

**PALEONTOLOGICAL RESOURCES
PRESERVATION REGULATIONS, 43 CFR PART 49**

**ECONOMIC ANALYSIS IN SUPPORT OF
E.O. 12866 AND REGULATORY FLEXIBILITY ACT COMPLIANCE**

*Developed by:
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I. Introduction

This analysis concerns publication of the U.S. Department of the Interior's (DOI or Department) final rule, "Paleontological Resources Preservation," 43 CFR Part 49; 36 CFR Part 2; 43 CFR 8360; and 50 CFR Part 27 (RIN 1093-AA25). This rule is required by the Paleontological Resources Preservation Act (PRPA), which was enacted as Title VI Subtitle D of the Omnibus Public Land Management Act of 2009 and codified at 16 U.S.C. §470aaa - §470aaa-11. Although paleontological resources are already protected, collected, and curated under existing bureau-specific laws and regulations, the PRPA sets forth new standards for more consistent and collaborative management of these resources on lands administered by the DOI and the U.S. Department of Agriculture (USDA).

This rule implements the PRPA on lands administered by the DOI, specifically lands administered by the Bureau of Land Management (BLM), the Bureau of Reclamation (Reclamation), the National Park Service (NPS), and the U.S. Fish & Wildlife Service (FWS) (together, "the bureaus"). The analysis below includes a statement of need for the rule, an analysis of alternative approaches considered, an analysis of expected costs and benefits, and an evaluation of economic impact on small entities. The analysis concludes:

- The rule will not have an annual economic effect of \$100 million, and will not adversely affect an economic sector, productivity, jobs, the environment, or other units of government.
- Sufficient information is not available to develop quantitative estimates of the benefits. The estimated annual cost of the rule is \$1,646,750. This rule will improve governmental functions by providing a more consistent, unified approach than is currently provided for paleontological resource management across BLM, NPS, FWS, and Reclamation lands, which will increase transparency for the public, scientists, and other stakeholders that use those lands.
- The rule will not have a significant economic impact on a substantial number of small entities.

II. Statement of Need for the Rule

Executive Order 12866 (58 FR 51735) directs Federal agencies to demonstrate the need for the regulations they promulgate. In general, regulations should be promulgated only when a “market failure” exists that cannot be resolved effectively through other means. A market failure exists when private markets fail to allocate resources in an economically efficient manner based on other justifications: improving the functioning of government, removing distributional unfairness, and promoting privacy and personal freedom (OMB 2003).

There is no market failure for this rule; instead, the DOI is promulgating the rule to improve the functioning of government.

According to Senator Daniel Akaka, the original sponsor of the PRPA in the 107th Congress, the purpose of the PRPA is to:

“... help protect and preserve the nation’s important fossil resources that are found on Federal lands for the benefit of our citizens..... [A]t this time there is no unified policy regarding the treatment of fossils by Federal lands management agencies which would help protect and conserve fossil specimens. We risk the deterioration or loss of these valuable scientific resources. *This act will correct that omission by providing uniformity to the patchwork of statutes and regulations that currently exist.* It will create a comprehensive national policy for preserving and managing fossils and other artifacts found on Federal lands, and will prevent future illegal trade.” (Congressional Record, January 15, 2009, p. S426.) (emphasis added).

The PRPA enacted this comprehensive national policy by establishing consistent standards for paleontological resource management.

First, the PRPA directs the Secretaries of the Interior and Agriculture to manage and protect paleontological resources using scientific principles and expertise, establish appropriate plans for inventory and monitoring, and establish a program to increase public awareness.

Second, the PRPA requires that paleontological resource collection from lands administered by the DOI and USDA be conducted in accordance with a permit, but authorizes collection without a permit of limited amounts of common invertebrate and plant paleontological resources from lands administered by the BLM, Reclamation, and the U.S. Forest Service. Permits for fossil collection on Federal land are already required by DOI bureaus under existing laws and regulations, but the PRPA sets forth consistent requirements, terms, and conditions for future permits and mandates curation of the collected specimens in DOI-approved repositories.

Third, consistent with other resource management laws such as the Archeological Resources Protection Act and the Federal Cave Resources Protection Act, the PRPA requires that specific locality data remain confidential unless the release of such data is approved by the DOI or USDA.

Fourth, the PRPA authorizes new criminal and civil penalties for prohibited actions such as fossil vandalism, theft, and sale, and authorizes the use of collected civil penalties to offer rewards or restore damaged sites and resources.

Fifth, the PRPA directs the two Secretaries to coordinate in implementation of the statute.

Lastly, the PRPA expressly directs the Secretaries to issue regulations as appropriate to carry out the Act, providing opportunities for public notice and comment.

This rule complies with the PRPA's express requirement to promulgate regulations (16 U.S.C. §470aaa-9). In addition to being required by the law, the regulations are needed because without them, paleontological resources would not necessarily be protected and entered into Federal collections for curation in compliance with the law. The rule provides additional notice to the public, scientists, and land managers about the provisions of the PRPA and will facilitate the PRPA's implementation by explaining and interpreting those provisions.

Without this rule, bureau-specific regulations promulgated under other laws will continue to govern paleontological resources on DOI lands. Under these other regulations, permitting is inconsistently administered and tracked, theft and vandalism are inconsistently addressed and tracked, and the curation of paleontological resources and associated scientific data, which are Federal property, is not uniformly conducted by approved repositories to DOI museum management standards, or under a repository agreement as required by the DOI. In addition, the rule provides the public with notice and clarification about the legal consequences of conducting unauthorized activities related to these non-renewable resources. In sum, the rule will help ensure that paleontological resources on or collected from DOI lands are managed and protected in accordance with the PRPA.

This rule also provides unified standards necessary to implement the comprehensive national policy envisioned by Congress. DOI and USDA staff worked together from 2009 to 2010 to develop the initial draft of both agencies' proposed rules under PRPA, and the USDA promulgated its proposed rule in 2013 (78 FR 30810) and final rule in 2015 (80 FR 21588). Until the DOI rule is promulgated, paleontological resource management on DOI-managed lands will remain inconsistent with how these resources are managed by the U.S. Forest Service. Together, the two sets of regulations will provide the consistent and comprehensive national approach required by the PRPA.

III. Regulatory Alternatives

This rule contains nine subparts (Subparts A through I). Subparts A through C contain definitions and implement the PRPA's requirements to:

- Manage and protect paleontological resources using scientific principles and expertise and to foster knowledge and public education.
- Develop plans for paleontological resource inventories, monitoring, and scientific and educational uses.

