Women’s Mining Coalition

Annual Meeting July 31, 2014
Welcome

Webinar Instructions - Betsy Monseu, American Coal Council

Roll Call of BOD, EC, AC – Alexandria Palensky, WMC Secretary

Safety Share – Nicole Preuss, WMC VP
BOOT SAFETY...How happy are your feet?

During an average day of walking, the total forces on your feet can total hundreds of tons.

About 35% of people wear the wrong size.

Shop for shoes in the afternoon. Your feet tend to swell a little during the day, and it's best to buy shoes to fit them then.

It is NOT “normal” for your feet to hurt!
If your feet feel like this at the end of the day….Maybe it’s time for new boots!!!
Welcome

Thanks to

Betsy Monseu and Ingrid Shumate

of the

American Coal Council

for sponsoring and administering the webcast.
Old Business
WMC Board of Directors

Thanks – Wanda Burget, WMC President

Directors
Maggie Lansing
Terah Burdette
Debra Struhsacker
Ruth Carraher
Karen Yost

Officers
Wanda Burget, President
Nicole Preuss, Vice President
Alexandrea Palensky, Secretary
Cami Prenn, Treasurer
WMC Advisory Council

Ann Carpenter
Anne Wagner
Cathy Suda
Debbie Laney
Ingrid Myers
Jason Bostic
Jim Collord
Laura Skaer
Rebecca Blackburn
Teresa Conner
Tom Altmeyer
Membership Update
Lynne Volpi, WMC Coordinator

127 Individual Members
1 Corporate Member
3 Affiliate Members

Hard Rock 54%
Coal 25%
Other 13%
Service, Manufacturing 6%
Environmental 2%
Gold Level
Murray Energy
Caterpillar

Silver Level
Nevada Landmen’s Association
Balfour Holdings
Peabody Energy
AEMA
Pershing Gold
Chevron
ADA-ES
Clean Coal Solutions LLC
ACCCE
Kirby Ocean Transport
Mine Development Associates
United Bulk Terminals
Premier Gold Mines
Express Marine

Bronze Level
G.I.S. Land Services
American Coal Council
Pogo Mine-Sumitomo
The Indiana Railroad Co.
Rare Element Resources

27% of members added a donation to their dues payment for a total additional amount of over $500.00! Thank you!
Financial Report
Cami Prenn, WMC Treasurer

<table>
<thead>
<tr>
<th>Women's Mining Coalition</th>
<th>NV State Bank</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement of Account - 2014</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Income**

<table>
<thead>
<tr>
<th>Income</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Membership Dues</td>
<td>$ 3,354.55</td>
<td>$ 5,407.14</td>
</tr>
<tr>
<td>Donations</td>
<td>$ 20,341.23</td>
<td>$ 39,733.64</td>
</tr>
<tr>
<td>Bank Interest</td>
<td>$ 8.38</td>
<td>$ 31.33</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>$ 23,704.16</strong></td>
<td><strong>$ 45,172.11</strong></td>
</tr>
</tbody>
</table>

**Expenses**

<table>
<thead>
<tr>
<th>Expenses</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 24,520.00</td>
<td>$ 26,270.00</td>
</tr>
<tr>
<td>Supplies</td>
<td>$ 100.15</td>
<td>$ 2,311.19</td>
</tr>
<tr>
<td>D.C. Fly-In Expenses</td>
<td>$ 7,841.46</td>
<td>$ 7,560.58</td>
</tr>
<tr>
<td>Promotions/Convention Expenses</td>
<td>$ 1,448.05</td>
<td>$ 1,130.00</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>$ 33,909.66</strong></td>
<td><strong>$ 37,271.77</strong></td>
</tr>
</tbody>
</table>

| 2014 Profit                  | $ -10,202.50  | $ 7,900.34    |

Updated July 28, 2014
# Financial Report

Cami Prenn, WMC Treasurer

<table>
<thead>
<tr>
<th></th>
<th>Jan. 1 2014 Balance</th>
<th>YTD 2014 Profit</th>
<th>YTD Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Balance Sheet</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NV State Bank</strong></td>
<td>$ 54,390.62</td>
<td>$ -10,202.50</td>
<td>$ 44,185.12</td>
</tr>
</tbody>
</table>

Updated July 28, 2014
Social Media Interfaces
Alexandrea Palensky, WMC Secretary

- 57 members on Facebook
- 438 connections on LinkedIn
- Monthly updates 5 times per month
**Unique Visitors** tally requests from a single source no matter how many pages visited. 

