

From: "Prosser, Justin" <jprosser@nma.org>

To: "Todd_willens@ios.doi.gov" <Todd_willens@ios.doi.gov>, "akaster@blm.gov" <akaster@blm.gov>, "skyler_zunk@ios.doi.gov" <skyler_zunk@ios.doi.gov>, "casey_hammond@ios.doi.gov" <casey_hammond@ios.doi.gov>

Cc: "cpalich@osmre.gov" <cpalich@osmre.gov>, "scheduling@ios.doi.gov" <scheduling@ios.doi.gov>

Subject: [EXTERNAL] Meeting Request - Coal Industry Royalty Relief

Date: Mon, 11 May 2020 20:47:33 +0000

Attachments: NMA_Royalty_Relief_Meeting_Request_to_DOI_-_05.11.20.pdf;
DOI_Meeting_Request_Form_-_NMA_Royalty_Relief.pdf

Inline-Images: image001.png

Good Afternoon,

Please find the attached meeting request from the National Mining Association's President and CEO, Rich Nolan, related to pending applications for royalty relief from Arch Coal and Peabody Energy as well as other interested stakeholders, including the Utah Mining Association and Wyoming Mining Association. Although the guidance the Department issued has been helpful, there are some clarifications which our member companies could use. Given that the Department is quickly evaluating the applications and although our member companies are appreciative of that evaluation, we would like to ensure that we have an opportunity to answer any questions before a response.

Please let me know if you have any questions and we appreciate your attention to this request.

V/r,



Justin Prosser
Director, Congressional Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
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jprosser@nma.org

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RICH NOLAN
President & CEO

May 11, 2020

The Honorable David Bernhardt
Secretary
Department of the Interior
1849 C St, NW
Washington, D.C. 20240

Secretary Bernhardt:

On behalf of the National Mining Association (NMA) and its members, we thank you for your leadership during these difficult times. As our nation begins to chart a new economic path forward amidst the COVID-19 pandemic, we ask that you continue to prioritize our nation's mining sector, which has been particularly hard hit with significantly reduced demand, a surplus of inventory, and is bracing for uncertainty.

Our industry appreciates the recently published guidance for coal companies seeking royalty relief as well as your willingness to thoughtfully engage with us as we navigate this unfamiliar process. As we work closely with our member companies to support their pending royalty relief applications, we request an opportunity to further discuss these matters with the Department at your earliest convenience. This will give impacted companies an opportunity to seek additional clarity about guidance and next steps.

You understand better than most the economic benefits of coal production on federal lands. Unfortunately, coal producers and the periphery industries they support – totaling as many as 404,000 direct and indirect family-wage jobs – face an existential threat that extends beyond the existing global pandemic. This essential industry needs royalty relief to ensure America's economic and energy security are maintained into the future.

NMA is committed to continuing to partner with you as we work together to recover from this pandemic. Thank you for your recognition of our industry and its contributions to the economy and wellbeing of our nation. Please feel free to contact me at rnolan@nma.org or our general counsel, Katie Sweeney, at ksweeney@nma.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Nolan".

Rich Nolan

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Meeting Information Request Form

To ensure that the appropriate individual within the Department of the Interior is meeting with you on a given matter and because the Office of the Secretary is committed to maintaining the highest ethical standards, we need the information requested below before we can agree to schedule a meeting.

Please respond to the questions below and send your response to scheduling@ios.doi.gov. If you have any questions you may contact the Scheduling Office at 202-208-7551.

