

If there are no further witnesses, all will have an opportunity to review or correct their printed testimony and the record will be kept open for 10 days for submission of additional material or supplemental material or such special matter as may be deemed necessary. That will be submitted to the committee. The staff will review it and include such as is deemed important and significant as a part of the record.

Many of the Western States or State associations have sent statements or letters making known their position on this legislation. Without objection they will be printed at this point.

(The communications referred to follow:)

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, May 1, 1968.

HON. LEE METCALF,
*Senate Office Building,
Washington, D.C.*

DEAR LEE: I have been invited to comment upon the proposed "Surface Mining Reclamation Act of 1968" (S. 3132), now under consideration by Congress.

The purposes of the bill are laudable and should be given effect. In many states the scars of strip mining are constant reminders of the failure to adequately protect our environment. Even in Montana we can still see the havoc left by gold dredges in many of our otherwise beautiful little valleys.

Montana is aware of the problem and has taken positive action with respect to it. After a great deal of consultation with public agencies, mining companies, wildlife organizations and the Bureau of Mines and Geology at Montana College of Mineral Science and Technology, the Montana Land Board adopted modifications to its mineral leases, providing for restoration under such prescription as might be made by that board. Copies of pertinent language from Montana's uranium and coal lease forms are attached.

We now stand on the threshold of development of great coal deposits situated in Eastern Montana. These deposits will be developed through strip mining. In recognition of the need for reclamation of affected areas, the Montana legislature passed an act in 1967 relating to the restoration of lands surface mined for coal. A copy of that statute is also attached.

Assuming that additional problems may exist, however, that will not be solved by these means, I could support legislation at the federal level which would in turn support and assist development of state laws and the administration thereof.

I do not believe that S. 3132 meets that requirement. It would allow the Secretary of the Interior to establish standards which must be met or exceeded by the states. It would seem far better to me for Congress to establish broad guidelines, and then to provide machinery to approve state originated regulations consistent with those broad outlines.

Frankly, S. 3132 as written gives too much authority to the Department of Interior and too little to the states. The bill recognizes, in Section 3(d), "That, because of the diversity of terrain, climate, biologic, chemical, and other physical conditions in mining areas, the establishment on a nationwide basis of uniform regulations for surface mining operations and for the reclamation of surface mined areas is not feasible." Then it goes on to lodge nearly total authority and responsibility with the Department of Interior. The delegation of authority to the Secretary of Interior is so broad as to raise serious questions concerning the real part the states might play.

The concept of the bill tends to ignore the fact that any surface mining operation will necessarily cause some temporary adverse effects on the environment. In Montana we are convinced that a reasonable program for restoration of mined areas can enhance the environment and improve on nature in many areas. In other areas—where large, open pit mining is conducted, for example—the damage will be more permanent.

I have grave concern that the timetable proposed will lead only to chaos and confusion. The Department of Interior does not have the capacity to complete such a program in two years, either in terms of essential research and information or in terms of the techniques that will be necessary to bring about restoration. I know from our experience in Montana how complex such regulation can become.