**Visits** occur when some remote site makes a request for a page on your server for the first time.

**Pages** are those URLs that would be considered the actual page being requested, and not all of the individual items that make it up.

**Hits** represent the total number of requests made to the server during the given time period (month, day, hour etc.).

---

**2014 Web Site Statistics**

Lynne Volpi, WMC Coordinator

---

![Monthly history chart]

---

<table>
<thead>
<tr>
<th>Month</th>
<th>Unique visitors</th>
<th>Number of visits</th>
<th>Pages</th>
<th>Hits</th>
<th>Bandwidth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 2014</td>
<td>104</td>
<td>151</td>
<td>428</td>
<td>1,589</td>
<td>309.91 MB</td>
</tr>
<tr>
<td>Feb 2014</td>
<td>471</td>
<td>800</td>
<td>2,937</td>
<td>6,464</td>
<td>1.30 GB</td>
</tr>
<tr>
<td>Mar 2014</td>
<td>636</td>
<td>1,097</td>
<td>3,032</td>
<td>9,582</td>
<td>1.93 GB</td>
</tr>
<tr>
<td>Apr 2014</td>
<td>613</td>
<td>1,024</td>
<td>2,586</td>
<td>8,042</td>
<td>2.02 GB</td>
</tr>
<tr>
<td>May 2014</td>
<td>563</td>
<td>907</td>
<td>5,164</td>
<td>9,736</td>
<td>1.33 GB</td>
</tr>
<tr>
<td>Jun 2014</td>
<td>551</td>
<td>928</td>
<td>2,050</td>
<td>5,687</td>
<td>897.20 MB</td>
</tr>
<tr>
<td>Jul 2014</td>
<td>551</td>
<td>922</td>
<td>2,339</td>
<td>6,220</td>
<td>924.78 MB</td>
</tr>
<tr>
<td>Aug 2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sep 2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Oct 2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Nov 2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dec 2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>3,489</td>
<td>5,799</td>
<td>18,536</td>
<td>47,320</td>
<td>8.66 GB</td>
</tr>
</tbody>
</table>
## 2014 Web Site Statistics

Lynne Volpi, WMC Coordinator

<table>
<thead>
<tr>
<th>Countries (Top 25) - Full list</th>
</tr>
</thead>
<tbody>
<tr>
<td>Countries</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>United States</td>
</tr>
<tr>
<td>Finland</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>China</td>
</tr>
<tr>
<td>Romania</td>
</tr>
<tr>
<td>France</td>
</tr>
<tr>
<td>Israel</td>
</tr>
<tr>
<td>Russian Federation</td>
</tr>
<tr>
<td>European country</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>Turkey</td>
</tr>
<tr>
<td>Canada</td>
</tr>
<tr>
<td>Ukraine</td>
</tr>
<tr>
<td>Brazil</td>
</tr>
<tr>
<td>Great Britain</td>
</tr>
<tr>
<td>South Africa</td>
</tr>
<tr>
<td>Italy</td>
</tr>
<tr>
<td>Luxembourg</td>
</tr>
<tr>
<td>Poland</td>
</tr>
<tr>
<td>Philippines</td>
</tr>
<tr>
<td>Indonesia</td>
</tr>
<tr>
<td>Latvia</td>
</tr>
<tr>
<td>Vietnam</td>
</tr>
<tr>
<td>Netherlands</td>
</tr>
<tr>
<td>Argentina</td>
</tr>
<tr>
<td>Others</td>
</tr>
</tbody>
</table>
Mentoring
Ann Carpenter, WMC Advisory Council

Name: WMC Mentoring Program

Goals & Objectives: To be a tool for the mining industry, providing mentoring opportunities for interested WMC members, Annual Fly In participants, and other interested parties by way of sharing our work and related experiences.

