

To: Shimada, Kenshu[KSHIMADA@depaul.edu]
From: Foss, Scott
Sent: 2017-08-10T12:18:16-04:00
Importance: Normal
Subject: Re: REMINDER - SVP 2017 Fall (August) Reports are due TODAY.
Received: 2017-08-10T12:18:43-04:00
SVP 2017 end-year report, BLM.docx

Hi Kenshu,

I based it on the mid year report, but updated everything. I'm sorry it's late, but I needed to check links and fact check. I look forward to seeing you next week.

S

Scott E. Foss, PhD
BLM Senior Paleontologist
20 M St. SE, Suite 2134, Washington, DC 20003
sfoss@blm.gov, 202-912-7253

On Wed, Aug 9, 2017 at 5:01 PM, Shimada, Kenshu <KSHIMADA@depaul.edu> wrote:

Hi Scott,

Did you send me an update? Occasionally, my university spam filter puts emails in its spam folder even from reliable sources, so just checking. It would be most helpful if you can send me updates by 8p tonight since my flight for vacation is early tomorrow morning. Thanks.

Kenshu

Sent from my iPhone

On Aug 9, 2017, at 9:21 AM, Shimada, Kenshu <KSHIMADA@depaul.edu> wrote:

Cool! Thanks Scott.

K.

Sent from my iPhone

On Aug 9, 2017, at 8:18 AM, Foss, Scott <sfoss@blm.gov> wrote:

Sorry Kenshu, I'm on it right now and will have it for you later this morning.
S

On Tue, Aug 8, 2017 at 6:11 PM, Shimada, Kenshu <KSHIMADA@depaul.edu> wrote:

Hi Scott,

Do you think you can provide me with info by tomorrow (Wednesday) early afternoon if not earlier? I will leave for vacation this Thursday and fly in straight to Calgary from vacation. Thanks.

Kenshu

Sent from my iPhone

Begin forwarded message:

From: "Weisman, Serena" <SWeisman@faseb.org>
Date: August 8, 2017 at 5:03:50 PM CDT
To: "aberta@mail.sdsu.edu" <aberta@mail.sdsu.edu>, "cjbelle@mail.utexas.edu" <cjbelle@mail.utexas.edu>, "scott.williams@burpee.org" <scott.williams@burpee.org>, "bbpaleo@gmail.com" <bbpaleo@gmail.com>, "rblob@clermson.edu" <rblob@clermson.edu>, "matthewbrown@utexas.edu" <matthewbrown@utexas.edu>, "oconnorp@ohio.edu" <oconnorp@ohio.edu>, "kerincl@pcom.edu" <kerincl@pcom.edu>, DeSantis <larisa.desantis@gmail.com>, "tedjv@pioneerballoon.com" <tedjv@pioneerballoon.com>, "kshimada@depaul.edu" <kshimada@depaul.edu>, "pleiggi@montana.edu" <pleiggi@montana.edu>, "jtheodor@ucalgary.ca" <jtheodor@ucalgary.ca>, "janders@ucalgary.ca" <janders@ucalgary.ca>, Akiko Shinya <ashinya@fieldmuseum.org>, "djehret@ua.edu" <djehret@ua.edu>, "margaret.lewis@stockton.edu" <margaret.lewis@stockton.edu>, "Matthew E Smith@nps.gov" <Matthew E Smith@nps.gov>, "jabos@si.edu" <jabos@si.edu>, "d.evans@utoronto.ca" <d.evans@utoronto.ca>, "msilcox@utsc.utoronto.ca" <msilcox@utsc.utoronto.ca>, "oconnorp@ohio.edu" <oconnorp@ohio.edu>, "werdelin@nrm.se"

<werdelin@nrm.se>, "kstilson@uchicago.edu"
<kstilson@uchicago.edu>, "jvproffitt@gmail.com"
<jvproffitt@gmail.com>, "Stevens, Nancy"
<stevensn@ohio.edu>, Anjali Goswami
<a.goswami@ucl.ac.uk>, Emily Rayfield
<e.rayfield@bristol.ac.uk>, Jaelyn Eberle
<jaelyn.eberle@colorado.edu>, John Long
<john.long@flinders.edu.au>, "Matt Carrano"
<carranom@si.edu>, "P. David Polly"
<pdpolly@indiana.edu>, "Xiaoming Wang"
<xwang@nhm.org>,
"thomas.williamson@state.nm.us"
<thomas.williamson@state.nm.us>,
"pgensler@blm.gov" <pgensler@blm.gov>

Cc: "Jaseb, Roya" <rjaseb@faseb.org>, "Marsh, Jennifer"
<jmarsh@faseb.org>

Subject: RE: REMINDER - SVP 2017 Fall (August) Reports are due
TODAY.

