



Mining and Metallurgical Society of America

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President's Message
THE SUCCESSFUL
AML SUMMIT

By Michael D.S. Blois

I am very excited to report back to the membership on the Abandoned Mine Lands (AML) Summit.

The Summit was co-sponsored by the CSM and Trout Unlimited. However, I think that it is fair to say that the MMSA did the lion's share of the organizing of the event. CSM provided the meeting rooms, catering, and helped with printing and registrations.

The Summit was held at the Colorado School of Mines on April 26th. Over 140 people registered and 115 people attended. This high attendance ratio was indicative of how relevant the AML issue is for many stakeholders. I was particularly pleased to note that there were representatives from a number of federal agencies, from the States of Colorado, Wyoming and Montana, a number of mining companies, mining associations, conservation groups, the environmental legal fraternity, AML consultants and academia.

This Summit was an important milestone for the MMSA in terms of the past, the present and more importantly, it has the potential to have a significant impact on the MMSA's future.

I believe that it is appropriate to recall a



Michael D.S. Blois
MMSA President, 2017-2018

relevant part of the Statement of Purpose that opened "The MMSA; An Overview and Brief History" that was "Prepared in Celebration of the 100th Anniversary of the Society: 1908 – 2008." The part states "The Society typically concerns itself with fundamental principles and with problems facing the industry in such areas as legislation, economic and education, as well as *environmental concerns*, labor relations, and health and safety. Representatives of the Society from time to time testify before legislative bodies and *provide advice to federal agencies* such as the Bureau of Mines." (the italics are mine). We can see, from the history, that the MMSA has been involved with environmental matters on a number of occasions in the past, especially in the 70s.

The first session was moderated by

Inside This Issue:

	<i>Page</i>
President's Message	1
Report on the AML Conference	3
Two new QP categories	3
New CPD Log Form	4
Committee Updates	4
Section News	4
Women's Mining Coalition 2018 FlyIn	5

Laura Skaer (Executive Director, American Exploration & Mining Association). The first speaker was Jeff Graves, Director of Active & Inactive Mines for the Colorado Division of Reclamation, Mining, and Safety. He discussed AML from the State’s perspective.

The second speaker was Chris Wood, President of Trout Unlimited. Illustrating the scale of the AML problem, Chris stated that the EPA estimates that 40 percent of the headwaters in the western U.S. are impacted by AML.

He recounted how Trout Unlimited wanted to restore a dry site in Utah. They worked with the Bush Administration’s EPA for two years to obtain the necessary permits. The restoration project itself took eight days to complete!

The two speakers from the National Mining Association emphasized that the major impediment to the restora-

tion of AML sites is the Clean Water Act (CWA). This is a criminal statute, as a result criminal penalties may apply together with civil ones. They made it clear that liability protection from the CWA should be a top priority as an outcome from the Summit. It appears that the CWA “trumps” other legislation. Dustin Sherer, aide to Colorado Senator Cory Gardner, mentioned that the CWA’s Citizen Suit provision is a major roadblock in terms of liability protection.

Dennis Ferrigno chaired the second session of the morning. Carolyn McIntosh, a partner at the law firm of Squire Patton Boggs, described the legal hurdles on potential AML projects. She highlighted the impact of the current CERCLA legislation. The fact that any liability is Strict, Joint and Several is a particular issue. I am not going to get out of my depth and try to explain the implications of this!

Carolyn also mentioned that State and Tribal standards might be more restrictive than the Federal ones. She was followed by Kathy Benedetto of the BLM (Department of the Interior). Kathy stated that the BLM’s January 2017 inventory of AML sites on public lands was about 50,000 sites!

Jeff Parshley of SRK Consulting described examples of Reclamation and Closure. He emphasized the importance of understanding previous lessons learned. There is a large gap between the theory and actual practice of successful remediation.

