

Copies of the National Sand and Gravel Association's reclamation research reports have always been forwarded to members of the National Industrial Sand Association. Both Associations share the same executive staff.

I wish to direct my remarks to the Administration's bill, S. 3132, entitled: "Surface Mining Reclamation Act of 1968," which was introduced by the Chairman of this Committee. I request that the following suggested changes to the bill be considered, (attached to this statement is copy of suggested language for these amendments):

(1) The clarification of Section 2(e) so that only those lands from which strip and surface mining minerals are removed in the future will be affected by the Act at the time of enactment.

(2) Extending Section 7(a)(1)(B) to include the right to modify the submitted mining plans because of changes directed by engineering technology.

(3) Extending Section 7(a)(1)(D) to provide for modification of reclamation plans because of unanticipated geological, economic, environmental, or other factors.

(4) Adding a new subsection "G" in Section 7(a)(1) to provide that when a State Plan is approved that the State be the sole and exclusive agency in delegating the authority to regulate mine reclamation.

(5) Adding new Sections 13 and 14 to create a Federal Surface Mining Reclamation Board of Review which would hold hearings on disapproved State Plans and individual aggrievances of mining producers; and

(6) Adding a new Section 15 entitled, "Judicial Review" so that any final order issued by the Board under new Section 14 would be subject to judicial review by the United States court of appeals for the circuit in which the State or mine affected is located.

On behalf of the National Industrial Sand Association and the members of the industrial sand industry throughout the United States, I sincerely hope that this Congressional Committee will favorably react and incorporate into the final enacted bill, the suggestions outlined in my testimony. Senators, I thank you for the time allotted me.

THE NATIONAL INDUSTRIAL SAND ASSOCIATION RECOMMENDS THE FOLLOWING
SUGGESTED LANGUAGE FOR THE PURPOSE OF AMENDING S. 3132

Amend Sec. 2(e) by deleting the word "concluded" on page 2, line 19, and substituting therefor the word "conducted."

Amend Sec. 4 by deleting the words "and the surface mined area thereof" on page 4, lines 16 and 17.

Amend Sec. 7(a)(1) by deleting the word "and" under subsection (F), and by adding subsection (G) on page 9, line 6 as follows: "(G) provide that the state agency is the sole and exclusive agency to which the state has delegated the authority to regulate mine reclamation; and"

Amend Sec. 7(a)(1)(A) by eliminating the semi-colon after the word "environment" on page 7, line 18, and adding the following words: "and preserve and protect the availability of mining resources for the present and future;"

Amend Sec. 7(a)(1)(B) by adding the following words after the word "plan" on page 7, line 19: ", either written or graphic."

Amend Sec. 7(a)(1)(B) by adding the following words after the semi-colon on page 7, line 24: "provided that modifications of such mining plans may be filed with, and approved by, the state agency, from time to time, when such modifications are commensurate with the purposes of this Act;"

Amend Sec. 7(a)(1)(C) by eliminating the words "relating specifically" on page 8, lines 1 and 2, and substituting therefor "where applicable"

Amend Sec. 7(a)(1)(D) by adding the following words after the semi-colon on page 8, line 15: "provided that such reclamation plans may be modified or changed from time to time to reflect discovery of unanticipated geological, economic or other conditions;"

Amend Sec. 7(a)(1)(F) by deleting the words "criminal and" on page 8, line 22.

New Sec. 7(c) "(c) In the event that the Secretary does not approve a plan submitted by a state in accordance with this section, or in the event of the withdrawal of the Secretary's approval in accordance with subsection (b) above, such state may appeal the Secretary's decision to the Federal Surface Mining Reclamation Board of Review, in accordance with Sec. 13 and 14 of this Act."