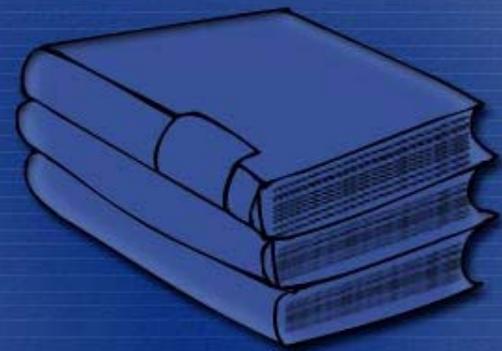


The Fundamentals of Paleontological Resources Management BLM 8200-01

Authorities

Lucy Kuizon
National Paleo Coordinator
WO-240



Objectives

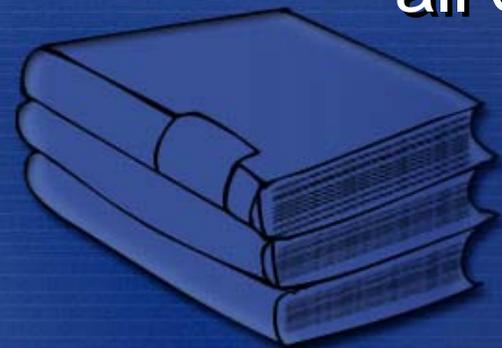
- Identify and reference current statutes, regulations, and policies that establish BLM authority for management of paleontological resources.
- Describe the purpose of current statutes, regulations, and policies.
- Give examples of fossil resources that are/are not protected under current authorities.



“Searching for fossils also comes in many flavors, from microscopic siftings through tiny grains, to overland reconnaissance for suitable bedding settings to uncover bones...”

- Dr. James Garvin, NASA, Chief Scientist for Planetary Exploration, Goddard Space Flight Center

Many of the fossils that you see in museums all over the country and the world come from your public lands.



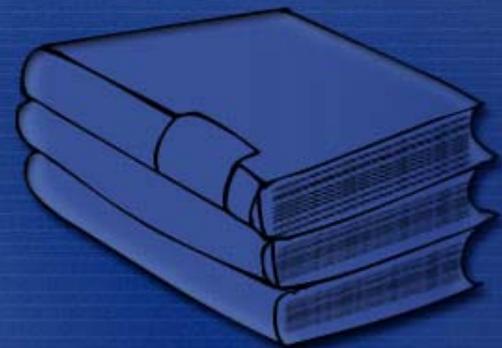
What we are going to cover

- We will identify what the major laws, regulations, policies and judicial decisions that are important for paleontological resources management.
- We will describe the purpose of each of these.
- We will do an exercise that will apply some of these authorities to a specific situation.



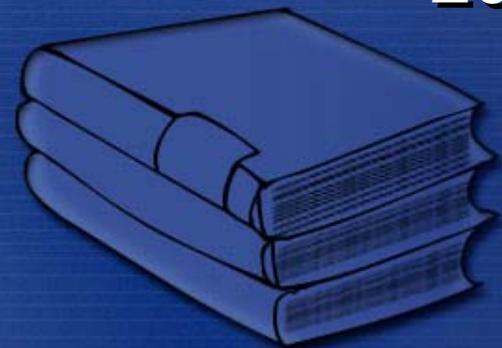
What are some of BLM's authorities for paleontological resources management?

- What types of legal authorities are there?
- Can you name some authorities that we use to manage and protect paleo resources?



Authority for management of paleontological resources on BLM lands.

- Federal Land Policy and Management Act of 1976 (FLPMA)
 - Reinforced by: 165 IBLA 231 (April 13, 2005)

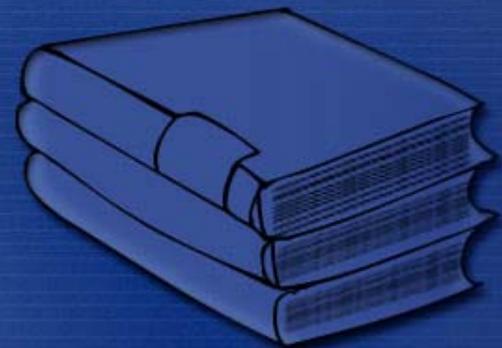


Permits for scientific research, inventory, and study.