Webmistress Betty to update website with Mentor Page, Link: providing access to powerful resources representing diverse perspectives and experiences, including 1) the core objectives of the Women’s Mining Coalition, our activities and outreach opportunities; and 2) the diverse nature of the US domestic mining industry and its supporting companies. The Mentor-Mentee relationship will be a confidential means by which information, experiences, contacts and ideas are shared.
2014 Fly-In Summary

Barbara Coppola, Duke Energy
Jennifer Fox, Caterpillar
2014 Fly-In Participants
Monday Morning Orientation
Senator Risch (ID) Meeting
Extracurricular Activities

- Casual Meet and Greet – Sunday evening
- Participant Reception – Monday evening
- Hill Reception – Tuesday evening
New Participant Perspective: How to Prepare?

- **Homework**
  - Understand the basics of the US Government
  - Research candidates from your state
  - Review Mining fact sheets provided by WMC
  - Study Issue Papers / Develop Talking Points
    - How do these issues relate to your company?
    - What is your company’s view on these issues?

- **Logistics**
  - Familiarize yourself with the DC public transportation system
  - Survey a map of Capitol Hill
New Participant Perspective:
What to do in the Hill meetings?

- Don’t be nervous (easier said than done)
- Leverage the knowledge of a more experienced team member
- Relate to the views of the representative from that state
- Focus on a few key issues, time is limited
- Paint the BIG picture
  - Add detail/specifcics as requested
  - Share personal stories
- Ask the representative what they would like to see done or how you can help
- Take copious notes
Highs
- Review of issue papers in prep meeting
- ‘Role Play’ of what to expect in a typical meeting
- Meet & Greet / Network with other participants
- Diversity of participants & team members from day-to-day
- Downtime to see some sites in DC

Lows
- Received issue papers only a few days in advance; not enough time to prepare
- Meeting schedule not distributed until Monday AM
- Lack of advance information about representatives & committees they support
- Compilation of meeting notes not distributed
Why contact Government Agencies?

- Reach a new audience
- Increase awareness in the agencies about the effects of regulations on our industry
- Put a face on the WMC name
- Give WMC a contact in each agency
- Offer WMC as an information resource
2014 Regulatory Agency Meetings
Bureau of Land Management (BLM)
Ruth Carraher, Selex Resources, WMC BOD

BLM Attendees
Karen Mouritsen, Deputy to Mike Nedd, Assistant Director of Realty and Minerals Management
Mitch Leverette, Division Chief Solid Minerals
Rick Deery, Acting Deputy Chief Solid Minerals
Tim Barnes, Oregon BLM office

WMC Attendees
Ruth Carraher
Mia Cowgill
Sage Grouse:
• BLM is working on balancing the needs and wants of all multiple use activities and is looking at all types of activity that affect the sage grouse.
• New management plans will be released in fall, 2014. Suggested we review them and send comments.
• NOIs may mean more withdrawals to protect the bird since there is no NEPA review for an NOI.

Permitting:
• No simple solution to the permitting time frame
• BLM is not the only player in the permitting review process.
• Staffing at local BLM offices affects permit time and those experienced with processing projects are retiring. They are training new people.

BLM Needs More Employees:
• How can the BLM recruit experienced folks? How can the industry help the BLM recruit new hires?
• We noted that GSN, SME etc. are very active locally and no BLM employees attend these meetings.

