

## American Mining for America's INFRASTRUCTURE

<p><b>Critical &amp; Strategic Minerals</b></p> <p>Domestic minerals provide infrastructure raw materials and reduce import reliance</p>	<ul style="list-style-type: none"> <li>• Critical Minerals Executive Order mandates increasing domestic minerals exploration, development, and related research</li> <li>• USGS draft critical minerals list is inconsistent with EO critical minerals definition – needs to include strategic infrastructure minerals</li> <li>• Eliminate federal policies that impede domestic mineral production</li> <li>• Make SEC Guide 7 mineral reporting standards consistent with international standards to encourage companies to list in the US</li> </ul>
<p><b>Permit Streamlining</b></p> <p>Permitting delays increase minerals import reliance</p>	<ul style="list-style-type: none"> <li>• President's regulatory reform agenda is critically important</li> <li>• Protracted, costly, and uncertain permitting process thwarts exploration and development of America's mineral resources</li> <li>• Permitting barriers risk \$9.2 billion in investment, 16,500 high-paying jobs, and \$5 billion in taxes (AEMA 2018 survey)</li> </ul>
<p><b>BLM</b></p> <p>Minimize NEPA delays, land use restrictions and withdrawals to reduce minerals import reliance</p>	<ul style="list-style-type: none"> <li>• Compliance with new Federal Register publication process is essential to streamlining the NEPA process</li> <li>• NEPA Streamlining Secretarial Order is crucial to removing permit barriers and uncertainty on BLM-administered lands</li> <li>• Retain state boundaries for BLM management structure</li> <li>• Revise Sage-Grouse Land Use Plans to eliminate landscape-scale restrictions and emphasize site-specific conditions</li> <li>• Reject proposed Superior National Forest mineral withdrawal</li> </ul>
<p><b>Forest Service</b></p> <p>Minimize NEPA delays, land use restrictions and withdrawals to reduce import reliance</p>	<ul style="list-style-type: none"> <li>• Adopt BLM's Notice process for small-scale exploration projects</li> <li>• Develop NEPA streamlining policy similar to DOI's policy</li> <li>• Revise Sage-Grouse Land Use Plans to eliminate landscape-scale restrictions and emphasize site-specific conditions</li> <li>• Reject proposed Superior National Forest mineral withdrawal</li> </ul>
<p><b>EPA</b></p> <p>Implement President Trump's regulatory reform and critical minerals policies to reduce minerals import reliance</p>	<ul style="list-style-type: none"> <li>• Final CERCLA 108(b) rule appropriately recognizes comprehensive federal and state financial assurance requirements</li> <li>• Require factual environmental and economic analyses for all CWA Section 404(c) preemptive and retroactive vetoes</li> <li>• Support rescission of 2015 WOTUS Rule and write a final rule based on Justice Scalia's WOTUS definition in <i>Rapanos v. US</i></li> <li>• Support Good Samaritan AML cleanups</li> </ul>
<p><b>Congressional Action</b></p> <p>Legislation to support increased domestic mineral production and decreased minerals import reliance</p>	<ul style="list-style-type: none"> <li>• Act on BLM's suitable/non-suitable WSA recommendations</li> <li>• Enact critical minerals legislation (<b>H.R. 520, S. 1460</b>)</li> <li>• Amend CERCLA 108(b) to codify EPA's Final Rule</li> <li>• Encourage Federal Permitting Improvement Council to add mining to FAST 41 industry sectors requiring permit streamlining</li> <li>• <b>Support H.R. 2917</b> to restrict allowable timeframe for EPA's CWA Section 404(c) veto authority to the permitting process</li> <li>• <b>Support H.R. 3115</b>, the Superior National Forest Land Exchange Act as referred to the Senate Agriculture Committee</li> <li>• <b>Support S. 414/H.R. 1107</b> (passed) for consolidation, conservation, and economic development of Pershing County, NV checkerboard lands</li> </ul>

