

LOUD AND CLEAR

Paleontological Resources Preservation Act (S2727; HR 2974)

The Senate bill, with amendment, was favorably reported out of the Committee on Energy and National Resources on October 8, 2002 and placed on the Senate Legislative Calendar as Calendar No. 655. As I write this column, the Senate and House are both recessed and are scheduled to return November 12th for about one week in a so-called "lame duck" session. At the close of that "lame duck" session, the 107th Congress will be history. My contact in the office of Virginia Senator George Allen advised me that it is unlikely, but possible, that the bill will actually come up for vote.

On the House side, HR 2974 is still in committee, i.e., the "House Committee on Resources."

Although it appears that the legislation will not become law in the 107th Congress, please contact your Senators to state your position. I expect the legislation to be reintroduced into the next session of Congress.

Rockhard Criminals

Last May two rockhound buddies were collecting agatized coral in the Aucilla Wildlife Management Area (WMA) known as the "Coral Lands" or "Western Slough" area in Jefferson County, Florida. They were arrested by an officer of the Fresh Water and Game Commission locally referred to as a "game warden." The rockhounds spent 10 hours in a cold jail cell before being released on bond.

This particular WMA is described as having Indian burial mounds within its boundaries and a number of "preserved sites" where the presence of artifacts has been noted. The site of the rockhound dig was neither in an Indian burial mound nor in a "preserved site." The only posted prohibition against collecting covered only Indian artifacts. The rockhounds were charged with violation of the Florida State Criminal Code, specifically "Criminal Mischief," a misdemeanor.

The Public Defenders Office in Jefferson County, Florida advised me in telephone conversation that they knew of no Florida statute or agency rule governing the removal of rocks and minerals from state lands for recreational purposes. Further, I was told that the rockhounds would have a good defense if the case were to be tried because of lack of notice and to doubts as to whether or not the digging of a hole and the removing of rocks amounted to what would be regarded as "criminal mischief." However, the charges were eventually dropped and the matter never went to trial.

At present, I know of no statute, agency rule, legal precedent or even stated policy covering collecting of agatized coral or other rocks and minerals on Florida state land. However, we do know that the aforementioned arresting officer is still plying his trade in the Aucilla WMA area and can be expected to treat other collectors he might encounter in the manner described above. Accordingly, unless we can obtain a favorable policy decision from the Florida state agency having jurisdiction over the land, rockhounds should avoid the area.

George Loud

Update April 2005

Senate Bill S-263, Paleontological Resources Preservation Act.

Please get your clubs to write or phone your Congressmen and Senators. One letter from your club is equal to only one call. Everyone must contact their congressmen/senators.

As of this morning, there had been no further action on the Senate bill except to place it on the legislative calendar, it has only eight sponsors and there has been no similar bill introduced into the House. Besides phone calls and letters I just want to remind everyone that faxes are very effective and that letters should not only be sent to the DC office but also to the field office closest to where you live. If anyone wants to know where that field office and how to reach them, they can call the DC office of their Senators to get that information or they can contact me as I have a listing of all the field offices, their locations and their phone numbers in my office.

Thanks for your continued efforts and contact regarding the legislation.

Sincerely yours,

Marion Zenker

ALAA and AAPS legislative liaison