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Congressional Record S. 3207 - Mining Exploration

Mike Mansfield 1903-2001
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CONGRESSIONAL RECORD — SENATE

S 3207

By Mr. CHURCH (for himself, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. METCALF, and Mr. MOSS):

S. 1240. A bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earth-moving equipment. Referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I introduce for appropriate reference, on behalf of myself and my distinguished colleagues, the Senator from Idaho (Mr. JORDAN) and the Senators from Montana (Mr. MANSFIELD and Mr. METCALF), and the Senator from Utah (Mr. MOSS), a bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earth-moving equipment.

The West has long borne the scars of mining. Our mountains are pock-marked with abandoned tunnels, tailings, and the ruins of old mills, where rich ores were once extracted from the hard rock.

Today, however, the advance in technology from pick-and-shovel prospecting to mineral exploration with the bulldozer has created serious new problems, not known to the early West.

The mining law has failed to keep pace with mechanized prospecting. One man with a bulldozer, in search of minerals, can scrape away the topsoil, ruin a streambed, or wreck a mountain meadow—with no requirement that he abate these damages. He is given unlimited license by the archaic General Mining Law of 1872.

Mr. President, this bill is in no way designed to discourage or disrupt legitimate prospecting on the public domain, which is necessary to our mineral economy. It would not affect pick-and-shovel prospecting, but it would subject mechanized prospecting to reasonable regulation.

In certain areas, where, due to fragile soil conditions, steep slopes, or high elevations, bulldozers would cause irreparable damage, their use could be prohibited. Everywhere, the employment of bulldozers or other mechanical earth-moving equipment for mineral exploration would be preceded by the filing of a declaration of intent as to how and where the proposed prospecting would be carried out, and the posting of a performance bond with the Bureau of Land Management Office nearest the affected area.

The operator using bulldozers or other mechanical earth-moving equipment would be responsible for the exercise of reasonable restraint, including the restoration or reclamation of the surface of the lands, unless a valid discovery is made.

The Secretary of the Interior would be directed to prepare and publish in the Federal Register the necessary regulations to carry out the provisions of the act, and in the case of any actions affecting the national forest lands would be required to consult with and receive the approval of the Secretary of Agriculture.

It seems to me, Mr. President, that this legislation is long overdue. With increasing public demand that decent protection be given to the quality of our environment, we would be remiss in our duty if we failed to call upon the mining industry to accept responsibility in its prospecting activities on the public lands.

Mr. President, I ask unanimous consent that the text of the bill follow my remarks, together with a statement by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD).

There being no objection, the bill and statement were ordered to be printed in the Record, as follows:

S. 1240
A bill relating to prospecting and exploring for minerals on public lands of the United States by means of bulldozers or other mechanical earth-moving equipment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)
and degradation, but by the far reaching expressions of concern on the part of millions of Americans. I will continue to believe that the Congress has a clear mandate to join with the concerned in providing the impetus that will bring about an essential measure of control.

This past year, the travels in my State of Montana and from considerable correspondence received, I believe that many people, I have been made keenly aware of the dimension of the problem. The need and desire for continued and increased economic growth has, in the past, often taken precedence over other and equally important considerations. In Montana these have been particularly manifest in the rapid mining on both federal and private lands.

My distinguished colleague, the junior Senator from Montana, Mr. Metcalf, on November 18 eloquently brought national attention to the problems of timber management on federal lands. In the past, the Government has effectively presented the concepts of multiple land use, a concept and philosophy based on the principle that management of federal holdings embracing mineral and timber production, recreational use, agricultural uses, and cultural uses is necessary.

Where effectively administered, this approach has met with the wholehearted support of the people. There is little question that the time has come for the reaffirmation of the multiple use concepts based upon a vital recognition of environmental considerations.

In September of 1964, the Congress created the Public Land Law Review Commission and has created charged with the responsibility of reviewing existing public land laws and regulations and asked that it advise the Congress with respect to the adoption of recommendations which will assure a realistic solution.

One of our major problems in providing for adequate legislation is that result of past legislation, of jobs half done and poorly done which lead that segment of the national economy dependent upon resources belonging to the people to believe erroneously that the Federal Government intends for the ultimate relinquishment of public lands, either in fact or in philosophy.

The bill introduced today is a step in the right direction. Our work is certainly not complete in these areas, but I do believe that we are making substantial progress in recognizing the extent and scope of our problems, as well as what measures are necessary to bring about a realistic solution.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join my colleagues as a co-sponsor of this bill because of several reasons. The first is the need to curb the use of bulldozers and other mechanized earth-moving equipment in mineral prospecting.

This bill is designed to prevent the use of such equipment wherever it is needed and where surface conditions permit its use. It is aimed exclusively at unnecessary and destructive use of bulldozers on fragile terrain. It also requires a performance bond to assure reclamation of the bulldozed area.

I feel sure that responsible miners will not object to the objectives of this proposed legislation. I have heard them express condemnation of mining property promoters and speculators who have gouged out waffle iron designs on entire mountainsides, allegedly for prospecting or mining work.

A responsible miner loves the outdoors and mountain scenery, and he resents irresponsible mining operations. Moreover, these miners utilize drilling and other modern techniques wherever possible to search for minerals and prove their claims, and they cooperate with the administrators of the public land.
islation to update the 1872 mining law, but it is needed now and can apply until more extensive legislation is considered and enacted. Major legislative changes were recommended by the Public Land Law Review Commission, of which I was a member.

This law also will need to be implemented by State laws dealing with state requirements for prospecting, discovery cuts, and assessment work. I am pleased that my own State of Idaho recently enacted a law permitting modern methods of mineral prospecting.

Supplementary action by the states was recommended by the Forest Service in a reply I received to an inquiry about unsightly bulldozer pits found in the creek bottoms in Lemhi County in my State.

Mr. President, I ask unanimous consent to have the letter of October 26, 1970, from the Deputy Chief of the Forest Service, printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Hon. Len B. Jordan,
U.S. Senate.

Dear Senator Jordan: This responds to your letter of October 19, 1970, and the enclosure from Fred Crandall of Nevada City, California. Mr. Crandall deplores the bulldozer pits found in creek bottoms in Lemhi County, Idaho.

The Forest Service is also very much concerned with the unnecessary surface disturbance often associated with prospecting and exploration of mineral deposits. In our recommendations to the Public Land Law Review Commission we suggested that state laws be abolished which require discovery cuts and assessment work which do not directly develop the ore deposit. We further suggested that the United States mining laws be amended to require permits for prospecting and mining leading toward essential and productive development of mineral deposits rather than meeting a requirement of law which would, in effect, waste the miners' time and money and leave unnecessary degradation of the landscape.

The Environmental Policy Act of 1969 also lends a great deal of support to maintaining a quality environment. Forest Service policy for multiple use management is being re-framed to emphasize our past practices of conservation and continuing positive consideration of the environment in our management decisions.

We appreciate Mr. Crandall's interest in the National Forest and for taking the time for expressing his concern in this matter.

Sincerely,

M. M. Nelson,
Deputy Chief.