

Interior. Specifically, it proposes to give him the following authority over the mining industry of this nation, and with no right of appeal:

1. The power to issue mining regulations with the forced cooperation of the States;
 2. The power to approve or disapprove, or approve and later disapprove, State plans;
 3. The authority to judge whether administration of State programs is adequate;
 4. The power to assess fines and penalties;
 5. The authority to evaluate the current and future needs and to evaluate the effectiveness of mining regulatory measures;
 6. The right to specify a single State agency with which he may, or may not, cooperate; and supervisors in mining and reclamations practices and techniques; and
 7. The right to establish training programs for operators;
 8. The right of entry to any surface mine or upon any surface mined area.
- Senate Bill 3132, as written, gives the Secretary of Interior sole authority for the future regulation of surface mining operations. This could be interpreted to mean the Secretary has authority to say who could operate a mine, where he could mine, what ore he could or could not mine, how much ore he could mine, et cetera.

The members of the Mining and Quarrying Committee of the Associated Industries of Georgia also feel that there are sufficient means of enforcement of any rehabilitation plan through fines and power of injunction to shut down an operation or prohibit the sale of the ores or minerals without the additional penalty of a performance bond.

It is our feeling that States which are operating under land rehabilitation laws should be exempt from S. 3132, unless the Secretary of Interior can show a Board of Review that the State plan is inadequate or that it is not being enforced.

It is our opinion that any rules and regulations proposed by the Secretary of Interior should first be approved by a Board of Review before they may be put into effect.

Further it is our opinion that any penalty, such as refusal of a permit or a fine, should be subject to review by the Board and also the federal courts.

Further it is our opinion that the Board of Review should include state representatives, mine operators of surface mines, and persons qualified by experience or affiliations to present the viewpoint of conservation and other interested groups.

STATEMENT OF GENE LONG, GENERAL MANAGER, RECLAMATION AND LAND USE,
TRUAX-TRAER COAL CO.

My name is Gene Long, and I am the General Manager of Reclamation and Land Use for the Truax-Traer Coal Company, an operating Division of Consolidation Coal Company, with mines operating in Illinois and North Dakota. Our general office address is 111 North Wabash Avenue, Chicago, Illinois. In North Dakota the company is presently operating mines at Stanton, Velva and Columbus, and our Division Office is located at Stanton, North Dakota.

In 1966 an organization was formed in the State entitled, "The North Dakota Mined Land Conservation Association," and I am here representing this association. This association represents 95 percent of the lignite coal mined in the State of North Dakota, and the members of this association produce approximately 3,100,000 tons of lignite coal annually, all by the surface mining method; employing approximately 300 persons, and approximately 210 acres of land are effected each year in the total operations.

The overburden or material being removed to expose the seam of lignite coal consist mostly of unconsolidated material with a top soil of 8 inches or less. The average rain fall is only 15 inches per year, which sometimes occurs in a very short period. The basic cash agriculture crop of the area is wheat grown on that portions of land which is tillable and a minimum amount of row crops are produced which is used basically for animal feed.

The topography is of a rolling contour and the natural vegetation on that portion which is not tillable consists mostly of prairie grass or western wheat grasses with a minimum amount of natural or controlled forestation. This area is used primarily for grazing.