9-11-1972

Mansfield and Metcalf S.J. 266 Joint Res. Re: Temporary Moratorium on Federal Coal Leasing

Mike Mansfield 1903-2001
STATIONS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METCALF (for himself, Mr. MoSbA, Mr. Moss, and Mr. Moss): S.J. Res. 266. A joint resolution to provide a temporary moratorium on Federal coal leasing and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, on behalf of the distinguished senior Senator from Montana (Mr. Mansfield), the distinguished junior Senator from North Dakota (Mr. Bresnahan), the distinguished junior Senator from Utah (Mr. Moss), and myself, I introduce for appropriate reference a joint resolution providing for a temporary moratorium on Federal coal leasing and for other purposes, and for the purpose of bringing about a constructive action by the Congress on surface mine reclamation legislation.

Our resolution would direct the Secretaries of the Interior to withdraw temporarily from prospecting and exploration, lease or other disposal subject to valid existing rights, leases of coal owned by the United States pending action by the Secretary of the Interior to withdraw temporarily from prospecting and exploration, lease or other disposal subject to valid existing rights, leases of coal owned by the United States which are mineable by surface mining methods, the resolution being referred to the Committee on Interior and Insular Affairs.

We introduce this resolution and shall press for its adoption, because of the dismaying hopes for legislation during these thanks days of the Congress.

The House Interior Committee has completed action on a bill which deals with coal lands. The Senate Interior Committee has had on its agenda for several weeks a proposed bill, drafted and modified after three hearings, which covers other minerals as well.

It was my hope, shared by Chairman Jaekne and myself from the distinguished senior Senator from Montana, that the Senate Committee on Minerals, Materials, and Fuels, in whose jurisdiction we customarily get to mark up the bill at the scheduled executive session this morning, I regret that this was not possible. We were unable to get a quorum. In addition, there was objection in the minority of the Senate to the introduction of the bill.

Mr. President, the temporary moratorium is necessary in order to protect the land and water resources of America which are being disturbed by the present mining techniques now employed and inadequate reclamation of ground and surface.

The story of the rape of Appalachia is well known. Now the existing mining machines are burying the fragile loess of the Northern Plains. I believe the corporate leaders who are responsible for this activity have underestimated the feeling of the people.

To those who say that we must not step on this desolation because of the energy shortage, I have two comments. First, ours is a temporary moratorium. It would be better if legislation were enacted. Second, if the energy shortage is so critical, why were there not more than 20 million tons of coal shipped abroad during the first 9 months of this year? And why do the major, investor-owned coal utilities spend seven times as much on advertising and sales promotion of their scarce product as they do on research and development? Reduction of coal exports and a switch in R & D and advertising dollars will surely help close the energy gap until legislative action is approved.

I recognize that legislation is no better than its enforcement. But the decision as to whether an executive can enforce the laws is to be made by the voters themselves, rather than by the Senate.

Mr. President, one of the reasons for our concern deals with the administration's failure to keep its promise regarding regulation of mining on national forest. Two years ago Senator MoSbA and Senator Moss, and I had discussions with Forest Service officials regarding damage to national forests, by mining operations, in the Stillwater country near Billings, Mont. The subcommittee conducted hearings. We looked over the area. The Forest Service promised to take regulations that would insure proper reclamation.

The Forest Service kept its word, insofar as it was capable of doing so. I have a copy of its proposed regulations governing prospective and mineral development. But they have not been issued. And the reason, I am informed, is that they were killed, at a White House meeting attended by two Cabinet officers and a former Cabinet official who is now with the Committee to Reelect the President.

The latter has not been very communicative since the White House caper. He may not wish to comment on his role. But, surely, the Secretary of Agriculture, who is in charge of the Forest Service, could be called accountable.

I ask unanimous consent to have printed in the Record the text of the joint resolution.

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

S.J. Res. 266

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be and he hereby is authorized and directed to withdraw temporarily from prospecting and exploration, lease or other disposal subject to valid existing rights, leases of coal owned by the United States which are mineable by surface mining methods, pending pending applications for coal permits and suspending all coal leases for surface mining operations not in actual production pending Congressional action on legislation for the regulation of surface mining operations.

Mr. MOSS. Mr. President, will the distinguished Senator from Montana yield?

Mr. METCALF. Lydell.

Mr. MOSS. Mr. President, I commend the distinguished Senator from Montana (Mr. METCALF) for introducing this joint resolution.

As chairman of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee, I have, during both sessions of this, the 92d Congress, conducted many hours of hearings and flown over thousands of miles of surface mining operations from one side of the country to the other.

Hours have been spent in subcommittee meetings with, I might add, the great and full support of the minority members of the subcommittee. Three times in the last 6 weeks, our surface mining legislation has been on the agenda of the full Committee of Interior, but we have been unable to report the bill. An executive session was scheduled for 10 a.m. this morning, but no one from the majority side was present at 10 a.m. The minority had filed an objection in the Senate to the holding of the committee meeting after termination of morning business of the Senate.

Surface mining needs control. The area disturbed by strip mining climbed from 50,000 acres in 1965 to nearly 110,000 acres in 1970 according to the latest figures of the Bureau of Mines. The Council on Environmental Quality put the 1971 estimate at 241,800 acres and said at least 4,608 acres are being stripped each week.

