



Fact Sheet – Proposed rule at 43 CFR § 49: PALEONTOLOGICAL RESOURCES PRESERVATION November 21, 2016

The proposed rule would implement the Paleontological Resources Preservation Act (PRPA) of 2009 by providing standards for a coordinated approach to the management of paleontological resources on public lands. The rule clarifies how bureaus will manage paleontological resources to ensure they are available for current and future generations to enjoy as part of America’s national heritage.

Overview of Proposed Rule

The proposed rule applies to lands managed by four bureaus in the Department of the Interior:



Bureau of Land Management



Bureau of Reclamation



Fish & Wildlife Service



National Park Service



The U.S. Department of Agriculture, Forest Service rule was published on April 17, 2015, and may be accessed at: <http://www.fs.fed.us/geology/fossils.html>

PRPA does not apply to state, private, or Indian lands.

What is a Paleontological Resource?

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6301 defines a paleontological resource as any fossilized remains, traces, or imprints of organisms, preserved in or on the Earth’s crust, that are of paleontological interest and provide information about the history of life on Earth.

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Proposed § 49.5 would define a paleontological resource as any fossilized remains, traces, or imprints of organisms preserved in or on the Earth's crust, except for:

1. Fossils that are archaeological resources, as defined by the Archaeological Resources Protection Act of 1979; and
2. Cultural items, as defined by the Native American Graves Protection and Repatriation Act of 1990; and
3. Resources that are determined by a bureau to lack paleontological interest or not provide information about the history of life on Earth.



Science and Planning

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6302 requires the bureaus to manage and protect paleontological resources using scientific principles and expertise, and to develop plans for inventory, monitoring, and the scientific and educational use of paleontological resources.

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Proposed § 49.1 would establish the paleontology program mandate by directing the bureau to manage, protect, and preserve paleontological resources on Federal land using scientific principles and expertise.

Proposed § 49.30 would require the bureaus to inventory and monitor paleontological resources.

Outreach and Education

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6302 directs the bureaus to emphasize interagency coordination and collaborative efforts where possible with non-federal partners, the scientific community, and the general public.

Section 6303 requires the bureaus to establish a program to increase public awareness about the significance of paleontological resources.

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Proposed § 49.35 would require the Bureaus to establish programs to increase public awareness about the significance of paleontological resources and to partner with the scientific community and the public.

Permitting

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6304 states that a paleontological resource may not be collected from Federal land without a permit (except for the casual collecting exemption), and directs the bureaus to implement a paleontology permit system.

- An applicant must be qualified to carry out the permitted activity.
- Activity must be undertaken for the purpose of furthering paleontological knowledge or for public education.
- Paleontological resources collected from Federal land must remain the property of the United States.

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Proposed § 49.50 - § 49.95 provides detailed information on permit requirements, including modifications, appeals, and permit terms and conditions.

Museums

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6305 directs that paleontological resources collected under a permit shall be deposited in an approved repository (museum).

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Proposed § 49.200 - § 49.220 identifies how repositories (museums) are approved to receive and house collections of paleontological resources and their associated data and records, and provides the standards that repositories must meet when managing these collections.

Prohibited Acts and Criminal Penalties

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6306 states that a person may not excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land, and provides criminal penalties that include fines for the commercial and paleontological value of damaged resources plus the costs of restoration and repair of those resources and imprisonment for violators. Penalties may be doubled for subsequent violations.

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Proposed § 49.300 restates the Act: A person may not excavate, remove, damage, or otherwise alter or deface any paleontological resources.

Proposed § 49.400 explains what criminal penalties apply to this part.

Civil Penalties

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6307 explains what civil penalties apply to this part and provides authority for the bureaus to recover scientific or fair market value of paleontological resources and the costs of response, restoration, and repair.

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Proposed § 49.500 - § 49.575 provides a detailed procedure for bureaus to pursue civil penalties, including serving a notice of violation, calculating the amounts of a fine, procedures for appeals, and using collected penalties.

Proposed § 49.600 - § 49.700 provides guidance on determining the value of paleontological resources and the costs of restoration and repair.

Rewards and Forfeiture

Paleontological Resources Preservation Act (PRPA) of 2009

Section 6308 authorizes the bureaus to offer rewards to persons who furnish information that leads to the finding of a civil violation, or the conviction of a criminal violation, and directs that paleontological resources recovered under civil or criminal provisions of the law may be forfeited to the bureau and subsequently transferred to Federal or non-Federal institutions.

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Proposed § 49.700 - § 49.705 provides information on forfeitures and explains what rewards may be paid to people who furnish information that leads to the finding of a civil violation or the conviction of a criminal violation.

Casual Collection

Casual collection on Department of the Interior lands only applies to the Bureau of Land Management and the Bureau of Reclamation.



Paleontological Resources Preservation Act (PRPA) of 2009

Section 6304 states that the Bureau of Land Management (BLM) and the Bureau of Reclamation (Reclamation) shall allow casual collecting of a reasonable amount of common invertebrate and plant paleontological resources for noncommercial personal use when it results in negligible disturbance to the Earth's surface.

Section 6301 defines casual collecting and directs the bureaus to define the terms *reasonable amount* and *negligible disturbance*.

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Proposed § 49.800 - § 49.810 explains where and when casual collecting is allowed and defines the terms associated with casual collecting.

Proposed § 49.810 provides definitions for *reasonable amount* and *negligible disturbance*:

Reasonable amount – (proposed) Reasonable amount means a maximum of 25 pounds per day per person, not to exceed 100 pounds per year per person. Pooling of individuals' daily amounts to obtain pieces in excess of 25 pounds is not allowed.

Negligible disturbance – (proposed) Negligible disturbance means little or no change to the surface of the land and minimal or no effect to natural and cultural resources, specifically:

- (i) In no circumstance may the surface disturbance exceed 1 square yard (3 feet x 3 feet) per individual collector;
- (ii) For multiple collectors, each square yard of surface disturbance must be separated by at least 10 feet;
- (iii) All areas of surface disturbance must be backfilled with the material that was removed so as to render the disturbance substantially unnoticeable to the casual observer.

Casual Collection on BLM National Monuments & National Conservation Areas

Proposed § 49.805(a)(2) states that casual collection of common invertebrate and plant paleontological resources is allowed on most BLM lands, but would be excluded from BLM National Monuments, National Conservation Areas, Outstanding Natural Areas, Forest Reserves, and Cooperative Management and Protection Areas unless specifically opened through the bureau planning process.