### Critical Minerals: Raw Materials for Defense, Manufacturing, and INFRASTRUCTURE

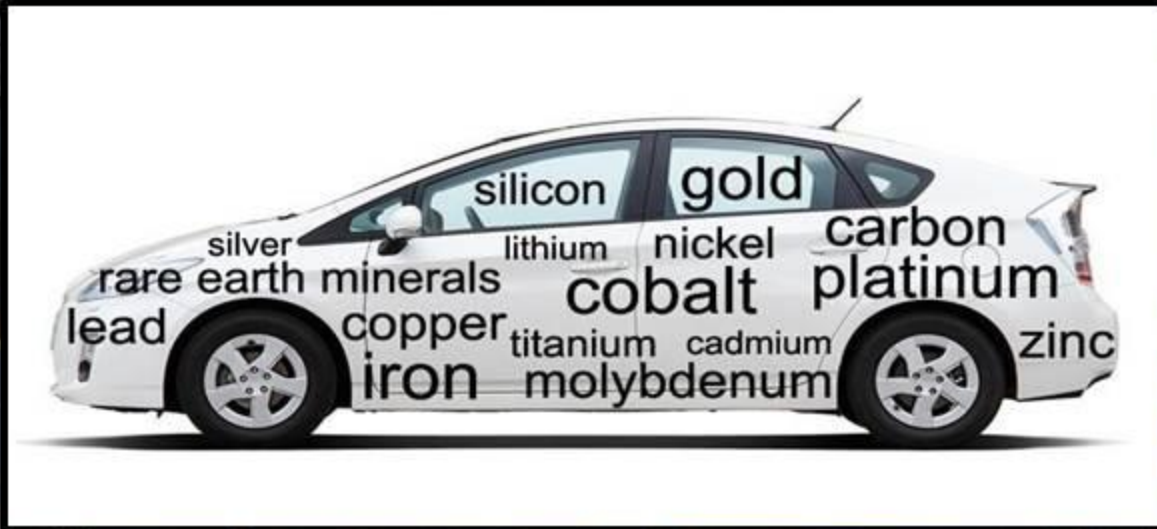
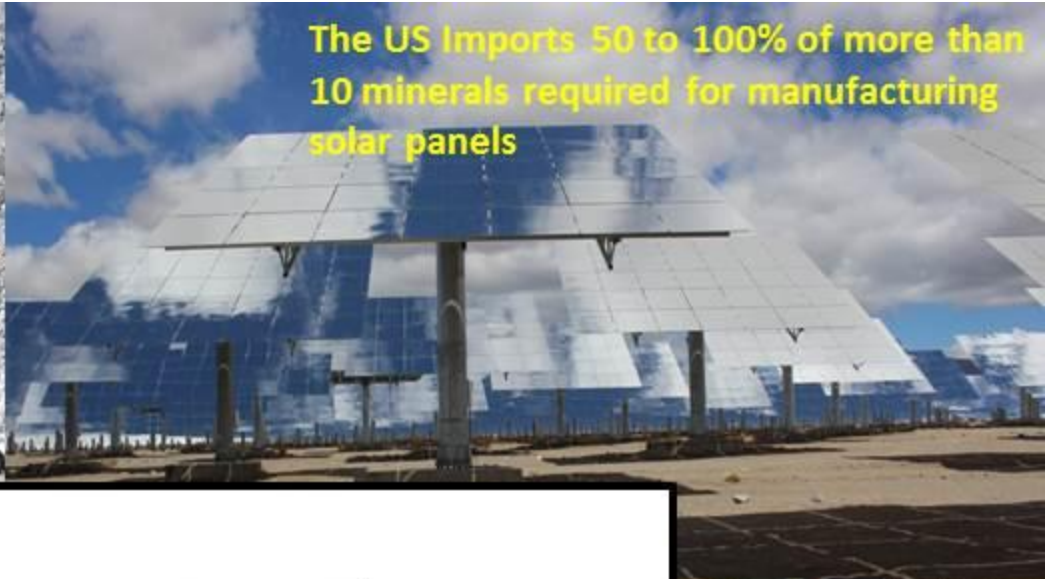
Developing America's Critical and Strategic Mineral Resources Depends on Timely and Predictable Permitting and Maintaining Access to Mineralized Lands



Creating jobs, at US mines and at US equipment manufacturers



The US Imports 50 to 100% of more than 10 minerals required for manufacturing solar panels



US imports 100% of 3, and >50% of 4 essential minerals for building jet fighters



US equipment manufacturers use more than 40 minerals, importing over 50% of at least 21 of these





