

Pursuant to the unfettered authority which would be given under the present provisions of these bills, a Secretary could insist upon regulations which would have all the problems for the western phosphate industry which the industry has already encountered in the two sets of proposed regulations published by the Department of the Interior. There must be some guidelines limiting the authority of the administering agency.

The conference again expresses its appreciation for this opportunity to comment on S. 3132 and S. 3126. While the conference believes that adequate reclamation of surface mined western phosphate lands could be accomplished without Federal intervention, nevertheless, the conference offers its cooperation in working together with the committee to draft proposals and changes in the proposed bills which would retain the idea of treating the problems of mined land reclamation on a localized basis, but which would nevertheless establish standards and guidelines to define the power of the administering agency to impose requirements on the industry, either by Federal or State regulations.

We have already commented about the activity of the Public Land Law Review Commission and we suggest it might be wise to withhold any final consideration of any legislation until this data is available.

Thank you.

(The full statement referred to follows:)

STATEMENT OF DENNIS M. OLSEN, COUNSEL FOR PHOSPHATE LANDS CONFERENCE

ANALYSIS OF PROPOSED LEGISLATION IN CONTEXT OF WESTERN PHOSPHATE MINING

The Phosphate Lands Conference expresses its appreciation to the Committee on Interior and Insular Affairs for this opportunity to present its views pertaining to Senate Bills 3132 and 3126. As is apparent from Mr. Power's comments, the Phosphate Lands Conference has been involved in the matter of mined land reclamation in the context of western phosphate surface mining for almost two years—mostly in conjunction with the promulgation by the Department of the Interior of proposed regulations for the reclamation of federally owned surface mined lands.

During this period of time, the Conference, as it has done today, has pointed out to the Department the peculiarities of western phosphate mining and has emphasized the need of certain protective provisions in regulations or legislation pertaining to western phosphate surface mining. It is in the context of these conditions and this background of past activities that this statement is given.

The Conference reiterates its desire to cooperate in achieving the objective of adequate mined land reclamation. While the Conference believes that the reclamation of western phosphate lands can be achieved without federal legislation or regulation, nevertheless, the Conference respectfully asserts that if there is to be federal intervention, then the regulation and legislation ought to balance the importance of the utilization of mineral resources with the importance of reclamation in order to assure that both objectives are reasonably achieved in an orderly and fair manner.

REVIEW OF PROVISIONS OF PROPOSED LEGISLATION

A. *Impossibility of establishing nationwide uniform regulations*

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.