

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 many-fold 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.

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 to control mining and reclamation to meet the criteria of the bill, taking into account its specific conditions. 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.

Among the essentials which must be met in every State is the requirement for adequate bonding and enforcement. 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. 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. Once adopted and approved the State plan, including enforcement would apply to Federal lands and Indian lands within the State, and Federal regulations, if any, applicable to these lands would have to be at least equal to those established under the approved State plan.

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 two-year-wait is necessary in order to assure that every State will have had opportunity to pass enabling legislation. We shall be in contact with each of the States during that two-year period. Hopefully, they will invite us to work with them. In any event, it would be our expectation that before the two-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 two years have passed.

We have included in the bill provision for a one-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 two-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. However, an advisory committee should not be permitted to become a device for delay. Accordingly, I emphasize that S. 3132 would not obligate the Department to await agreement by such an advisory group before the Department could take action.