

STATE OF OREGON,
DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES,
Portland, Oreg., April 24, 1968.

HON. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
Senate Office Building, Washington, D.C.

MY DEAR SENATOR JACKSON: This communication is in regard to the hearings your Committee is holding on Senate Bill 3132 and other bills pertaining to the control of surface mining and the reclamation of mined lands. I would appreciate your consideration of the following and express the wish that you will include it in the testimony given at the hearings.

Governor Tom McCall of Oregon recently addressed a letter to Secretary of Interior Stewart Udall in regard to proposed legislation concerning regulation of surface mining as follows:

"MY DEAR MR. SECRETARY: Thank you for your letter of March 15 inviting me to comment on the proposed legislation regarding regulation of surface mining.

"I share with you and the officials of many other states the realization that the abatement of many unwholesome side-effects stemming from certain surface strip mining operations and other related stream and air pollution situations represent a matter of vital importance on a nation-wide scale. I recognize also that it is to the public interest that every effort be made to adequately control surface mining.

"The work of various Federal agencies in calling attention to the problems and the urgent need for remedial action I feel merit the utmost commendation. The State of Oregon is glad to have been of assistance in providing some of the data used in these studies. Cooperation of this type and collaboration in other similar ways I regard as an important and essential relationship between Federal and State governments. Furthermore I concur with the premise that the Federal Government should assume the role of leadership when it comes to providing counselling and guidance concerning optimum standards and doing basic research pertaining to implementation problems of a technical nature.

"As you are aware, the State of Oregon has made great strides and is a leader in legislation concerning environmental control. My inquiries regarding regulation of surface mining show that here too strong controls not only exist but planning is going forward which will strengthen and broaden the existing legislation, rules and regulations. Consequently I was most concerned with the proposed legislation which you enclosed with your letter for my evaluation of it indicated that it places too much reliance on Federal control and does not give the State the flexibility which I feel is desirable and necessary. Frankly I think this matter can best be handled by stringent monitoring at the State level.

"I do want you to know the State of Oregon looks forward to cooperating with you in this field. I appreciate your calling to my attention the proposed Federal legislation."

The State of Oregon Department of Geology and Mineral Industries joins with Governor McCall in opposition to the proposed legislation you are considering today.

In reviewing the summary of the act under Sec. 3, Congressional Findings, Par. B, I find that we can agree with most statements contained therein. However we strongly believe that in the main this paragraph today applies to a relatively small segment of the total surface mining industry and that in those states where this does apply, steps have already been taken to control the problem. We cannot argue with the concept that control is needed where the effects of surface mining contribute to degradation of the property of others but we cannot for any reason see why this problem requires Federal regulation of all surface mining operations.

In the section concerning the requirements for the plan that the Secretary of Interior shall require, we find very little that is not already controlled and regulated by various agencies of Oregon State Government, such as the State Sanitary Authority, the State Board of Health, the State Fish Commission, the State Game Commission, the State Division of Lands, and the State Bureau of Labor. This being the case, we see no reason for the Federal Government stepping in and usurping our authority as it has done in the field of water pollution and noncoal mine safety, amongst others. We find this rapid erosion of State responsibilities by the Federal Government to be most discouraging and feel that it should stop.