- Federal Land Policy and Management Act (FLPMA)

Reinforced by: 165 IBLA 231 (April 13, 2005),
Board of Regents of the University of Oklahoma

- Antiquities Act of 1906 (pre- FLPMA)
205 DM 3 (1984) (by Secretarial Order)



Environmental Protection

For surface disturbing activities on public lands, such as mining, mineral leasing, and ROWs.

- National Environmental Policy Act (NEPA)
- Federal Land Policy and Management Act (FLPMA)
- Associated surface management regulations: 3809, 2800, 8365
- Mineral Leasing Act – Onshore Order No. 1; 3101 and 3162; 2880



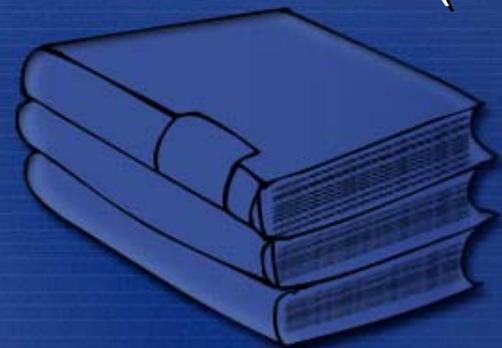
Other Statutes

Protection of paleontological resources found in context with archaeological resources.

- Archaeological Resources Protection Act (ARPA)

Protection of paleontological resources in significant caves.

- Federal Cave Resources Protection Act (FCRPA)



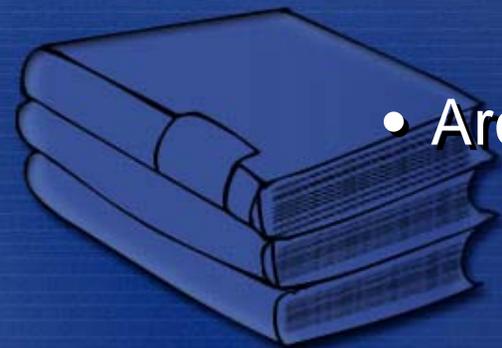
Other Statutes

Salvage of paleontological resources found in federal highway projects.

- Archaeological and Paleontological Salvage Provision

Salvage of scientifically significant paleontological resources found in federally licensed or funded construction activities.

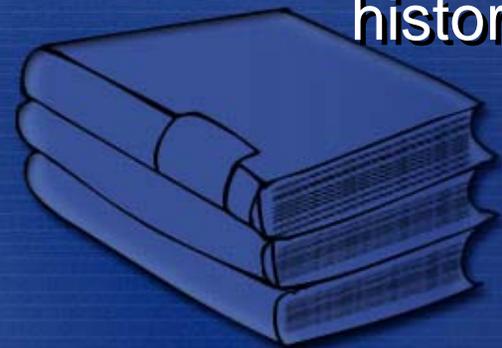
- Archeological and Historic Preservation Act



Other Statutes

Recognition of special areas containing paleontological resources by designation of national monuments, special management areas, and national natural landmarks.

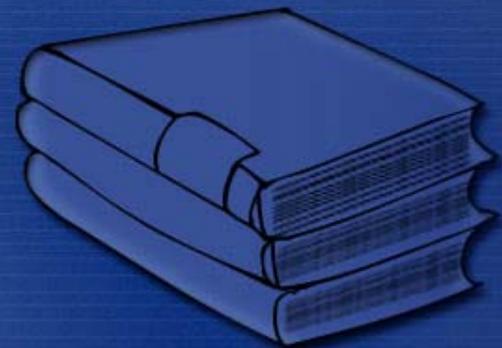
- Antiquities Act of 1906 (national monuments)
- Federal Land Policy and Management Act (FLPMA) (ACECs, NCAs, etc.)
- Historic Sites Act of 1935 (national landmarks, historic and natural)



Other Statutes

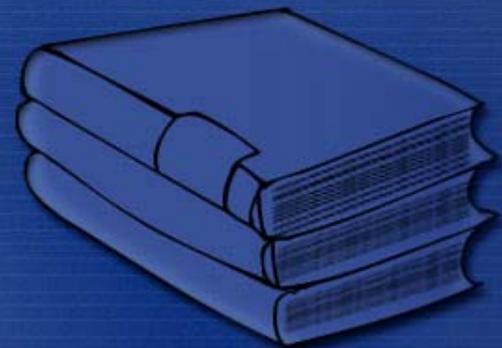
- Curation of scientifically significant paleontological resources in non-federal repositories.
 - Federal Property and Administrative Services Act of 1949, as amended
 - 411 DM 1-3 and supplemental Museum Property Guidance

