

Pursuant to that request we have analyzed the bill carefully and it is our sincere conviction that, if enacted, it would severely handicap the surface mining industry which it recognizes as "significant and essential" and would substantially reduce that industry's contribution to the "economic potential of the Nation."

We regret that we cannot at this time send a representative to appear at the hearing in Washington and present our views on the many deficiencies and undesirable provisions we find in this legislation. However, we have read the statements that will be presented by the Idaho Bureau of Mines and Geology and by the Phosphate Lands Conference, and we would like to state for the hearing record that we strongly endorse and concur in those statements.

It would serve no useful purpose to reiterate in this letter the many valid objections and criticisms presented in the testimony of these representatives of Idaho interests. They have made an excellent case for the mining industry's position with respect to this legislation.

There are a few major faults and shortcomings, however, that warrant additional emphasis.

One of the most unacceptable features of the bill is its application of the now-familiar "carrot-and-club" concept of Federal-State cooperation, under which the States must submit to the "club" of federal domination and control or lose the "carrot" of federal financial assistance. Under this concept, the bill's recognition of the desirability of state administration of programs for mined land reclamation and the need for adaptation of such programs to local conditions is meaningless and futile. Eventually, federal requirements will have to be met or they will be imposed and the states have no recourse because there are no provisions for judicial appeal from the unlimited discretionary authority of the executive department.

This "carrot-and-club" concept has already been proven unduly cumbersome and onerous in the case of water quality control, and in several situations has delayed rather than accelerated, progress toward the intended objective of that program. Experience under the highway beautification and air quality control programs has been little, if any, more satisfactory.

We seriously question the advisability of this approach to the problems of mined land reclamation. We believe it will impede rather than stimulate progress toward their solution, because we doubt very much whether the federal government, in its present fiscal crisis, can afford, at this time, the financial assistance to states that this legislation provides.

If it should be enacted, it seems to us that Congress will be most unlikely to appropriate for a new program the funds the law would authorize. Consequently, the states, many of which have equally serious budget problems, may find it advisable to postpone development of their own programs until federal matching funds are forthcoming.

We also feel very strongly that this type of legislation is premature. It attempts to move too far and too fast, in a problem area that is still largely nebulous and undefined, under the control and direction of authorities who are ill-prepared for the task. The bill itself, sponsored by these authorities, is ample justification for this view. Its terms are ambiguous and defy consistent interpretation. It provides no congressional guidelines or definable limitations on administrative power. It demands the establishment of criteria of environmental controls by the states, but provides no guidelines or standards as to the objective of those controls. Its broad authority for unilateral federal action within the framework of federal-state cooperation suggests uncertainty of procedure and vacillation of administrative direction. It advocates state programs tailored to local conditions, but permits unrestricted federal veto and/or revision of programs determined by the individual states to be best adapted to their needs and most beneficial to their interests.

It is our considered view that the granting of such dictatorial powers to one individual—the Secretary of the Interior—over all surface mining operations in the nation, whether on public or private lands, is unwise and represents an intolerable diversion from our established system of checks and balances.

It would seem to us the better part of wisdom to defer consideration of this legislation until the requirements for mined land reclamation have been more clearly defined and the feasibility of solutions has been more accurately evaluated.

Another major cause for our concern and apprehension about this bill is the uncertainty of its intended purpose. When the Secretary of the Interior presented