

Mr. EMIGH. Thank you, very much Mr. Chairman. Our next witness is Dennis M. Olsen, counsel for the Phosphate Lands Conference, and in case you are concerned over the fact that his comments go from page 13 to 36 he is just going to review them briefly and pick up high points. Mr. Olsen.

Mr. OLSEN. Thank you, Dr. Emigh, Mr. Chairman, Senator Jordan, Senator Church, we appreciate the opportunity of being here today and, as Dr. Emigh has indicated, I do not intend to read my statement at length.

As he has pointed out, the objective of my particular presentation is to present an analysis of the proposed regulations. Our written statement sets forth in outline form some of these objections and problems that we see in the proposed legislation with specific references to the provisions of the bill which will substantiate our claims. However, today I will merely summarize those claims without reviewing the specific provisions at length.

Firstly, we note that both bills recognize that the regulation of surface mining must take into consideration the conditions existing in a given locality as they pertain to the mining characteristics and minerals involved.

The conference endorses this approach and in recognition of this situation asserts that the proposed legislation should contain provisions which will insure that these important factors, together with the importance of the utilization of mineral resources, be given proper consideration in the regulation of surface mining for the purpose of achieving mined land reclamation.

I think that I should emphasize again that the real basis for a lot of the objections that we are submitting here today is the regulations that we have already seen and had to deal with and anticipate from the Department of the Interior.

Going on to some other matters which we note with respect to those particular bills, we note that neither bill establishes any standards which define or limit in any detail the activities which may be required or prohibited under the auspices of the Department of the Interior.

Consequently under these bills the Secretary is supposed to establish regulations to control erosion, flooding, and pollution of water. He is to prevent air pollution. He is to prepare regulations to require revegetation back filling, replacement of soil, and the like.

But nothing is said in the bills as to how much, or when this type of activity is appropriate. The term "appropriate" establishes no standard whatsoever and this is the only term that is used in the bill to establish any standard.

What is "appropriate" is apparently to be determined solely by the judgment of the Secretary of the Interior.

Thus, under regulations promulgated pursuant to this act, a landowner could be precluded from extracting the minerals from his land if the mining activities even slightly impaired the natural beauty of the land under circumstances wherein the mining and reclamation activities required by these regulations to preclude the impairment of beauty would be so expensive as to make the extraction uneconomic.

Of course, the same applies with respect to any of the other listed burdens in Senate 3132.