

THE OIL SHALE ADVISORY BOARD

(By H. Byron Mock*)

When the editors of this publication asked me to comment on the Oil Shale Advisory Board the opportunity and challenge required acceptance. The board had been appointed by Secretary of the Interior Stewart L. Udall and first convened on July 7, 1964. Followers of oil shale problems know the report of the board was submitted in February of 1965 and consisted of twelve pages of report and six separate statements, one by each board member covering an additional twenty-nine pages.¹ Some have labeled it a report with six dissents. To readers, but particularly to the six board members, such a result was frustrating. There were strong differences among the six, but in my opinion a broader area of agreement existed than we had time to hammer out. For this reason I am challenged to show that the report was not six dissents, but actually was six majority opinions.

I. SCOPE

The scope of this article is limited to the deliberations of the Oil Shale Advisory Board. Initially, I had a typical lawyer's irresistible impulse to try to cover the oil shale problems exhaustively, both policy deliberations and legal issues. In view of the able authors who are discussing many of those facets in this publication, the irresistible has been resisted; not entirely perhaps, but I have tried. These comments propose to discuss the three problems suggested by the editors, namely:

1. Provide underlying background of the oil shale controversy;
2. Analyze the various arguments developed within the Oil Shale Advisory Board; and
3. Suggest necessary conclusions for guidelines which might be followed in development of both legislative and administrative policies.

II. BACKGROUND

My interest in oil shale problems dates back to January 1, 1947, the date I assumed duties as the first Bureau of Land Management Regional Administrator for Colorado and Utah. Almost from the first day staff members working on mineral problems called my attention to active oil shale interests frustrated in their efforts to patent oil shale placer claims. In mid or late 1948 then Secretary of the Interior Julius A. Krug traveled to Glenwood Springs, Colorado, on a Denver and Rio Grande train fueled by shale oil. There he met with a large gathering of industry leaders and land or claim owners and gave his blessing to efforts to remove Interior obstacles to oil shale development. Before we left the concluding dinner meeting several delegations had demanded of me some affirmative action to implement the Secretary's stated goals. We tried. Numerous meetings were held with oil shale interests. With particular clarity are the several oil shale sessions at the annual Colorado Mining Congresses in Denver remembered. They were challenging and stimulating meetings. The President's Materials Policy Commission (commonly called the Paley Commission) had published predictions as to oil that the United States would "find it economical to turn increasingly to foreign supplies, and eventually to liquid fuel from shale and coal."² The Commission also stated "... synthetic oil, probably first from shale and later from coal will come into commercial production within a decade or so—perhaps sooner."³ From all these meetings and reports a very basic fact emerged: the problem of unpatented mining claims and other factors contributing to a scattered land ownership pattern made it economically doubtful that either federal or privately owned lands could be developed independently. The Colorado problems were most heavily emphasized, but owners or claimants to oil shale lands in Utah were active too. My jurisdiction did not include Wyoming, so there is no first-hand knowledge of that area.

On September 2, 1952, we had reached the stage where the problems and

¹ Interim Report of the Oil Shale Advisory Board to the Secretary of the Interior, February 1965, transmitted by letter of Chairman, Joseph L. Fisher, February 15, 1965, 43 pp.

² President's Materials Policy Committee, Resources for Freedom, Vol. I, *Foundations for Growth and Security*, p. 107 (June 1952).

³ *Ibid.*, Vol. III, *The Outlook for Energy Sources*, pp. 8-9 (June 1952).

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