

- (1) that certain types of terrain should not be mined at all due to the ineffectiveness of reclamation attempts;
- (2) that important natural areas and esthetic values should be protected by prohibition of surface mining;
- (3) that the state agency enforcing water pollution laws should have a voice in granting permits to activities which could result in acid or sediment pollution;
- (4) that permits be required for prospecting activities;
- (5) that reclamation be preplanned and integrated into the mining cycle; and
- (6) that penalties be stringent enough to assure compliance.

S. 217 and S. 3126 propose federal standards, for coal mining and for all surface mining respectively, which would apply in every state until a state submitted equivalent or stronger standards. This formula would create a greater risk of weakening the effective state laws now in effect; it would also put surface mining controls in many states where they would be rather irrelevant. We know of no contour strip coal mining in Rhode Island, for example. These two bills do set out superior guidelines for effective state programs. Control programs should include preplanning or reclamation and integration of reclamation into the mining cycle and prohibition of strip mining where reclamation is infeasible. If the regulatory requirements of these bills were stated in sec. 7 of the administration bill, the committee would have the best elements of the several bills before it. The criteria in S. 217 and S. 3126 should include additional provisions to protect aesthetic values and water quality.

ADMINISTRATIVE RESPONSIBILITY

The three bills have different suggestions as to who should administer a federal surface mining program. S. 3132 provides simply that the Secretary of the Interior should have the authority created by the act. Routine administration, would presumably be handled by the Bureau of Mines.

We question the propriety of asking an agency which promotes the prosperity of an industry to become a regulatory agency for that industry. S. 217 is sounder in that it directs the Secretary of the Interior to appoint an officer to administer the programs authorized by the bill. This would apparently create a separate bureau for surface mining under the Secretary.

We find much merit in Senator Nelson's suggestion that the Department of Agriculture should share with Interior the Administration of a federal program. Several agencies under the Secretary of Agriculture are especially qualified to work with landowners in the eastern United States. The Soil Conservation Service and the Forest Service, for example, have many employees in Appalachia who know the soils and vegetation of that region as well as anyone does.

The objection will doubtless be heard that to give two Secretaries joint responsibility for certain activities, as Title I of S. 3132 provides, goes against the principles of efficient public administration. The committee may wish to consider combining the approaches of S. 217 and S. 3132 in an innovative way—directing the Secretaries of Agriculture and the Interior to jointly appoint an officer to administer the authorized programs. An interdepartmental agency could be created to conduct the regulatory program in Title I: the established resources management agencies could operate the rehabilitation programs while the new interdepartmental agency coordinated these activities. This would be a novel arrangement. But surface mining, like many other current conservation problems, does not fit neatly into an institutional structure designed fifty years ago.

ADVISORY COMMITTEES

The Izaak Walton League favors the advisory committee approach of the administration bill. This is the only bill which specifies that persons qualified to present the viewpoint of conservation and other interested groups should sit on these committees. S. 3126 has the defect of requiring that exactly fifty percent of the National Advisory Committee's membership shall be qualified by experience or affiliation to represent the viewpoint of persons or operators of surface or strip miners. If the qualifications of just one member of this committee were challenged, the committee would run the risk of being found illegally constituted.

REHABILITATION OF PREVIOUSLY MINED LANDS

The "orphan lands" which were stripped in the past and now lie neglected are a more serious unmet problem today than the regulation of current mining activities. The 700,000 acres left derelict after contour strip coal mining opera-