

H.R. 554 Dissenting Views

Americans have long been collectors of fossils. Thomas Jefferson was fascinated by the fossilized bones of mastodons and giant sloths and one of his charges to Lewis and Clark on their epic exploration of the American West was to try to discover a living representative of these impressive creatures. Since that time, thanks to generations of amateur and professional practitioners of what we now call paleontology, we today know a lot more about the many species that now remain on the earth only as fossils. The hobbyists and scholars who gathered their finds and organized the knowledge gained from their discoveries were lucky to have existed before this bill becomes law. Their good timing keeps them out of the hands of the about to be created corps of fossil police.

H.R. 554 is a poorly crafted bill that, if vigorously enforced, will turn tens of thousands of Americans who, like Jefferson, are amateur paleontologists into felons and will have a chilling effect on paleontological research. Although appropriate legislation could be helpful in bringing about uniformity in laws governing paleontological activities on public lands in a way that would encourage scientific research, allow for fossils to be collected before they are destroyed by the elements, protect surrounding lands from unnecessary harm from excavations, protect the ability of both academic and non-academic paleontologists to explore for fossils in appropriate areas, establish clear guidelines for public land managers and the public to follow and not usurp the duty of Congress to establish such policies legislatively, H.R. 554 fails on all of these counts. Paleontological research on our public lands should be encouraged, not punished and regulated with a bureaucratic iron fist that H.R. 554 will surely give us. H.R. 554 will most affect those who are not full-time paleontologists, those who do it as a hobby and some who do it for legitimate profit. H.R. 554 will treat these law-abiding Americans as harshly as heroin dealers in some cases. Is this the way we want to treat those who have given us many of the greatest fossil discoveries?

H.R. 554 punishes violators using means usually reserved for the most heinous crimes. This legislation would subject fossil collectors to imprisonment and vehicle forfeiture. The Association of Applied Paleontological Sciences in a letter criticizing H.R. 554 stated, "Our government does not need to put scientists in jail and confiscate university vans. We can visualize now a group of students unknowingly crossing over an invisible line and ending up handcuffed and prosecuted." H.R. 554 contains several provisions that run counter to scientific practices and principles. For example, the bill seeks to punish offenders by taking into account of "scientific value." There is no logical scientific or empirical way to assign a dollar amount to scientific value. H.R. 554 also punishes those who falsely identify a fossil find, no matter if it is accidental. There is no museum that is free of labeling errors; this is an outrageously unrealistic standard to be met especially considering that these fossil finds are often labeled in remote locations with little to no resources. There are no provisions in H.R. 554 for commercial collecting on public lands. However one feels about people financially gaining from fossil collecting, everyone acknowledges it plays an important role in the paleontology field and most would acknowledge that but for financial gain many discoveries would not have been made. Most stunning of all is H.R. 554 creates an incentive for overzealous

enforcement by allowing for eminent domain to be used to acquire lands using funds from collected penalties.

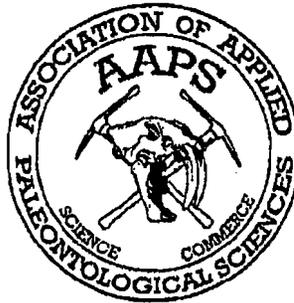
We would happily work with the sponsor of H.R. 554 to draft a bill that truly addresses the problems that currently exists in regards to paleontological practices on public lands. Many of us represent districts that contain these federal lands and have a personal understanding of the issue that sometimes seems to elude representative without federal lands in their district. We would like a bill to reflect the wishes of all of those affected by a legislation of this type, not just the few.

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HR 554

Dear Lesley:

The AAPS (Association of Applied Paleontological Sciences) board of directors has reviewed House Bill HR 554, "Paleontological Resources Preservation Act." There are many good things about this bill, but also many issues that need to be addressed that affect not only commercial collectors, like Triebold Paleontology, but many academic and scientific institutions as well. We appreciate you taking the time to review this information and how it will affect not only Triebold Paleontology, but also others in the paleontology industry, both commercial and academic.

The following points are reasons why AAPS cannot support this Bill:

Sec. 5(c) 3 states "specific locality data will not be released by the permittee or repository without the written permission of the Secretary." It is against scientific principles to keep scientific data secret. This should be available to all scientists and the general public who own public lands. Except in only the most special circumstance locality data should not be withheld. Science and the public want to know this information.

