

20TH ANNIVERSARY OF SURFACE
MINING CONTROL AND REC-
LAMATION ACT OF 1977

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. RAHALL. Mr. Speaker, on February 26, 1972, at 8 o'clock in the morning, a coal waste dam failed on the Middle Fork of Buffalo Creek in Logan County. Over 175 million gallons of water and coal waste raced through a 17-mile valley. In its wake, 125 people were dead, 523 injured, and 4,000 left homeless.

Historically, the environmental effects of coal mining were often neglected. From the time surface mining techniques became widespread until the 1970's, it was assumed implicitly that the permanent degrading of the local surroundings and the pollution of streams was the inevitable price a community paid in return for jobs and tax revenue generated by the coal industry.

What happened at Buffalo Creek changed all of that. While the lives of those 125 individuals could not be reclaimed, their ultimate sacrifice raised the level of public attention to the plight of coalfield citizens from a local, to a truly national, level.

The Buffalo Creek disaster also became, in 1977, a major factor in the enactment of the Surface Mining Control and Reclamation Act, known as SMCRA.

August 3, 1997, marks the 20th anniversary of the date former President Jimmy Carter signed SMCRA into law. The act set detailed mining and reclamation standards for coal operators and established in abandoned mine reclamation fund to finance the restoration of land that had been mined and abandoned in prior years. I was pleased to have been a Member of Congress who worked to make that law a reality, and to have participated in the Rose Garden ceremony when President Carter signed the legislation into law.

Much has changed over the last 20 years since SMCRA was enacted. The coal industry has benefited because the law created a more level playing field. At one time States would try to increase the competitiveness of their industry by reducing environmental regulations. That cannot happen under SMCRA. Coalfield citizens have benefited as well. Many hazards we once faced—burning job piles, abandoned open mine portals, and landslide-prone hillsides—have been eliminated and the land brought back to productive uses.

SMCRA also created a Federal agency to make sure the States properly enforced the law. This arrangement has also benefited coalfield residents as this agency, the Office of Surface Mining Reclamation and Enforcement, is their second line of defense—their safety net—against the occasional failure of State enforcement authorities to fully implement SMCRA.

In recognition of the 20th anniversary of SMCRA, today I am introducing a House concurrent resolution which reaffirms the goals of SMCRA: the advancement of the health, safety, and general welfare of the residents of the Nation's coalfields.

Joining me in introducing this resolution are a number of my Democratic colleagues on the

Resources Committee. They are Mr. MILLER of California, Mr. VENTO, Mr. ROMERO-BARCELEÓ, Mr. KENNEDY of Rhode Island, Mr. DEFazio, Mr. ABERCROMBIE, Mr. PICKETT, Mr. ORITIZ, Ms. CHRISTIAN-GREEN, Mr. FALOMAVAEGA, and Mr. HINCHEY. To each of them, I express my gratitude for their support of this resolution and what it means to the people of the Appalachian region.

Mr. Speaker, this resolution simply states it is the sense of the Congress that the private property rights of coalfield citizens should be protected against incursions by improper coal mining practices. It states that the homes, farms, water supplies, and places of business of coalfield residents should be protected from subsidence, from improper blasting practices, and from landslides and erosion.

It states that the health, safety, and general welfare of coalfield citizens should not be diminished, or threatened, by the failure of State or Federal regulatory authorities to enforce SMCRA.

It states that coalfield residents have the right to enjoy the recreational values of their rivers and streams, that these water bodies should not be diminished by acidic or toxic water pollution from coal mining operations.

And it states that coal operators, as citizens of our Nation's coalfields, deserve equal protection under SMCRA. That they deserve equal protection against predatory policies which may be advanced on the State level aimed at providing operators in one State a competitive advantage over operators in another State. In effect, that it is our policy that Kentucky should no less effectively enforce SMCRA than West Virginia, giving Kentucky operators a leg up on West Virginia operators in pursuing utility coal contracts. That in the Powder River Basin, Montana producers should not have a competitive advantage over those in Wyoming because of less stringent environmental protection standards.

Mr. Speaker, I would be remiss if I did not also take this opportunity to pay homage to the father of the Surface Mining Control and Reclamation Act of 1977, our former colleague and once chairman of the Committee on Interior and Insular Affairs, Morris Udall. It took Mo over 9 years and two Presidential vetoes to gain the enactment of Federal surface mining legislation. But get it enacted he did. While he hailed from Arizona, I know that Mo came to understand Appalachia and the pressing need we had at that time for Federal leadership in gaining the enactment of legislation such as SMCRA. The last time I visited Mo, I told him that I was seeking to return the favor by promoting the reform of the mining law of 1872 which in its present form so adversely affects the environment of the West.

Finally, I would like to note that nine House Members and eight Senators signed the conference report on H.R. 2, the legislation which was enacted as SMCRA back in 1977. Of those nine House Members, I am the only one still serving in the House of Representatives. Of the eight Senators, two still serve: Senator WENDELL FORD of Kentucky and Senator PETE DOMENICI of New Mexico. I salute these gentlemen as well for their foresight and courage in working 20 years ago to gain the enactment of SMCRA.

THE HARPY EAGLE PROJECT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. SHAW. Mr. Speaker, I rise today to recognize Ron Magill and the harpy eagle project—an international collaboration which aims to educate today's youth on the necessity of protecting our fragile environment. The harpy eagle project, as it has come to be known, was first conceived of by Mr. Ron Magill, zoological ambassador and director of communications at Miami's Metrozoo. After seeing the tremendous results that Metrozoo's many educational programs have had on area youth, Mr. Magill realized the profound impacts that occurred as a result of educating young Americans about protecting our wildlife. Mr. Magill did not, however, limit his vision of a concerned, earth-friendly future generation to North America. He also recognized the need to educate international youth on the necessity of restoring and maintaining the natural habitat of indigenous animals. Combining his desire to educate with his concern for the harpy eagle, Mr. Magill has created the harpy eagle project.

Last month Mr. Magill traveled to Panama for the groundbreaking of an international facility dedicated entirely to the harpy eagle. The harpy eagle, Panama's national bird, is the largest, most powerful bird of prey in the world. It is, quite literally, the top of the food chain in the tropical rain forest and plays an invaluable role in maintaining the delicate balance of life in Panama. Sadly, however, fewer than 20 pairs of harpy eagles exist today in Panama. The species has disappeared altogether in Costa Rica.

Mr. Speaker, the Harpy Eagle Center, a facility for which Mr. Magill has worked tirelessly over the past 4 years, will not only educate its visitors on the plight of the harpy eagle, but will also introduce them to the unique diversity of the rainforest. Hopefully, visitors to the center will leave with a newfound interest and concern for the care and protection of the tropical rainforest. It is, after all, only through an enhanced understanding of the ecosystem and of habitat restoration that we can hope to protect our fragile environment for future generations.

Mr. Magill also created a wonderfully unique project for the schoolchildren of Panama. Supported by the Panamanian Government, Mr. Magill initiated a competition in which students will paint the harpy eagle. The winning image will become the next postage stamp for the Republic of Panama.

Mr. Speaker, I commend Mr. Magill on his hard work and dedication in creating the harpy eagle project. The project has successfully combined Mr. Magill's desire to inform the public of the necessity of protecting our wildlife with the understanding of the importance of international cooperation concerning our environment.