platts Metals Week		

Newsbits

Fisher & Phillips LLP, a leading national labor and employment law firm, announced this week that former Assistant Secretary of Labor for Occupational Safety and Health **Edwin G. Foulke, Jr.**, has joined the firm as a partner in its Workplace Safety and Catastrophe Management Practice Group. Foulke previously headed the **Occupational Safety and Health Administration (OSHA)** where he was responsible for overseeing the agency's enforcement, rule making, compliance assistance, training activities and whistleblower activities. **President Bush** appointed Foulke to head OSHA on September 25, 2005, the Senate confirmed him on March 15, 2006, and he was sworn in on April 3, 2006. Mr. Foulke also served on the Occupational Safety and Health Review Commission from 1990 to 1995, chairing the commission from March 1990 to February 1994. More information is available at: [Foulke Announcement](#).



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