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Congressional Record S. 19095 - Surface Mining Reclamation Act

Mike Mansfield 1903-2001

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Mr. MANSFIELD. Mr. President, I wish to take a few minutes today to explain the intent of my amendment which was added to the provisions of S. 425—Surface Mining Reclamation Act of 1973. As my colleagues know, the amendment would remove from surface mining all minerals held by the Federal Government when surface rights are held by individual parties. This amendment does not apply to State lands. It does not apply when all parties are private owners, and it does not apply when the Federal Government controls both the surface and subsurface. I do not believe this amendment will have any serious effect on efforts underway to utilize the vast deposits of low sulfur coal in the western part of the United States in the current effort to develop new sources of energy during the so-called crisis.

In Montana there are 38 million acres of Federal minerals. There are approximately 10 million acres of this surface held by private individuals. These statistics were obtained from the Bureau of Land Management for all minerals, not just coal. Apparently the Bureau of Land Management does not have any statistical information on the surface and subsurface ownership patterns for coal in the Northern Great Plains region.

In Wyoming there are 43 million acres of Federal minerals with 13 million acres of the surface under private control. In North Dakota there are 4.8 million acres of Federal minerals with a little more than half of the surface held by private interests. Of the approximately 86 million acres of Federal minerals in the three-State area of Montana, North Dakota, and Wyoming, 36 million acres of the surface of such minerals are owned by someone other than the Federal Government. This leaves 60 million acres of Federal minerals and Federal surface that the Mansfield amendment would not affect.

In addition, I am greatly concerned about the surface mine process. I am specifically interested in protecting the rights of the surface owner who does not wish to sell the rights to the coal mining companies and also removing them from outside pressures and temptations.
I refer to the farmers and ranchers who have contributed immemorially to the agricultural economy of Montanas and neighboring States for a great many years. They should be given an opportunity to continue to do so. I am speaking in behalf of the folks living in the Powder River Basin and the Powder River Basin which join with our neighboring States of North Dakota and Wyoming.

As a woman from Sheridan, Wyo., wired me, the amendment would "at last relieve private citizens of industrial and political pressure while retaining choice of deep mining alternatives."

I have received a number of reports about excessive payments being offered by the coal companies for surface rights. I do not believe that the Federal Government should be associated with these negotiations when the Government is not retrieving any monetary benefit above and beyond the current payment of 17.5 cents per ton for coal.

I understand that some surface owners may have this amendment which permits the checkerboard acquisition of surface rights and continues to place the rancher and farmer who do not wish to sell in a difficult position.

Mr. President, in conclusion I ask unanimous consent to have printed a copy of the letter I addressed to the chairman of the House Committee on Interior and Insular Affairs on October 9, 1973, which explains my amendment in full detail.

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


Hon. James A. Halley,
Chairman, Interior and Insular Affairs Committee, House of Representatives, Washington, D.C.

Dear Mr. Chairman: On Tuesday, October 9th, the House passed H. 425, a surface mine reclamation bill. I believe this legislation is a major step forward in bringing about sensible controls over surface mining and other aspects of coal development in the United States. It is my sincere hope that these controls will be adequate to protect the environment.

My amendment is one means of forcing all interested parties to stop and take a look at what is happening.

At the conclusion of the Senate debate on H. 425, Senator Sparkman raised a question as to the applicability of my amendment to the Tennessee Valley Authority and its activities because TVA does operate in the name of the United States of America in exercising its right of eminent domain and in holding real property. It would appear that a modification is in order to exclude Federally chartered corporations of this nature.

It is my hope that the Committee will give serious attention to Senator Bill, S. 425, as amended.

With best personal wishes,

Sincerely yours,

Mike Mansfield.