

Bill to require restoration of mine near Indian sacred site signed by Davis

STEVE LAWRENCE, Associated Press Writer

Monday, April 7, 2003

©2003 Associated Press URL

(04-07) 18:12 PDT SACRAMENTO (AP) -- Keeping a promise, Gov. Gray Davis signed legislation Monday to protect an ancient Indian site in the Southern California desert by requiring a mining company to fully restore a proposed gold pit mine site after mining is completed. A mining company official, Chuck Jeannes, said the requirement could make the project and other metallic pit mines in the same area uneconomical and indicated his firm might challenge the new law in court. "It doesn't prohibit the mine from being constructed," said Jeannes, senior vice president of Glamis Gold Ltd. of Reno. "But as the drafters of the legislation well know, the requirement to back-fill any open pit is enough to render most projects uneconomical or at least cause mining companies to look elsewhere ... for places to spend their exploration money." He said the company had \$15 million already invested in the project and didn't want to walk away from it. "We've got some legal arguments to make, but we have not decided on any course of action," he added. The legislation, which took effect immediately, requires that a metallic pit mine within one mile of an Indian sacred site in the southeast corner of the state be restored to its original contour. The bill, by Sen. Byron Sher, D-Stanford, is designed to preserve the "Trail of Dreams," which members of the Quechan tribe have run for centuries from the Colorado River through Indian Pass for spiritual cleansing and prayer. Indian Pass is a site that contains ancient pottery shards and rock carvings and is used for religious ceremonies by the tribe. The proposed mine, on 1,500 acres of federal land in Imperial County, was rejected by the Clinton administration because of its effect on Quechan sacred land, but the Bush administration rescinded that ruling. Federal law allows states to impose stronger environmental requirements than the federal government on mines. Davis signed legislation last year that would have imposed the same restrictions as the new law on the Glamis mine, but that bill didn't take effect because its fate was tied to a broader bill protecting Indian sacred sites that the governor vetoed. Davis said after the veto he promised Quechan leaders he would "work night and day to prevent" any destruction of the tribe's sacred sites until lawmakers could pass a new bill without links to other legislation. The state mining board adopted temporary regulations imposing a back-fill requirement on the Glamis project until the Legislature could act. "By signing this legislation we are sending a clear message to the federal government that this sacred site is more important than gold," Davis said. He also said the mining board would adopt regulations later this week extending the restoration requirement to other new metallic pit mines elsewhere in the state, and he said he was close to reaching agreement on new legislation to protect all Indian sacred sites. Michael Jackson, the Quechans' president, said the restoration requirements would help the 3,000-member tribe "protect one of the most important resources we have, our history." "It's been a long battle, but our people are relentless people," he said. "We are survivors. We will not go away." Davis signed the bill a few hours after it was approved by the Assembly, 63-5. The Senate approved it in January.

On the Net: Read the bill, SB22, at <http://www.senate.ca.gov/>>www.senate.ca.gov
-©2003 Associated Press