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STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA)

before the
Senate Interior and Insular Affairs Committee
Tuesday, March 13, 1973

MINING RECLAMATION LEGISLATION

Mr. Chairman, I am delighted to be here this morning to testify in behalf of what I consider to be one of the most important pieces of legislation introduced thus far in the 93rd Congress--S.425--a strong Federal surface mine reclamation law which will supplement and support efforts underway in several States. The First Session of the 93rd Congress is off to a good start and the legislative process is moving faster than it has for sometime. We have much to do and one of the first matters of concern is the so-called 'energy crisis' --how it can be alleviated and how we can protect those that have the vast energy resources necessary to meet these energy demands. I hope that the Senate Committee on Interior and Insular Affairs will be able to give immediate attention to S.425 and its amendments after the conclusion of these hearings. This is a matter which must be brought before the Senate in the near future.

My State of Montana has a great stake in what happens to the vast resources of low-sulfur coal in the West. The potential and the hazards are astounding. I am indeed proud of my fellow Montanans because they are alerted to what the future portends. We, of the Big Sky Country, have made it abundantly clear that we are not interested in becoming another Appalachia
with the problems and devastation associated with unregulated surface coal mining.

I am delighted to report that under the leadership of our new Governor, Tom Judge, the Legislature of Montana is considering, and will adopt, several strong measures designed to insure preplanning, reclamation, plant siting, and orderly development of coal resources. In addition, it is hoped that the State will adopt measures protecting the individual landowner who does not wish to be swallowed up by large corporate interests. Governor Judge is here this morning and will present testimony on what the State of Montana is doing and how best the Federal government can supplement and support these efforts.

In the history of our Nation, far too often the less populated and rural states have found themselves "after the fact". Fortunately, today, Montana is aware of potential dangers of unregulated surface mining and is taking appropriate measures.

Mr. Chairman, I am somewhat dubious about the current "energy crisis." There are shortages of fuel in certain urban areas but I am convinced that the answers are as simplistic as some would like us to believe. The low-sulfur coal fields of the West aren't necessarily the answer for the next twenty years. These coal deposits may be the easiest solution but we are not going to stand by and let the large fuel corporations dig up Eastern Montana until the reserves are exhausted or they have discovered an alternative.
First of all, we should look at some of the causes of the "energy crisis"—too little concern with conservation of energy; concentration on production of high-profit fuels such as gasoline. Why haven't we encouraged the production of engines that utilize about half as much gasoline? I understand they are available in foreign nations, where automobile and fuel energies are conserved.

The Federal government should be channeling more money into research and development of alternative sources of energy such as magnetohydrodynamics (MHD). It is working in Russia. Why can't the process be developed here? It provides better utilization of coal, takes much less water, and pollution is at a minimum when compared to existing gasification plants. The Federal government should be moving with dispatch in constructing a National Grid System which will connect all major power generating systems in the Nation, enabling better utilization of power resources. We should be planning the installation of additional generators at several of our large hydroelectric projects. Responsibilities for the "energy crisis" and its solutions are multi-faceted and I am opposed to any simplistic answer such as immediate, unregulated coal surface mining in Eastern Montana.

I see no need to rush into coal development in the West. We need extensive preplanning, strong reclamation requirements with appropriate enforcement, at both State and Federal levels. We need to know whether reclamation can succeed in Eastern Montana. There must be more than "roadside"
reclamation. The National Academy of Science is now conducting an intensive study of the environmental implications of surface mining for coal in the western United States and the existing capability for rehabilitating the land, if it is mined. Even this prestigious group does not have the answers to many of the questions that plague those of us that are concerned. The Academy will not have its recommendations available before June, at the earliest.

The rights of the individual who owns the surface of the land must be given consideration. I still believe that if a man wants to be a rancher he should be able to do so except under very unusual circumstances and I am not aware of any in Eastern Montana. There are hundreds of thousands of acres in the eastern half of Montana, and there are portions of my State which obviously are not compatible with surface mining methods and reclamation; they should be left untouched.

Members of this Committee are aware that Montana is a State with a great heritage in mining. Mining was the incentive to settlement of the Lewis and Clark Country. Extractive minerals are the source of considerable wealth in the area. Until the 1970's we were concerned with deep, shaft mining which disturbed very little of the surface. Now we are faced with surface mining which strips away the topsoil and the surface to varying depths making thousands of acres useless and unproductive.

At the present time we have limited surface mining in Eastern Montana, it is not, as yet, of sufficient magnitude to generate deep concern. The reclamation procedures
are yet unproven. A major utility is constructing a power plant at the site of its deposits. Two and possibly four plants are proposed for the future. They are presented as necessary to the electric energy needs of the area. Admittedly, their utilization of water resources and pollution will be insignificant if monitored. What concerns me, and many of my fellow Montanans, is what is forecast for the future.

Large acreages of the subsurface mineral rights have been leased in Eastern Montana. There is a flurry of leasing activity. They are anxious to have Federal and State lands opened up. The lease holders are generally large corporate interests, with little or no concern about Montana. They tell us little beyond their immediate leasing requirements. They will mine, export the coal or construct a complex gasification plants. The latter is frightening. The consumption of coal, the pollution, and the associated socio-economic problems are of great concern.

What is contemplated in the next twenty or thirty years? Too little information is available--no one wants to commit themselves. The now notorious North Central Power Study projected a series of some 50 gasification and generator plants with a 50,000 megawat production level in Eastern Montana. The pollution would be unbelievable and reclamation would be of little consequence as nothing could grow anyway. Just recently new rumors have been circulating. A large corporation has made inquiries at the State level as to how they would like to see Eastern Montana grow with a new city of 200,000
inhabitants or ten cities with 20,000 citizens each! Predictions of this nature scare me. Montana is not prepared for this kind of boom and the many problems it brings. The most frightening aspect of such development is its temporary nature. What happens after the coal is extracted and the energy companies turn to other sources? Montana is left with the scarred earth, mass unemployment, and a depressed economy. If we can't get some guarantees that this development is going to last more than twenty years, it is not worth tearing up the State. As a Nation, we should have learned from Appalachia. This is not going to happen to Montana if I can help it.

Let us not hurry in the development of these coal deposits. We need extensive preplanning. We must have strong protective laws at the State and Federal level. We must have financial support at the State level for proper enforcement. We need an open discussion about where we are going. All of this should before any further coal development. In fact, a moratorium may be the answer until all of the guarantees and proper mechanisms are in their place. The future well-being of Montana and its citizens are deserving of every consideration above and beyond the almighty profit motive.

Thank you, Mr. Chairman, and I look forward to the early recommendations of this Committee.