3-19-1973

Congressional Record S. 1625 - Senator Metcalf's Statement on Regulation of Surfacing Mining

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2. Regulation of Surface Mining

2.1 We can institute a comprehensive research and planning program to develop the information necessary for intelligent resource decisions and enact laws sufficiently stringent to protect the value of the land and the quality of the air and the water.

2.2 We can strictly restrict or prohibit all further strip mining in Montana.

2.3 The first alternative, haphazard development, is totally unacceptable to the people of Montana. Since the coal region of Montana is primarily agricultural, uncontrolled destruction of land and pollution of the air and water would have disastrous effects on the economic and social structures that have existed there since the time of the homesteaders.

2.4 The second alternative, comprehensive research and planning and strong controls, in the coal development policy we are attempting to implement.

2.5 In the State of the State Message I delivered to the Montana Legislature I urged passage of the strongest strip mine reclamation law in the history of this country. A bill meeting this criterion has been passed by the Legislature and I will sign it into law on my return to Montana.

2.6 I also recommended a power facility siting law to give the state the authority to sur­

4.1 In addition, we have proposed an increase in the tax on coal and a Resources Indem­

4.2 To this point this administration has made only rhetorical commitments to solving the energy crisis.

4.3 We must balance distressed national pri­

4.4 We must approach funds for extensive research into the problem.

4.5 We must strive to inform the public and modify consumer demands for energy.

4.6 The legislation now before us represents a milestone in the growing concern of the American public for its land. I hope that it is only the beginning of steps to end iron­

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or even longer. It lacks specificity to demand complete reclamation. It would be weak, ponderous, and slow to enforce. In no way does it assure the detailed requirements for reclamation that are vital to reclaiming strip mined land in the West after the coal is gone.

In trying to walk the line between the mine operators and the ecologists, the President has fashioned a “business as usual” bill in disguise. The public won’t buy it. And the Congress won’t buy it.

There are several ingredients which must be present in a good bill.

First, it must cover all the lands in our 50 States, whether they be privately owned, Federal owned, State-owned or Indian lands. As the Woody Guthrie song says “This is my land, this is my land.” Minimal land reclamation standards should have no boundaries.

Reclamation must be defined as complete restoration of the land to as good or better condition than it was before mining.

Top soil must be saved and segregated to be available for resurfacing later. Reclamation requirements must be specific. Slope back fill, grade, and other requirements must be put down in black and white to avoid those sterile legal arguments whose only purpose is to delay and avoid reclamation.

Prospective mine operators must come to the Secretary of the Interior with a valid convincing reclamation plan which guarantees successful revegetation of the land. In the West, this would entail at least two or three years of proven re-growth to make certain it is permanent.

Progress reports on reclamation must be timely and be substantiated by inspections to prove the plan is being followed.

The Secretary of the Interior must have the power to ban strip mining in areas where reclamation cannot be proven, or where irreparable damage to the environment might result, or where the mining would infringe in any way on public roads, streams, public parks, etc.

The bill should represent our best judgment of uniform care for our land. But it should allow for precedence of State law whenever that law is stronger.

A strong national law should provide protection for water tables and water quality. This is of critical importance for my District where our mountain waters run clear and deep but we receive only about 12 inches of rainfall per year on the plateau. We must see that mining does not take water required for other important uses and we must also see that strip mining does not damage aquifers or surface water supplies.

The bill should have strong bonding requirements—much stronger, I might add, than the minimum $500 per acre included in last year’s House bill. Five times that would be more appropriate. Bonding is our surest guarantee that there will be resources for reclamation should a company prove negligent or incapable of the task.

The bill should contain ironclad assurances that violations by any operator anywhere in the United States will count against his operations elsewhere. To do this, it must establish the principle of strict accountability and enforce disclosure of parent-subsidiary relationships of mining companies, interlocking directorates, etc.

Your expertise in this field can make a unique contribution to drafting legislation that will require identification and responsibility of the coal mining companies, regardless of being a separate corporate entity, if it is a part of a complex conglomerate. As William Shakespeare said “a rose by any other name smells as sweet.” So, too, the satellites of a conglomerate smell and behave as does the parent or conglomerate of which it is a part, and conglomerates should not be allowed to escape responsibility for past delinquencies.

Infringe the law. As Secretary or the Interior must have the right to demand "The public won’t buy it. And the President of the United States will count against his plan.

In summary, Mr. Chairman, we need a strip mining bill which is national in scope, specific in detail, strict in its reclamation requirements and swift in its punishment of violations. I am confident this Committee can write such a bill, and am hopeful that we can get it through Congress and cleared for the President’s signature before the summer is out.