

properly would rest solely within the judgment of the Secretary of the Interior. S. 3132 prescribes no limitation on the Secretary's actions and does not provide for judicial review of the Secretary's decisions. We oppose this usurpation of regulatory authority by the Federal Government.

2. The bill would initiate a new federal spending program at a time when Congress is under heavy pressure to cut federal spending and to increase taxes. Expenditures by the Federal Government for regulation and supervision of surface mining operations are unwarranted.

3. S. 3132 would give the Secretary unreasonable regulatory authority over surface mining operations in the following particulars:

(a) The bill does not limit the activities which may be required or prohibited. For example, a plan must "preserve and protect environment." Under such a standard an administrator could make requirements so costly that recovery of the minerals in the land would be uneconomic. We acknowledge that mining operations should be carried on so as to minimize damage to other values in the land, but regulations should be subject to a requirement that they recognize the necessity for a reasonable and appropriate balancing of interests among all affected resource values.

(b) The bill would permit the Secretary to make (without recourse) many important determinations solely on his own judgment or on the basis of what he "deems necessary." For example, he may assess, collect, remit or mitigate penalties for failure to comply with the federal regulations.

(c) The bill would provide for unnecessary and unreasonable regulation and control of extraction of minerals and of mining methods employed. No longer would the ownership of land vest in the owner the right to mine. Before surface mining operations could be commenced, the owner or operator would be required to submit a mining plan, have it approved, obtain a permit to mine and post a bond. Under established bonding procedures, this would prevent many mining operations.

(d) Such regulations would create problems which would serve to restrict and reduce exploration and development so critically needed to provide the natural resources essential for our domestic economy and national defense.

CARSON CITY, NEV., April 26, 1968.

Hon. HENRY M. JACKSON,
Chairman, U.S. Senate, Interior and Insular Affairs Committee,
Washington, D.C.:

It is my understanding S. 3132 on surface mining controls is coming up for hearing. Nevada is 87 percent federally owned and Federal agencies already possess authority to control surface mining operations. There is no provision in bill to take into consideration economic effect on local government and no provision for local government participation in restoration areas. Economic effect is most significant in Nevada. Our major mineral producing areas would not have been possible if such legislation existed during their discovery and development. Nevada recreation master plan identifies all areas here which have high recreation and aesthetic values. Balance of State, about 90 percent of it, would not have great values in esthetic considerations. We can only look on S. 3132 as needless handicap on Nevada's economic growth. Our old mining developments such as Virginia City, Berlin, and others possess some of our highest recreational values. Surely there should be no Federal objection or control over mining developments in areas where recreational and aesthetic considerations are not a factor.

I am confident S. 3132 would depress the exploration programs of entire mineral industry. There may be merit in bill for control of coal and iron strip mining in East, but to impose such controls in the West where no problems exist will only create a great problem. Our experiences with many pieces of Federal legislation aimed at control of State functions is sufficient grounds to oppose this bill. If surface mining is also to be under Federal control, the highly mineralized States will be handing over to Federal Government control of their economic and social growth. The bill is comparable to the highly obnoxious Wholesome Meat Act and other recent legislation and, like it, will only force prices higher, and add to the burgeoning Federal bureaucracy and cost of Federal operation. We must maintain our ability to compete in worldwide market. This bill can only add more grief to the U.S. balance of payments difficulties we face currently. Thank you.

PAUL LAXALT, *Governor of Nevada.*