

affect only future mining, requiring reclamation and conservation practices be integrated into the process of each new operation.

3. Because of the adequacy of existing information and the limited scope of the program, the states need not take long to develop their surface mining plans. Legislation and regulations already developed in some states can be useful to other states. Furthermore, the proposed regulations by the Department of Interior governing surface mining on Interior Department and Indian lands should indicate the kind of approach that would be expected of the states. Finally, the bill itself specifies useful legislative policy guidelines for the states.

SUGGESTED REVISIONS OF S. 3132

It is appropriate at this point to suggest an important revision of these legislative guidelines. Section 7 (a) (1) (A) requires that the state plan include provisions that "promote an appropriate relationship between the extent of regulation and reclamation that is required and the need to preserve and protect the environment."

This difficult language has dangerous policy implications. We know, for example, that the need to protect lands of Appalachia did not in the past appear as necessary as it does today. Does the language quoted mean that we can freely make the same mistakes today, in Alaska, for example, or in remote lands of the Southwest where vegetative cover may be extremely fragile? Is the "need for environmental protection" to be determined in economic terms, and if so in five or 50-year projections?

We know too much history to be shortsighted now. Environmental factors listed by the bill must nowhere be ignored by surface mine operations. No area should be surface mined if doing so will make it less useful to man in terms of future options than it was before. That is the policy all state plans should implement.

Section 7 (a) (1) (A) should be revised to voice this policy, replacing the fuzzy reference to "appropriate relationships" between regulation and environmental protection. In this way the states will have a clear indication of the kind of policy approach the Congress considers necessary if state plans are to meet the requirements of the national policy as set forth in the bill.

For the reasons outlined above, and with the policy guideline change recommended, the Congress should reasonably expect prompt legislative and regulatory response to the act by the states. However, the timetable for action by the states in the bill is too long and at times too vague. We therefore suggest the following changes in Section 7 of the bill, relating to state plans for surface mining controls:

1. We suggest that the Governor of each state be required, within 90 to 120 days after enactment of the bill, to send the Secretary of the Interior a letter of the state's intent to file a surface mining plan. This would enable the Secretary to have an early indication of the number of states for which federal standards will have to be prepared. There is no such provision in S. 3132 as introduced.

2. We suggest that each state be required to submit, after public hearings, its proposed plan for surface mining regulation within one year after enactment of the bill. If no plan is submitted, the Secretary of the Interior should then be required to issue federal standards for that state.

S. 3132 now gives the states a minimum of two years and a maximum of three years after the bill's enactment in which to submit plans. This is an unnecessarily long time period. The suggested one year provision would still permit states to submit a plan at any time thereafter but it would have the advantage of providing interim federal standards and thus prevent possible environmental destruction from unregulated surface mining.

3. We suggest that each state be given 60 days in which to implement its plan after approval by the Secretary. S. 3132 does not specify when the state plan is to become effective. The bill does provide, in Section 9, that "federal regulations shall cease to be effective within the state 60 days after the approval of the state plan by the Secretary." The 60-day period for initial implementation of the state plan would seem to be equally appropriate and would take care of this gap in S. 3132.

4. We suggest that Section 7(b)(1) be amended to give a state 60 days in which to comply after notification by the Secretary of failure to comply or enforce its plan adequately. S. 3132 now requires compliance "within a reasonable time." This is too vague for effective administration.