## American Mining for America's INFRASTRUCTURE

<p><b>Coal Power Plant Operations Support and New Source Review Reform</b></p>	<ul style="list-style-type: none"> <li>• <b>Support <i>The Electricity Reliability and Fuel Security Act</i>, H.R. 5270</b> (Rep. Larry Bucshon, R-IN) and <b>similar bills S. 2677</b> (Sen. Shelley Moore Capito, R-WV) and <b>S. 2861</b> (Sen. Joe D. Manchin, D-WV) providing a temporary 5-year, 30% tax credit for existing coal power plant O&amp;M to help preserve the remaining U.S. coal fleet. Coal plants are critical to baseload electric generation and grid reliability and resilience.</li> <li>• <b>Support Clean Air Act reform of EPA New Source Review</b> obstacles that preclude projects for improving coal power plant efficiency and emissions due to regulatory factors causing uncertainty and risk, and adding time and cost:             <ul style="list-style-type: none"> <li>➢ <b>H.R. 3127</b> excludes energy efficiency, emissions reduction, and grid reliability projects from New Source Review*</li> <li>➢ <b>H.R. 3128</b> changes the emissions increase test to require an hourly rate, a standard measure of efficiency improvement, instead of an annual test*</li> </ul> <p><i>*H.R. 3127 &amp; 3128 (Rep. Morgan Griffith, R-VA) may be combined</i></p> </li> </ul>
<p><b>Permit Streamlining</b></p>	<ul style="list-style-type: none"> <li>• <b>Protracted, costly, and uncertain permitting processes</b> impede developing America's coal resources, which are more abundant than any other country.</li> <li>• <b>President's regulatory reform agenda is critically important</b> <ul style="list-style-type: none"> <li>➢ Reduce agency overlap – require "One Federal Agency" approach to coordinate federal permit reviews including environmental (NEPA) reviews</li> <li>➢ Reduce permitting time – complete reviews in less than two years</li> </ul> </li> </ul>
<p><b>Clean Coal Technologies Advancement</b></p>	<ul style="list-style-type: none"> <li>• <b>Support robust funding of DOE's Fossil Energy R&amp;D program</b></li> <li>• <b>Support "<i>Utilizing Significant Emissions with Innovative Technologies</i>" or "<i>USE IT</i>" Act</b> (Sen. John Barrasso, R-WY and Sen. Sheldon Whitehouse, D-RI) to encourage development of innovative carbon capture technologies, converting carbon into useful products, and reducing emissions.</li> <li>• <b>Promote Private Activity Bonds and loan guarantees</b> as tools to finance advanced clean coal technology projects.</li> </ul>
<p><b>Port/Terminal and Waterways Infrastructure Needs</b></p>	<ul style="list-style-type: none"> <li>• <b>Remove state barriers to building new coal export terminals</b> and expansion of existing terminals to improve competitiveness of U.S. coal internationally and exploit opportunities in growing global markets.</li> <li>• U.S. inland rivers transport coal, steel, minerals and other commodities essential to infrastructure improvement. Yet rehabilitation of the river system's <i>own</i> infrastructure – a 1930's-era lock and dam system – is woefully behind. Harbor dredging needs of coastal ports are also well behind. <b>Congress must expedite the efficient use of monies available in the Inland Waterways Trust Fund and Harbor Maintenance Trust Fund</b>, which industry pays into.</li> </ul>
<p><b>Clean Water Act and Waters of the U.S. Reforms</b></p>	<ul style="list-style-type: none"> <li>• <b>Support H.R. 2917</b> (Rep. Bob Gibbs, R-OH) limiting the timeframe for EPA's CWA Section 404 (c) preemptive and retroactive veto authority on permits.</li> <li>• <b>Support rescission of 2015 WOTUS Rule</b> and write a final rule based on Justice Scalia's WOTUS definition in <i>Rapanos v. U.S.</i></li> </ul>

### Coal is key to economic growth and rebuilding/improving infrastructure

*Thermal or steam coal is used to produce affordable, reliable electricity to power our economy and in the industrial production of cement and chemicals. Metallurgical coal is used in the steel-making process.*

*To accelerate infrastructure development, mine permitting processes must be improved, the operation of existing coal power plants and building new coal plants must be supported, and barriers to coal exports must be removed.*

**Carbon Fiber from Coal**

- Fuel-Efficient Vehicles
- Alternative Energy Structures
- Construction and Infrastructure



