with great clarity. I would say that as we talk about these leases that have been filed one over another on this Green River Plateau, I think we must bear in mind that there are a number of claims that have been filed on top of leases that have been filed that I think are made in perfectly good conscience and for very clearly understandable reasons. I would refer to an article—and if I may I would like to have it inserted at this point in the record, Mr. Chairman—appearing in the Mining Congress Journal that was written by Russell G. Wayland. He is the chief of the Conservation Division of the U.S. Geological Survey, and in that article entitled "Is the Mineral Locatable or Leasable?" he goes on to discuss this thing, and I think we can certainly understand why a number of people, interested in the minerals and in the kerogen in the Green River Plateau, would have reason to wonder how they might best protect their valid and legitimate interests.

I would also like to say, Mr. Barry, that I was not aware until this morning that it was your opinion that all carbonates of sodium were leasable. I thought this was still in the limbo of undecided questions, and I am pleased to know that is your opinion. I think it helps clarify a maze of complicated questions and out of which has grown a whole thicket of legal questions that do superimpose a lot of difficult legal tests in this Colorado plateau area.

I gather from what you say that it is your opinion that this question was resolved with the passage of the Mineral Leasing Act in 1920, and that these minerals are leasable.

Mr. BARRY. That is correct.

Senator MOSS. Without objection, that article will be printed in the record at this point.

(The article referred to follows:)

IS THE MINERAL LOCATABLE OR LEASABLE?*

(By Russell G. Wayland, Chief, Conservation Division, U.S. Geological Survey)

(Classification is a key to the question of whether a mineral is leasable or locatable. In determining whether or not a given mineral deposit comes under the mineral leasing acts, one must be aware of Congressional guidelines and their application to problems arising as new technology or successful exploration bring forth new leasable industrial minerals.)

In the public mind, with an assist from Hollywood, the only mining law is apt to be that law which evolved from the gold and silver discoveries in California and other western states a century ago. This is the General Mining Law (30 U.S.C., Ch. 2), which is concerned with lodes, fissure veins, and placers. The law provides for mining claims which are "located" on mineral discoveries made by "prudent" men, who may then patent those mining claims and obtain fee simple title to them. Sometimes overlooked is the fact that other mining laws, now half a century old, repealed the lode and placer mining law as to named minerals in the public domain, and made them subject to leasing rather than location. This article examines some aspects of the distinction between the named leasable minerals and the still locatable minerals. Excluded from the discussion are minerals in federal lands acquired by purchase or transfer from state or private ownership. Also excluded are common mineral materials such as sand and gravel in public lands.

GENERAL MINERAL LEASING ACT PASSED IN 1920

In the first half of the nineteenth century the federal government's prime objective in the West was to promote settlement. Most lands of the public domain

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