

S. 3132 should be opposed for three basic reasons: (1) local and state governments are constitutionally responsible for regulating land use, not the Federal Government; (2) the facts indicate that there is no need for the Federal Government to preempt the field of land conservation and reclamation; and (3) there is reason to believe that the proposed formula for federal-state cooperation, although reasonable, would be improperly administered by the Department of Interior, as is the case with the Water Quality Act of 1965.

Surface mining can leave an ugly scar and bring damage to the environment. It can also bring tremendous benefits to the people of America. With new mining machinery and surface mining techniques, the United States is the largest producer of metals and fuels in the free world. However, because the higher grade mineral deposits are rapidly being exhausted, the mining companies, in an effort to maintain the Nation's competitive position, are being forced to develop lower and lower grade resources. This, coupled with rising labor costs, indicates that there will be more, instead of less, surface mining activity.

Wise conservation and reclamation programs have been and are being established by industry and local and state governments to protect the environment. As surface mining expands these conservation and reclamation programs will expand.

Due to the desperate days of World War II, many acres of land were stripped of their resources and abandoned without any effort to reclaim or develop them. This Nation will someday have to reclaim those lands. Secretary Udall testified, however, that due to the economic condition of the country he could not justify setting as a priority the reclamation of those old surface mined lands. Secretary Udall presented a convincing argument on this point.

But, in any event, S. 3132 would affect only those areas mined on or after its passage. Consequently, few, if any, of the 2 million acres reported by the Department of Interior as disturbed lands that need additional reclamation would come under the provisions of this bill. Putting the matter in proper perspective is difficult because of the emotionalism that has characterized discussion of this legislation. The fact is that only 0.14 percent of the total land of the United States is even claimed to have ever been disturbed by surface mining. One third of this 0.14 percent has been adequately reclaimed, some is presently being actively mined, and another portion needs attention according to the Department of Interior. But, little, if any, as mentioned above, would be reclaimed as the result of this bill. This bill purports to be prospective and will not satisfy the desires of those who would like to reclaim the lands disturbed by past mining.

Today, mining companies and local and state governments, for the most part, recognize the need for responsible conservation and reclamation programs and are, in fact, doing an outstanding job. The National Chamber has consistently supported the proposition that local and state governments be responsible for regulating land use. Any deviation from this principle without showing a justifiable need would bring into question several constitutional issues that could conceivably hamper existing programs for reclaiming surface mined lands.

Local zoning laws and state reclamation laws now in existence properly control the vast majority of lands being mined. Ninety percent of the coal obtained from strip mines comes from the 14 states with effective reclamation laws. Sand and gravel operations, by reason of market conditions, must be located "close in." Consequently, most are rigidly controlled by city or county zoning ordinances which prescribe, in detail, how the operation must be conducted and how reclamation must be performed.

According to the Department of Interior's special report on *Surface Mining and Our Environment*, 75 percent of the land that has been disturbed by surface mining was mined for coal, sand and gravel and stone. These operations are now well regulated by state and local laws. The remaining 25 percent of the acreage disturbed by surface mining was for the recovery of resources such as phosphate and hard minerals. The Florida phosphate lands are being turned into beautiful forests and citrus groves. Some of the open pit mining operations defy reclamation in the traditional meaning, but can demonstrate that mining activities in some instances provide interesting and scenic values of grandeur.

Whenever and wherever possible, mined out lands should be reclaimed. This is a responsibility of the mining industry and local and state governments. More needs to be done, and will be done, but the fact remains that a realistic effort is being made. There is no need for the Federal Government to intervene.

S. 3132 would require the states to prepare a state plan for the regulation of surface mines and the reclamation of surface mined areas and submit it to the