Greetings SVP Committee Chairs!

I hope everyone has had a safe and successful summer
and is ready for Calgary, since it is only two weeks
away.

At your earliest convenience, please send me your
committee reports! If you will not be able to send
your report today, then please advise when you will be
sending it. **Many thanks** to those that have already
sent it.

Kind regards,

Serena

From: Weisman, Serena

Sent: Tuesday, August 01, 2017 5:00 PM

To: 'aberta@mail.sdsu.edu'; 'cjbelle@mail.utexas.edu'; 'scott.williams@burpee.org';
'bbpaleo@gmail.com'; 'rblob@clemson.edu';

'matthewbrown@utexas.edu'; 'oconnorp@ohio.edu';
'kerincl@pcom.edu'; 'DeSantis'; 'tedjv@pioneerballoon.com';
'kshimada@depaul.edu'; 'pleiggi@montana.edu';
'jtheodor@ucalgary.ca'; 'janders@ucalgary.ca'; 'Akiko
Shinya'; 'djehret@ua.edu'; 'margaret.lewis@stockton.edu';
'Matthew E Smith@nps.gov'; 'jabos@si.edu';
'd.evans@utoronto.ca'; 'msilcox@utsc.utoronto.ca';
'oconnorp@ohio.edu'; 'werdelin@nrm.se';
'kstilson@uchicago.edu'; 'jvproffitt@gmail.com'; 'Stevens,
Nancy'; Anjali Goswami; Emily Rayfield; Jaelyn Eberle; John
Long; Matt Carrano; P. David Polly; Xiaoming Wang

Subject: RE: REMINDER SVP 2017 Fall (August) Reports are due Aug 8th

Reminder – committee reports are due in one
week.

All reports and documents are due to me on Tuesday, August 8th. I have
attached the typical committee report format for your
reference.

From: Weisman, Serena

Sent: Tuesday, July 18, 2017 5:34 PM

To: 'aberta@mail.sdsu.edu'; 'cjbelle@mail.utexas.edu'; 'scott.williams@burpee.org';
'bbpaleo@gmail.com'; 'rblob@clemsun.edu';
'matthewbrown@utexas.edu'; 'oconnorp@ohio.edu';
'kerincl@pcom.edu'; 'DeSantis'; 'tedjv@pioneerballoon.com';
'kshimada@depaul.edu'; 'pleiggi@montana.edu';
'jtheodor@ucalgary.ca'; 'janders@ucalgary.ca'; 'Akiko
Shinya'; 'djehret@ua.edu'; 'margaret.lewis@stockton.edu';
'Matthew E Smith@nps.gov'; 'jabos@si.edu';
'd.evans@utoronto.ca'; 'msilcox@utsc.utoronto.ca';
'oconnorp@ohio.edu'; 'werdelin@nrm.se';
'kstilson@uchicago.edu'; 'jvproffitt@gmail.com'; 'Stevens,
Nancy'; Anjali Goswami; Emily Rayfield; Jaelyn Eberle; John
Long; Matt Carrano; P. David Polly; Xiaoming Wang

Subject: SVP 2017 Fall (August) Meeting: Requests

Please let me know if you have any special requests or need meeting space
by this Friday and we will do our best to make it
happen.

Also, this is a great time to make sure your committee lists are up-to-date on the website. Please check and use the attached instructions to make any changes.