<http://www.doi.gov/museum/policy.htm>



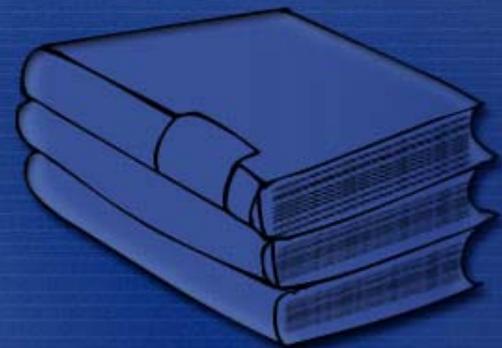
Other Statutes

- **Law Enforcement**
 - Theft of Property – 18 U.S.C. 641
 - False Statements – 18 U.S.C. 1001



Regulations

- Recreational hobby collecting of reasonable amounts of common invertebrate and plant fossils.
 - 43 CFR 8365.1-5(b)(2)



What's so special about petrified wood?



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Rules for the Non-Commercial Collection of Petrified Wood from Public Lands

To help provide for rock collecting as one of the many outdoor recreation activities on the public lands the Department of the Interior, under the provisions of Public Law 89-713, has adopted rules governing the non-commercial collection of petrified wood. Please cooperate in observing them. Following is a summary of these rules.

1. Lands administered by the Bureau of Land Management and Bureau of Reclamation are open to collection except at recreational projects and other special areas which have been closed to collection. BLM areas which are closed are posted.
2. There is no charge; no application or permit is required, except for unusual pieces of over 325 pounds.
3. The maximum limit, without a permit, per person, is 25 pounds per day plus one piece not 250 pounds per year.
4. Peeking at caves to obtain pieces over 250 pounds is prohibited.
5. If a person wishes to obtain a specimen weighing over 250 pounds for display in a museum or similar institution he must obtain a permit from a District Manager, Bureau of Land Management, before removing it.
6. Hand tools only may be used for excavation. The use of explosives or power equipment is prohibited. Only vehicles used on a public land means of personal transportation may be used for hauling specimens.
7. Petrified wood from public lands, obtained under the free use privilege, may not be bartered or sold to commercial dealers.

Please practice good outdoor manners . . . Be accurately informed of land ownership . . . Take no more petrified wood than you will use for hobby purposes—Leave the rest for others . . . Avoid unnecessary damage to soil, plants life and other natural features . . . Leave your camp cleaner than you found it . . . Be very careful with fire and firearms.

Thank You and Come Again

THE DISTRICT MANAGER IS CHARGE OF THE AREA'S LOCATED AT:



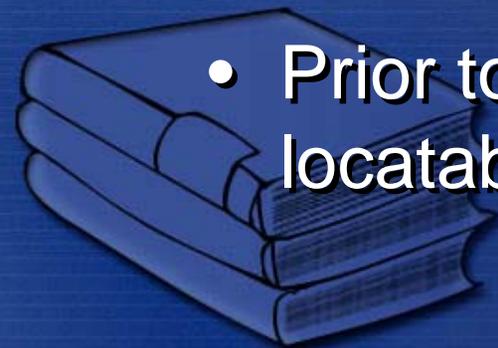
U.S. GOVERNMENT PRINTING OFFICE: 1981 O-287012



Petrified Wood

(43 CFR 3601, 43 CFR 3622, 43 CFR 3604)

- Designated a mineral material by Congress in 1962 with hobby collecting provision (P.L. 87-713)
- Commercial collection under mineral material sales contract (Materials Act of 1947; 43 CFR 3601)
- Prior to P.L. 87-713, petrified wood was a locatable mineral.



Petrified Wood

(43 CFR 3601, 43 CFR 3622, 43 CFR 3604)

Free use without a permit (43 CFR 3622)

- May casually collect limited amounts for noncommercial purposes; cannot be bartered or sold.
- Limited amounts up to 25 pounds per person per day plus one piece but not more than 250 pounds per person in one year.



