

I think the legislation should take cognizance of the different problems and of the fact that there are many different solutions, and that we want and we would hope that the States would want their State conservation people involved in this, to get results which are as good as possible in terms of the long-term future.

Senator JORDAN. Would you think the criteria that is laid out in the bill is broad enough to take into account, for instance, the coal mining regions of the Appalachian area, where the rainfall is 40 inches or upward a year in a highly populated area, and the arid regions of the West where we have rainfall of 10 inches or less a year? Do you think the criteria is broad enough to encompass the use and development of all of these operations?

Mr. UDALL. Senator, we tried to make it that way. You will notice it on pages 8 and 9 of the legislation, and certainly the committee will want to give this some attention. We feel it does adequately cover the different alternatives and the different potentials that might be there.

We have a big diverse continent, a lot of different geography, different climates, and we have all kinds of different mining operations. Certainly this legislation has to encompass those differences.

Senator JORDAN. On page 8 of your statement you use this language:

Based upon our national survey, we expect that instances will be found where surface mining should not be permitted at present because there is no technically feasible way of avoiding undue damage to the surroundings.

Under the bill what standards are established, what criteria are set up, for determining when mining will not be permitted?

Mr. UDALL. At the bottom of page 7 I think is the pertinent provision you are interested in which states:

Provide that an adequate mining plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced or continued, that they will be conducted in a manner consistent with said mining plan.

This is the type of approach that we have included in the legislation.

Senator JORDAN. Are you saying by this language, Mr. Secretary, that before development of a surface mining property may proceed an adequate mining plan must be filed and approved by the State agency before digging commences on a surface mine?

Mr. UDALL. Well, the State plan would have to be satisfactory, would have to be approved, before the State could move forward to permit a particular mining operation.

A moment ago I wanted to give you an example. I was trying to think of an example of the situation where there shouldn't be mining and one just came to me. At least Secretary Freeman and I concluded this, in the area of the Kennecott Copper property in the northern Cascades in Washington where there is an important copper deposit.

We had our experts look at it and they didn't think it was very good, relatively speaking. There are a lot of other better ones, and this one is located right in a wilderness area. It was our view, considering the economics and the other values, and we tried to express this to the Kennecott people, that they ought not to conduct a mining operation. They apparently decided not to, at least for the time being, and this is an instance where the very location would seem to make other interests predominant.