Many thanks,

Serena

From: Weisman, Serena

Sent: Monday, July 10, 2017 4:42 PM

To: 'aberta@mail.sdsu.edu'; 'cjbelle@mail.utexas.edu'; 'scott.williams@burpee.org'; 'bbpaleo@gmail.com'; 'rblob@clemsun.edu'; 'matthewbrown@utexas.edu'; 'oconnorp@ohio.edu'; 'kerincl@pcom.edu'; 'DeSantis'; 'tedjv@pioneerballoon.com'; 'kshimada@depaul.edu'; 'pleiggi@montana.edu'; 'jtheodor@ucalgary.ca'; 'janders@ucalgary.ca'; 'Akiko Shinya'; 'djehret@ua.edu'; 'margaret.lewis@stockton.edu'; 'Matthew E Smith@nps.gov'; 'jabos@si.edu'; 'd.evans@utoronto.ca'; 'msilcox@utsc.utoronto.ca'; 'oconnorp@ohio.edu'; 'werdelin@nrm.se'; 'kstilson@uchicago.edu'; 'jvproffitt@gmail.com'; 'Stevens, Nancy'; Anjali Goswami; Emily Rayfield; Jaelyn Eberle; John Long; Matt Carrano; P. David Polly; Xiaoming Wang

Subject: SVP 2017 Fall (August) Meeting: Call for reports due by 8/8/17

Dear SVP ExCom and Committee Chairs,

I hope this finds you well. The 2017 meeting quickly approaching and it is time to plan for the meetings that will take place in Calgary, Canada.

Reports: Please begin to compile your committee reports and any other documents you would like included in the ExCom board book for the fall. **All reports and documents are due to me on Tuesday, August 8th.** I have attached the typical committee report format for your reference.

Committee Meetings: Attached is the draft schedule for the Committee Meetings Calgary. Please share this with your committee members (only chairs receive communications from the business office). If you or anyone you know from panels (ie award panels) wish to have a meeting and space is not already listed, please instruct them to **contact me by Friday 7/21st to reserve a space**. After this time, requests will be handled as needed but there is no guarantee of availability. **If you have any special needs for your committee meeting, please let me know also by 7/21st.**

ExCom Liaisons: As a reminder, the format we have utilized the last few years worked very well and we plan to repeat it for 2017. Each Committee has an ExCom Liaison and that person will attend the committee meeting and return to the second (Saturday) ExCom meeting with a summary of the committee meeting (see attached flow chart). Please join me in welcoming our incoming ExCom members Nancy Stevens, incoming Member at Large, who will liaise with the Preparators, Education & Outreach, and Student & Post-Doc Committees. A huge thank you to Xiaoming Wang for his tireless service to ExCom and to David Polly for his enduring support. They will be properly recognized in Calgary!

RSVP/Attendance: Please RSVP and let me know if you plan on attending the Conference and also confirm your attendance at the various meetings.

Travel/Accommodations: Please be sure to secure your travel itinerary and hotel confirmations. If you have not already done so, be sure to register for the meeting, book your hotel (the meetings team have been in touch with some of you already) and secure your travel.

Please make note of these dates and let me know if you have any questions. I look forward to seeing everyone in Calgary!

All the best,

Serena

Serena G. Weisman

Account Executive

Society Management Services

9650 Rockville Pike, Bethesda, MD 20814

Tel (301) 634 7036

Fax (301) 634 7455

Email sweisman@faseb.org

Web www.FASEB.org

Bureau of Land Management, Paleontology program midyear report to the Society of Vertebrate Paleontology, Government Affairs Committee – Kenshu Shimada, Chair

Paleontological Resources Preservation Act (PRPA)

Development of a final Department of the Interior (DOI) rule under PRPA is ongoing. We have reviewed all comments that were received following publication of the proposed rule in the federal register (see below). PRPA was removed from the departmental rulemaking agenda in the spring of 2017. We did not move for it to be put on the fall 2017 agenda so that we would have more time to develop a response to comments and revise the rule in preparation for a final rule. We currently hope to have PRPA put on the spring 2018 rulemaking agenda. In order to do this we will need to have a final rule substantially completed by January 2018.