Law Enforcement:
• Let them know the BLM needs to train their law enforcers to deal with people better and to know what regulations cover exploration.
2014 Regulatory Agency Meetings
Environmental Protection Agency (EPA)
Ann Carpenter, Remote Energy Solutions, WMC AC

EPA Attendees
Ellen Gilinski, Assistant to Nancy Stoner, Deputy Assistant Administrator
Scott Wilson, Wastewater Permitting for Coal, Gas, & Electric Generation
Steve Liverborne, General Counsel
Greg Peckham, Attorney
Andrew Sawyers, Office of Wastewater
Dave Evans
Marcus Oberstein

WMC Attendees
Ann Carpenter
Wanda Burget
Betty Gibbs
EPA Meeting Summary

• Discussions
  • Ellen invited all EPA staff, not knowing what we wanted to talk about.
  • Asked that next time we send an agenda so that she / others in EPA might invite appropriate people.
EPA Meeting Summary

• Discussions
  • Waters of the US Distinction
    • Objective is to provide “clarity”, “certainty”. The 16-pages that the previous administration provided regarding definition were too complicated and cumbersome. Current EPA ‘defining efforts’ are directed at making this and related permitting easier.
      • [Seemed to be a ‘scripted’ response]
    • WMC attendees stated to EPA that the additional Waters of the US designations were not creating more clarity or ease of permitting; the net result is more uncertainty, resulting in mineral development investment heading off-shore.
EPA Meeting Summary

• Discussions
  • All discussions
    • EPA DC is very removed from ‘field’, and their recommendations, perspectives are politic driven (their admission).
    • WMC should continue to visit with them annually, and more if possible, so that they benefit (whether they want to or not) from the field perspective.
2014 Regulatory Agency Meetings
Office of Surface Mining Reclamation & Enforcement (OSM)
Courtney Samford, Wyatt, Tarrant, & Combs, LLP

OSM Attendees
Glenda Owens, Deputy Director
Michele Altmus, Chief of Staff

WMC Attendees
Courtney Samford
Lesly Davis
Mindy Watson Ward
Office of Surface Mining
Reclamation & Enforcement

Issues discussed:
- Sage Grouse
- Stream Protection Rule
- Coal Ash
- Cost Recovery
- Dirt Tax
- Co-Tenancy Issues
2014 Regulatory Agency Meetings
U.S. Fish and Wildlife Service (USFWS)
Wanda Burget, Norwest Corp, WMC President

**USFSW Attendees**

Dan Ash, Director
Gary Frazer, Assistant Director of Ecological Services

**WMC Attendees**

Wanda Burget
Ann Carpenter
Ruth Carraher
Critical Habitat – Definition of destruction or adverse modification

“New definition required to provide greater transparency”
Destruction or adverse modification – direct or indirect alteration that appreciably diminishes the conservation value of critical habitat for listed species.

Such alterations may include but are not limited to activities that preclude or significantly delay the development of the physical or biological features that support the life cycle needs of the species for recovery.

Conservation value - - ?????

Proposed Rule on Procedures for Designating Critical Habitat

Prospective only – not applicable to any completed critical habitat designation
Proposes to include areas that are “used throughout all or part of the species’ life cycle, even if not used on a regular basis (e.g., migratory corridors, seasonal habitats, and habitats used periodically)

Critical Habitat for Greater sage-grouse (not yet formally identified)

USFWS indicated that the “Priority Areas of Conservation” identified in the March 22, 2013 Conservation Objectives Team report may be a good indication of possible critical habitat.
Preliminarily identifies approximately 75 million areas where little or no disturbance would be allowed.

Reclamation of Fire Impaired Habitat

We discussed reclamation, “lessons learned” by the coal and hardrock industries, and how this information would be important to agencies attempting to rehabilitate fire-impaired Greater sage-grouse habitat.

USFWS commented they do not have much information regarding successful sagebrush restoration and that they don’t have many opportunities to talk to the mining industry.
2014 Regulatory Agency Meetings
U.S. Forest Service (USFS)
Wanda Burget, Norwest Corp, WMC President

USFS Attendees
Tim DeCoster, Chief of Staff for Chief Tom Tidwell
Emilee Blount, Director of Engineering
Deidre McGee, Liaison Specialist/Program Analyst, Minerals & Geology Staff

WMC Attendees
Wanda Burget
Nadja Kookesh
Aisling Hinderliter
Staff had little experience with mining and mined land reclamation. Encouraged them to visit the Thunder Basin National Grassland and tour the surface coal mines in that area.