The last formal speaker of the morning was Erin Chancellor, counsel to the Administrator of the EPA (Scott Pruitt). She said that the EPA is investigating what can be done to facilitate AML cleanup within the existing framework, based on the pessimistic assumption that legislation will not change, even under the current Administration

After MMSA-hosted lunch, Ann Carpenter divided the participants into 10 working groups of about 12 people. Each group was tasked with identifying what concepts any proposed AML Good Samaritan legislation had to include and what it must not include.

Each group then presented its findings to all the participants. In addition to the flip chart papers, Dayan Anderson entered the comments into a “live” spreadsheet. After a long and tiring day, I was very pleased to note the enthusiasm of the remaining participants. As would be expected, the numbers dropped a bit after lunch.

The AML Summit committee is collating the feedback from the working groups and also from the post conference surveys. These findings will be presented to the Council and MMSA members shortly and naturally to all the Summit registrants. Betty Gibbs is setting up a dedicated Summit website.

Membership Applications

New Regular and QP Member Applications:

The following individual(s) have submitted membership applications and or changes to their membership status. They have either received approval of the Membership Committee as candidates or are currently under review:

If any member of MMSA has good cause to believe that any of the applicant(s) should not be granted Regular membership or QP membership, as appropriate, you are requested to make known your objections, in writing, to **Betty Gibbs**, Executive Director, within 30 days from issue of this Newsletter. In the absence of any objections and after receiving approval of the various committees, the candidate members and those members requesting a change of status will be confirmed as Regular Members or QP Members, as provided by the ByLaws.

<u>Applicant</u>	<u>Endorsers</u>	<u>Applicant</u>	<u>Endorsers</u>
George A Sturgis	Bill Wilson Hugh Miller Larry Radford, Supervisor	James M. Mattern	Bill Wilson Stuart Sanderson Paul Jones

<u>QP Applications</u>	<u>Area of Special Expertise</u>
George A Sturgis	Mining

The “on-site” comments were universally positive. One senior MMSA member went as far to say that this AML Summit was the best MMSA function he had attended in many years.

The intent is to use the Summit’s findings to draft language for Good Samaritan legislation that enhances AML cleanup. Given the current pace of Congress and the Executive branch passing legislation in Washington, the AML Committee realizes that the hard work lies ahead!

What will be the role for the MMSA in the future? Right now, it is too soon to predict. There could be a number of options. However, I believe that many of the Summit’s participants expect the MMSA to play a leading role.

As we chart the MMSA’s path for-

ward on AML issues, it is important to recognize those involved with the organization for the Summit. Since March 2016, Susan Wager has led the Next Big Thing (NBT) committee that developed the concept for the April summit. Yes, this Summit really was two years in the making!

Dennis Ferrigno took over as Program Chair to complete the detailed arrangements for the AML Summit. The Committee included Dennis Ferrigno, Mike Blois, Amy Jacobsen, Laura Skaer, Dayan Anderson, Paul Jones, Chris Wyatt, Ann Carpenter, Susan Wager, and Karen Jass. As always, a special word of thanks, to Betty Gibbs.

As I opened this Newsletter, I am very excited about the potential for the MMSA. We have the opportunity to bring our 100+ years of history and leadership in serving the US mining industry to reach beyond our society’s membership to act as a Change Agent for the broader group of stakeholders, affected by and involved in the AML arena, to collectively drive a solution to this ongoing and ever-challenging issue.

Thank you for your on-going support of The MMSA.

Report on the AML Conference Committee by Susan Wager, Chair.

Good Samaritan Protection to Enhance Abandoned Mine Land Cleanup held on April 26, 2018.

The AML/Good Samaritan initiative came out of the Next Big Thing Committee. The NBT was the result of several retreats held by the MMSA over a period of about two years starting about four years ago. The original intent on the retreats was to take a look at the MMSA, where we came from, where we are and where

are we going.

After examining several possibilities, the Committee decided on hosting a summit on Abandoned Mine Lands (AML).