- Coordinate when appropriate with other agencies, non-federal partners, the scientific community, and the public.
- Implement permitting and curation standards.
- Protect information about the nature and specific location of fossils where warranted.

Subparts D through H:

- Restate the PRPA's list of prohibited actions.
- Restate the criminal penalties authorized by the PRPA.
- Explain the processes associated with imposition of the civil penalties authorized by the PRPA.
- Explain the valuation of damaged or destroyed resources or sites.
- Restate the PRPA's provision regarding the use of collected penalties as rewards for persons who furnish information leading to a finding of civil violation or criminal conviction.

Subpart I implements the casual collecting provisions of the PRPA on certain lands administered by the BLM and Reclamation.

In the course of developing the proposed rule, the DOI considered three alternatives. The first alternative was no-action, or no promulgation of regulations. The second alternative was a less restrictive rule. The third was a more restrictive rule. The reasons for dismissing these alternatives are explained below.

Alternative 1 (no action/no rule)

Under this alternative, the DOI would not promulgate regulations. The DOI dismissed this alternative because it would not comply with the requirement in the PRPA that the DOI issue regulations to carry out the law, including the opportunity for public notice and comment (16 U.S.C. § 470aaa-9). This rule is necessary to implement sections of the PRPA that authorize casual collecting (16 U.S.C. §470aaa), provide a permit application and issuance process (16 U.S.C. §470aaa-3), issue civil penalties (16 U.S.C. §470aaa-6), and reward payments for specified activities (16 U.S.C. §470aaa-7). The DOI Office of the Solicitor recommended regulations for another reason – that they would provide the public with adequate notice of certain provisions in the PRPA. These provisions address repository approval (16 U.S.C. §470aaa-4), area closures (see 16 U.S.C. §470aaa-3), and criminal penalties (see 16 U.S.C. § 470aaa-5).

The status quo is the same as the no action alternative, under which bureau-specific regulations would continue to govern paleontological resources. The current framework makes it more difficult for the scientific community and the public because they are required to understand and comply with different rules and policies. Promulgation of one rule that implements the PRPA across DOI lands will standardize and clarify Federal paleontological resource management for

the public, scientific community, and other entities. Without regulations, casual collection will continue to be unavailable to the public on Reclamation lands.

Alternative 2 (less restrictive regulations)

Under this alternative, the rule would include only those provisions expressly required by the PRPA, specifically the definitions of “reasonable amount,” “common invertebrate and plant paleontological resources,” and “negligible disturbance” (16 U.S.C. §470aaa), and provisions regarding permit application and issuance (16 U.S.C. §470aaa-3), the determination of civil penalties (16 U.S.C. § 470aaa-6), and the payment of rewards (16 U.S.C. §470aaa-7). Under this alternative, none of the other provisions of the PRPA would be included in the rule.

This alternative would result in uncertainty and confusion for the DOI and its bureaus, the scientific community, law enforcement officers, courts, and the public about provisions in the PRPA that would not be in the rule. For example, excluding key definitions would result in different interpretations of fundamental terms such as “fossilized.” Excluding provisions about curation would force the bureaus to implement these provisions of the PRPA through administrative guidance or not at all, which would fail to further the statutory goal of consistent management among the bureaus. Excluding lists of prohibited acts and criminal penalties would reduce notice to the public about what is allowed and what is prohibited. It also might lead to different applications of key terms such as “scientific value” and “commercial value.” These outcomes would undermine law enforcement actions and weaken the effectiveness of the law.

Alternative 3 (more restrictive regulations)

Under this alternative, the rule would establish a process for determining which fossils are paleontological resources and which are not. The DOI determined this was not advisable because this determination is a scientific decision that may evolve over time with changes in scientific knowledge, tools, and techniques. Further, adding this process to the regulations is unnecessary. Under the PRPA and the definition of “paleontological resources” that is included in the rule, it is presumed that all fossilized remains, traces, or imprints of organisms preserved in and on the Earth’s crust are paleontological resources unless they meet one of the three statutory exceptions. The public, scientists, and the bureaus have ample notice that most fossils on Federal lands are paleontological resources and therefore are subject to the regulations.

Also under this alternative, the rule would define the term “paleontological interest.” The DOI determined this was not advisable because whether a resource has paleontological interest is a scientific determination that may evolve over time. Fossils may have paleontological interest at one point in time but not at other points in time due to changed conditions of the fossils, redundancy with subsequently collected fossils, changed laboratory technologies, or other factors. Trying to define this term broadly enough to remain relevant over time would result in a definition that is too vague to be helpful for scientists or have discernable legal meaning. In addition, defining this term is unnecessary because of the presumption in the PRPA and this rule as written that most fossils are paleontological resources and therefore are presumed to have paleontological interest.

Finally, all three of the dismissed alternatives would be inconsistent with the USDA regulations that implement the PRPA. For all of these reasons, the rule considered in this analysis represents the best alternative for implementing the PRPA.

IV. Cost-Benefit Analysis

A. Estimated Costs of the Rule

Costs associated with the existing legal and policy frameworks for managing paleontological resources provide the baseline for estimating the costs of this rule.

The baseline condition includes compliance with the PRPA, specifically the statutory requirements that apply without this rule. These include requirements for inventory and monitoring, planning, public education, management based on scientific principles and expertise, maintaining the confidentiality of specific locality data, and the imposition of criminal penalties for violations of the statute.

Under the baseline condition, the bureaus collectively administer thousands of paleontological localities,¹ resources, and collected fossil specimens in accordance with existing laws, policies, and regulations. For example, BLM administers paleontological resources under the Federal Land Management and Policy Act (FLPMA), the provisions of the PRPA that can be implemented without regulations, and other authorities. Based on the most recent readily available information, there are more than 41,000 recorded paleontological localities on BLM-administered lands.

There are 187 recorded paleontological localities on Reclamation lands.² Under the baseline condition, Reclamation administers paleontological resources under 43 CFR 423 (Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies), which prohibits collection of natural resources, including fossils, on Reclamation lands.