Focus on highly productive reclaimed lands and successfully restored sagebrush/sage-grouse habitat

Greater sage-grouse and multiple use mandate

Advocated for appropriate balance and recognition of mineral/coal development and production in amended USFS Land and Resource Management Plans

Advocated for recognition of ongoing voluntary conservation initiatives and avoidance of overly restrictive protections in amended management plans.

Mineral Permitting Timelines

Discussed need for timely approvals of permitting and NEPA processes

Used Hecla Mine (Green’s Creek) - Decision on tailings expansion permit as an example.

Ongoing Communications

Sent WMC brochures to Deidre McGee who expressed strong interest in partnering with WMC in the future. This information will be shared with USFS Minerals and Geology staff leadership.
Conferences
Lynne Volpi, WMC Coordinator

2013-2014 Conference Attendance

- American Exploration & Mining Association (AEMA), December 4-6, 2013, Sparks, NV
- SME, February 23-26, 2014, Salt Lake City, UT
- Elko Mine Expo, June 5 & 6, 2014, Elko, NV
Conferences

Lynne Volpi, WMC Coordinator

2014-2015 Planned Conference Attendance

- AEMA, December, 2014, Sparks, NV
- Alaska Miners Association, November, 2014, Anchorage, AK
- SME, February, 2015, Denver, CO
- Geological Society of Nevada, May, 2015, Sparks, NV
- Elko Mine Expo, June 2015, Elko, NV
New Business
WMC Executive Committee and Board of Directors Election
Lynne Volpi, WMC Coordinator

Executive Committee Nominees:
Nicole Preuss, WMC President
Barbara Coppola, WMC Vice President
Alexandrea Palensky, WMC Secretary
Cami Prenn, WMC Treasurer

Board of Directors Nominees:
Debra Struhsacker
Terah Burdette
Karen Yost
Teresa Conner

Maggie Lansing
Ruth Carraher
Rebecca Blackburn
# Advisory Committee Election

**Lynne Volpi, WMC Coordinator**

## Advisory Committee Nominees:

<table>
<thead>
<tr>
<th>Ann Carpenter</th>
<th>Anne Wagner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debbie Laney</td>
<td>Ingrid Myers</td>
</tr>
<tr>
<td>Jim Collord</td>
<td>Laura Skaer</td>
</tr>
<tr>
<td>Thomas Altmeyer</td>
<td>Cathy Suda</td>
</tr>
<tr>
<td>Betsy Monseu</td>
<td>Wanda Burget</td>
</tr>
<tr>
<td>Jean Bustard</td>
<td>Ann Couwenhoven</td>
</tr>
<tr>
<td>Julie Lucas</td>
<td>Wendy Hutchinson</td>
</tr>
<tr>
<td>Sue Stacy</td>
<td>Betty Gibbs</td>
</tr>
<tr>
<td>Jason Bostic</td>
<td>Linda Tokarczyk</td>
</tr>
</tbody>
</table>
Proposed amendments to the bylaws, which have been approved by the BOD, will be shared via email with all 2014 paid members prior to the election in November-December.

The amended bylaws will be voted on during the November-December election. A simple majority of those voting will signify passage of the amended bylaws.
Current Legislative Issues:
National Hardrock Issues

Kathy Benedetto
House Natural Resources Committee
Mining Related Legislation in the 113th Congress (2014-2015)

- HR 687 (Gosar/Kirkpatrick), “Southeast Arizona Land Exchange and Conservation Act of 2013”
- HR 697 (Heck), “Three Kids Mine Remediation and Reclamation Act”
- HR 761 (Amodei), “Critical and Strategic Minerals Production Act”
Mining Related Legislation in the 113th Congress (2014-2015)

- HR 957 (Lummis), “American Soda Ash Competitiveness Act”
- HR 981 (Johnson of GA and Markey), “Resource Assessment of Rare Earths Act of 2013”
- H.R. 2970, (Tipton), "Good Samaritan Cleanup of Abandoned Hardrock Mines Act of 2013“ [Udall has a companion bill in the Senate]

H.R. 761 – Critical and Strategic Minerals and Production Act passed the House on September 18, 2013. It’s at the Senate waiting for something to happen.

