

This letter is intended as a summary for your convenient reference of the reasons why we believe the application of the requirements proposed by these bills to stone quarries is not only unnecessary and unfeasible but would produce consequences so undesirable as to require that exemption be granted.

The factors underlying these reasons were discussed at length in NCSA's testimony before the Committee. They may be summarized as follows:

1. Stone quarries are relatively small and disturb very little surface land in relation to the vast amounts of essential stone which are removed. In addition, stone quarry operations do not give rise to problems of water pollution or toxic materials nor do they disturb fish and wildlife or their habitat. Hence, stone quarries simply do not make any significant contribution to the problems of extensive land disturbance and spoilation which these proposals are intended to remedy.

2. Stone quarries typically remain in operation for extremely long periods of time—81 years on the average according to a nationwide survey conducted by NCSA. Moreover, reclamation work typically cannot be started until quarrying operations are concluded. Thus, it is apparent that no meaningful "reclamation plan" could be developed prior to the beginning of quarrying operations as would be required by these proposals. How realistic or satisfactory would a reclamation plan developed for a quarry in the Rockville, Maryland area in 1887 be today? It is equally plain that no reasonable estimate of the costs of reclamation can be made so far in advance as to permit the posting of the performance bond which would be required.

3. Stone quarries differ from all other types of surface mining operations in that, at most, only a very small amount of overburden and other material is available at the conclusion of mining operations for reclamation purposes. It is plain, therefore, that the costs of "reclamation" whatever that term may mean since it is not meaningfully defined by these proposals, would be substantially greater for stone producers than for producers of competitive materials which are secured by dredging or surface mining operations of a comparatively shallow nature. Thus, even the Secretary's own report Surface Mining and our Environment indicates at page 113 that the reclamation costs for stone would be over four times as great as those for sand and gravel and we have every reason to believe that the actual disparity on a per ton basis would be much greater. As a result, not only would there be a substantial increase in the cost of our industry's products which are absolutely essential to the construction, agricultural and other basic industries, stone producers would be placed in an impossible competitive position.

4. As drafted, these proposals would in effect attempt to provide for detailed regulation of the more than 18,000 separate surface mining operations in the United States. This would require a veritable army of new government employees who would have to be fully qualified and experienced in mining operations. Even were the Congress disposed to authorize the creation of such a huge new bureaucracy, such numbers of qualified persons simply do not exist. Plainly, in this context, the goal of better reclamation would be best served by limiting the application of these proposals to those operations which do contribute significantly to land disturbance and spoilation.

5. Finally, because of the low cost, high volume and heavy loading characteristics of stone products, quarries are typically located close to urban areas where they are subjected to increasingly stringent local regulation. Hence, exemption from Federal regulation would not mean that quarries and their reclamation would be unregulated. Rather, it would mean that they will be regulated at the government level where consideration can best be given, not only to the peculiar geophysical and other natural characteristics of the area, but also to such purely local considerations as land values and the necessity to provide for adequate supplies of stone products and employment opportunities for local labor.

The foregoing summarizes the reasons why special consideration must be given to stone quarries and similar operations and why the National Crushed Stone Association believes that these operations should be exempted from the proposals contained in S. 3132 and similar bills.

Before closing, we would like to take this opportunity to again register our most vigorous opposition to the proposed "adequate mining plan" requirement contained in these bills. As Secretary Udall's testimony before the Committee made very clear, this proposed requirement would give the Secretary of the Interior unlimited and nonreviewable discretionary authority to regulate every aspect of mining operations (whether related in any way to reclamation or not) and, indeed, to control whether individual operations can be conducted at all.