The Department of the Interior proposed rule was published in the Federal Register on December 7, 2016, and was available for public comment for 60 days, closing on February 6, 2017. Just over 1600 separate comments were received from 466 separate submissions. The breakdown of comments is summarized in the following table:

PRPA Comments			
Preamble		43	3%
Proposed Rule	Subpart A - Managing	131	8%
	Subpart B - Permitting	186	12%
	Subpart C - Collections	84	5%
	Subpart D - Prohibited Acts	9	1%
	Subpart E - Criminal Penalties	20	1%
	Subpart F - Civil Penalties	24	1%
	Subpart G - Response, Restoration, and Repair	8	0%
	Subpart H - Forfeiture and Rewards	3	0%
	Subpart I - Casual Collection	968	60%
	Miscellaneous Comments	135	8%
Total comments derived from 466 submissions		1611	100%

The full text of public comments is available at:

<https://www.regulations.gov/docketBrowser?rpp=25&po=0&dct=PS&D=NPS-2016-0003&refD=NPS-2016-0003-0001>

60% of the comments directly addressed casual collection of nonvertebrate paleontological resources. A significant number of the comments in other sections indirectly addressed casual collection, so casual collection is the largest consideration with regard to revision of the proposed rule. We have been

advised that [Executive Order 13771](#) to reform regulations in the U.S. Government does not apply to rulemaking under PRPA, for now (see discussion on regulatory reform, below).

Regulatory reform

The new U.S. administration has made regulatory reform a priority, including [Executive Order 13777](#) (“Enforcing the Regulatory Reform Agenda”) dated January 24, 2017. The Executive Order states:

Regulatory Cap for Fiscal Year 2017. (a) Unless prohibited by law, whenever an executive department or agency (agency) publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed.

[OMB interim guidance](#), produced on February 2, 2017, states:

The EO’s requirements for Fiscal Year 2017 apply only to those significant regulatory actions, as defined in Section 3(f) of Executive Order 12866

[Executive Order 12866](#), October 4, 1993, states that a “significant regulatory action” means any regulatory action that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;*
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;*
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or*
- (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order.*

In 2014, the OMB Office of Information and Regulatory Affairs determined that the proposed rule implementing the PRPA was not a significant regulatory action. As long as OMB continues to agree that rulemaking under PRPA is not a significant regulatory action, then the EO of January 30, 2017 will not apply to the final rule. The final rule is currently in preparation, so we will continue to monitor the guidance as appropriate.

IBLA 2016-129, Pueblo of San Felipe

In 2016, the Interior Board of Land Appeal (IBLA) agreed to hear a case resulting from a decision issued by the Bureau of Land Management (BLM) to deny a protest by the Pueblo of San Felipe that challenged the bureau’s decision to issue a permit for fossil excavation. One of the points of disagreement was the BLM’s determination that the fossil bed is not subject to protection under the Native American Graves Protection and Repatriation Act (NAGPRA) because it does not contain objects of cultural patrimony.

SVP filed an amicus brief on August 1, 2016. The court formally accepted the brief on August 8, 2016, and the Pueblo formally replied to the brief on August 22, 2016.

The issue became more relevant in 2017 because the Pueblo of San Felipe responded to the proposed rulemaking under PRPA and continue to contend that fossils are cultural items and therefore are subject to the provisions of NAGPRA. The Pueblo asked for consultation with the Department regarding rulemaking under PRPA. Representatives from the Department of the Interior met with members of the Pueblo of San Felipe in June, 2017. This was a listening session only and no policy decisions were made as a result of the meeting.

The Department's office of the Solicitor has asked IBLA to expedite a ruling on IBLA 2016-129 because it now has relevance to ongoing departmental rulemaking. As of August, 2017, IBLA has not responded. We will update the GAC as appropriate as these developments unfold.

National Monuments

Bear's Ears National Monument – in 2016 President Obama issued a [proclamation creating the Bears Ears National Monument](#) in southeast Utah. Partly because of work by members of SVP, including a letter sent to President Obama dated 16 November 2016, the importance of paleontological resources in the monument was called out in the proclamation. BLM is looking forward to developing a management plan for the monument that will recognize the importance of its paleontological resources and their geological context. Many conservation and tribal groups are [delighted](#) with the new monument, whereas many other groups, including the [congressional delegation from Utah](#) and the [Utah state legislature](#), are less impressed with the monument.

Executive Order 13792 – on April 26, 2017, President Trump signed an executive order, [Review of Designations Under the Antiquities Act](#). This order states, "*Monument designations that result from lack of public outreach and proper coordination with State, tribal, and local officials and other relevant stakeholders may also create barriers to achieving energy independence*". On 5 May 2017, the [Department of the Interior released a list of the monuments](#), created under the authority of the Antiquities Act, that were currently under review. Secretary Zinke released an [interim report on Bears Ears](#) on 12 June 2017. A final report that includes specific recommendations for all of the monuments under review is still in preparation by the Secretary's office. The leadership and membership of SVP have been very active in responding to every part of the executive order and comment period regarding paleontological resources in the monuments under review.