H.R. 2824 - Preventing Government Waste and Protecting Coal Mining Jobs in America Act passed the house on March 25, 2014. It’s also at the Senate …
Status of Legislation

Bill reports have been filed for the following pieces of legislation this means they are ready for floor action:

- HR 957 (Lummis), “American Soda Ash Competitiveness Act”
- HR 981 (Johnson of GA and Markey), “Resource Assessment of Rare Earths Act of 2013”
- HR 687 - Southeast Arizona Land Exchange and Conservation Act of 2013 – the House is waiting for the Senate to take action. It will be a long wait.
Future Legislation

We anticipate that Chairman Lamborn will be introducing a Good Samaritan Legislation that will be simpler but more comprehensive than the Tipton/Udall legislation when Congress returns from the August district work period.
Committee Investigations

- Rewrite of the Stream Buffer Zone Rule
- Science Integrity
- Sage Grouse NTT Report
Potential Legislation/Hearings

It’s a Secret

(We may have a legislative hearing on Good Sam)
Sage Grouse Update:
The Most Serious Threat in Decades to Natural Resource Development on Western Public Lands
*Affects both Hardrock and Coal Mining*

Debra Struhsacker
Pershing Gold Corporation and WMC BOD
Sage Grouse: The Spotted Owl on Steroids - Will Impact 11 Western States

- BLM is proposing GSG conservation measures that:
  - Threaten multiple use by creating widespread land use restrictions and prohibitions
    - Mineral withdrawals and large buffer zones around habitat
  - Will cause adverse economic impacts throughout the west
- US Fish & Wildlife Service must make listing determination in FY 2015 (by 9/30/15)
  - Deadline established in 2011 litigation settlement with NGOs
- Worst (and currently likely) outcome:
  - BLM will impose drastic land use restrictions in an attempt to prevent a listing
  - USFWS will determine listing is necessary
Greater Sage Grouse ("GSG") is a "landscape species"
- Over 100 million acres of GSG habitat in 11 western states
- BLM lands contain over 50% of SG habitat

USFWS made GSG a candidate species in 2010
- "Inadequate regulatory mechanisms" to conserve habitat

BLM is amending Resource Management Plans in these states with draconian GSG conservation measures
- Develop new regulatory mechanisms in response to "inadequate regulatory mechanisms" finding

NV has the most GSG habitat (20 million acres)

WY has the most birds
2014 GSG Administrative Developments

- BLM/USFS published numerous Draft EIS and Land Use Plan Amendments published
  - Several alternatives based on NTT Report conservation measures that focus on development impacts rather than the key threats (wildfire, invasive species, predation, disease)
  - State SG Conservation Plan alternatives evaluated in DEIS
- WMC filed detailed comments on the NV DEIS/LUPA
  - Provides WMC standing for future actions
- US Fish and Wildlife designated the Bi-State DPS in western NV/eastern CA as Threatened with 4(d) rule
  - Likely outcome for GSG
2014 GSG Litigation Developments

- Oklahoma lawsuit challenging legality of the settlement that establishes the listing deadline schedule
  - KS, NE, ND, OK Farm Bureau, Domestic Energy Producer’s Alliance co-plaintiffs
  - DWS opinion: best opportunity for a good outcome on GSG
- Key Issue: settlement unlawfully eliminates USFWS authority to maintain candidate species classification for > 250 candidate species
  - USFWS must determine listing is warranted or not warranted by settlement deadlines
  - Settlement species cannot remain candidate species
    - *Means State GSG Conservation Plans are futile*
2014 GSG Legislative Developments

