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On the Cover Rincon Pelicans at Rio Grande Resources, submitted by Edward Griffin.
Texas Mining and Wildlife

Mining is a significant part of the Texas economy and the Texas landscape. There are lignite mines running from the South to the Northeast part of the state, uranium mines located primarily in the Southern portion of the state, and aggregate mines (crushed stone, sand and gravel, and caliche) in nearly every Texas county.

Of course, mining can be conducted only where the reserves are located - mostly in our state's most remote locations. Mine operators strive to conduct their activities with minimal impact on human populations, working to be good neighbors to the local communities and the public in general. There are, however, other neighbors that live right in the middle of mining activities – those neighbors are the abundant and diverse Texas wildlife species.

Mining can be disruptive to plant and animal life, so mining operators have taken great strides to not only reclaim the land they mine, but also enhance the land to create additional value for species that live in the area. In some instances, mining companies have created entirely new habitats to attract species such as quail, ducks, and turkeys. Mining companies have also reintroduced animal and plant species that once lived in these areas many years ago.

Consider a sand and gravel deposit that lies under pastureland a short distance from a river. Over the last several millions of years, the river has deposited sand and gravel as water has flooded and subsided and slowly changed course. Because of the close proximity of the river, once the resource has been mined, it is not recommended to fill the pit and bring it back up to the previous elevation due to potential leaching that may take place from the fill material. A better use would be to slope the sides down to the water level and allow aquatic life to begin growing. Before long, cattails grow up, fish species thrive and various other aquatic plants and animals take hold. A new, and often better, use for the land has taken shape due to reclamation efforts.

This is just one example of the many and various types of reclamation work that is being done at mining operations across the state every year. The Texas Mining and Reclamation Association (TMRA) works to help create a necessary balance between the public, mining operations and the environment. As our state's population continues to grow, mining and mineral extraction will be as important as ever to provide the necessary resources to carry us into the future. With that, it will be industry's duty to protect and enhance the areas in which Texas' wildlife call home.

Steve Eckert
**New Members**

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Welcome to a New Beginning

Welcome to the new “Texas Mining” magazine! Moving from an e-newsletter to a printed magazine has been a huge undertaking. It is our hope that you find the new layout and content informative and enjoyable.

We begin this new endeavor with an issue focused on wildlife. Too often, the public’s perception of “mining” conjures visions of barren, stripped land or filthy miners exiting an underground mine. As we know, the reality of mining in Texas is vastly different. The story rarely heard by the public is that of our land and resource stewardship, primarily through reclamation.

I recently had the opportunity to visit several lignite operations, spending significant time with mine reclamation personnel. I continue to be amazed at their dedication. From the creation of wetlands and other beneficial habitats, to the monitoring and protection of animal species, TMRA members go above and beyond simply meeting regulatory requirements. The result is a better and even more beautiful Texas. It’s a message that we in the industry should continue to tell at every given opportunity.

TMRA held a member photo contest to fit with the wildlife theme of this issue and the response was outstanding. We received many fantastic photos from mine sites around the state that included bald eagles, deer, quail, wild turkeys and more. Congratulations to Edward Griffin of Rio Grande Resources (RGR), who submitted the winning cover photo, a group of pelicans flying over Ricon Lake on RGR’s property.

As we move forward in the coming months, we will be on the lookout for interesting story ideas and articles. Please email me with your ideas and suggestions at: trey.powers@tmra.com.

Trey Powers
2 OUT OF 4
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Nurturing Nature at Luminant’s Big Brown Mine
In the spring of 1997, new feathered additions were discovered nesting at Luminant’s Big Brown Mine, near Fairfield, Texas. Listed by the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department as endangered species, the interior least terns (Sternula antillarum athalassos) decided to take up roost and make Big Brown Mine their new home.

“Because terns generally nest in bare, sandy, open areas, Big Brown’s terrain and landscape is an ideal habitat for the species,” said Heath Martin, Luminant environmental supervisor. “To help rehabilitate them, we brought together a team of regulatory agency experts to develop a five-year management plan. Since breaking ground on this conservation effort, the terns have nested at Big Brown Mine nearly every year and we’ve seen populations increase significantly.”

