ence, one is inoperative, the other is operating and has recently entered into a reclamation agreement with the School of Mines, under the provisions of the recently passed Montana Strip Mines Reclamation law. With this law our state has assumed leadership in strip mine reclamation in the West and we, as well as other states in a similar position, should be allowed to demonstrate what we can do before enacting federal statutes setting up standards that would not be feasible for semi-arid areas such as ours. Under the proposal the states would be given two years to come up with satisfactory state regulations and there is no assurance at the present time that the Montana regulations would be satisfactory from the National standpoint. In my opinion the administration bill actually only provides token acknowledgement of the prerogatives and rights of state government for, if the state's laws, do not conform exactly to the federal standards promulgated, the federal law will take precedence.

I would like to suggest that consideration of this type of legislation be deferred for at least five years in order to give the states involved with this problem an opportunity to come up with procedures of their own to accomplish the objectives of the act. If this would be impossible to achieve then I sincerely request that the semi-arid western states be removed from consideration under this bill.

Your consideration of this request would be earnestly solicited.

Sincerely yours,

MONS L. TEIGEN,
Commissioner, State Lands and Investments.

MONTANA BUREAU OF MINES AND GEOLOGY,
OFFICE OF THE ASSOCIATE DIRECTOR,
Butte, Mont., April 30, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Washington, D.C.

DEAR SENATOR JACKSON: This letter is in reference to U.S. Senate Bill 3132, also known as the Jackson Bill and the Administration's Bill on Mined-Land Conservation.

The bill speaks glowingly of cooperation between the Secretary of the Interior and the States, and of States taking the initiative in promulgating the rules and regulations on mined-land reclamation, yet a careful reading of section 7 of the bill entitled "State Plan" shows that the Secretary would have absolute and unequivocal power to approve or disapprove the State plan unless it follows strictly the guidelines set in section 7. Where is the "cooperation" and the "State initiative" in a course of action in which the Secretary spells out in detail what the States shall do, leaving up to the State only the choice of words in which to express the action—words on which he himself will ultimately pass with approval or disapproval?

Section 7 would positively negate Montana's current plan of voluntary mined coal-land reclamation which has the approval of our 1967 Legislature.

Section 7A calls for promotion of "an appropriate relationship between the extent of regulation or reclamation that is required and the need to preserve and protect the environment." Let us see how this would work with the Berkeley Pit at Butte. There is an unquestioned need for the copper of Berkeley Pit, and the only way to get it is to mine it by open-pit methods. The pit is in an area now treeless and with but sparse surface vegetation on a sandy, rocky soil. Obviously, it would be pointless to try to reclaim this land (the mine waters are being reclaimed); yet section 7C insists that the State plan contain criteria relating specifically to (among others) "(iv) the reclamation of surface-mined areas by revegetation, replacement of soil, or other means, (v) maintenance of access through mined areas, (vii) the protection of fish and wildlife and their habitat." The Berkeley Pit could not operate under such regulations unless section 7A were strengthened to specifically exempt certain classes of mines from provisions of section 7C.

There are other mined-land reclamation bills before the Senate: No. 217 (the Lausche bill) and S–3126 (the Nelson bill). Mr. Lausche's and Mr. Nelson's names also appear on S–3132 (the Jackson bill), which is being discussed. Present comments are being confined to Senate Bill 3132 which is the least objectionable of the three. The other two are far too restrictive for Montana mining industry.

S–3132, if passed, will require State legislative action to set up a single State agency as the administrator of the "State Plan," and will require State funds