The NPS and FWS administer paleontological resources using the same concepts that are in the rule. For example, NPS uses scientific principles and expertise, conducts inventory and monitoring, and withholds information about the nature and specific location of paleontological resources from requests made under the Freedom of Information Act and other laws, unless the disclosure is allowed by the PRPA. In the best professional judgment of NPS staff, there are approximately 8,000 paleontological localities on NPS-administered lands. There are approximately 400 recorded paleontological localities within the National Wildlife Refuge System.³

¹ Paleontological localities or sites are areas containing paleontological resources. “Recorded” localities, resources, and sites means that the bureau has physical documentation about those localities, resources, and sites. The bureaus are aware that there are many more localities, resources, and sites than these numbers indicate, but staffing and budget constraints preclude physically documenting (recording) those additional localities, resources, and sites.

² Bureau of Reclamation records as of 2022.

³ U.S. Fish and Wildlife Service, Refuge System Annual Performance Plan 2012 (same for 2014).

For all bureaus, the administration of these localities and specimens involves the following major categories of work:

- (1) Management: Inventorying and monitoring the location and condition of paleontological resources; planning and compliance with the National Environmental Policy Act (NEPA) and other applicable laws; and maintaining the confidentiality of specific locality data, which helps protect the resources from unauthorized excavation, theft, and damage.
- (2) Permitting: Reviewing and issuing permits for collection or surface disturbance, which assures that appropriately qualified researchers perform work in accordance with defined research goals; reduce collateral impacts to other resources; track scientific progress and maintain Federal ownership of collected materials.
- (3) Curation: Caring for paleontological resources after they have been collected; preserving associated records; and maintaining resources for public education and exhibits.
- (4) Public outreach: Conducting public education programs, which increase awareness of the importance of paleontological resources and their scientific, educational, and recreational values;
- (5) Casual collection: Ensuring that the collection of common invertebrate and plant fossils without a permit for personal use, which is allowed in certain areas administered by BLM and Reclamation, is conducted in accordance with law and policy.
- (6) Law enforcement: Deterring unauthorized activities and responding to paleontological resource protection issues in order to conserve paleontological resources for the future.

Table 1 compares the estimated annual costs of these activities under the baseline condition to the estimated annual costs of these activities under the rule.

Table 1: Estimated Costs of the Rule Compared to Baseline Costs

Type of Cost	Baseline Estimated Annual Costs	Estimated Annual Costs of the Rule	Difference
DOI management	\$4,175,000	\$5,425,500	\$1,250,500
DOI permitting	\$585,000	\$644,000	\$59,000
Applicant and permittee permitting	\$295,000	\$272,250	(\$22,750)
Curation	\$228,876	\$228,876	\$0
DOI public engagement	\$45,000	\$205,000	\$160,000
DOI casual collection administration	\$0	\$200,000	\$200,000

DOI law enforcement	Unknown.	Unknown. Will be tracked once the rule is implemented.	Same or reduced.
TOTAL	\$5,328,876	\$6,975,626	\$1,646,750

The following sections explain the basis for the costs listed in Table 1.

DOI Management Costs

Under the baseline condition, five BLM full-time employees (FTEs) dedicate all of their time to paleontological resource management, including inventories, monitoring, planning, compliance, policy development, mitigation, public education, permit administration, and curation oversight. Other BLM employees coordinate paleontological resource management activities on a part-time basis.

Under the baseline condition, 21 NPS FTEs dedicate at least 50% of their time to paleontological resource management. An example of paleontological resource management at the NPS is the completion of a literature-based inventory of paleontological resources in repositories, in situ, and elsewhere, which is currently being updated. Other examples are the evaluation of potential impacts to paleontological resources in environmental analyses required by NEPA, and avoidance and mitigation measures to reduce reasonably foreseeable impacts to resources. The NPS protects the confidentiality of the nature and specific locations of paleontological resources under the National Parks Omnibus Management Act of 1998, which expressly directs NPS to protect confidentiality of all paleontological resources in parks, and the Federal Cave Resources Protection Act.

Under the baseline condition, Reclamation and FWS have no employees dedicated solely to paleontological resource management. Paleontological resources are managed as collateral duties by other Reclamation and FWS employees. For example, approximately one employee at each of the nine FWS regions spends approximately one month per year on paleontological resource management. Collateral duties for employees of both bureaus include NEPA compliance, collections management, and permit management. Personnel costs for these activities are not separately tracked, but are roughly estimated to be \$60,000 per year.

Under the rule, personnel costs for paleontological resource management are not expected to increase unless and until the bureaus request more employees and programmatic funds, which would need to be authorized and appropriated by Congress. Until then, the bureaus will rely on existing employees and fund sources to implement the rule. Despite this uncertainty, the DOI reasonably foresees that at some point in the future the BLM and the NPS may request and obtain a small increase in funding to implement the PRPA and regulations. If this occurs, the DOI predicts that any request and appropriation for BLM would exceed that for the NPS, due to increasing activity on BLM lands under recent initiatives such as the Bipartisan Infrastructure Law and the emphasis on renewable energy projects. These activities will require additional

paleontological inventories, monitoring, planning, and compliance. For purposes of this analysis, the DOI assumes that additional funds appropriated by Congress will be used to hire five BLM employees and 2 NPS employees that would be dedicated to paleontological resource management.

Table 2 compares existing management costs for each bureau with estimated management costs under the rule. These cost estimates were provided by paleontology program coordinators at each bureau for fiscal year 2022.

Table 2. Management Cost Comparison, FY 2022.

	BLM	Reclamation	FWS	NPS	Total
Baseline	\$955,000	\$60,000	\$60,000	\$3,100,000	\$4,175,000
Rule	\$1,910,000	\$60,000	\$60,000	\$3,395,500	\$5,425,500
Difference	\$955,000	None	None	\$295,500	\$1,250,500

The management of paleontological resources by the DOI does not impose measurable costs on the private sector, but rather generates scientific, educational, and recreational benefits and opportunities for it.

Permitting Costs for Bureaus

Under the baseline conditions, the bureaus have different permitting authorities that are not specific to paleontological work. As a result, the numbers of permits issued by DOI for paleontological resource collection are not consistently tracked and will not be until the rule is promulgated. In the case of Reclamation and FWS, the numbers provided below are estimates based on staff expertise and experience.

Under the baseline condition using data going back to 2012, BLM issues an average of 385 new permits each year under the FLMPA for collection of vertebrate paleontological resources and scientifically significant invertebrate and plant fossils.

Under the baseline condition, NPS issues an average of 60 paleontological permits each year under its standard scientific research and collection permit regulations and processes (OMB Control # 1024-0236) for the collection of paleontological resources in National Park System units.

