

Nixon Aides Said to Draft Weaker Strip-Mining Bill

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WASHINGTON, Feb. 14 — Advocates within the Nixon Administration of stiff regulation of strip mining have suffered nearly total defeat in their efforts to draft a strong control bill.

Although President Nixon said in a national radio address today that he would reintroduce in Congress this year a proposal for the "enlightened regulation of surface and underground mining," the Administration's new strip mine measure does not appear to be as strong as the one ignored by Congress in 1972. The House passed a different bill—one that was much more restrictive—by a vote of 267 to 75 last fall, but the Senate did not

act on it. Copies of a final draft of the Administration bill were circulating in Washington today, and it is expected to be introduced without significant change in Congress tomorrow with the President's special message on natural resources and the environment.

One official familiar with the drafting of the bill, which was controlled by the Office of Management and Budget, called the final Administration proposal "ridiculous." And it was learned that William D. Ruckelshaus, administrator of the Environmental Protection Agency, had warned the budget office two weeks ago that its

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bill would simply be "set aside" by Congress.

Mr. Ruckelshaus's warning, in a memorandum to the budget office, was disclosed in a letter released today by Representative John D. Dingell, Democrat of Michigan and chairman of a House subcommittee on fish and wildlife conservation.

Mr. Dingell's letter, to Russell E. Train, chairman of the President's Council on Environmental Quality, said that Mr. Ruckelshaus's comments had been largely ignored by the bill's drafters. He said that the Administration had produced an "incredible" and a "weak" bill "that will appeal to the mining interests, but not to the public."

Without explaining how he had obtained Mr. Ruckelshaus's memo, which was dated Jan. 31, Mr. Dingell quoted him as saying:

"I am concerned with the direction in which the Administration appears to be going as a result of recent O.M.B.-inter-agency staff meetings on these (strip mine environmental) issues. It is clear that Congress

will again set aside the Administration's bill if we fail to take a stronger stance than that which was taken in the earlier [1972] proposal.

"A strong Administration position will demonstrate our commitment to solving this problem, which is so highly visible.

"This can be accomplished with minimal federal costs. I urge that the Administration move aggressively to provide the strongest program to deal with this serious environmental problem [the rapid spread of strip mining] and that full consideration be given to the points which I have outlined . . . which are detailed in the E.P.A. proposal."

An examination today of the Administration's proposed bill showed that few, if any, of the points pressed by Mr. Ruckelshaus and by some officials of the Interior Department and the Appalachian Regional Commission had survived the budget office's legislative pruning. The bill reflected views put forward vigorously by the Commerce Department, which were also those of the coal mining industry.

Coal industry spokesmen, who have cited the "energy

ing in the most sensitive ecological areas."

"The coal companies will dig while the digging is good," she said. "They will move first on the land that is most ecologically fragile and least capable of reclamation, because that's what this bill would let them do. They know that later, if there is a good law, they could not do it."

Documents submitted by the representatives of Government agencies assembled here in recent weeks at closed meetings of an O.M.B. panel on the strip mine bill showed that the Commerce Department, through its

general counsel, William N. Letson, had prevailed in making the final draft weaker than an earlier working version.

For example, in the O.M.B.'s proposed language in earlier draft versions, "reclamation" of strip mined areas was defined as "restoring a mined area affected by a mining operation to its original or other similar appropriate condition, considering past and possible future uses of the area and the surrounding topography, and taking into account environmental, economic and social conditions."

Critics of this original language

age said that it was vague and contained a closing "escape clause" that made it doubtful for example, that strip mine regulators could ever require reclamation that might cost \$1,000 an acre on arid Western land that was valued at only \$30 an acre for grazing.

But the final Administration bill inserted another requirement that reclamation also be at "reasonable cost," otherwise undefined.

The Administration's bill proposes that Congress give the states two years from the date of the bill's enactment to adopt

their own strip mine regulations if they choose to do so.

In states that do not act, the Secretary of Commerce would "promptly"—the term is undefined—impose direct Federal regulation. This process might consume at least a third year.

The Administration's bill contains no proposal for the reclamation of "orphan lands"—the tens of thousands of acres of abandoned, unreclaimed strip mine pits left by earlier, unregulated mining. Nor does it contain "slope controls"—a prohibition against future strip mining on hillsides of greater than, say, 14 or 20 degrees.

Also, there is no prohibition against the abandonment of "high walls," the vertical scar of a strip mine's final cut.

crisis" and the dollar drain entailed in large, emergency purchases of foreign oil generating electric power, have now added to their arguments against strip mine reclamation the contention that tough Federal strip mine controls could drive coal from the energy market.

Carl E. Bagge, president of the National Coal Association, recently asserted that overzealous strip mine regulation could make coal mine operators "an endangered species." And the Administration's strip mine bill appeared to reflect this position.

A special energy message to Congress, expected later from Mr. Nixon, is believed likely to advocate a rapid expansion of strip mining, particularly in such Western states as Montana, Wyoming and North Dakota. The Administration's strip mine bill would not stand in the way of this.

One conservationist charged today that the Administration's bill would hasten Western coal stripping. Louise Dunlap, a spokesman for the Environmental Policy Center, an environmental lobby, said, "This bill would accelerate strip min-