Petrified Wood

(43 CFR 3601, 43 CFR 3622, 43 CFR 3604)

Free use with a permit for Museum Pieces (43 CFR 3622, 3604)

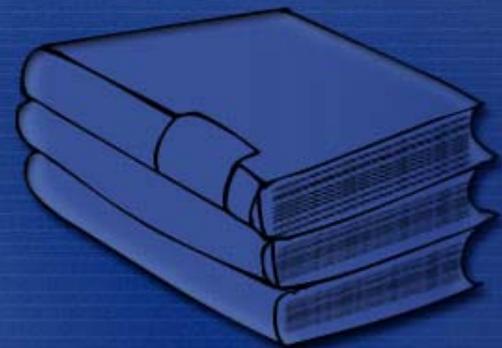
- Non-profit organizations (43 CFR 3604)
- Required for collecting museum pieces of petrified wood (43 CFR 3622)
- Applicant certifies that they will be displayed to the public in a museum or similar institution (43 CFR 3622)



Legal Decisions

Fossil remains of dinosaurs and other prehistoric animals are not mineral within the meaning of the United States mining laws, and lands containing such remains are not subject to entry under such laws.

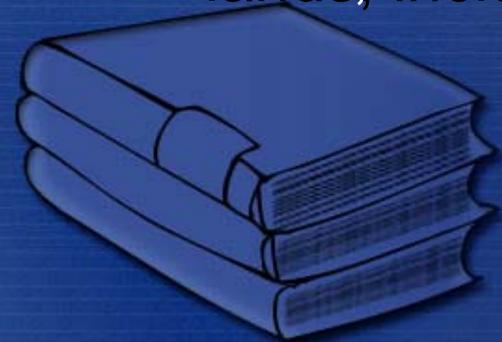
- 44 LD 325 (1915), *Earl Douglass*



Legal Decisions

BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA, 165 IBLA 231 (April 13, 2005)

- Paleontological resources on public lands are owned by the United States.
- FLPMA section 302(b) is the general authority for BLM to manage and protect paleontological resources on public lands, including issuing permits.



Legal Decisions

BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA, 165 IBLA 231 (April 13, 2005)

- *Decisions involving paleontological use permits are committed to the discretion of the Secretary, through BLM, and the exercise of that discretion must have a rational basis.*
- *BLM may impose administrative sanctions for permit violations even in the absence of specific regulatory provisions establishing such sanctions, so long as BLM provides notice of the possible range of sanctions. A decision imposing sanctions without such notice must be reversed.*



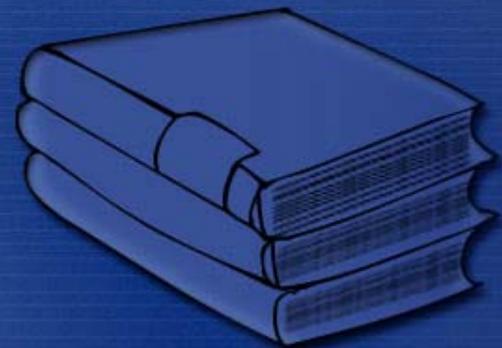
BLM Paleo Guidance

BLM Manual 8270:

Paleontological Resources Management

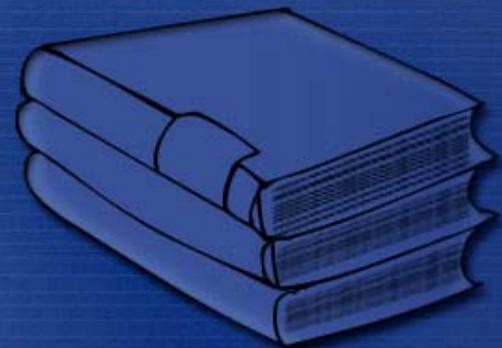
BLM Handbook H-8270-1:

General Procedural Guidance for
Paleontological Resources Management



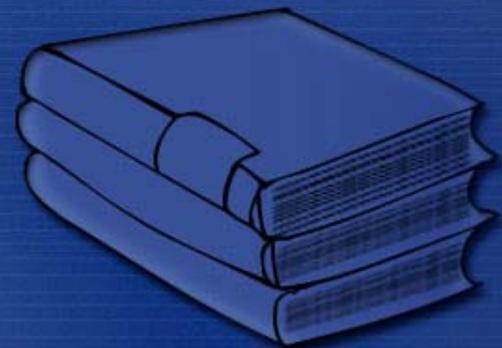
AUTHORITIES EXERCISE

I will give scenarios and you tell me if the paleontological resource is protected or not protected and what is the authority, i.e., why or why not.



