

As Senator Allott told this Committee at the time of its hearings on May 12, 1965. "In Colorado alone, the combined resources of oil shale underlying some 1,380 square miles is in excess of one trillion barrels." As Secretary Udall said in the preface to his leasing proposals, "The richest shales are believed to be in the Piceance Creek Basin of Colorado, where some 770,000 acres contain 25-gallon-per-ton shale in thicknesses of 15 feet or more." Indeed, it has been said that in the Piceance Basin there are several sections of land in which the imbedded reserves of oil shale are as thick as 2,000 feet!

Thus, the people of Colorado, together with their neighbors in Utah and Wyoming, where other reserves of known abundance exist, have a unique interest in the development of this resource. While there are many divergent views as to the best way to encourage such development, there is no doubt of one thing, the people in these states want to encourage prompt and effective exploitation of this resource.

At the time of the hearings of May 12, 1965, then Under Secretary John A. Carver told this Committee that a major problem in the formulation of policy concerning oil shale development lay in the adjudication of the validity, or invalidity, of unpatented pre-1920 mining claims. The Chairman of this Committee, the Hon. Henry M. Jackson, advised me by letter received September 11, 1967, that the Committee "cannot hear arguments or views on the validity or invalidity of Courts." I shall, of course, observe this limitation and shall confine my remarks to the matter before the Committee, the probable effect of Secretary Udall's proposed regulations on the development of the oil shale reserves in the publicly owned lands of the United States."

Secretary Udall's proposed leasing regulations were formulated to implement a five point program announced January 27, 1967 which was intended to promote the recovery of oil shale and associated minerals from the Green River Formation. The first point of that program involved action to clear title to public oil shale lands in the area.

This key point was not necessary because of the pre-1920 claims, the ones now before the courts, but because of the filing of literally thousands of claims during the year 1966. On the same day on which the Secretary announced his five point program, he issued an order withdrawing the oil shale lands from further claims. This action had been urged on the Secretary by persons within and without the Department. To my knowledge the withdrawal order had been recommended as early as March, 1966. For whatever reasons, the order was not finally issued until January 27, 1967.

As I am sure the Committee knows, these claims, unlike the pre-1920 claims, are not "oil shale claims". They were apparently based on the presence in the formation of metals and other minerals presumably not covered by the Mineral Leasing Act of 1920.

To gain some idea of the extent of these filings, I accompanied a former distinguished member of the United States Senate, the Hon. Paul H. Douglas, on a fact finding trip to the Western Slope of Colorado. Examination of the records located in the Clerk and Recorder's offices in Garfield and Rio Blanco counties verified what we had been told, that almost every square foot of ground hitherto unclaimed had been claimed in 1966.

Between May 6, 1966 and the date upon which the Secretary issued the withdrawal, one man alone, Mr. Merle I. Zweifel of Shawnee, Oklahoma, filed over 2100 claims covering approximately 340,000 acres in Rio Blanco County!

The intentions of Mr. Zweifel with regard to these claims are not obscure. In an interview with Bert Hanna, *Denver Post* natural resources writer, Zweifel said: "The government, to tie up oil shale, has been trying to defeat the use of mining claims. There are other minerals interspersed with oil shale and I defy them (Interior Department officials) to even lease these lands unless they bring the whole thing into focus."

Mr. Hanna's article, in which this quotation appeared, went on to say: "Secretary Udall, according to reliable reports, will soon declare the claims invalid and it then will be up to Zweifel and associates to establish validity in Court."

I fear it may not be as easy as suggested to declare the claims invalid. Unless patent applications are submitted "to bring the matter into focus", an unlikely possibility, the Secretary would have to initiate contest proceedings which might take years to resolve.