Compared to BLM and NPS, Reclamation and FWS issue comparatively fewer permits for the collection of paleontological resources under baseline conditions. Reclamation issued 29 permits between 2014 and 2020 under its existing authorities, for an average of 4 permits issued per year. FWS issues an average of 1 permit per year under its existing authorities at 16 U.S. C. § 668dd-ee and 16 U.S. C. § 460k-460k-4.

Under the rule, the bureaus will continue to process permits in a similar manner to baseline conditions. Bureau employees that currently work on permits for paleontological work will continue to work on permits under the rule. They will continue to evaluate, issue, and monitor permits in the same way they do now. As one example, NPS employees will use its existing online permitting system to process permits under the rule. For these reasons, the DOI does not expect the rule to increase permitting costs unless the number of permits increases. If this occurs, the DOI does not expect the number of permits to increase by more than 10% compared to baseline conditions, with average annual increases expected only for BLM and NPS. The more permits that are issued, the more permits that must be managed which would incrementally increase permitting costs. After the rule is promulgated, the bureaus will be able to consistently track the number of permits issued and managed.

Table 3a compares the average number of permits issued under the baseline condition with the estimated number of permits that will be issued under the rule assuming on the high end that the number of permits issued by BLM and NPS increases by 10% under the rule. In the best professional judgment of bureau staff, the DOI believes that a 10% increase represents the upper bound. The DOI assumes that the 10% increase in permitting activity will translate into an equivalent 10% increase in costs of managing those permits. These figures were derived from bureau permit data, including permit systems and data calls.

Table 3a. Comparison of Number of Permits Issued.

	BLM	Reclamation	FWS	NPS	Total
Baseline	385	4	1	60	450
Rule	424	4	1	66	495
Difference	39	0	0	6	45

Table 3b compares the estimated annual costs of managing permits under the baseline condition and the rule, assuming on the high end that the number of permits issued by BLM and NPS increases by 10% under the rule. The NPS's aggregate permitting costs are greater than the BLM's costs due to compliance requirements associated with the NPS's legal and policy framework. These figures were derived from bureau permit and inventory systems.

Table 3b. Comparison of Annual Permitting Costs.

	BLM	Reclamation	FWS	NPS	Total
Baseline	\$385,000	Data not available.	Data not available.	\$200,000	\$585,000
Rule	\$424,000	Minimal change expected.	Minimal change expected.	\$220,000	\$644,000
Difference	\$39,000	None.	None.	\$20,000	\$59,000

Permitting Costs for Applicants and Permittees

Under the baseline condition, the time required to complete permit applications and reports required by permits differs among BLM, Reclamation, NPS, and FWS because each bureaus' existing permitting laws and regulations are different. Factors such as project size, scope, and complexities all influence the time needed and therefore the costs associated with applying for and complying with a permit.

Under the rule, the time needed to complete permit applications and associated reports such as locality forms (filled out onsite to document the condition of a locality) will likely remain the same or slightly decline because of the straightforward language in the rule. Applicants will have a clearer understanding of the information that they need to provide, which will reduce their application time. Applicants will be more familiar with the permit processes and requirements because they will not vary from one bureau to another. This will make it easier for all permittees, but especially for researchers with multiple projects on lands administered by different bureaus.

As explained above, the number of permits applied for, issued, and managed each year may slightly increase over time under the rule. The rate and magnitude of the increase will be limited, however, by the finite number of museums that are able and willing to accept additional paleontological resources into their collections. Under the rule, permits will not be granted unless, among other requirements, the applicant demonstrates that a repository has agreed to accept the collection once it is made. The purpose of this requirement is to prevent collections that are orphaned, unaccounted for, and not curated.

As stated above, time and costs for a particular permit are highly variable depending upon the project's size, scope and complexity. Taking these variables into account, Table 4a estimates average permitting time and costs for applicants and permittees under the baseline condition. Table 4b estimates average permitting time and costs for applicants and permittees under the rule. In practice, some permit applications and reports will require less time to complete than the times presented in these tables, and some will require more.

For purposes of these tables, the DOI assumes that the average hourly wage of those applying for permits and issuing reports is \$50/hour. This estimate is taken from the [May 2021 National Occupational Employment and Wage Estimates](#) issued by the Bureau of Labor Statistics.

Table 4a. Estimated Applicant and Permittee Costs under the Baseline Condition.

	BLM	Reclamation	FWS	NPS
Applicants per year	385	4	1	60
Hours to complete each application	5	5	5	2
Hours to prepare reports	9	13	13	5

Bureau Costs	\$269,500	\$3,600	\$900	\$21,000
Total Cost	\$295,000			

Table 4b estimates average permitting time and costs for applicants and permittees under the rule, with the same assumptions and considerations used in Table 3b. In addition, Table 4b assumes on the high end that the number of permits issued by BLM and NPS increases by 10% under the rule.

Table 4b. Estimated Applicant and Permittee Costs under the Rule.

	BLM	Reclamation	FWS	NPS
Applicants per year	424	4	1	66
Hours to complete each application	4	4	4	4
Hours to prepare reports	7	7	7	7
Bureau Costs	\$233,200	\$2,200	\$550	\$36,300
Total Cost	\$272,250			

Tables 4a and 4b estimate that applicant and permittee costs under the rule will decrease by \$22,750 compared to the baseline condition.

Curation Costs

Under the baseline condition, DOI policy and Federal property management laws, regulations, guidelines, and standards require that paleontological resources collected under a permit from DOI lands be deposited into and curated in a repository. Approximately 1,525,838 paleontological objects are currently curated in both bureau and non-DOI repositories.

The DOI does not expect curation costs to increase under the rule compared to the baseline condition. The curation requirements in the rule are based on existing DOI museum standards and professional practices required and customary for museums and institutions curating DOI collections. The rule will not change existing practices for specimen preparation, cataloguing, data entry, or placement practices. Collections will continue to be curated at repositories approved by bureau officials consistent with DOI curation standards. Existing bureau staff will continue to oversee the curation of paleontological resources. The rule's provisions about scopes of collection, inventories, curatorial standards, and documentation will help repositories correctly anticipate costs of curation and charge appropriate fees to manage the collection under the regulations, or decline the collection in advance of curation.

Under the baseline condition, there are situations where bureaus pay curation fees and service charges to the repositories, which can be revised to account for increased costs. These costs are difficult to estimate or quantify because they will depend on the repository, the specimens, and other variable factors. The situations where these charges are paid, however, will not change under the rule.