This focus supported the goals set forth for the Next Big Thing including: it should be important and relevant, it should be a multi-year, long term effort, and it would benefit the MMSA by raising the visibility of the MMSA and invigorating the current membership and attracting new members.

We also had people join the committee that had a passion for the AML issue and many years of experience. Members of what evolved into the AML/Good Samaritan summit team were very focused on what type of event the MMSA should host. It was decided that for this summit, we would focus on the Good Samaritan legislation that will be needed in order to move forward with AML cleanup, and that it would be a working session.

We had a very successful summit that was the result of so much experience and hard work on the part of the team, and yet, we are just beginning.

We are compiling our notes and the survey results and organizing our thoughts after the Summit. The surveys of attendees had many good ideas and comments. The MMSA will be an active and visible agent in Good Sam legislation and AML cleanup.

I would like to have some new people join the NBT/AML effort and I encourage interested parties to contact Betty or myself. Finally, I want to thank all of the members of the AML/Good Samaritan Summit team for all of their experience, hard work, and enthusiasm.

Membership Update

The following changes in membership have taken place since the last newsletter, with the authority of the respective membership committees.

Regular Member Additions:

**Robert J Johansing
Nick Michael
Hamid Samari**

QP Members Confirmed:

**Robert J Johansing
Hamid Samari**

Membership Deletions:

None

MMSA presently has a total of **346** members, **2 in process**. Currently, **200** members are QP members

Additions, deletions and routine changes to the Society’s data base and member biographies are accessible through the Members Only page in our web site, at www.mmsa.net This data base is the best source for information on any particular member.

MMSA News

MMSA Announces Two New QP Categories are ready for application.

The two new QP categories were approved at the Annual Meeting in February subject to final editing of the descriptions. The QP Enhancement Committee revised the descriptions slightly to conform to international reporting standards.

The new categories are now ready for application by any member. If you do not have a QP, use the application to apply for QP status. If you already have a QP, you can apply to have an additional status added to your qualifications.

Mineral Valuation and Finance

An applicant for this QP category should:

- a. Be an engineer or geoscientist with a degree in mineral economics, geology, mining or metallurgy.
- b. Have at least ten years of experience in minerals valuations, mineral economics, or minerals financing; with demonstrated familiarity with international valuation codes, the use of Net Present Value, Internal Rate of Return and Payoff Periods and an understanding of macro and micro economics related to a broad topical background in various mineral commodities.

Minerals Project Costing, Infrastructure and Management

An applicant for this QP category should:

- a. Be an engineer or geoscientist

with an appropriate engineering degree.

- b. Have at least ten years of experience in any combination of the following:
 - i. cost analysis for mining and mineral related projects components including the use of available data bases, historic costs, application of appropriate levels of contingency;
 - ii. analysis, design and costing of mining related infrastructure requirements such as roads, power, water, shops, laboratories and offices and port facilities with experience in researching and confirming of capital costs and operating components including the use of available data bases, historic costs, application of appropriate levels of contingency; or
 - iii. management of surface and/or underground mining projects through the construction and start-up phases. Capabilities in controlling project costs, schedule and monthly progress reports. Experience in dealing with contractor and vendors including bidding, bid analysis and awarding contracts.

The revised QP form is available on the Web site. The description has also been added to the FAQ.

Committee Updates

New CPD Log form

The new CPD Log form for QP members to report their continuing professional development hours has been approved by the Council and loaded to the MMSA Web site. The forms, instructions, and FAQ

are available from the Members only page. Those documents have also been sent to QP members.

The MMSA CPD form, while recommended, is not mandatory for use by our QPs. If a QP prefers to use a form from another professional entity such as the AIPG, AusIMM, etc, that is acceptable as long as it addresses ethics, continuing education, and professional practice and development.

QP members can voluntarily submit their logs at any time. Each year a number of QP members will be requested to submit their logs for auditing. Any logs submitted voluntarily will also be audited. See the instructions and FAQ for details.