- Reid-Heller discussion draft bill
  - NV only – thus cannot prevent a nationwide listing
  - Includes wilderness proposals and land conveyances
- Gardner-Enzi bill (H.R. 4716/S. 2394)
  - Requires Secretary to defer to state conservation plans
  - Prohibits ESA listing and GSG LUPAs for 10 years
  - Would give state conservation plans enough time to work
- Amodei bill (H.R. 4419)
  - Funding to address key threats: wildfire, invasive species
  - Makes federal agencies take responsibility for reducing threats on public lands
New science: Dr. Zink genetic study
- No genetic evidence that GSG populations in decline
- Great news:
  - Means there is still time to address threats to habitat
  - USFWS must use Best Available Science (including this study) in making listing determination

Western Governors Association policy resolution stressing the need for the State Conservation Plans to guide BLM and USFWS actions
- Governors trying to position state plans – not a listing - as the key to habitat conservation

More funding available for certain conservation programs
What’s Next?

- **Administration:**
  - BLM/USFS will publish final EIS/LUPAs by end of 2014
  - USFWS will make listing determination by 9/30/2015

- **GSG Legislation:**
  - Nothing will pass in this Congress
  - Prospects for passage in 2015 could improve if Republicans win the majority in the Senate in November 2014 election

- **Litigation:**
  - Settlement litigation may be decided late 2014 or in 2015
  - Lawsuits over the FEIS/LUPAs
  - Lawsuits over the listing determination
Current Legislative Issues:
National Coal Issues

Ursula Wojciechowski
Peabody Energy
Proposed Timeline for Clean Power Plan

EPA’s timeline for implementing its Proposed Clean Power Plan

- **June:** Draft rule issued
- **June:** Final rule due
- **June:** 1-year extension for state plans
- **Interim state goals in effect**
- **Oct:** Deadline for comments
- **June:** State plans due
- **June:** 2-year extension for multi-state plans
- **Final state goals in effect**

Source: IHS Energy © 2014 IHS
Engagement on EPA’s GHG Rules for New, Existing and Modified Sources

Ongoing Action at the Federal Level
- Passed Whitfield-Manchin, HR 3826, in the House in March with 95 cosponsors (10 Democrats) – to prohibit EPA from issuing the NSPS and ESPS and modified source rules
- Letters to the Administration from Congress
- Oversight hearings continue
- Defunding language in Appropriations bills to prohibit EPA from advancing the rules in process

Shifting Focus to the States Action
- The Partnership for a Better Energy Future, which is a coalition of associations representing 80% of the US economy, is working grassroots in states
- Currently over 20 states have passed legislation or resolutions stating GHG emissions can only be regulated on a plant-by-plant basis “inside the fence line,” thus improving efficiency and reducing CO2 emissions in a cost-effective way

Potential Sources of Delay/Derailment
- Finalization of state implementation plans (SIP), including state-level legislation or lack thereof that would require a FIP
- Change over to a new administration; Republican control of Senate
- Legal challenges to the new source rule, this rule and/or state plans
Permitting Issues Affecting Coal and Hardrock

404 Dredge and Fill Permitting

- EPA retroactively vetoed permits for a WV coal mine in 2011
- House Transportation & Infrastructure Committee recently passed HR 4854, a bill to restrict EPA’s ability to veto/prohibit a permit under §404 to within the permitting process, not before or after

Waters of the United State Definition Expansion

- EPA and USACE proposed to expand CWA authority over areas with any hydrologic connection to downstream navigable waters, including man-made conveyances
- House Transportation & Infrastructure Committee approved HR 5078 to prevent the administration’s expansion of the WOTUS proposal from being finalized and institute a consultation process with states to find a consensus recommendation for clearing up confusion over the 1972 water law's jurisdiction

