

the receiving waters below the stream standard, and not on failure to install any particular type or degree of treatment facility.

For these reasons, we conclude that the Secretary has no authority to require that States adopt either effluent or nondegradation standards as a condition of receiving approval of water quality standards under the Federal Water Pollution Control Act.

Very truly yours,

COVINGTON & BURLING,  
By EDWARD DUNKELBERGER.

NATIONAL WILDLIFE FEDERATION,  
Washington, D.C. April 30, 1968.

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

DEAR MR. CHAIRMAN: The National Wildlife Federation should like to comment briefly upon S. 217, S. 3126, and S. 3132, proposals to regulate strip-mining, and have this letter be made a part of the current hearings in which public reaction is invited.

By way of identification, the National Wildlife Federation is a private conservation organization composed of independent affiliated groups in 49 States. These affiliates, in turn, are composed of local clubs and individuals who, when combined with associate members and other supporters of the National Wildlife Federation number an estimated 2½ million persons.

The National Wildlife Federation long has deplored the natural resources problems created as a result of strip-mining. A resolution adopted in 1965 (copy attached) outlined the problems of soil mismanagement, erosion, stream pollution, and fish and wildlife losses caused by these practices. It also pointed to encouraging projects to reclaim and enhance these areas, and called for extensive studies leading to the development of suitable remedial actions. We believe the bills under consideration by the Committee would help set the necessary remedial actions into motion, if enacted.

We have been encouraged at the interest shown in attacking the problem, both by the Congress and by Executive Branch agencies as well as the President himself. And, we have been elated at actions taken in some States, notably Pennsylvania and Kentucky, to establish controls. These bills, particularly S. 3132, in our opinion, would make significant advances in strip-mining control.

The National Wildlife Federation supports these principles, as expressed in S. 3132:

1. The Congressional declaration that surface mining, while important to the Nation's economy, is harmful in many respects and must be regulated.
2. The Federal Government be authorized to provide both technical and financial assistance to the States in developing and enforcing adequate State control plans.
3. The Federal Government, if a State has not developed a suitable control program within three years, shall issue Federal regulations for surface mining operations in that State.

It is our understanding that less than one-fourth of the States have laws to regulate surface mining and some of these are ineffective. Obviously, more are badly needed. While we believe the States should be given a chance to put their own house in order, it is necessary for the Federal Government to step in if no action is forthcoming. This procedure has been followed with respect to both water and air pollution control and there is every reason to apply it to strip-mining as well.

We believe the establishment of advisory committees can serve a beneficial purpose.

In our opinion, S. 3132 does not do the complete job. It does not lay sufficient stress on reclamation of previously mined areas, including those under private ownership which are abandoned. Therefore, we recommend that the Committee give serious consideration to the provisions in both S. 217 and S. 3126 which would authorize cooperative agreements and financial assistance for the reclamation and conservation of previously mined lands owned by private individuals. Possibly, land treatment procedures employed by the Department of Agriculture could provide useful vehicles for the installation of suitable vegetative cover practices. And, the Committee may even wish to give thought to Federal acquisi-