Also of interest, a paper was released Rosenbalm et al. on February 8, 2017, [The President Has No Power Unilaterally to Abolish a National Monument Under the Antiquities Act of 1906](#). The paper takes the position that the President may not abolish national monuments. We will update the GAC as appropriate as actions take place.

Bills to track in the 115th Congress

H.R. 481 – Reducing Environmental Barriers to Unified Infrastructure and Land Development

(REBUILD) Act. This bill amends the National Environmental Policy Act of 1969 (NEPA) to authorize: (1) the assignment to states of federal environmental review responsibilities under NEPA and other relevant federal environmental laws for covered federal projects, and (2) states to assume all or part of those responsibilities. Latest action: referred to House Committee on Natural Resources.

H.R. 621 – Disposal of Excess Federal Lands Act. This bill directs the Department of the Interior: (1) to offer for disposal by competitive sale for not less than fair market value certain federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified in the report submitted to Congress on May 27, 1997, pursuant to the Federal Agriculture Improvement and Reform Act of 1996, as suitable for disposal or exchange for the purpose of conducting restoration activities in the Everglades region of Florida; and (2) within four years after enactment of this bill, to submit a list of such lands that have not been sold and the reasons why. Latest action: referred to the Subcommittee on Federal Lands, part of the House Committee on Natural Resources.

H.R. 825 – Public Land Renewable Energy Development Act. To promote the development of renewable energy on public land, and for other purposes. Latest action: ordered to be reported (amended) by unanimous consent.

H.R. 875 – Bureau of Reclamation Water Project Streamlining Act. This bill sets forth provisions governing feasibility studies for water projects initiated by the Department of the Interior under the Reclamation Act of 1902 (project studies). Latest action: referred to the subcommittee on Water, Power and Oceans.

H.R. 928 – Fracturing Regulations are Effective in State Hands Act. This bill gives states the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding hydraulic fracturing on or under any land within their boundaries. Hydraulic fracturing or fracking is a process to extract underground resources such as oil or gas from a geologic formation by injecting water, a propping agent (e.g., sand), and chemical additives into a well under enough pressure to fracture the geological formation. Latest action: referred to the subcommittee on Conservation and Forestry.

H.R. 1106 – Small Tracts Conveyance Act. To provide for the conveyance of small parcels of National Forest System land and small parcels of public lands administered by the Bureau of Land Management to private landowners, State, county, and local governments, or Indian tribes whose lands share a boundary with the National Forest System land or public lands, and for other purposes. Latest action: referred to the subcommittee on Conservation and Forestry.

S. 316 – Protecting States' Rights to Promote American Energy Security Act. To amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote

American energy security, development, and job creation, and for other purposes. Latest action: referred to the committee on Energy and Natural Resources.

S. 335 – **Federal Land Freedom Act**. To achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land. Latest action: referred to the committee on Energy and Natural Resources.

S. 338 – **Scientific Integrity Act**. To protect scientific integrity in Federal research and policymaking, and for other purposes. Latest action: referred to the committee on Commerce, Science, and Transportation.

H.Con.Res.27 – Expressing the sense of Congress that **America’s Federal public lands are national treasures that belong to all Americans**.

BLM Paleontology Program Staffing

Harley Armstrong retired from the BLM in January, 2017, leaving his former position vacant. There is no indication that the position will be filled soon. The BLM currently employs 8 full time paleontologists:

Scott Foss, Senior Paleontologist, Washington, DC
Brent Breithaupt, Regional Paleontologist, Cheyenne, WY
Phil Gensler, Regional Paleontologist, Santa Fe, NM
Greg McDonald, Regional Paleontologist, Salt Lake City, UT
Greg Liggett, State Paleontologist, Billings, MT
ReBecca Hunt-Foster, District Paleontologist, Moab, UT
Alan Titus, Monument Paleontologist, Kanab, UT
Colin Dunn, Monument Paleontologist, Las Cruces, NM

Contact Scott Foss, sfoss@blm.gov