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This statement is presented in support of S. 3126, the Mined Lands Conservation Act of 1968, introduced by Senator Nelson of Wisconsin, and is prepared for the hearings of the Committee on Interior and Insular Affairs scheduled for April 30 and May 1.

Of the three bills before the committee, S. 3126 appears most appropriate to the problems and opportunities created by surface mining. S. 3132, the Administration bill, is inadequate since it deals only with the establishment of standards and carries no real enforcement capabilities. S. 217, that of Senator Lausche, is similar to Senator Nelson's bill, but is restricted to coal mining and ignores the equally serious land dereliction problems posed by copper, iron ore, gravel, limestone, sand, uranium and other surface mineral extraction activities.

Federal regulation of surface mining activities backed with adequate funding, enforcement powers and appeal procedures is essential to the reclamation of derelict abandoned mines and the prevention of the continued rape of the nation's landscape. In his remarks before the Senate on March 8, 1968, Senator Nelson cited an estimate that placed the amount of land disturbed by surface mining by 1965 at 3.2 million acres. This figure is probably conservative since this nation does not possess a comprehensive land use inventory such as has been conducted by most northern European countries. Surface mining activities, will all of the attendant problems, are devouring the land of many states like an animal going mad. The consequences are profound, since once disturbed and not restored to useful condition, these lands become a blight in the environment and are not productive.

More is involved in this legislation than the mere desire to restore a pleasant and productive landscape. When coal seams are exposed to air and then to water, sulphuric acid is generated which pollutes streams and lakes and makes the propagation and development of domestic and wildlife difficult, if not unfeasible, and disturbs public water supplies. In some areas a serious safety hazard is imposed by the practice of augering in the side of coal seams and leaving in place an overhang on pillar supports that can easily collapse. Erosion problems are similarly created, the consequence of which are seen in the destruction of lands adjacent to mine operations and in the pollution of lakes and water courses. These are but a few examples of the consequencses of uncontrolled surface mining.

At the same time, one must recognize that surface mining activities are essential to the industrial operations of the nation and that if properly conducted need not scar the earth as they have in the past.

Under the Nelson bill, the presence of derelict lands created by surface mining frequently will provide splendid opportunities for reforestation, the development of recreation sites and other productive land uses if the bill is properly funded and administered.

A clear imperative argues the case for Federal legislation in this manner. State legislation in the past has either been weak or nonexistent, and there is perhaps one strong economic reason for national regulation: in contiguous states that produce minerals for the same market, such as the coal mining activities in Ohio, Pennsylvania and West Virginia, the imposition of appropriate regulations by one of these three states and not the other two would place its mining operators at a competitive disadvantage in relation to coal operators in the two remaining states. Coal is mined at the surface at Mahoning and Columbiana Counties in Ohio for the Youngstown area steel producing market. It is also mined in adjacent Lawrence County in Pennsylvania for the same market. Were either Ohio or Pennsylvania to adopt the required regulations and not the other state, its coal operators would probably be placed in a competitive disadvantage in the Youngstown steel-orented market. Thus, national regulation is indicated as the necessary equalizer.

S. 3126 should not appear as ominous to the coal or other mining industries as its tone suggests. Regulations will be promulgated only in consultation with regional advisory groups composed of representatives of mining and nonmining interests and regulation will probably vary from region to region. The Wyodak Coal Mine, formerly operated by the Honestake Mining Company and now by the Montana-Dakota Utilities Company, near Gillette, Wyoming, is well removed from public view and is on former grazing lands that, at best, were marginal as to their productivity. Regulations applied to that operation certainly would not be restrictive as those that would be imposed on the strip