**Coal fuels 37% of Global Electricity**



**Coal Energy and Combustion By-Products = Concrete**



**74% of global steel production depends on coal**

## HARDROCK SUMMARIES OF WMC POSITIONS

**Critical & Strategic Minerals for Infrastructure and Defense:** We support actions that will implement the Administration's policy directives to increase the supply of domestic minerals (Critical Minerals Executive Order ("EO") No. 13817 and DOI Secretarial Order ("SO") 3359). Measures within the BLM, Forest Service and EPA to reduce permitting timelines, costs, risks, and uncertainties will stimulate domestic exploration and development and help reduce the nation's reliance on foreign minerals. Changes in federal land use policies to consider mineral development prior to land withdrawal or imposition of land use restrictions will spur continued exploration in the US for economic mineral deposits which provide manufacturing with raw materials.

Congressional Action: Congress should enact the critical minerals legislation which is in **H.R. 520** (which was placed on the Union Calendar, Calendar No. 482 April 11) to "require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to the economic and national security and manufacturing competitiveness of the United States" and **S. 1460** (which has had no action since September, 2017 in Committee on Energy and Natural Resources) to provide a definition of critical minerals and "to the maximum extent practicable, with respect to critical mineral production on Federal land, complete Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth".

Congressional Action: WMC urges support for the Superior National Forest Land Exchange Act (H.R. 3115 – note that it has not received a separate Senate bill designation) as it moves through review in the Senate Agriculture Committee. The exchange will result in taxpayers receiving over 6,000 acres of high quality recreational land and PolyMet receiving the surface rights to land in an existing mining area. The Forest Service issued their Record of Decision in January 2017. Congress can direct the Forest Service to complete the exchange and eliminate unnecessary delays.

BLM & USFS Action: WMC supports DOI's NEPA streamlining policy (SO 3355) and the directive to shorten BLM's Federal Register publication process, WMC requests the USFS to reduce NEPA delays by developing internal guidelines similar to those outlined in Interior's SO 3355. WMC urges BLM and the Forest Service to reject the proposed Superior National Forest mineral withdrawal and to eliminate or reduce the land use prohibitions and restrictions in the 2015 Sage Grouse Land Use Plans

Permit Streamlining Action: Advocate for the Federal Permitting Improvement Steering Council (FPISC) to include mining as a sector subject to the streamlined permitting process established by the Fixing America's Surface Transportation Act (FAST 41) and to include mining in the definition of an infrastructure project pursuant to the "One Federal Decision Framework of the Environmental Review and Authorization Process for Major Infrastructure Projects" memorandum issued by the Office of Management and Budget (OMB) and Council on Environmental Quality (CEQ)..

EPA Action: The EPA issued a final CERCLA 108(b) rule that recognizes comprehensive federal & state financial assurance requirements as adequate assurance for reclamation obligations which was published in the Federal Register vol. 83 no. 35, and became effective March 23, 2018. WMC asks Congress to amend CERCLA 108(b) to memorialize EPA's Final Rule.

EPA Action: WMC supports EPA's rescission of the 2015 Waters of the US (WOTUS) rule, which included an overly broad WOTUS definition, EPA's re-codifying the pre-2015 definition to provide regulatory certainty during rulemaking, and a new rule to define WOTUS consistent with Supreme Court Justice Scalia's definition in *Rapanos v. US*: "WOTUS covers relatively permanent, standing, or continuously flowing bodies of water [and] wetlands with a continuous surface connection to such water bodies."

Congressional Action: Support **H.R. 2917** to amend CWA Section 404(c) to eliminate preemptive & retroactive vetoes by the EPA by placing a limit on the duration of the EPA's veto authority to the timeframe during which the Army Corps of Engineers has announced its decision on issuance of a 404 permit and ending on the date of permit issuance. This bill remains in the Subcommittee on Water Resources and Environment by the Committee on Transportation and Infrastructure in June, 2017. There should also be an EPA rulemaking to require consideration of facts without resort to either preemptive vetoes based on assumed project impacts (as happened to the Alaska Pebble Project) or a retroactive veto without considering the economic impacts.

Congressional Action: Enact **S. 414** to rationalize the checkerboard public-private land pattern in Pershing County, NV to provide for economic growth in this impoverished county, promote conservation by designating suitable areas as wilderness and releasing non-suitable areas, and increase jobs and tax revenues by selling certain mine lands at Fair Market Value. The House passed the companion bill, **H.R. 1107**, in January 2018.