The curation provisions in the rule do not require private entities to take any action. The curation of DOI collections is either by mutual agreement after a permit applicant asks to curate a proposed collection under the permit, or is requested by the repository when a researcher associated with the institution applies for a permit to conduct paleontological studies and excavations on DOI land.

Table 5a shows the number of paleontological objects catalogued and curated in DOI and non-DOI repositories under the baseline condition. Since 2013, the number of objects catalogued and curated has increased by an average of 1.5% each year. The sources for this data are DOI Museum Program Annual Reports (<https://www.doi.gov/museum/annual-reports>).

Table 5. Number of Objects Catalogued and Curated under the Baseline Condition.

Year	BLM	Reclamation	FWS	NPS	Total Objects
2012	671,901	24,435	15,651	614,769	1,326,767
2013	684,753	24,520	15,651	619,897	1,344,832
2014	Data not available.				
2015	810,526	26,147	15,386	629,116	1,481,186
2016	838,966	26,159	15,386	634,888	1,515,410
2017	Data not available.	Data not available.	Data not available.	Data not available.	1,525,838
2018 – present	Data not available.				

Data from the DOI Museum Annual Report for FY 2017 indicates that the DOI spent \$0.15 to curate each object that was held in a bureau facility that fiscal year. This is the most recent data available for objects in bureau facilities. The DOI does not have data about curation costs for objects held in non-DOI facilities. For purposes of estimating total costs in Table 1 above, the NPS assumes that curation costs per object are the same for objects held in non-DOI facilities. The DOI does not expect the rule to increase the curation cost per object for the reasons explained above. Total curation costs, however, will continue to increase in correlation with the total number of objects curated. Under the rule, the total number of objects curated may increase at a slightly higher rate than 1.5% per year if the number of permits issued by BLM and NPS increases as a result of the rule (see discussion above). The DOI cannot reasonably estimate,

however, how many additional objects will be curated as a result of additional permits that may be issued under the rule. Even if the DOI assumes that the number of permits issued by BLM and NPS increases by 10% under the rule, trying to estimate the number of objects that will be curated as a result of those permits would be speculative due to the variable nature of activities that are authorized under permits. As a result, the DOI concludes that curation costs are not likely to increase under the rule.

Engagement with the Public

Under the baseline condition, the bureaus conduct public outreach and education through websites and visitor interpretation programs. The primary public engagement program is National Fossil Day, an annual and increasingly popular nationwide event coordinated by the NPS involving more than 300 Federal and non-Federal partners. National Fossil Day supports the educational mandates in the PRPA by reaching several million children annually. The NPS also hosts the NPS Junior Paleontologist Program.

Under the rule, the DOI does not expect public engagement costs to increase unless and until the bureaus request more FTEs and programmatic funds and the requested funds are both authorized and appropriated by Congress. Until then, the bureaus will rely on existing employees and funds to conduct public engagement as required by the rule, which will look very similar to the public engagement currently conducted. Despite this uncertainty, the DOI reasonably foresees that at some point in the future the BLM and the NPS will request and obtain a small increase in funding to implement the public engagement requirements of the PRPA and the regulations.

Table 6 compares the estimated annual costs of public engagement under the baseline condition and the rule, assuming that the additional costs to BLM and NPS are funded by new appropriations from Congress. The sources of these figures are bureau annual workplans.

Table 6. Comparison of Public Engagement Costs.

Year	BLM	Reclamation	FWS	NPS	Total
Baseline	\$5,000	\$0	\$0	\$40,000	\$45,000
Rule	\$105,000	\$0	\$0	\$100,000	\$205,000
Difference	\$100,000	None.	None.	\$60,000	\$160,000

Casual Collection

Under the baseline condition, BLM is the only bureau that allows casual collection (collection without a permit for noncommercial purposes) of a reasonable amount of common invertebrate and plant paleontological resources, although it has no funds budgeted to manage this activity. Casual collection is not currently allowed on lands administered by Reclamation, FWS or NPS.

Under the rule, BLM will continue to allow casual collection, but BLM will need to implement new education and enforcement efforts to ensure widespread understanding and compliance with the regulations. This will require additional staff time and funding compared to the baseline condition.

The rule also will allow casual collection, for the first time, on Reclamation lands. After the promulgation of the rule, Reclamation will prepare guidance for implementing casual collection and then take steps to determine where it might be appropriate within special use areas.

Reclamation will authorize casual collection in an area only after considering the resource protection requirements of the PRPA as well as the requirements of all other applicable laws and regulations, as well as DOI and Reclamation policy. Other applicable mandates include the National Historic Preservation Act (NHPA), Executive Order 13007 on *Indian Sacred Sites*, the Endangered Species Act, and NEPA. Reclamation estimates it will incur a fixed one-time cost \$50,000 to open an area to casual collection. The DOI cannot speculate at this time how many areas will be opened to casual collection on Reclamation lands.

The DOI does not expect costs to BLM and Reclamation for casual collection to increase unless and until the bureaus request more employees and programmatic funds and the requested funds are both authorized and appropriated by Congress. Until then, BLM will rely on existing employees and funds to allow casual collection under the regulations and Reclamation lands will continue to be closed to casual collection. Despite this uncertainty, the DOI reasonably foresees that BLM and Reclamation will request and obtain funding to implement the casual collection requirements of the PRPA and regulations. For purposes of this analysis, the DOI assumes that BLM will obtain equal amounts of funding.

There will be no change from the baseline condition on NPS and FWS lands because the PRPA does not authorize casual collection in these areas.

Private entities will not incur any costs from casual collection on BLM and Reclamation lands because this activity is free for collectors. After the rule is promulgated, individuals will be able to collect up to 25 pounds of common invertebrate or plant paleontological resources, every day, at no cost.

Table 7 compares the estimated annual costs under the baseline condition and the rule. The sources of these figures are internal agency data.

Table 7. Comparison of Casual Collection Costs.

Year	BLM	Reclamation
Baseline	\$0	\$0
Rule	\$100,000	\$100,000

Law Enforcement

Under the baseline condition, bureau law enforcement officers respond as needed to protect paleontological resources. The number of responses, related misdemeanors and felonies, and costs are not tracked by BLM, Reclamation, or FWS. The only bureau that tracks paleontology-related law enforcement incidents is the NPS.

