

Environmentalists pound reclamation at hearing

By BOB STALICK
Staff Writer

CASPER — What makes a person qualified to manage mineland reclamation?

That question came up in almost all testimony given before the Wyoming Environment Council's public hearing Tuesday on new regulations on land and water quality.

Environmentalists said the only person who should be qualified to supervise and judge the reclamation projects is the administrator of the Wyoming Department of Environmental Quality.

Industry spokesman said the operator of the mine should be the "qualified person" listed in the regulations.

"Industry is the responsible party under the Act (the 1973 Wyoming Environmental Quality Act) for reclamation according to an approved reclamation plan," said Bill Budd, executive secretary of the Wyoming Mining Association, in a written statement to the council.

The council met Monday night and Tuesday morning to hear testimony from the public on the proposed new regulations which are provided for in the 1973 Act.

Budd introduced his statement early in the morning session, and was backed by spokesmen for individual companies in their later speeches before the group of about 75 persons.

The phrase "qualified person" occurs throughout the proposed regulations.

Under a section on revegetation, the regulations say, "The species of plants to be used for any given area to be reclaimed shall be those species which are recommended for use on said area by qualified persons."

"Except as otherwise provided, seed shall be planted during the proper season and when wind and weather conditions are appropriate at the next proper time

following replacement of topsoil. Operators shall comply with the recommendations of qualified persons," the document continues.

While industry spokesman backed Budd's proposal to allow industry to hire consultants to supervise the reclamation, others opposed the concept.

"With the past track record of industry, this is like having a fox guarding the chickens," Executive Director of the Wyoming Outdoor Council Bart Koehler said.

Koehler noted that the term "qualified person" should be more "adequately defined."

Much of the work on the reclamation would be contracted by the mining firm, an attorney for Western Nuclear told the council in oral comments. "This type of expertise should be encouraged."

"The operator should be able to choose," the attorney added.

David Parmerly, speaking for Republican candidate for governor Malcolm Wallop, recommended that the regulations be written saying that the "philosophy of the regulations" does not meet with the 1973 act.

"The regulations in part fail to provide any guidance," Parmerly said, adding, "there is no evidence of any attempt to seek or use" specialized services in reclamation.

Rocky Mountain Sierra Club Administrative Assistant Pamela Rich of Dubois said the club had evaluated the proposal by itself and in comparison to surrounding states.

"It would be provincial to ignore the other states," she said.

"The regulations as now proposed are generally inconsistent with the Environmental Quality Act."

"They should be rewritten," the Sierra Club representative added. "There's such

vague and discretionary language as to make a farce of the act."

Miss Rich also blasted the confidentiality of reclamation plans, saying, "There is no reason why plans should be confidential."

Republican candidate for governor Roy Peck told the group that the Environmental Quality Act was "one of the most comprehensive acts."

"I have witnessed diligent cooperation between the mining interests and the council," Peck said.

He noted that criticism of the proposed regulations should take into account that it is a "best effort" for the first time, and that the regulations should be adopted, and changed later if necessary.

A spokesman for Wyo-Ben Co., David L. Auer, noted that "somebody in the company should be a qualified person," and suggested that the wording be changed to "any and all qualified persons."

On a section on wildlife habitat in the land-quality regulations, Budd said in a written statement to the council that "we object to this entire section that is written and suggest that it will have to be deleted or rewritten."

"Operators are required to make provision for restoration of wildlife habitat on affected land in such a manner as will accommodate species which were indigenous to the affected area prior to the time when it became affected land," a portion of the regulations on wildlife habitat reads.

Budd said there could be a conflict between that section and a section on urban lands, and "wildlife" is not listed in the definitions of the act.

"Basically, Carter has no objections," an attorney for Carter Oil Co. said.

Dr. Donald Lamb, chairman of the council, said the public record on the regulations will be open through Aug. 15.

1974-07-31_ Environmentalists Battle With Industry

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Sat, May 2, 2020