

I think you have a sound approach here to what we have called creative federalism.

Once adopted and approved, the State plan, including enforcement, would apply to Federal lands and Indian lands within the State. Federal regulations, if any, applicable to these lands would have to be at least equal to those established under the approved State plan. As the chairman and committee members probably know, after our report came out last summer we did publish proposed regulations for regulation of Federal lands so that the Federal Government could begin to set the pattern that we are trying to develop nationwide.

We had comments on these proposals that came in, terminating in December as I recall it. We are studying these comments and hope to come out with new proposed regulations in the very near future.

I am aware, Mr. Chairman of the delays built into S. 3132, but they are necessary delays which cannot be avoided if, in truth, we are to give the 50 States a fair opportunity to undertake surface mine regulation.

Many legislatures meet only in alternate years and, thus, a 2-year wait is necessary in order to assure that every State will have had opportunity to pass the necessary enabling legislation. We shall be in contact with each of the States during that 2-year period.

Hopefully, they will invite us to work with them.

In any event, it would be our expectation that before the 2-year period has run, we will know whether State X or State Y is likely to submit an acceptable plan for Federal approval.

In the event that some State does not appear to be moving toward that goal, we shall draft regulations for that State, consulting with one or more advisory committees, so that the Federal Government will be ready for early action once the 2 years have passed.

We have included in the bill provision for a 1-year extension period for the State to submit its plan. This is only for the purpose of avoiding duplication on the part of the Federal staff in those exceptional cases where we are certain that the State is moving effectively to formulate an acceptable State plan, but will not be able to meet the 2-year time limit.

If we do find it necessary to draft Federal regulations for a State unwilling or unable to submit an acceptable plan, we will consult with conservationists, industry people, and State officials before taking our action.

This bill does not address itself directly to the environmental problems of mineral exploration or to conventional oil and gas production. In our role as the major landlord of the Nation, however, the Department of the Interior is reviewing these problems and our authority to deal with them on lands under our jurisdiction.

We have reported to the President that there is no uniform Federal policy on reclamation of surface mined Federal lands. The executive branch can and should improve its overall position with regard to mined land management and to procurement of mined commodities; and we are proposing that we set the example for the States and for the Nation in this regard.

Mr. Chairman, to conclude, I would like to say that I think this has been one of the conservation problems that unfortunately has received the least attention of any in the Nation.