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Editor's Note

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EDITOR'S NOTE

Since its enactment, the Surface Mining Control and Reclamation Act (SMCRA) has been a rich source of political controversy. Although most interested parties do not dispute the need for surface mining regulation, there exists diverse views on *how* the needed regulation should be accomplished. SMCRA represents the manner of regulation chosen by the United States Congress in 1977; the essence of the legislation is to protect the environment by permitting only regulated surface mine development. Though the Act is certainly a product of compromise, the most affected interests, miners and environmentalist, have much criticism for how SMCRA is working today. To provide a balanced assessment of the effectiveness of SMCRA, the National Coal Issue has solicited a collection of essays from mining and environmentalist groups as well as representatives of legislative and administrative perspectives.

SMCRA, like other federal environmental statutes, codifies congressionally determined minimum performance standards as baselines for environmentally responsible commercial development. The Act embodies the principle of *cooperative federalism* by reserving to the several states the opportunity for primary enforcement authority while delegating to the Office of Surface Mining the continuing federal duties of interpretation and oversight. This interplay of state and federal functions of enforcement and oversight is the theme of each essay. To make cohesive the collection of essays, each author has been requested to consider the following questions:

1. Has the cooperative federal-state structure of the Surface Mining Control and Reclamation Act, by which the states may have primary authority for implementing and administering the provisions of SMCRA within each state, been effective in furthering the stated goals of SMCRA?
 - a. What are the strengths and weaknesses of the cooperative federalist system as it has developed under SMCRA?
 - b. How effective has the Office of Surface Mining (OSM) been in overseeing compliance with SMCRA?
 - c. Does the performance of the OSM suggest, as some critics have argued, that its overnight responsibilities should be transferred to another federal agency? To an independent regulatory commission?
 - d. Should the states have more or less discretion to deviate from the standards established by the OSM?
2. Has the implementation of the performance standards of SMCRA had the desired effects of addressing and minimizing adverse impacts of mining?
3. Have the citizen participation provisions of SMCRA, considered by Congress to be integral to the implementation of the Act, been effective in protecting citizens and successful in assisting the regulatory agencies' enforcement of the law?
4. Is SMCRA working? If not, why not?

Beyond acting as a forum for scholarly discussion of coal-related legal topics, the National Coal Issue has endeavored to raise the awareness of our readership regarding policy issues by publishing essays written by representatives of various interest groups and divisions of government. We hope that the following essays, when read together, will provide the reader with a balanced depiction of the state of SCMRA. We encourage responses from any of our readers.

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