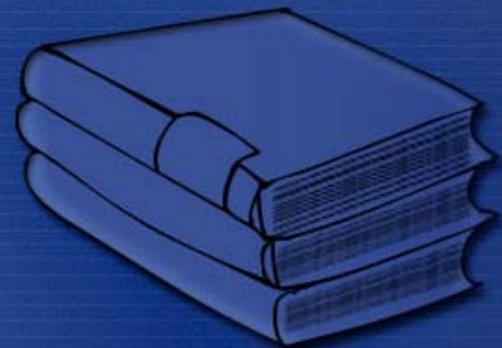
AUTHORITIES EXERCISE

Dinosaur femur found at dam construction site on federal lands in Colorado.



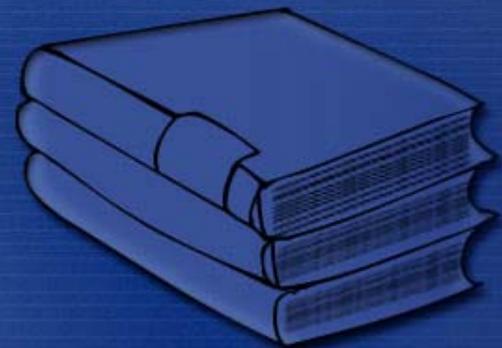
AUTHORITIES EXERCISE

Mammoth tusks used for the construction of Paleo-Indian lodge found in New Mexico.



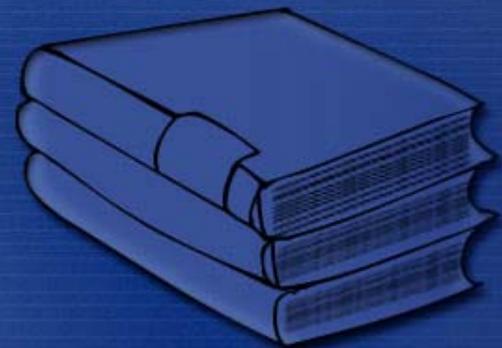
AUTHORITIES EXERCISE

Saber tooth tiger remains are found in a cave on public lands in Nevada.



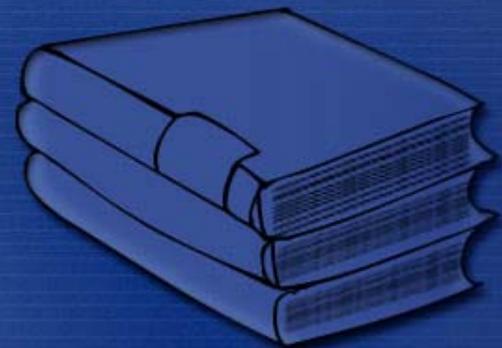
AUTHORITIES EXERCISE

The only known Permian plant fossils in Arizona found during construction of a federal highway project.



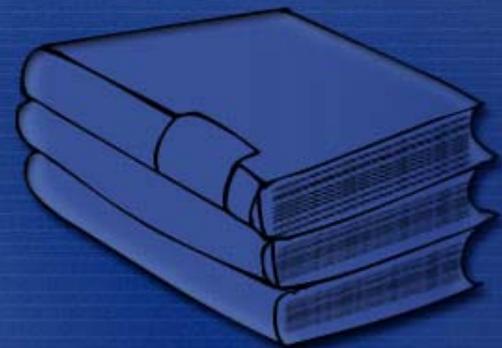
AUTHORITIES EXERCISE

Mining claim located for dinosaur bone used in the making of jewelry in Utah.



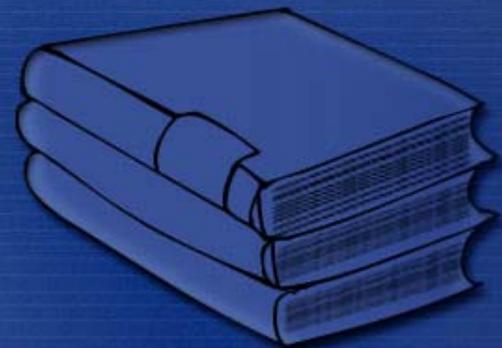
AUTHORITIES EXERCISE

Sale of petrified wood for commercial purposes in South Dakota.



