

Strip Mining: A Practical Test for President Ford

In his message accompanying the annual report of the Council on Environmental Quality (CEQ), President Gerald R. Ford suggests that the nation has wisely rejected "extremes" in pursuing either environmental or economic goals and has accepted "the need for balance." On 13 December, the day following the release of the CEQ report and the presidential message, Ford's concept of balance was put to an important practical test.

Final House action on the long pending strip-mining legislation was to come that afternoon when the bill agreed to by conferees appointed by the House and Senate would be brought up. The President decided to veto this measure once it reached his desk. This surely meant killing the bill for this Congress.

An attempt that had been made on 9 December to have the House pass the bill under a procedure requiring a two-thirds majority—the same as required to override a veto—had fallen 30 votes short. This time only a simple majority was required for passage, and the House adopted it by voice vote without a roll call. Three days later, on 16 December, the Senate would also approve the bill by voice vote; in this body, however, the bill almost certainly would have commanded a two-thirds majority if the roll had been called.

Although the legislation had not satisfied the President's idea of what a well-balanced strip-mining bill should consist of, it was the product of nearly 2 years of legislative struggle and compromise. The Senate, acting in October 1973, had been the first to pass a strip-mining bill. Passage of the House bill came last July (*Science*, 9 August). There then followed some 70 hours of meetings between the House-Senate conferees. Like the Senate and House deliberations that had preceded them, the conference sessions pointed up two conflicting attitudes.

On the one hand, there was a concern for protecting environmental quality and the interests of people living in the coal regions. On the other hand, there was a concern not to hamper the rapid expansion of coal production needed to help reduce U.S. dependence on foreign oil. Although certainly the conferees were divided up to the last, if most had not embraced to some degree both of these concerns, no agreement would have been possible.

By its very nature, strip mining necessitates massive environmental disturbance. The strip-mining bill would allow stripping to continue, but would require detailed reclamation plans and a state or federal permit.

The reclamation requirements are addressed to mining practices that have proved especially destructive in the past. For instance, the bill would forbid strippers from leaving "high walls" and placing spoil or overburden on downslopes. Already, there are 20,000 miles of high walls in Appalachia, which strippers have left in cutting benches around the mountainsides to get at the coal seams. And, on the slopes below these benches, millions of tons of spoil have been dumped, often resulting in severe erosion and sometimes in landslides.

The bill would require that spoil be piled in a storage area for eventual use in backfilling along high walls to return the terrain to its "approximate original contour," a term of art that can be flexibly applied. More-

over, in seeking a permit, the strip miner would have to furnish data bearing on the consequences of the proposed stripping and the feasibility of reclamation.

The state or federal permitting authority could declare an area off limits for stripping if substantial agricultural resources or significant natural, historic, or esthetic values would be destroyed. Such protection could be especially important in the Great Northern Plains, where thick seams of lignite are sometimes part of aquifers on which ranchers and farmers over a wide area depend.

The bill looks to repairing past environmental ravages as well as to avoiding new ones. It would impose a modest 35¢-per-ton tax on strip-mined coal and a 25¢ tax on deep-mined coal, with the proceeds to be used for restoring lands stripped in the past and left unreclaimed.

While such provisions as those cited above reflect an environmental viewpoint, other provisions in the bill reflect the urgent need for expanded coal production. For example, existing "big pit" operations such as the one at the Kemmerer mine in Wyoming would be exempted from the usual reclamation requirements.

But, most important, the intensely controversial issue of surface owners' rights was resolved in a way that would probably be favorable to stripping. The original Senate bill would have forbidden stripping outright in places where federally owned coal is under private land; in the House bill stripping would have been allowed only with surface owners' consent, which some observers regarded as an invitation to extortion. Both of these approaches were abandoned by the conferees in favor of one that would give the right to withhold consent only to bona fide ranchers and farmers and, even then, would offer them an inducement or sweetener to permit stripping. The farmer or rancher could not name his own price, but he would be allowed to obtain up to \$100 an acre above fair market value.

The White House gave House Republican leaders four reasons why the President had decided to veto the strip-mining bill: (i) enactment of the bill would, it was believed, cause a substantial loss of energy; (ii) unemployment would be increased; (iii) budget outlays would go up; and (iv) the cost of energy would increase. All of these objections had of course been heard before. The predictions of a major loss in potential coal production had, especially, been rejected by sponsors of the legislation as a canard. In Pennsylvania, one of the few states to have a strong strip-mining control law, stripping has been increasing.

One presidential adviser who recommended a veto was the recently appointed head of the Federal Energy Administration, Frank G. Zarb, successor to John C. Sawhill, who was dismissed apparently because of incompatibility with Secretary of the Interior Rogers Morton, chairman of the new Energy Resources Council. The only agency head really to support the bill was Russell E. Train, of the Environmental Protection Agency.

If the strip-mining legislation is dead for this Congress, it will come to life again next year. Approximately 50 members of the House who have voted against strong strip-mining legislation will not be returning, and overriding a veto should be easier.—LUTHER J. CARTER