Big Brown Mine environmental specialists have recorded more than 300 nests which have successfully raised more than 200 fledglings since 1997. The terns have even increased their habitat coverage, with additional nesting sites at Luminant’s Turlington and Kosse mines.

“To help these birds thrive and create permanent nesting sites, the primary objective of the plan was to increase their forage habitat,” said Maggie Bonds, Luminant environmental specialist. “Through our conservation efforts, we’ve seen this species begin to flourish and we’re hopeful that with increased environmental awareness the terns will eventually be freed from their endangered species status.”

A number of endangered, threatened and protected species, including the interior least tern, bald eagle, timber rattlesnake and alligator snapping turtle, as well as an abundance of other wildlife, benefit from Luminant’s restored mined lands and reservoirs. To read more about Luminant’s environmental legacy, visit our Environmental Stewardship and Environmental Education fact sheets at www.luminant.com/responsibility/environment/facts.aspx.

Submitted by Maggie Bonds
Northern Bobwhite Quail Thrive Around Sabine Mining Company’s South Hallsville No. 1 Mine
A variety of wildlife species inhabit the reclaimed surface mine lands of Texas, including the Northern Bobwhite Quail. Quail rely on habitat components including grassland, cropland, shrub cover and woodland to support behaviors including nesting and brood rearing, feeding, escape and roosting. In many cases, Texas’ reclaimed mine lands provide island-like sanctuaries for these birds.

Over the past several decades, the increased use of improved sod grasses, such as hybrid bermudagrass, has steadily degraded habitat quality in much of the state. These highly productive grasses are favored in grazing and hay production, yet provide little in the way of usable food or cover for wildlife. With many of the lignite operations across the state, the use of native bunchgrasses for herbaceous cover has greatly enhanced habitat quality. These grasses provide nesting habitat and valuable food, while requiring far less fertilizer and precipitation than many improved sod grasses.

In the case of Sabine Mining Company’s South Hallsville No. 1 Mine, native grasses are used in land management units of grazingland, forestry and fish & wildlife habitat. These include indiangrass, switchgrass, little bluestem, big bluestem and side oats grama, among others. The resulting overall landscape provides large contiguous blocks of native grasses interspersed with plantings of varying aged pine and hardwood stands. This landscape mosaic provides a mix of areas for feeding/foraging and resting/loafing, which are necessary for redeveloping and sustaining Northern bobwhite quail populations. Because of improved habitat conditions, this non-migratory species, which has experienced dramatic population decline statewide, has seen ro-

Left Habitat assessment on reclaimed mines

Below NETFO during breeding bird survey conducted at Sabine Mining Company
bust population growth at the site.

To further promote the local population of quail, Sabine Mining Company has embarked on a cooperative effort between Texas Parks and Wildlife (TPWD), The Northeast Texas Field Ornithologist (NETFO), and HF & Associates, Inc. This effort has involved annual surveys to determine rough population numbers and habitat preference. Information gained from surveys has led to the selection of management techniques, such as rotational shredding, to facilitate quail nesting. Additionally, woody mottes and corridors have been planted within grazingland tracts to increase usable space and create habitat connectivity.

“All participants on the surveys have commented on how many quail they have heard at the Sabine Mine land, compared to other locations in Northeast Texas, where it is very unusual to detect them,” said Dr. Peter Barns of The Northeast Texas Field Ornithologist (NETFO).

For its efforts, Sabine Mining Company was awarded the Lone Star Land Steward Award by TPWD in 2011. “Sabine’s reclamation success in restoring native grassland ecosystems has resulted in the return of healthy, natural quail populations to east Texas,” said Leland Starks, environmental specialist of North American Coal’s Sabine Mine.

Other mines across the state have also been successful in developing habitats conducive to improving Northern bobwhite quail populations. For example, Texas Westmoreland Coal Company’s Jewett Mine has observed quail using reclaimed stream corridors to travel between vast pastures of bunchgrasses. Similarly, bunchgrasses planted at the San Miguel Electric Cooperative’s San Miguel Mine help to promote both bobwhite quail and wild turkey.
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Ecosystem Thrives at San Miguel Lignite Mine
San Miguel Lignite Mine is located approximately 50 miles south of San Antonio. This 20,000 acre mine supplies fuel to the San Miguel Electric Cooperative. There are 5,523 acres of reclamation and 42 reclamation and sedimentation ponds which many species of migratory birds visit and native animals call home. Many varieties of native grasses and forbs provide food and habitat for these species.