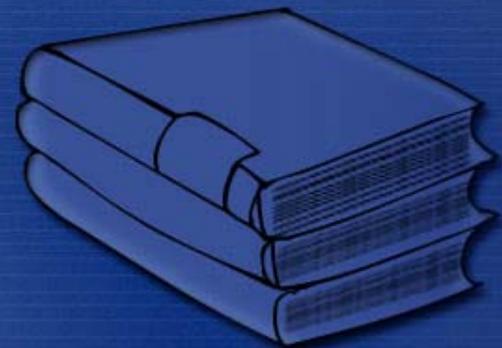
AUTHORITIES EXERCISE

Rock club wants to collect common invertebrate and plant fossils on public lands.



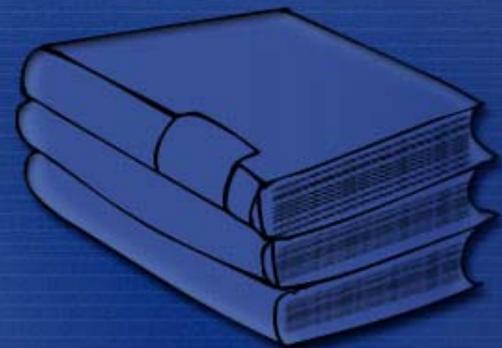
AUTHORITIES EXERCISE

Barter or sale of invertebrate fossils for commercial purposes from public lands.



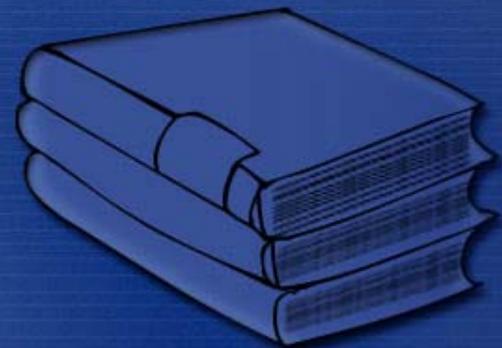
AUTHORITIES EXERCISE

Prosecution of theft of an *Allosaurus*
from public lands?



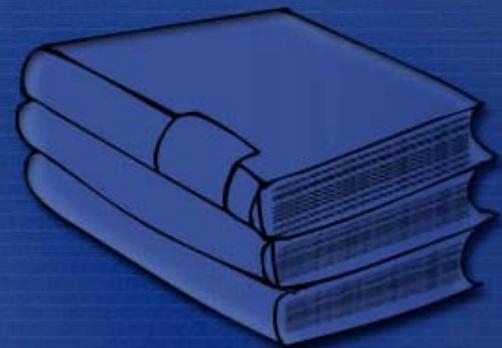
AUTHORITIES EXERCISE

Issue a research permit for collecting
Tyrannosaurus rex near Miles City,
MT.



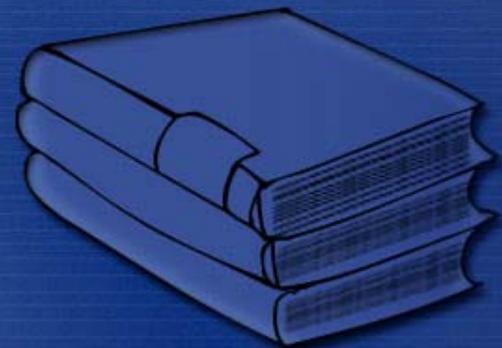
AUTHORITIES EXERCISE

Designation of a National Natural
Landmark containing scientifically
significant paleontological resources.



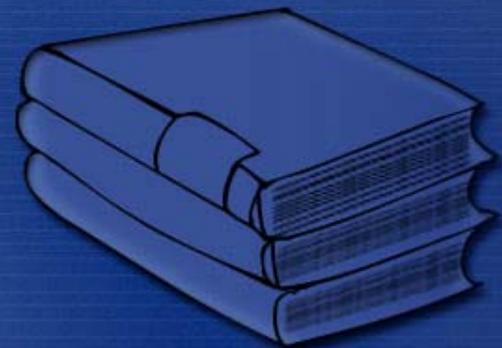
AUTHORITIES EXERCISE

Designation of a National Monument.