Under the rule, the bureaus will continue to respond as needed and as feasible to protect paleontological resources, but the DOI anticipates that the number of unintentional violations may decrease due to the clear language in the rule that explains, for the first time, which actions related to paleontological resources are prohibited, the potential penalties for violations, and the processes for imposing penalties.

The DOI does not expect bureau costs for law enforcement to increase unless and until the bureaus request more employees and programmatic funds and the requested funds are both authorized and appropriated by Congress. Until then, the bureaus will rely on existing employees and funds to enforce the PRPA and the regulations on DOI lands. The best available information indicates that no FTEs in the bureaus or the Department of Justice will be hired to implement the civil or criminal penalties provisions of the rule. This analysis is consistent with the cost estimate for the PRPA prepared by the Congressional Budget Office (CBO) in 2008. The CBO Report stated that any increase in federal costs for law enforcement would be minimal because of the small number of cases likely to be involved and that any such additional costs would be subject to the availability of appropriated funds.

Under the rule, the bureaus will be able to track paleontology-related law enforcement incidents and costs consistently. This will enable the bureaus to ascertain the cost, if any, on the private individuals and entities that violate the PRPA and the regulations, and assess penalties accordingly. The 2008 CBO Report estimated that additional revenues collected under the criminal and civil penalties provision of the PRPA would be less than \$500,000 each year and offset by additional direct spending.

Table 8 compares the number of law enforcement incidents related to paleontological resources under the baseline condition and the rule. The source of this data is the NPS Incident Management Analysis and Reporting System. The NPS attributes the decline in reported incidents in 2021 to Covid-related decreases in visitation and staffing.

Table 8. Comparison of Law Enforcement Incidents.

Year	BLM	Reclamation	FWS	NPS
2017	Unknown.	Unknown.	Unknown.	342 in 26 System units
2018	Unknown.	Unknown.	Unknown.	248 in 20 System units
2019	Unknown.	Unknown.	Unknown.	256 in 21 System units
2020	Unknown.	Unknown.	Unknown.	251 in 24 System units
2021	Unknown.	Unknown.	Unknown.	110 in 23 System units

Rule	Same or reduced.	Same or reduced.	Same or reduced.	Same or reduced.
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B. Estimated Benefits of the Rule

Many fossils are mixed goods combining private and public good values. Private good values are realized when the pecuniary value of a fossil is realized or if it enters directly into a private collection; public good values are created when a fossil-type and the information associated with it are added to the stock of scientific knowledge in the field of paleontology. The search for fossils is a costly and uncertain activity. The PRPA is primarily designed to protect public good values rather than private good values (e.g., private collection and sale of fossils). Estimating economic values – especially the public good portion of the value which is directly connected to the value of scientific information – for paleontological resources is very challenging and cannot be undertaken absent additional original data collection.

This rule will have many benefits for paleontological resource management, scientific study, and public awareness and education, although sufficient information is not available to quantify or monetize the expected benefits. The primary benefit of the rule is that it will establish, for the first time, a single authority and record for the public to understand the actions, responsibilities, and processes that govern the management of paleontological resources that were collected on DOI land. The rule will also foster consistency with how the Department of Agriculture manages paleontological resources. The rule will provide the general public, researchers, and casual collectors with clear and consistent information about the management of paleontological resources. This will help prevent unintentional violations of the PRPA and therefore reduce damage to paleontological and other resources. The rule will clarify how paleontological resources may be collected; ensure that research and collection activities are administered consistently across DOI lands; and further DOI policies to ensure scientific integrity. The DOI expects publication of the rule to stimulate the public's awareness and curiosity about these resources, which could lead to higher levels of visitation to repositories (museums). The DOI will continue to take steps to raise the awareness of paleontological resources to highlight the scientific and educational value of paleontology and the importance of preserving fossils for future generations. For example, National Fossil Day is a nationwide celebration organized through a partnership between the NPS and a growing list of Federal and state agencies, professional organizations, museums and universities, and other groups. Paleontology education programs conducted by various NPS units and partner institutions enable children to better understand the history of life, science of paleontology and other educational objectives through a wide variety of classroom, museum, field trip and outdoor activities. The DOI cannot reasonably estimate the economic benefits (consumer surplus) of increased visitation caused by this rule at this time. If it occurs, increased visitation is likely to occur over a long period of time and may be caused by factors that cannot be anticipated at this time.

The DOI expects the rule to result in the following specific benefits:

- Over time, higher levels of visitation to repositories (museums) could be expected given the increased awareness among the public about paleontological resources. Visitation

estimates are not available, but consumer surplus would be associated with each additional visit.

- Paleontological resources are very difficult to value; however, avoiding damage to potentially unique resources in concept will have a very significant economic value. It is possible that avoided damage alone could exceed the estimated costs of the rule.
- The rule will provide consistent definitions for many of the terms used in the PRPA, including “paleontological resource,” terms related to casual collecting, terms related to curation such as “approved repository,” and terms related to penalties. Under the baseline condition, the bureaus define these terms inconsistently. The rule will enhance a common understanding of these terms among resource managers, the public, scientists, collectors, law enforcement, repository staff, and other stakeholders. This will improve understanding and compliance with requirements for the collection and curation of paleontological resources and foster collaboration and communication among the bureaus, casual collectors researchers and repositories.
- The permitting provisions in the rule will streamline the permit application, review, and approval process. Although this could increase the number of permits issued per year (see discussion above), the DOI expects that the benefits of a streamlined permitting process will substantially outweigh any additional costs that may be incurred by an increase in the total number permits issued by the bureaus. Streamlining the permitting process will benefit applicants and the bureaus not just with regard to additional permits that may be issued because of the rule, but more significantly for all future permits that are applied for and issued, the vast majority of which would have been applied for and issued under the baseline condition.
- The curation provisions in the rule will standardize the care of paleontological resources after they have been excavated, prepared, and studied by permittees. The rule will reduce confusion about ownership of the resources by stating in clear terms that paleontological resources collected on Federal lands are Federal property. These provisions also will enhance opportunities for the public to learn about paleontological resources, through exhibits and other means.
- The list of prohibited acts and the civil and criminal penalty provisions in the rule will clarify which activities are allowed and which are prohibited on DOI lands. They will establish consistent criteria and processes for assessing penalties, which will promote a fair and transparent framework for accountability. These provisions will deter future violations of the PRPA and the regulations. Although it is not possible to quantify the magnitude of this deterrent effect because many factors influence violations (e.g., economic conditions, law enforcement capacity, level of access to fossiliferous areas), logic and the experience of bureau staff indicate that clear statements of prohibited actions and related penalties will have a deterrent effect on potential violators.