Stream Buffer Zone Rule

- OSM is currently rewriting the rule designed to protect streams from coal mining waste and expects to propose a draft by next year
- The House passed HR 2824, “Preventing Government Waste and Protecting Coal Mining Jobs in American Act,” a bill to block the OSM from promulgating the SBZ rule
Cross-State Air Pollution Rule (CSAPR)
- Supreme Court upheld EPA’s CSAPR, overturning the lower court’s judgment that the rule overstepped the agency’s Clean Air Act authority.
- This rule replaces EPA's 2005 Clean Air Interstate Rule (CAIR) and would require states to attain the 1997 ozone and fine particle and 2006 fine particle National Ambient Air Quality Standards (NAAQS)

Ozone Rule
- EPA is under a court order to decide by December 1, 2014, whether to propose lowering the 2008 ozone standard.
- EPA’s Clean Air Act Science Advisory Committee advised that EPA consider lowering the standard to 60-70 parts per billion (ppb) from 75ppb.

Respirable Dust Rule
- Effective Aug. 1, 2016, the permissible exposure limit is reduced from 2.0 mg/m³ to 1.5 mg/m³ collected over a full shift. Respirable dust limits in intake air is reduced from 1.0 mg/m³ to 0.5 mg/m³. Requires continuous personal dust monitor for selected underground sampling requirement; and requires more stringent sampling and surveillance.
- It is unclear if these standards will be technologically feasible.

Development Bank Financing Guidance
- Treasury Department issued guidance to put pressure on multilateral development banks, such as the World Bank, to stop financing coal projects abroad.
- Legislative language has been introduced in both the House and Senate to void that guidance.
Other Priorities

Tax Reform
- Congressional negotiations include consideration of rate reduction and elimination of preferences including Percentage Depletion, which reduces effective tax rates for coal companies by a range of 4-21%

Carbon Tax
- Legislation has been introduced in both chambers prohibiting a carbon tax, and the House passed an amendment with support from 11 Democrats prohibiting the Obama Administration from imposing one

Social Cost of Carbon
- Continuing opposition in the House and Senate regarding the increased metric and EPA’s use of the SCC valuation in climate regulations
State Drive-In Events
Ruth Carraher, Selex Resources, WMC BOD

Goals:
To organize constituents to meet with their federal Congressional delegation at local venues during the Congressional recess, August 3 to September 8, 2014. Develop another opportunity outside of the Fly-In for WMC members and supporters to tutor our legislators. An opportunity to recruit more members for the WMC.

States Participating:
Nevada – meetings with 1 senator and 3 representatives
Colorado – to be determined
Alaska – meeting with full delegation
Washington – meeting with 1 senator
Idaho – to be determined
West Virginia – to be determined
Minnesota – to be determined
Establish an Issues Committee

- Will work with WMC Coordinator in the months leading up to the annual Fly-In
- Will coordinate 3-6 people, depending on the issues, from WMC membership to work as the Issues Team for annual meeting
- Will develop the key issues, culled from the expanded list as provided by AEMA, NMA, ACCCE, and others

Issues Committee
Ann Carpenter, Remote Energy Solutions, WMC AC
Establish a Recognitions Committee

- Will develop an annual Recognition Award, given to the WMC member who does something extra-ordinary
- Will develop the screening parameters
- Possibly a quarterly recognition website posting, that would then lead to Annual Meeting Award to one of the 4 highlighted during the year
Louisiana Field Trip, Post 2015 Fly-In
Sarah Fakhari, United Bulk Terminals

• Come and see the whole coal supply chain in action!!!
  • We are proposing a 2-3 day field trip to tour:
    1. Coal Mine
    2. Coal Terminal (United Bulk Terminals - Davant, LA)
    3. Coal-fired Power Plant
• Invitation will be extended to Senator Mary Landrieu’s office to join the trip
The efficient administration of WMC depends in part on timely dues payments from our loyal members.

Be watching your email for the upcoming 2015 membership campaign, encouraging your continued support.
Further Discussion & Brainstorming
Closing

Wanda Burget
Norwest Corp.
WMC President
Closing