

N. Absence of time limits

The regulations contain no time limits within which the Department must act on proposed plans submitted by a holder. A holder must be able to program his plans for his operation and extensive delays may result in a failure of the enterprise with resulting loss of investment. Time limits should be set forth within which the departmental officer would be required to act on plans submitted to him.

O. Ambiguity of terms

The regulations use several terms which are ambiguous and uncertain of meaning. Examples of these (some of which have been heretofore noted) include: "prescribed steps", "water pollution", "stream pollution", "substantial deposition of sediment", "on site", "off site", "damage to lands", "damage to other resources—such as scenic, recreational and ecological values", "appropriate departmental officer", and "refuse".

III. PROPOSALS FOR REGULATIONS

As previously noted the Phosphate Lands Conference, pursuant to meetings held with the Department after the publication of the proposed regulations of May 7, 1966, prepared and presented to the Department in November of 1966, proposed regulations for the reclamation of federally owned western phosphate lands. These proposed regulations taken into consideration the peculiarities of western phosphate mining, protect the operator from unrealistic demands by administration authorities, but nevertheless provide for satisfactory reclamation of the land. The Conference resubmits these industry proposed regulations herewith as Exhibit "A" and requests that they be given serious consideration.

IV. ACTIVITIES OF OTHER FEDERALLY SPONSORED GROUPS

The Public Land Law Review Commission is currently reviewing the laws, regulations, and problems involving public lands including phosphate lands. It is anticipated that a substantial amount of data will be obtained and that ultimately legislation and enabling regulations will be adopted which will set forth the wishes of the people through their duly elected representatives. In addition various western phosphate mining companies have entered into a cooperative study with the United States Forest Service to develop methods for rehabilitating mined areas. In view of the availability of this information in the not too distant future, the Conference again suggests that perhaps it is premature to attempt to make sweeping changes at this time.

V. REQUEST FOR ADDITIONAL TIME

As demonstrated by its past efforts, the Conference is desirous of cooperating with the Department to achieve the objective of adequate mined land reclamation. It is suggested that the time for submission of comments, suggestions, and objections be extended to allow the Conference time to meet with representatives of the Department to discuss and analyze the problems and determine the best approach for establishing a workable program.

Furthermore, it is only because of the past activities pursuant to the proposed departmental regulations of May 7, 1966, that the Phosphate Lands Conference has been able to organize its members and present a detailed analysis of the July 20, 1967, regulations together with industry proposed regulations within the time period allowed. The Conference believes that other segments of the mining industry working on leasable minerals are also amenable to the objective of adequate mined land reclamation. If these segments of the industry are to make a positive contribution relative to proposed regulations, it would appear that further time for presentation and discussion of ideas would be required.

The Conference suggests that consideration be given to withdrawing the present proposed regulations pending the development of proposals on a practical and cooperative basis. We sincerely believe that the cooperative effort will succeed and that this approach will be a credit to all interested parties.

Senator METCALF. Thank you very much. Thank you, Senator. Go ahead, Dr. Emigh.