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AB131 Amendments

Reno-Sparks Indian Colony

red is the suggested language change.

green is a suggested deletion.

These amendments address the Mining Association's amendments as submitted 3/17/03 to the hearing before a Natural Resources Subcommittee March 17, 2003.

1. Page 2, lines 1-2 Reinstates most of the original bill with one amendment:

Support the [adoption and] enforcement of national, state, tribal and local laws and regulations to protect cultural resources.

Mr. Guild justified taking this language out with the statement "you can't legislate a truism" and that this language was "superfluous." If it is assumed that national, state, tribal and local law and regulations governing cultural resources are already implemented and therefore needn't be recognized in this bill, why would it hurt to include it? If cultural resource law was being honored currently, why would this legislation be needed? In fact, Assemblyman Mortenson wishes to create this stewardship program to protect cultural resources because of the lack of protection and the frequency of vandalism and destruction of these resources. It appears that the Mining Association fears that this bill might curtail their activity, which laws do they wish to ignore by omitting this language?

On the other hand, our amendment recognizes that this program probably cannot "adopt" federal, state, tribal and local laws and regulations...they might try to ensure that the enforcement of already established law is honored, discussed and respected. This language is aimed at the program volunteers, not the mining industry.

2. Page 2, lines 7-10

The Mining Association originally suggested these lines be deleted. The discussion in the hearing seemed to indicate that these lines would remain. It was agreed that the term "such" merely identified the types of entities that may be consulted but did not require every entity be contacted at every site. For example, the tribes may not wish to be involved with any architectural sites, but would wish to be invited to participate in Native American sites.

3. Page 2, line 16

- (3.) The stewardship program must:

The Mining Association suggested that they program MAY complete the functions of the

program as described in the third section. This proposal guts the bill. If the goal is to make this program accomplish nothing and not be taken seriously, this accomplishes that goal.

4. Page 2, line 17-20

(a) In cooperation with agencies, organizations, Native American tribes, and natural persons who are concerned about the protection of cultural resources, create a list of significant cultural resources in the state for monitoring for the purposes of preventing vandalism and similar activities that may damage those cultural resources;

(Omit "on state lands, Native American lands, and, with the consent of the land owner, private lands.")

We tried to incorporate some of the Mining Association's language, while taking out portions that are totally illogical to the function of the bill:

1. The Mining Association proposes taking out federal land! This happens to be 89% of the land in Nevada and is the location of the vast majority of the cultural resources this bill was intended to protect! Again, if the Mining Association believes it follows all federal law governing cultural resources, I can't imagine why they wish to take federal land out! Why are they not able to articulate this concern?
2. The Mining Association seems to not know that tribal lands are owned by the federal government...but since mining is generally not welcome on Indian lands, maybe they believed they were being magnanimous.
3. The language that identifies that only on private land would the owner be consulted prior to trying to protect their land from vandalism is both discriminatory and obnoxious. It reveals feelings better left outside of the legislative process.

5. Page 2, lines 23-25

c) Establish requirements for reporting damage, threats of damage or vandalism and similar activities that may damage those cultural resources.

If Assemblyman Mortenson wishes to weaken his bill to only address vandalism rather than "damage," we would not oppose this change. However the language suggested by Mining would only report "threats of vandalism": this may be a mistake.

We would prefer that the bill cover damage done as well as vandalism. I am sure Mining does not vandalize cultural resources, obviously they think it is unreasonable to ask them not to damage cultural resources. Federal law already discourages damaging cultural resources so if Mining follows federal law, this should not be a problem.

6. Page 3 lines 1-3

3. "Cultural resources" means objects, sites or information of historic, prehistoric, archeological, architectural, paleontological or traditional significance.

This is the most obnoxious suggestion by the Mining Association. Taking out "traditional" eliminates Indian people from this bill. The rest of the definition describes non-Indian education, non-Indian thinking, non-Indian values and ignorance of Native American knowledge, thinking and history. Federal law (NEPA, NAGRPA) recognize that Native American cultural resources are recorded and passed on through the elders in a oral history...hence the word traditional. Even federal law requires that the location and significance of Native American sites are not available to the "public" because the public has consistently destroyed every site they can find. If traditional is deleted from the bill then all mention of Native American cultural resource protection should also be eliminated. Again, this guts the bill and reveals the disrespect the Mining Industry hold toward Native American culture.