Requesting individual/organization: (Please identify the person(s) name and affiliation) requesting the meeting, including any background information on the affiliated organization(s).)	Rich Nolan, President & CEO, National Mining Association Katie Sweeney, Executive VP and General Counsel, National Mining Association Justin Prosser, Director, Congressional Affairs, National Mining Association
Contact information (Name, Email, Phone):	Justin Prosser, jprosser@nma.org , (b) (6)
Please describe the action sought from the Office of the Secretary:	NMA staff and interested stakeholders would like to update the Secretary and BLM officials on the status coal production royalty relief applications.
Proposed meeting date (if date is flexible please indicate a proposed date range): Please identify any time sensitivity that impacts the date of the meeting, such as court-ordered or statutory deadline:	Weeks of May 18 and May 26, 2020
Proposed meeting location (City, State):	Conference call
Expected meeting participants (name, title, and organizational affiliation):	Katie Sweeney, Exec. VP and General Council Justin Prosser, Director, Congressional Affairs Deck Slone, Senior Vice President of. Strategy and Public Policy - Arch Coal Rachel Rogier, Lead Federal Affairs Representative - Arch Coal Michael Flannigan, SVP Global Government Affairs - Peabody Energy Ruth Demeter, Director, Federal Government Relations - Peabody Energy Bernard Masters, General Counsel - Navajo Transitional Energy Company Travis Deti, Executive Director - Wyoming Mining Association Brian Somers, President - Utah Mining Association James Grech, Chief Executive Officer - Wolverine Fuels
Are any expected meeting participants registered lobbyists or lobbying organizations, and/or registered under the Foreign Agents Registration Act? (If yes,	Justin Prosser, National Mining Association Rachel Rogier, Arch Coal Michael Flannigan, Peabody Energy Ruth Demeter, Peabody Energy

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please identify.)	
Are any expected meeting participants a partisan political candidate, a representative of a political party or a registered political action committee (PAC)? (If yes, please identify.)	No
Do any expected meeting participants seek or currently have any business interests with the Department such as permits, contracts, litigation, grants, etc.? (If yes, please identify.)	NMA litigation where DOI is a party: • NMA challenge to the Office of Natural Resource Revenue's 2016 coal valuation regulations, 81<i>Fed. Reg.</i> 43338 (July 1, 2016) –filed in the Wyoming District Court on June 12, 2019. • NMA intervened to support DOI in lawsuit challenging the lifting of the coal moratorium imposed in 2016 by Sec. Order 3348 and lifted by Sec. Order 3348 in 2017 – in the remedy phase of briefing before the Montana District Court. • NMA intervened in support of DOI in a still ongoing 2009 challenge to two BLM rules (1) the 2003 Mill Site Rule, 68 <i>Fed. Reg.</i> 61,046, (October 24, 2003); and (2) the 2008 Mining Claim Rule, 73 <i>Fed. Reg.</i> 73,789 (December 4, 2008) – oral argument held in Oct. 2017 but still awaiting decision. Arch Coal pending issue: • Issue before the U.S. Forest Service regarding the invalidated Colo. Roadless Rule North Fork exemption. BLM and DOI Solicitor's office are parties to ongoing discussions related to the lease and mine plan permits for the West Elk Mine. Wolverine Fuels litigation where DOI is a party: • Canyon Fuel Company, LLC (a subsidiary of Wolverine Fuels, LLC) intervened in a lawsuit filed by WildEarth Guardians in the federal district court of Colorado on September 11, 2015 against the BLM and the Forest Service alleging a violation of NEPA in connection with the lease of the Flat Canyon tract to Canyon Fuel Company, LLC. The case has since been moved to the

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	United States District Court for the District Court of Utah, Central Division, Civil Case No: 2:16-cv-00168-DN. The case is pending. Canyon Fuel Company, LLC (a subsidiary of Wolverine Fuels, LLC) intervened in an appeal filed by WildEarth Guardians with the Interior Board of Land Appeals objecting to the lease of the Greens Hollow tract to Canyon Fuel Company, LLC. IBLA Appeal No. 2016-0279. The appeal is pending.
Describe the proposed meeting topic/ agenda, provide available briefing materials, and identify desired outcome(s):	NMA staff and interested stakeholders would like to update the Secretary and BLM officials on the status coal production royalty relief applications.
Will the meeting involve legislation, broad policy options, or other general matters that involve a large and diverse range of persons and interests? (If yes, please describe.)	No
Will the meeting involve regulations, rules, or other matters that impact a specific industry, sector of the economy, or group of persons? (If yes, please describe.)	Yes – The meeting will involve the status of royalty relief applications, recently issued DOI guidance, and clarifying information.
Will the meeting involve a litigation matter, a permit, a grant, a contract, or any other matter that involves specific parties? If yes, please identify the matter and list the specific parties.	No
With which Bureau(s) or Office(s) does the proposed meeting agenda most align? Please list all, if more than one.	BLM
If the Secretary is unable to meet, is a surrogate desired? If yes, anyone specific?	Yes – Acting Assistant Secretary for Land and Minerals Management, Casey Hammond
Any additional notes or information?	N/A

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