C. Conclusions

Sufficient information was not available to allow the DOI to quantify the benefits of this rule. However, in a present value context, the cost of the rule is about \$17 million evaluated at 7%

over 20 years.⁴ The present value of the benefits over a similar time period (and using the same discount rate) would only need to exceed this amount for the rule to have positive net benefits. This benefit-cost analysis indicates that the rule will generate significant benefits for the bureaus, the general public, casual collectors, researchers and repositories. Although the DOI is not able to quantify these benefits due to a lack of readily available information and the challenges associated with estimating the economic benefits associated with paleontological resources, the DOI concludes that the benefits generated by the rule will justify any associated costs. This rule is not expected to have an annual economic effect of \$100 million, or to adversely affect an economic sector, productivity, jobs, or other units of government.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended, requires agencies to analyze impacts of regulatory actions on small entities (businesses, nonprofit organizations, and governments), and to consider alternatives that minimize such impacts while achieving regulatory objectives (Small Business Administration, 2017). Agencies must first conduct a threshold analysis to determine whether regulatory actions are expected to have significant economic impact on a substantial number of small entities. If the threshold analysis indicates a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis must be produced and made available for public review and comment along with the proposed regulatory action. A final regulatory flexibility analysis that considers public comments must then be produced and made publicly available with the final regulatory action. Agencies must publish a certification of no significant impact on a substantial number of small entities if the threshold analysis does not indicate such impacts.

This rule may affect small entities who are: (1) permit applicants and permittees who conduct research under permits; (2) approved repositories (museums) that curate collected resources, and (3) those who violate the regulations. The DOI certified that the proposed rule would not have a significant economic impact on a substantial number of small entities. Nothing in the final rule changes that conclusion. Therefore, the DOI certifies that this rule will not have a significant economic impact on a substantial number of small entities.

The analysis below provides a factual basis supporting this certification. It describes the number of affected entities and the size of the economic impacts and why both the number of entities impacted and the size of the impacts justifies the certification.

1. Permittees

A. Number Small Entities Impacted

The permitting provisions in the rule will apply to paleontologists, geologists, or other qualified persons who propose to study or collect paleontological resources from DOI lands. The rule requires these persons to (1) hold a degree from an accredited institution in a field of study relevant to paleontology; (2) demonstrate progress toward an advanced degree from an

⁴ This present value was derived from discounting the estimated \$1.65 million estimated cost shown in Table 1.

accredited institution in a field of study relevant to paleontology; or (3) demonstrate training and experience commensurate to the nature and scope of the proposed activities.

Quantifying the number of qualified persons in the United States is difficult. The Paleontological Society of America (PSA) estimates that there are 4,000 working paleontologists in the United States (the sum of the 2,300 members of the Society of Vertebrate Paleontology and the 1,500 members of the Paleontological Society, most of which are United States citizens, plus a few hundred more to cover students). Other estimates of the number of working paleontologists in the United States, found on the internet, range from 1,000 to 4,000. For purposes of this analysis, the DOI assumes that there are 4,000 working paleontologists in the United States. According to the Paleontological Research Institute, most professional paleontologists in the United States are college and university professors, although others work for museums, governmental entities, industries such as oil extraction, independently owned scientific research organizations, and providers of field science education. Relevant North American Industry Classification Systems (NAICS) codes that might be applicable to these permittees include 541620 (environmental consulting services), 541711 (research and development in physical, engineering and life sciences), 611310 (colleges), and 712110 (museums) (see 13 C.F.R. § 121) (North American Industry Classification System (NAICS) U.S. Census Bureau).

The DOI estimates an average of 495 permits will be issued per year under the rule and that 45 of those permits will issued on top of baseline conditions because of the rule. See Table 3a in the cost-benefit analysis. There is no available data to help the DOI estimate how many permittees will qualify as “small entities” under the rule because bureaus have not tracked which applicants and permittees are small entities under the Small Business Administration (SBA) standards. Although the size of permittees is not tracked, the discussion below indicates that a large majority of non-Federal repositories holding DOI paleontological collections are small entities, and many of these museums are also permittees. Further, the SBA considers any not-for-profit enterprise that is independently owned and operated and not dominant in its field to be a small entity, which may apply to most museums and colleges. For these reasons, the DOI concludes that this rule may impact a substantial number of small entities that are applicants and permittees.

B. Size of Impact on Small Entities

In general, the bureaus will continue to process permits in a similar manner to baseline conditions. The bureaus already require a permit for the collection of paleontological resources except for casual collection. The permitting provisions in the rule are based on the provisions of the PRPA, which requires (1) researchers and collectors to obtain permits; (2) permit applicants be qualified and undertake the activity for the purpose of furthering paleontological knowledge or public education; (3) collection to be consistent with Federal land management plans; and (4) collecting methods to protect significant natural and cultural resources.

The DOI expects the permitting provisions in the rule to benefit small entities that apply for and receive permits. The DOI expects changes to baseline conditions will decrease costs to permittees due to efficiencies gained in the application and reporting processes. See Tables 4a and 4b in the cost-benefit analysis. For the first time, permit applicants will have a unified set of

instructions on how to apply for and comply with paleontological resource permits. This will streamline and simplify the permitting process.

2. Repositories

A. Number of Small Entities Impacted

Subpart C of the rule addresses repositories (e.g., museums, colleges, universities, institutions) that curate paleontological resources collected from DOI lands. The rule will require that repositories comply with DOI and bureau museum management standards.

This analysis focuses on non-DOI repositories because DOI repositories are not small entities under the SBA standards.

The DOI Museum Annual Report for FY 2017 indicates that there were 971 unique non-DOI repositories housing DOI collections that include objects related to archeology, archives, art, biology, ethnography, geology, history and paleontology. The DOI does not have data on the number of those repositories that hold paleontological collections. NPS paleontological resource inventories have identified 161 non-Federal repositories that hold NPS paleontological collections. Many of those 161 repositories also hold BLM, Reclamation and FWS collections. The DOI believes, however, there are other non-Federal repositories that do not hold NPS paleontological collections but hold collections from other bureaus. To account for these other repositories, the DOI assumes for purposes of this analysis that there are 200 non-Federal repositories that hold DOI paleontological collections.

