



U.S. Department of the Interior  
Bureau of Land Management

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# Paleontological Resources Preservation Act (PRPA) of 2009

## Department of the Interior Proposed Rule at 43 CFR Part 49

Prepared for iDigBio by Scott Foss, Senior Paleontologist, 01/19/2017

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For the information contained in this presentation, go to:

[www.blm.gov/paleontology](http://www.blm.gov/paleontology)

Select: Paleo Quick Links – PRPA Fact Sheet II

# The Proposed Rule applies to lands managed by four bureaus in the Department of the Interior



Bureau of Land  
Management



Bureau of  
Reclamation



Fish & Wildlife  
Service



National Park  
Service



The U.S. Department of Agriculture, Forest Service rule was published on April 17, 2015, and may be accessed at:

<http://www.fs.fed.us/geology/fossils.html>

PRPA does not apply to state, private, or Indian Lands

# What is a Paleontological Resource?

## Paleontological Resources Preservation Act (PRPA) of 2009

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

## Departmental Proposed Rule at 43 CFR Part 49

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

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

# Science & Planning

## Paleontological Resources Preservation Act (PRPA) of 2009

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

## Departmental Proposed Rule at 43 CFR Part 49

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

**Proposed § 49.30** would require each bureau to inventory and monitor paleontological resources

# Outreach & Education

## Paleontological Resources Preservation Act (PRPA) of 2009

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

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

## Departmental Proposed Rule at 43 CFR Part 49

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

# Permitting

## Paleontological Resources Preservation Act (PRPA) of 2009

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

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

## Departmental Proposed Rule at 43 CFR Part 49

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

# Confidentiality (permittee)

## Paleontological Resources Preservation Act (PRPA) of 2009

**Section 6304(c)** states that every permit shall include requirements, including the following:

*specific locality data will not be released by the permittee or repository without the written permission of the Secretary.*

## Departmental Proposed Rule at 43 CFR Part 49

**Proposed § 49.75** introduces permit terms and conditions, including the following:

*(3) Permittee must not release, disclose, or share information about the specific location of paleontological resources without the prior written permission of the authorized officer.*

# Confidentiality (bureau)

## Paleontological Resources Preservation Act (PRPA) of 2009

**Section 6309** states that *information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would:*

1. *Further the purpose of this subtitle;*
2. *Not create risk of harm to or theft or destruction of the resource or the site containing the resource; and*
3. *Be in accordance with other applicable laws.*

## Departmental Proposed Rule at 43 CFR Part 49

**Proposed § 49.25** states: *In keeping with section 6309 of the Act, information containing the nature and specific location of a paleontological resource shall be exempt from disclosure under the Freedom of Information Act and any other law unless the authorized officer determines that disclosure would:*

1. *Further the purpose of the Act;*
2. *Not create risk of harm to or theft or destruction of the resource or the site containing the resource; and*
3. *Be in accordance with other applicable laws.*



# Museums

## Paleontological Resources Preservation Act (PRPA) of 2009

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

## Departmental Proposed Rule at 43 CFR Part 49

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

# Prohibited Acts and Criminal Penalties

## Paleontological Resources Preservation Act (PRPA) of 2009

**Section 6306** states that a person may not *excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land*, and provides criminal penalties that include fines for commercial and paleontological value plus the costs of restoration and repair and imprisonment of up to 5 years. The penalty may be doubled for subsequent violations.

## Departmental Proposed Rule at 43 CFR Part 49

**Proposed § 49.300** restates the Act: *A person may not excavate, remove, damage, or otherwise alter or deface any paleontological resources.*  
(except as allowed by a permit or by casual collection)

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

# Civil Penalties

## Paleontological Resources Preservation Act (PRPA) of 2009

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

## Departmental Proposed Rule at 43 CFR Part 49

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

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

# Rewards and Forfeiture

## Paleontological Resources Preservation Act (PRPA) of 2009

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

## Departmental Proposed Rule at 43 CFR Part 49

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

# Casual Collection

## Paleontological Resources Preservation Act (PRPA) of 2009

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

## Departmental Proposed Rule at 43 CFR Part 49

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

Casual collecting only applies to lands administered by the Bureau of Land Management and the Bureau of Reclamation



# Casual Collection Definitions

## Paleontological Resources Preservation Act (PRPA) of 2009

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

## Departmental Proposed Rule at 43 CFR Part 49

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

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



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

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



# Casual Collection on BLM National Monuments & National Conservation Areas



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



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The comment period is open until February 6, 2017

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