

are administrators to the geology that is involved here in this phosphate mining area.

You brought out the fact in your statement, Mr. Power, that these deposits of phosphate were laid down on a horizontal plane, as a layer at the bottom of a great lake millions of years ago. At that time they were horizontal because they were deposited by water action. They were level on a horizontal plane.

Then in the thousands and millions of years that followed, with the buckling of the Rocky Mountains and the twisting and upheaving of the earth's surface, this horizontal plane of phosphate was broken and twisted and warped so that there is no continuity. Isn't that what we are saying here?

Mr. POWER. Yes, sir.

Senator JORDAN. Isn't it true that the regulations promulgated by the Department of the Interior completely disregard this geological basic fact which you so carefully enunciated for us today?

Mr. POWER. Yes, sir.

Senator JORDAN. Isn't it a fact, too, from the testimony you have given here, that it would be quite impossible, under the circumstances obtaining there, for you to file a preliminary plan of operation, a detailed program as to precisely how you are going to do it well in advance of actual exploration or construction?

Mr. POWER. It is impossible.

Senator JORDAN. Mr. Chairman, it seems to me that the main difficulty here is the fact that the legislation is tailored for a situation which has no reality to the circumstances that obtain in western mining of phosphate and in other situations as well. I think all of us want to see a restoration and reclamation of these lands but we want to see a viable mining industry. We do not want to see it destroyed. I think under the regulations and the stipulations that have been handed down by the Secretary and by the straitjacket that is set up in the provisions of this bill, we are going to have great difficulty in maintaining any mining industry at all in some of these areas.

Now I want to talk about some other matters. I am astounded, as you recount, at the various contacts you have had with the executive branch starting on May 7, 1966, with the regulations they have published in the Federal Register, your reply to that, and then further regulations published over a year later completely disregarding your communications to them; your coming back here and finding that you have to start anew with a new set of people and explain in detail the difficulties which beset your operations; and now I understand you have had no formal reply to your last communication.

Mr. OLSEN. Senator, on that matter, in deference to the Department we did have a chance to go over our comments with them but that was the end of it. We do not want to give you the idea that they brushed us off. They did listen. However, we understand that there are regulations coming out within the next month and we have no idea what they will contain.

Senator METCALF. Senator Church, and by his request the committee, has asked for written comments, a written statement and written responses to your objections and they will be presented to you and they will also be kept in the files of this committee.

Senator JORDAN. We appreciate that, Mr. Chairman.