I. INTRODUCTION

The Conference desires to cooperate with the Department in formulating regulations to accomplish adequate mined land reclamation. The proposed regulations in certain respects are impractical and unsuited to western phosphate exploration and mining.

II. RÉSUMÉ OF OBJECTIONS

A. Requiring the submission of a plan for operation prior to commencing exploration opeartions, is impractical because at this stage no one knows enough about the ore body to determine whether, where, or how mining operations will be undertaken.

B. Vesting authority in the "appropriate officer" to control exploration activities which in western phosphate mining include almost exclusively the digging of comparatively small trenches and drilling of exploration holes is impractical because the location of these holes and trenches must be governed by geologic conditions. Submission of an exploration operations plan for approval is unnecessary in order to bring about reclamation of the land affected.

C. Vesting the authorized officer with authority to control not only reclamation activity but also mining methods results in unnecessary interference with mining operations.

D. The "appropriate officer" should be a person who possesses geological and engineering training and who has had mining experience.

E. The regulations provide for an "open ended" contract thus allowing the Department to change unilaterally the obligations and hence increase the mining costs of a holder.

F. All anticipated supplemental regulations should be presented and reviewed before the present proposed regulations are adopted.

G. The regulations do not contain limitations and standards as to what a holder may be required to do to achieve the objectives of the regulations, and thus a holder is subjected to the unfettered discretion of the "appropriate officer".

H. The regulations do not establish guidelines for reclamation on a local, regional and industry basis.

I. The holder with an "open end" lease or permit may not be able to obtain bonding or financing.

J. The Department should not be able to exclude an area from development after a holder has paid for a lease on the basis of being able to develop all economically available phosphate on the premises.

K. The regulations do not provide for coordination among various federal and state agencies which have overlapping jurisdiction.

L. The Department should not be allowed to in effect cancel all leases of a given lessee if a bond is forfeited as to one of his leases.

M. The appeal section lacks provisions for impartial hearings and fails to specify the procedure and basis for appeal.

O. There are no time limits within which the Department must act on proposed plans submitted by a holder.

P. Several terms are undefined, ambiguous and uncertain of meaning.

III. PROPOSED ACTION

Enclosed are proposed regulations which substantially avoid the problems set forth above but which nevertheless provide for adequate declamation of federally owned western phosphate lands. The Conference suggests that the time for submittiing comments be extended to allow time for a cooperative effort to establish satisfactory regulations pertaining to mined land reclamation. The Conference also raises a question as to whether or not sweeping changes at this time are premature in view of the activities of the Public Land Law Review Commission.

STATEMENT OF THE PHOSPHATE LANDS CONFERENCE

By proposed rule making published in the Federal Register of Thursday, July 20, 1967, the Secretary of the Interior proposed to add a new part to Title 43 of the Code of Federal Regulations relating to the protection and reclamation of surfaced mined lands. Interested parties have been invited to submit written comments by October 20, 1967. This statement is prepared in accordance therewith.