The **Membership Recruitment Committee** has been active. Several potential members have been invited and a couple have already completed the process. Bill Wilson is the head of the committee and welcomes input and other members.

Ad Hoc Exploratory Committee has selected 10 members from the original 20 proposed. The committee will start meeting in June to discuss the proposal presented at the Annual Meeting to collaborate with and/or join with SME or other similar professional organizations. The Committee members include: Amy Jacobsen, Chair; Matt Bender, Matt Collins, Steve Hearn, Ronel Kappes, Richie Waller, Jill Nelson, Karen Jass, Mary Little, Stan Dempsey, Jr., Pat Gochnour. Amy wishes to thank all who volunteered.

Do you want to join a Committee? A couple of committees are looking for additional mem-

bers:

- **Next Big Thing** Committee would like people with fresh ideas for continuing to develop the AML themes.
- **Membership Enhancement** Committee wants additional members to address the Senior QP proposal.
- **Membership Recruitment** Committee headed by Bill Wilson needs more help.

Section News

Utah Section has been having afterwork meetings. The Section will be taking a break during the summer. The meetings area being scheduled on the same night as the SME Utah Section meetings. Thanks to Mick McCaslin for organizing the meetings.

Colorado Section had an interesting year with a variety of speakers. The May meeting talk was given by Stan Dempsey of the Colorado

Mining Association about what happened during the Colorado 2018 legislative session. Plans are to have speakers in the Fall give talks related to the AML conference and issues around Good Samaritan legislation.

Women's Mining Coalition 26th FlyIn—April 2018

Thirty-six members of the Women's Mining Coalition (WMC) from 16 states traveled to Washington D.C. for the 26th annual Fly-In meetings on Capitol Hill during the week of April 23, 2018.

The 2018 WMC Fly-In efforts yielded 164 face-to-face meetings with Congressional offices and in 21 cases, meetings with elected officials themselves. WMC Fly-In participants also discussed critical and strategic minerals with the U.S. Geological Survey and senior offi-

cial from both the Department of the Interior and the Bureau of Land Management.

In a separate meeting, WMC participants met with a senior official from the U.S. Forest Service to discuss streamlining the permitting process on National Forest System lands, especially for initial mineral exploration projects, as well as maintaining access to critical and strategic minerals exploration areas.

In a special meeting held in the Eisenhower Executive Office Building within the White House compound, WMC was briefed by officials from the *White House*, the *Environmental Protection Agency*, the *Department of the Interior*, and the *Council on Environmental Quality*.

See the WMC Web page at <http://www.wmc-usa.org> for details about the 2018 FlyIn.

Critical Minerals List Published to the Federal Register May 18, 2018. For details see:

<http://www.federalregister.com/Browse/Document/usa/na/fr/2018/5/18/2018-10667>

Amodei Amendment #122 to the National Defense Authorization Act (NDAA) passed the Floor of the House of Representatives on a bipartisan vote. The amendment would facilitate streamlined permitting for critical and strategic minerals. To see the amendment:

https://amendments-rules.house.gov/amendments/AMODEI_054_xml51618162903293.pdf

Mineral Project Reporting Under NI 43-101

EduMine offers This peer-reviewed course for professional engineers and geoscientists concerned with mineral project reporting for an issuer on a Canadian stock exchange. For more information about the course, go to the link below. There is a cost.

<http://www.edumine.com/courses/online-courses/mineral-project-reporting-under-ni-43-101/>

QP seals are available from MMSA.

The seal comes as a self-inking rubber stamp and the stamp is about 1 high by 2.6 inches wide. The stamp has the MMSA logo, member name, and member number. The cost is \$35, including shipping. To order a QP seal, contact the MMSA office or order directly from the MMSA Web site (www.mmsa.net/payments). The QP seal is in the Products category.

2008 MMSA Centennial Medallions

are available for the great price of \$40. The coin has 1 oz of silver and 24 carat gold plating. Contact MMSA office to order.