A visitor may catch a glimpse of a wide variety of wildlife on the mine. In winter, many varieties of ducks, geese or even a Roseate spoonbill feed and rest in the ponds. Bucks may be seen looking up to maintain their dominance. In spring, the established reclamation areas provide Bobwhite Quail, Rio Grande Turkey and other precocial species' chicks an area to hunt for insects.

Predators utilize the cover also. American Alligators lie and wait in and near ponds, for a careless water fowl or hog. Crested caracaras soar in the wind currents searching for remnants of a carcass that may have been left from a coyote meal the night before. Occasionally, you will see a bobcat looking for one more meal to take to her kittens before the South Texas sun gets too hot.

Reclamation can create a healthy and thriving ecosystem for Texas wildlife.
Thank You
to the Following TMRA Members
for Submitting Their Wildlife Photos!

Hogs on the Run
Submitted by
Ben Baudoun, Luminant
– Martin Lake/Beckville
Mine

This picture is from the Luminant Martin Lake Beckville Mine. It shows the feral hogs (Sus scrofa) that frequent one of the final pit ponds here in previously mined reclamation.

Red-Tailed Hawk
Submitted by Derrell Ezell,
Texas Westmoreland Coal Company - Jewett Mine

This Red-tailed Hawk (Buteo jamaicensis) has a large Copperhead snake grasped within its talons. The snake was still moving at the time the picture was taken; however, we assumed it was near to becoming a meal.

This appears to be a mature hawk, which at this stage can be 19-25 inches in height with a wingspan of 48-54 inches. Habitat for the Red-tailed Hawk consists of open hunting areas with woodland seclusion nearby for nesting. Females will commonly lay 1-4 eggs in a stick nest in trees bordering the reclaimed mine areas. These hawks are the predominate raptor seen throughout the reclaimed mine areas. The Red-tailed hawk plays a very important role in controlling the rodent and in this case, reptile populations.
Turkey Flared

Submitted by Marty Irwin, Luminant – Three Oaks Mine

Last spring in the Luminant wildlife mgt area. We have seen flocks as large as 22 this fall.

Rincon Pelicans & Doe and Twins

Submitted by Edward Griffin

Some of the wildlife that frequents the area around Rio Grande Resources.
The Buckhorn Museum features wildlife from all over the world; including fish, birds, and animal oddities. Our exhibit halls are comprised of over 520 species of wildlife, many of which are record holders.

The Buckhorn is home to a world record whitetail deer, the famous ‘78 Point Buck’. This impressive rack was sold to the saloon owner himself, Albert Friedrich, for a mere $100 dollars back in 1890. Other amazing specimens include a record 1,056 pound black marlin and a 10,000 year old pre-historic Irish Elk skull and antlers.
Schedule of Events
as of March 22

Saturday Afternoon
• Dove Hunt

Sunday
• PE/PG courses
• Industry Committee Meetings
• Board of Directors Meeting
• Welcome Reception

Monday
• Golf or Optional Riverwalk Cruise/Brunch
• Fun Night @ Buckhorn Saloon

Tuesday
• General Sessions
• Dinner
• Auctions

Wednesday
• Optional Tour (TBA)

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Industrial Minerals

TMRA submitted written comments to the Texas Commission on Environmental Quality (TCEQ) on behalf of the Industrial Minerals Committee, related to administrative rulemaking for House Bill 571. Passed in 2011, this legislation requires the registration and inspection of all aggregate production operations and includes an annual registration fee, not to exceed $1,000. TMRA commented that the agency should establish a set fee for all registrants, rather than a sliding fee schedule based on production or acreage.

Lignite

Texas Legislative Committees have been tasked with addressing an unprecedented number of energy and environmental related interim charges.

