

Senator JORDAN. Yes, that is a good example. I attended those hearings out in Seattle on that project and I am familiar with the circumstances.

Would there be any means of compensating the landowner for his loss if for any reason surface mining would be denied under the terms of this bill?

Mr. UDALL. I don't think there are any provisions for this is the legislation. I think this would be a matter really of the regulatory authority of the State or of the act, much as we regulate by zoning certain types of activity, and therefore it might not be compensable.

Senator JORDAN. On page 10, Mr. Secretary, the paragraph in the middle of the page, you say:

We believe that federal encouragement is needed to assure that all 50 states—not merely some—regulate surface mining, and that all forms of surface mining are covered. We further believe that some minimum basic requirements for such State action are required to serve the national interest and to assure some equity between States.

My question is, What provisions in the bill establish or govern or define these minimum basic requirements?

Mr. UDALL. These provisions you find under the State plan requirement in the bill that begins on page 7 and on to the next several pages. They would really lay down the basic criteria that we would apply.

Senator JORDAN. Well, looking at these criteria on the top of page 8, "The control of erosion, flooding, and pollution of waters," you have already discussed the fact that subdivision development causes erosion and pollution of the water. Yet we don't propose in this bill to put a limitation on subdivision development, do we?

Secretary UDALL. Well, we don't consider that mining so we are not including it. I think the real solution to that problem is for counties and cities to require developers to immediately vegetate and to do this very thoroughly in much the same way that the highway people do.

You see the highway builders when they get their grades and prepare their right-of-way; they have these effective methods of planting grass to keep the soil in place. They have a soil erosion problem too. The public should make the developers do the same kinds of control as part of the cost of doing business.

Senator JORDAN. I agree with you. When I was Governor of my State we took the step of seeding the grass so it would prevent the very erosion you are discussing here. I know the mining people would be eager to cooperate in any kind of restoration and reclamation they can do provided they understand fully what the criteria are to start with and provided they understand too that the criteria will not change the Secretaries change, with the whims and caprices of one individual who may decide he has undue authority perhaps under the terms of language that is vague and capable of being interpreted in different ways.

I won't take more time at this time, Mr. Chairman. I appreciate the answers the Secretary has given to my questions.

Senator METCALF. Senator Hansen.

Senator HANSEN. Thank you, Mr. Chairman. Let me compliment you, Mr. Secretary, on having spelled out clearly the position your Department takes and disclosing as well what I suspect is your per-