Sec. 8 (a) 2 (A) states "the scientific or fair market value, whichever is greater, of Paleontological resource involved." There is no logical scientific or empirical way to assign a dollar amount to scientific value. Only the term fair market value should be used. The market adequately determines the value of a Paleontological specimen.

Sec. 7 (b) states "a person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands." Paleontology is ironically, a field that is not set in stone. What you find and label in the field may not be what you find as preparation is undertaken in the lab. Penalties for misidentification of fossils will place every museum in jeopardy. There is not one museum that is free from labeling errors on specimens on exhibit or in collections.

Sec. 9. (b) states "all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture." Imprisonment and vehicle forfeiture should be reserved for only the most heinous violations. Our government does not need to put scientists in jail and confiscate University vans. We can visualize now a group of students unknowingly crossing over an invisible line and ending up handcuffed and prosecuted. An honest mistake is just that and should be treated accordingly.

Sec. 3 (a) states "the Secretary shall manage and protect Paleontological resources on Federal lands using scientific principles and expertise." This is exactly what many professional companies, like TPI, have to offer. We applaud the Bill's recognition that the Secretary of the Interior has the responsibility to manage and protect paleontological resources on public lands. After so many years of changing policy, this Bill would finally clarify regulation of fossil collecting, and increase public awareness. We are in complete support of the casual collecting exemption. Amateurs are the foot soldiers of paleontology and their activities are to be encouraged. We applaud the recognition

that all qualified individuals will be eligible to obtain a permit. In past bills, commercial and amateur collectors were not allowed to obtain permits.

There are no provisions for the sale of fossils from commercial quarries or surface collecting. These are an important and integral part of the world of paleontology, and a mechanism to provide for the sale of fossils from public lands, like other resources, should have been devised as part of this Bill. There are also no provisions for commercial exploration, collecting, processing and sale of fossils on public lands. Wouldn't this be a better alternative than fossils disappearing from the world forever?

AAPS members have volunteered numerous times to assist with the wording of this Bill and to date have been largely ignored. As the only organization of professional fossil collectors in the US, we find it disturbing that the issues we might have helped deal with in the creation of this legislation, and those which unfortunately require that we withhold our support, could have been successfully addressed had we been consulted. We invite you to visit our facility here in Woodland Park to see first hand how a commercial Paleontological company does business and pays its own way. Please extend this invitation to other members of the committee. I feel that they probably don't really know what we do, how we do, and the responsibility we have to science and our field of choice, paleontology.

Professional collectors, intimately familiar with the latest techniques for safe retrieval and documentation can and should be a vital ally in the fight to preserve our fossil resources. Myriad opportunities exist for contract and collaborative exploration, excavation, preparation, molding, casting, mounting and conservation. Due to the expense involved with fossil collecting, many specimens have been lost to science due to the fact that the museums and universities collecting on public land do not have the time, money or staff to collect everything they see. These specimens end up as dust as they erode away. Representatives from the Denver Museum have told us of this exact thing happening to them, as year after year they return to a collecting area and watch fossils erode to nothing.

It is also important to note that our arguments against this legislation are supported by the National Academy of Sciences 1986 report titled "Paleontological Collecting".

We believe that Sec. 6 "it is suitable that important fossils collected under permit should be placed in an approved repository" that is not necessarily a federal institution; Sec. 5 (e) that areas under scientific investigation be closed to the public when necessary; and that the Bill recognizes in Sec. 12 (1) the importance of commercial activities protected by mining laws.

Unfortunately, a year later we still have not had an opportunity to provide additional insight into this Bill. Perhaps with a little more input and a few amendments, this Bill could really benefit the science of paleontology. Please allow us an opportunity to participate in the creation of viable legislation that would preserve the resource and bring all of paleontology together.

Sincerely,



Tracie Bennett
President, Association of Applied Paleontological Sciences
tracie@triebaldpaleontology.com
719 686-1820 X112
719 641-9541

Danny

Doug Lamborn

John J. Duncan Jr.

Bill Satic

Adrian H. Huth

Cathy McNamee-Rodgers

Steve Ben

Mary Fallin

Tom Tancrède

John

Herb

Jais Fortis
Bill Shuster

My Flaker

Robin Smith

Bob Dyer

Paul

Sam

Elton