

review by the U.S. Court of Appeals for the circuit in which the State or mine affected is located.

These two sections on a Board of Review and judicial review follow similar provisions in the Federal Mine Safety Act.

For the past 13 years it has been one of the foremost policies of the National Sand and Gravel Association, under the direction of its board of directors, to sponsor and fund an education and research program in the cause of sound land-use.

I have discussed part of this program here and members of this committee have been furnished with some of the products of the program. It is from this background that I express the hope that our testimony reflects a high degree of constructive criticism.

Thank you, sir.

(The suggested amendments referred to follow:)

THE NATIONAL SAND AND GRAVEL ASSOCIATION RECOMMENDS THE FOLLOWING SUGGESTED LANGUAGE FOR THE PURPOSE OF AMENDING S. 3132

Amend Sec. 2(e) by deleting the word "concluded" on page 2, line 19, and substituting therefor the word "conducted."

Amend Sec. 4 by deleting the words "and the surface mined area thereof" on page 4, lines 16 and 17.

Amend Sec. 7(a)(1) by deleting the word "and" under subsection (F), and by adding subsection (G) on page 9, line 6 as follows: "(G) provide that any surface mining operation and the reclamation of surface mined areas shall be subject to not more than one source of regulatory authority."

Amend Sec. 7(a)(1)(A) by eliminating the semi-colon after the word "Environment" on page 7, line 18, and adding the following words: "and preserve and protect the availability of mining resources for the present and future;"

Amend Sec. 7(a)(1)(B) by adding the following words after the word "plan" on page 7, line 19: "either written or graphic,"

Amend Sec. 7(a)(1)(B) by adding the following words after the semi-colon on page 7, line 24: "provided that modifications of such mining plans may be filed with, and approved by, the state agency, from time to time, when such modifications are commensurate with the purposes of this Act;"

Amend Sec. 7(a)(1)(C) by eliminating the words "relating specifically" on page 8, lines 1 and 2, and substituting therefor "where applicable"

Amend Sec. 7(a)(1)(D) by adding the following words after the semi-colon on page 8, line 15: "provided that such reclamation plans may be modified or changed from time to time to reflect discovery of unanticipated geological, economic or other conditions;"

Amend Sec. 7(a)(1)(F) by deleting the words "criminal and" on page 8, line 22.

New Sec. 7(c) "(c) In the event that the Secretary does not approve a plan submitted by a state in accordance with this section, or in the event of the withdrawal of the Secretary's approval in accordance with subsection (b) above, such state may appeal the Secretary's decision to the Federal Surface Mining Reclamation Board of Review, in accordance with Sec. 13 and 14 of this Act."

New Sec. 8(f) "(f) A mine operator aggrieved by any decision of the Secretary made pursuant to this section, shall be entitled to review of the Federal Surface Mining Reclamation Board of Review in accordance with Sec. 13 and 14 of this Act."

SEC. 13(a) An agency is hereby created to be known as the Federal Surface Mining Reclamation Board of Review, which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The terms of office of members of the Board shall be five years, except that the terms of office of the members first appointed shall commence on the effective date of this section and shall expire one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years and one at the end of five years, as designated by the President at the time of appointment. A member appointed to fill a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was