The Texas Legislature, especially the Senate Committee on Natural Resources, will be addressing numerous energy and environmental interim charges this coming year. The charges include assessing the direct impact of EPA rules on the energy/electricity sector and resulting downstream effects. The Committee has also been tasked with reviewing the State Water Plan, the management of groundwater resources, the use of water in energy production, Texas’ renewable portfolio standard (RPS), and the environmental impact of shale gas development.

Environmentalists have elevated arguments that water demand is a reason to shut-down coal generation units.

The Sierra Club, amongst others, have elevated attacks on the coal-fired power generation industry based on its alleged water use, including releasing a report in February 2012 entitled Water for Coal-Fired Power Generation in Texas: Current and Future Demands. Arguments have included that shutting down units, in favor of other forms of energy, will reduce statewide water use. The majority of these arguments have been based on water “use” numbers, rather than water “consumption” numbers. This favors once-through cooling, which returns the vast majority of water back to its water supply. These arguments also typically do not analyze the entire water consumption life-cycle of non-coal sources of energy and do not look at the immediate detrimental effects of taking coal units offline.

Lawsuits against the Cross-State Air Pollution Rule are proceeding.

EPA’s Cross-State Air Pollution (CSAPR) was supposed to go into effect January 1, 2012, but following challenges in Federal court, CSAPR has been stayed until the court makes a determination on the rule. The court intends to hear oral arguments on April 13, 2012, with an expected decision in June. Even if the court rules in favor of EPA, the rule will likely not be back into effect until 2013.

The Mercury and Air Toxics Standards (MATS) Rule has been finalized.

Formerly known as the Utility MACT Rule, EPA’s Mercury and Air Toxics Standards (MATS) rule was finalized on February 16, 2012, with an effective date of April 16, 2012. Existing units will have three years to comply with the new standards, including strict emissions limits on mercury and other hazardous air pollutants (HAPs). Units will have a potential state-issued 4th year and, although unlikely, a potential EPA-issued 5th year to comply. The final rule included a lignite subcategory, which recognized the difficulty of lignite units in complying with mercury standards by providing slightly higher mercury emission limits; this subcategory will likely be challenged in court. Suits must be filed in Federal court by April 16, 2012, and already, numerous petitioners have filed suit opposing the rule.

The Coal Combustion Residuals (CCR) Rule has an expected finalization date of late 2012.

EPA proposed the Coal Combustion Residuals (CCR or Coal Ash) Rule in June 2010. This proposal included two possible outcomes: hazardous or non-
hazardous regulation of CCRs. The rule is expected to be finalized in late 2012, but there has yet to be a clear signal on which option (hazardous or non-hazardous) EPA will choose. The rule, as currently proposed, does not address mine placement of CCRs.

Office of Surface Mining Reclamation and Enforcement (OSM) intends to propose a mine placement rule by spring 2013.

OSM originally intended to propose a rule regarding the mine placement of CCRs following EPA’s finalization of its CCR rule. Given the delays in EPA’s rule, OSM is now progressing concurrently with EPA, with an expected rule proposal by spring 2013. OSM will not be basing this rule on previous attempts at rulemaking, announcing that it will be “starting with a blank slate.”

Uranium

Uranium companies in Texas continue to wait for the EPA Region 6 Office to take action on the aquifer exemption requests submitted by the Texas Commission on Environmental Quality (TCEQ). The aquifer exemption requests are a required part of the permitting process at the TCEQ that would enable uranium mining companies to mine in new areas. The TCEQ has provided all information required by EPA Regulations and Guidance Documents. The TCEQ and uranium mining companies continue to talk to the EPA Region 6 Office in an effort to obtain the aquifer exemption approvals that are similar to exemptions previously granted in Texas and that were granted recently by other EPA Regional Offices.

The TCEQ has recently clarified the type of information that is required to be submitted in the uranium mining permitting application process with a seal from a professional engineer or professional geoscientist. The TCEQ has also stated that these professional seals are necessary because the geologic maps and cross section information that requires a seal is considered practice for the public. The Texas Board of Professional Geoscientists recently looked at the issue and pointed to the TBPG’s governing statute that establishes that the Texas Board of Professional Engineers defer to the TCEQ rules and the seal requirements established by the TCEQ.
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