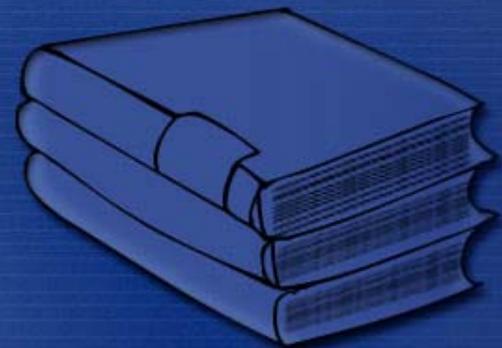
AUTHORITIES EXERCISE

Policy and guidance for managing paleontological resources on BLM lands.



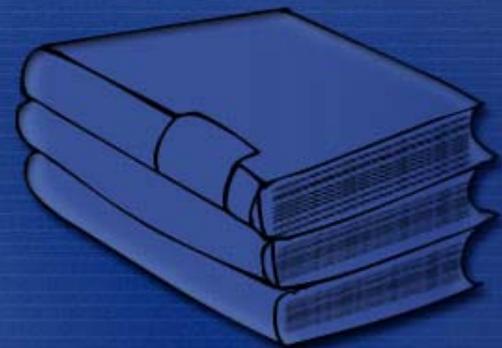
AUTHORITIES EXERCISE

Protection of significant paleo found
under an Oil & Gas Lease or APD.



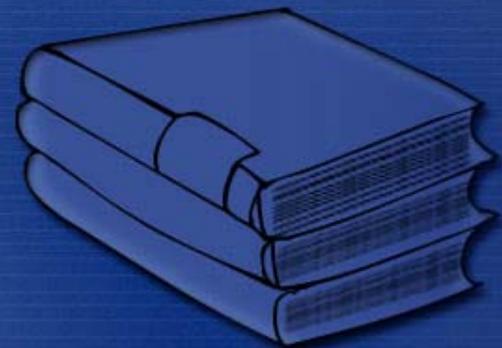
AUTHORITIES EXERCISE

Collection a petrified wood for museum display.



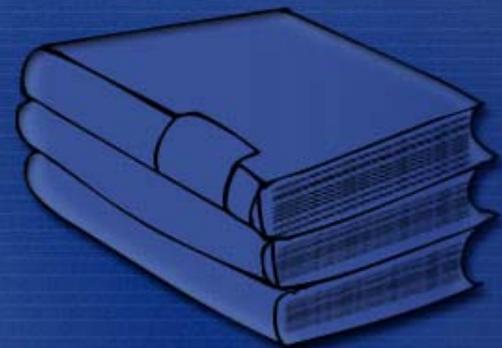
Authorities Exercise

One or two more questions if there is time.



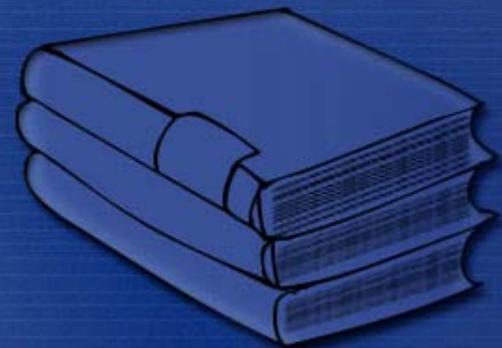
AUTHORITIES EXERCISE

Mining claim for petrified wood.



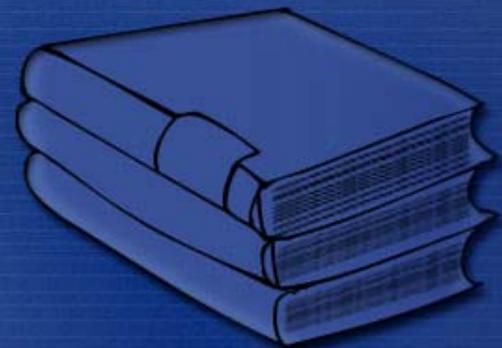
AUTHORITIES EXERCISE

Molds of dinosaur footprints in coal from an underground coal lease near Price, Utah.



What we did

- Identified what the major laws, regulations, policies and judicial decisions important for paleontological resources management.
- Described the purpose of each of these.
- Did an exercise that applied some of these authorities to a specific situation.



Objectives

- Identify and reference current statutes, regulations, and policies that establish BLM authority for management of paleontological resources.
- Describe the purpose of current statutes, regulations, and policies.
- Give examples of fossil resources that are/are not protected under current authorities.



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www.blm.gov/wo/st/en/prog/more/CRM/paleontology.html



“Big Al” *Allosaurus*, MOR

