

I. INTRODUCTION

The publishing of the proposed rules came as a surprise to the Phosphate Lands Conference in view of the fact that representatives of the Conference had met with representatives of the Department in December of 1966 to discuss the proposed rule making for the reclamation of phosphate land and had understood that the Department would be in contact with the industry relative to the proposals discussed at the December meetings before further action was taken by the Department. Nevertheless, since receiving notice of the publication of the proposed rules, the members of the Conference have met to consider the newly proposed regulations.

The purpose of this statement is to highlight the problems that would be encountered by the western phosphate mining industry and the United States if the proposed regulations were adopted in their present form. The Conference is in accord with the policy that the exploration for and mining of phosphate should be conducted in a manner consistent with reasonable land conservation practices and renews its offer to cooperate with the Department in formulating regulations which would accomplish this objective.

II. ANALYSIS OF PROPOSED REGULATIONS

Notwithstanding the agreement of all members of the Conference that phosphate mining operations should be conducted in accordance with reasonable conservation practices, they find that the proposed regulations in certain respects are impractical and unsuited to western phosphate exploration and mining. In this regard, the Conference submits the following analysis of the proposed regulations:

A. Submission of plan for operation prior to commencing exploratory, development, or extractive operations

While the Phosphate Lands Conference, as indicated in the proposed regulations submitted to the Department by it dated November 16, 1966, believes that the most feasible approach to the reclamation of surface-mined land is to have a plan for reclamation submitted and approved, it is virtually impossible to have such a plan submitted and approved before exploration is commenced.

Prior to exploration, no one knows what extracting operations will be conducted, if any, on the lands in question. Large areas containing phosphate deposits are classified as subject to the leasing provisions of the Mineral Leasing Act notwithstanding almost a total lack of knowledge of the extent, attitude, quantity, quality, mineability or workability of the deposits. At the time of the commencement of exploration activities neither the United States nor the holder possesses any appreciable knowledge about the nature of the mineral deposits on the leased lands. For example, it is impossible to determine—

- (a) The precise location of the proposed mining operation.
- (b) The area where the overburden will be stored.
- (c) The amount of surface that will be disturbed.
- (d) The nature of the excavation that will be necessary in order to obtain the ore.
- (e) The size of the piles of removed overburden and their location and design.
- (f) The nature and extent of erosion problems, if any.
- (g) What livestock operations might be interfered with.
- (h) What streams, if any, will be interfered with.
- (i) What crops, including foliage, timber, etc. will be disturbed and the extent thereof.
- (j) Size and types of equipment to be utilized for exploration, development, or extractive operations.
- (k) Capacity, character, standards of construction, size and location of structures and facilities to be built.
- (l) The method of handling, storing and using explosives and fire.

It is impossible at the time of the commencement of exploration activities to determine what steps will have to be taken in order to remove the ore and thus obtain the objective of "encouraging the exploration and development of the phosphate deposits of the public lands" and at the same time comply with the objectives of the proposed regulations. Consequently, it would not only be impossible to describe these operations, but, in addition, it would be impossible to determine what reclamation activities would be needed.