In order to evaluate how many of these 200 non-Federal repositories are small entities, the DOI considered that a minority (approximately 12%) of the 971 non-DOI repositories holding all types of DOI collections are accredited by the American Alliance of Museums. Accreditation implies a high level of staffing and resources, and thus the DOI assumes that these 117 non-Federal repositories are not small entities. Conversely, the NPS assumes that the remaining 854 non-Federal repositories, accounting for 88% of the total, are small entities. Applying this percentage to the estimated 200 non-Federal repositories holding DOI paleontological collections, the DOI assumes for purposes of this analysis that 176 of the non-Federal repositories holding DOI paleontological collections are small entities.

This assumption – that a large majority of non-Federal repositories holding DOI paleontological collections are small entities – is supported by examining data about museum revenues. Based on the SBA's size standards, museums (NAICS code 712110) are considered “small entities” when annual revenues are less than \$30 million. According to the American Alliance of Museums, the median size of museums by operating revenue is approximately \$1.25 million. For natural history and anthropology museums, the median is approximately \$3-\$3.5 million. The SBA also considers any not-for-profit enterprise that is independently owned and operated and not dominant in its field to be a small entity, which may apply to most museums.

Although 176 non-Federal repositories represents less than 1% of the total number of museums in the United States,⁵ it represents much larger percentage (approximately 10%) of the 1,734 museums and other institutions nationwide estimated to hold vertebrate, invertebrate, and paleobotany collections.⁶ In any event, “substantial” under the RFA is not about the ratio of affected small entities to all entities in the industry, but about the total number of affected small entities (irrespective of large entities). For this reason, the DOI concludes that the rule may impact a substantial number of small entities that are non-Federal repositories.

B. Size of Impact on Small Entities

The rule will have a negligible economic impact on non-Federal repositories that hold DOI paleontological collections because the rule does not impose new curation requirements on repositories. Instead, the rule requires repositories to meet existing DOI policies and professional practices required and customary for museums and institutions curating DOI collections. The rule will not change existing specimen preparation, cataloguing, data entry, or placement practices. The rule’s provisions about scopes of collection, inventories, curatorial standards, and documentation will help repositories correctly anticipate costs of curation and charge appropriate fees to manage the collection under the regulations, or decline the collection in advance of curation. Because objects may be collected under the rule only when the collection would further paleontological knowledge or resource management, and when a repository agrees in advance to curate the collection, the number of collections is not anticipated to increase substantially.

The curation provisions in the rule do not require private entities to take any action. The curation of DOI collections is either by mutual agreement after a permit applicant asks to curate a proposed collection under the permit, or is requested by the repository when a researcher associated with the institution applies for a permit to conduct paleontological studies and excavations on DOI land. Paleontological resources collected from BLM and Reclamation lands under the rule’s allowance for casual collection will not be curated in repositories and therefore have no impact on repository costs.

3. Violators of the Act, Rule, or Permits

A. Number of Affected Entities

Subparts F and G of the rule provide for the assessment of civil penalties on persons who violate the PRPA, implementing regulations, or permits issued under the PRPA and implementing

⁵ See <http://www.aam-us.org/about-museums/museum-facts>. These “museums” include aquariums, arboretums/botanic gardens, art museums, children’s museums, anthropology museums, cultural museums, halls of fame, historic houses, historic sites, historical societies, battlefields, nature centers, natural history museums, planetariums, presidential libraries, science/technology centers, specialized museums, visitor centers, and zoos.

⁶ The Heritage Preservation (www.heritagepreservation.org) conducted a comprehensive survey titled the “Heritage Health Index” in 2004 about the location and condition of natural history collections. This index indicates that 1,734 museums nationwide contain vertebrate paleontological specimens, 1,480 museums nationwide contain invertebrate paleontological specimens, and 1,117 nationwide contain paleobotany specimens. These figures cannot be added together because the museums may contain each of these types of collections. For purposes of this analysis the DOI uses the 1,734 number. Although this survey was conducted in 2004, this is the most recent, comprehensive source of data this reasonably available to DOI, and it is unlikely to have changed significantly since that date.

regulations. These subparts also contain provisions for determining scientific and commercial values of paleontological resources and sites damaged or destroyed by violators, as well as the cost of repairing, responding, or restoring these damaged or destroyed resources or sites.

The NPS documented nearly 900 incidents of paleontological resource theft or vandalism from 2003 through 2013. The annual number of incidents fluctuates widely. Reclamation, FWS and BLM did not document any incidents during that time frame. The DOI anticipates that the number of incidents may decrease due to the clear language in the rule that explains, for the first time, which actions related to paleontological resources are prohibited, the potential penalties for violations, and the processes for imposing penalties. In the professional judgment of bureau staff, the rule will serve as an effective education tool that will reduce the number of unintentional violations.

This expectation is supported by anecdotal observations by the bureaus. A professor recently admitted to the BLM that he collected fossils without a permit in the past, but now understands the need for a permit and the potential consequences of failing to obtain one. BLM is also receiving questions from amateur paleontologists, geologists, and other potential collectors who are asking when the rule will publish and about the parameters for casual collecting. Collector groups have expressed their eagerness for the rule, particularly the provisions about civil and criminal penalties, with the expectation that those provisions will deter the poachers and other violators who diminish the enjoyment of collectors who abide by the rules.

The Department cannot meaningfully assess or predict how many violators will qualify as small entities. As discussed above, the NPS has data about the number of incidents but this does not include any information about the identity of violators.

B. Economic Impacts

Even if the DOI assumes that all violators are small entities, the rule will not have a significant impact on them. The rule contains many provisions designed to prevent or reduce the potential for violations. The rule will authorize bureaus to prevent or resolve permit violations by modification, suspension, cancellation, or revocation of the permits, as well as consider compliance with past permits when evaluating new permit applications. The DOI expects these provisions to encourage permittees to comply with the regulation and the terms and conditions of permits. The rule requires bureaus to implement public education programs that will enhance the public's understanding of collection requirements, which should decrease unintentional violations.

The civil penalty provisions in the rule will allow violators to reduce the monetary penalty associated with violations through mitigation actions such as returning the stolen resources to the bureau or providing information to assist the DOI. Provisions for calculating the penalty are taken directly from the PRPA. So are provisions that contain procedural requirements designed to protect due process rights and promote adequate administrative and judicial review.

Conclusion

For the reasons set forth above, the DOI certifies that this rule will not have a significant economic impact on a substantial number of small entities.