

As has been noted, both bills provide for regulation by the States, and while the Phosphate Lands Conference believes that the Western States can amply handle the problems of reclamation of surface mining, we submit that, if legislation is to be adopted to allow the States this authority only if they meet Federal standards, then there ought to be some kind of a guideline or standard governing the action of the Secretary in his determination of whether or not a State is meeting the Federal requirement.

Now if you might turn quickly to the last portion of our comments, I would like to mention that our foregoing comments have been directed primarily to a critique of the provisions in the two bills. In some instances the comments have indicated provisions which might be included in the act. The following constitute additional provisions which the conference respectfully suggests be considered for possible inclusion in the proposed legislation, at least as it may pertain to western phosphate mining.

To a large extent, these suggestions are made with a view to preventing the adoption of provisions which have been included in proposed regulations published by the Department of the Interior. These provisions, if included in future regulations pursuant to any legislation, would present real problems to the western phosphate mining industry while doing little to enhance the achievement of the reclamation of western phosphate lands.

Both sets of regulations that we have encountered thus far have required the submission of a mining and a reclamation plan before we can even start exploring.

Now in our statement we have noted the things that we don't know before exploration, perhaps the most significant one being that we don't even know whether there is going to be a mine, let alone where it is going to be, how big it is going to be and what kind of overburden disposal area we are going to have.

It is absolutely impossible for us to submit an exploration plan or a mining plan at this stage and we feel that any legislation should prevent this type of a provision from being in the regulations as they pertain to the western phosphate industry.

Furthermore, the regulations that we have encountered thus far have provided that the Department should have the authority to control our exploration activities. In this respect we note that our exploration activities consist of drilling holes and we don't know where the next hole is going to be until we have drilled the last hole. The geologic conditions must dictate where we drill and it is impossible for anyone to say, "Well, you are going to drill over here," when in fact your conditions indicate you must drill some other place.

Another problem we have had has been open-ended regulations which allow the Secretary to come in after we have started our operation and change the requirements and this again is a very difficult problem.

In conclusion the conference asserts that unless some specific standards and limitations are placed in any legislation pertaining to mined land reclamation, the Congress will, in effect, have abdicated to the administrative branch its responsibility for establishing policy.