

Sections 7 and 8 of this bill would coordinate Federal and State activities which, because of the wide diversity of climate, geology, topography, and land use throughout the United States, must recognize local conditions. We tried to draft the legislation to give that flexibility. We think this is wise.

We consider that a single set of national standards would be impractical and undesirable. We are aware that there has been some disappointment that S. 3132 proposes general criteria—not precise mining and reclamation requirements. We believe quite strongly, however, that to be more specific in this legislation would be a grave mistake. A number of factors bear on this problem.

This is not a local zoning plan nor a State law, it is a bill spanning a continent. It covers every form of surface mining, accentuated by manifold local variations.

Mining and reclamation technology is in a constant state of flux. Mining and reclamation which is impractical in some areas now may be quite feasible next year, because of some new development of technology.

Public requirements for the quality of environment for land use, for water quality, for scenic beauty, also are in ceaseless change. This is quite evident from the numerous revisions that have been made in State reclamation laws during the past 20-odd years. We want to avoid repeated appearances before the Congress to seek revision of the Federal law, and I imagine you are in sympathy with this.

Our national need for mineral commodities and other natural resources also changes over time, and we cannot clearly foresee what the exact pattern of priorities for use will be in 1970, 1980, or 1990.

Under S. 3132 each State would have the first opportunity—just as we provide with water quality control—to control mining and reclamation to meet the criteria of the bill, taking into account the specific conditions in that State or that region. Each State would be encouraged to develop reclamation standards appropriate to its own needs, with review and approval by the Secretary. Each State would be expected to hold public hearings—with the general public given a real chance to participate. This is the key.

I think the experience of the States has been that any mining instrument that doesn't have enforcement provisions and binding provisions really isn't worth the paper it is written on. If we are to avoid some of the problems encountered in the past, bonds must be posted by mining operators for a sum large enough to reclaim the land to the approved mining plan, in event of forfeiture by the operator.

To be acceptable, a State plan would have to provide adequate measures of enforcement, funding, and personnel.

We also provide technical and financial assistance, up to 50 percent of the cost, to the States for developing and administering regulatory plans.

The bill provides for Federal monitoring of the State's performance in establishing and enforcing regulations, again just as we are going to do and are doing in water pollution control.

The intent is to insure consistency and equity between States, without requiring uniformity.

Federal regulations would be imposed only in States that choose not to exercise this regulatory function to meet the Federal criteria. Again