I deplore the fact that environmental legislation seems to have become a political football for my Republican friends. Delay and recriminations of a political nature will not solve the problems of Appalachia, the mounting environmental problems of the West, nor those of the nation. I deplore the fact that environmental legislation is being held up over whether to invest or not, and of the environmentalists who have been yelling it like it is for months.

If we are unable to get our Republican friends to take committee action, and if we are unable to get the Republican leaders to refrain from the objections to the meetings of the Senate Interior Committee to make up vital pending surface mining legislation, other action must be taken.

I, therefore, join with my good friends from Montana in offering a joint resolution to protect coal lands owned by the United States and to withdraw such lands from coal leasing activity until the Congress acts on surface mining legislation.

Mr. Mansfield. Mr. President, one of the greatest issues we face in the West, and probably the greatest of all issues facing the people of the West, is coal and coal mining exploration in the Beartooth Mountains. The Federal Government has the necessary authority to take the initiative in establishing strong controls over strip mining on Federal lands and reclamation of both Federal and privately owned lands. A proposal is being made which applies to both coal and hard rock mining. The people of the State are concerned that indicated accelerated development of coal deposits and other minerals will leave vast portions of the State scarred and made useless forever. My colleagues, Senator Lee Metcalf and I do not want to see a repeat of Appalachia.

These mineral deposits can play an important role in providing energy to fuel the future of Montana, Wyoming, and the Dakota's, but their development cannot be done at the expense of surface landowners and general environmental considerations. Senator Metcalf, several other western Senators and I have attempted to obtain action on the part of the Federal agencies which have responsibility for managing Federal lands. Over 2 years ago the Forest Service promised that they would take the initiative in issuing mining regulations to insure reclamation within national forests. It now has become quite apparent that the Forest Service officials do not intend to do anything about it until after the election. They are too busy with matters of so serious that executive action is imperative. We want some law that requires the Forest Service to act responsibly this time that the Congress in cooperation with the States can get the needed set of regulations affecting both private and public lands.

I am pleased that the action I am taking by the House Interior Committee in reporting the Coal Mining Legislation which I introduced has been my hope that the Senate would also be able to consider the mining reclamation bill prior to adjournment. As of today, the prospects for such a consideration do not look good. For this reason, I am pleased to join with the junior Senators from Montana and Utah, Mr. METCALF and Mr. Moss, in the introduction of a simple sense resolution prohibiting all coal mining operations, excluding prospecting on all Federal lands until such time as Congress has acted. Again, I wish to state how unfortunate it is that the Forest Service has refused to exercise its authority in implementing a program of mining reclamation. I hope that the House will pass this legislation.

It is time that the Congress for all parties to proceed rapidly in setting forth a realistic set of surface mining regulations and reclamation requirements. The Federal
and the Interior believes this will be almost a year to the day that it was completed.

Mr. Anderson.

You are well aware of the lack of response at the Washington level to our requests for help in solving problems in the development of our forest resources and I am very concerned that the Forest Service regulations on mining on forest service lands mean that the Department of State Lands, through the administration of the Mineral Rock Reclamation Act, will have to go along with the resource management policies of the National Forest.

As you observed in your testimony in Billings, August, 1971, Montana has been forced into a responsible position on the basis of a leadership of the West. When Mr. Wicks and I took our position in Washington in late July, it was believed that the lack of attention we have received in the area of sound forest resource management is nationwide. Montana through the Congressional delegation simply does not have the resources to assure that regulation of land torn up by mining exploration will ever be a broken promise. The Forest Service then assured Metcalf and others it would draw up rules to protect the forest land.

Mr. President, an article appearing in the Helena Independent Record of Helena, Mont., contains an article and editorial printed in the Record, September 11, 1971, entitled, "Smoky the Bear Must Be Hiding His Head in Montana." Smoky the Bear must be hiding his head in Montana because of the failure of the Department of State Lands, through the administration of the Mineral Rock Reclamation Act, to establish regulations on mining on forest service lands.

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public domain lands to be consistent and as uniform as possible. Should Congress fail to act on the proposed legislation this session, the chief will again reconsider the promulgation of mining regulations for the National Forest.

We consider the objectives of the State and the Forest Service are close together in trying to achieve the best mined-land reclamation possible in the State.

There is some overlap in the laws of the State and the authorities which the Forest Service is authorized to exercise under Federal mining law. Some of the common varieties of sand, gravel, clay, and rock, and occur in some of our road contracts. In these cases it creates double administrative responsibilities and leaves the operator answering to both the State and the Forest Service for the same apparent objective. It does add some additional cost.

We believe it would be in the best public interest of both the State and the Forest Service to look forward ways of resolving this situation as soon as possible. However, we recognize that it may require an amendment in Montana Open Cut or Strip Mining Reclamation Act, Chapter 224, for clarification similar to the language as found in section 23 of Chapter 222.

Bob Manchester discussed this overlap area with you and your staff at the meeting in your office on July 17. I would appreciate your review of this situation and your suggestions for resolving it.

Sincerely,

Steve Yerich, Regional Forester.