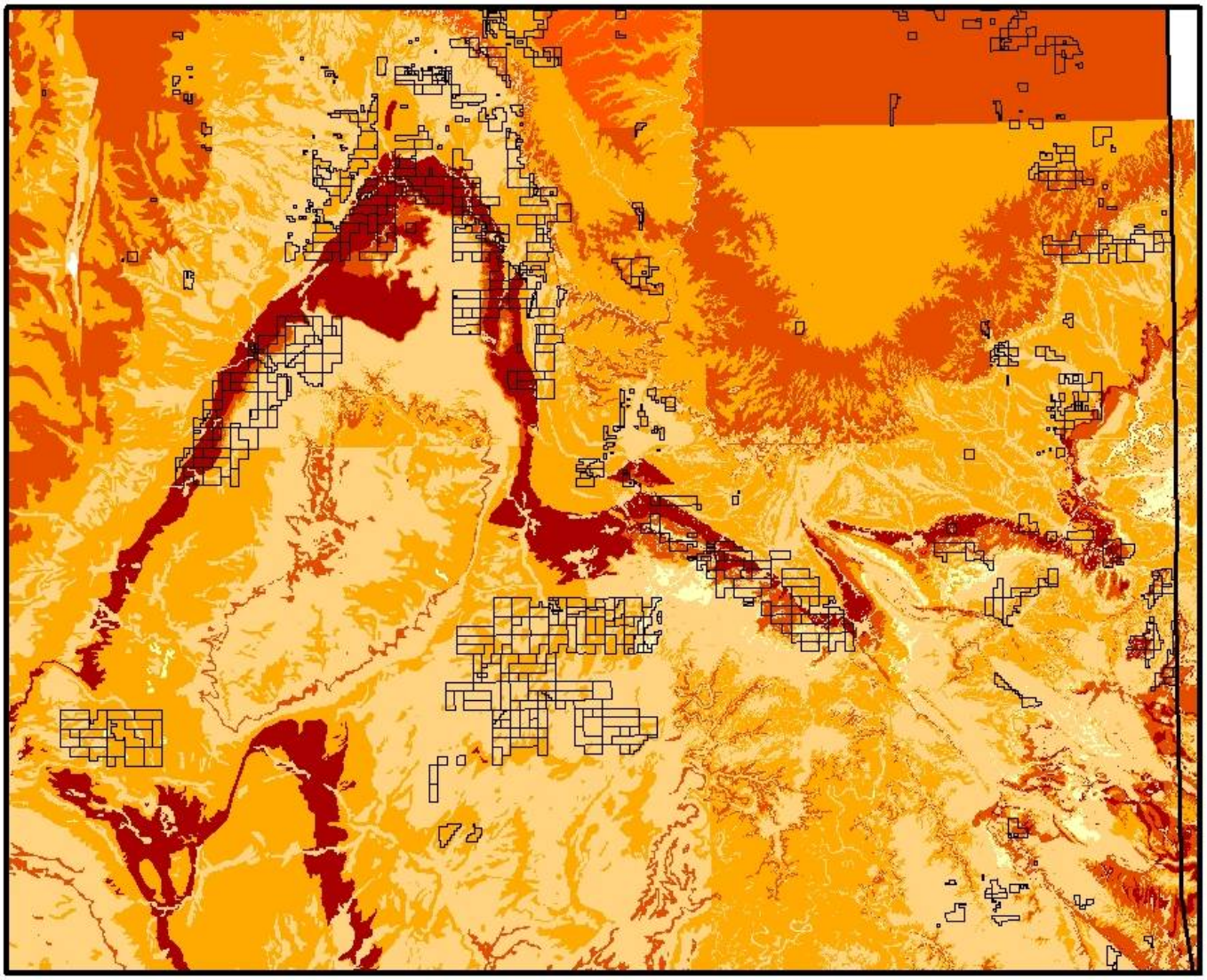
PROCEEDINGS OF THE EIGHTH CONFERENCE ON FOSSIL RESOURCES

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THE PALEONTOLOGICAL RESOURCES PRESERVATION ACT: BEGINNING OF A NEW CHAPTER IN THE HISTORY OF PALEONTOLOGY

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On March 30, 2009, President Barack Obama signed into law the Paleontological Resources Preservation Act (PRPA; P.L. 111-11) contained within the Omnibus Public Land Management Act of 2009. Nearly three decades in the making, this new legislation provides a specific authority and mandate for the management, protection, and public education of paleontological resources on federal lands. The Bureau of Land Management (BLM), Bureau of Reclamation (BOR), Fish and Wildlife Service (FWS), and National Park Service (NPS) within the Department of Interior (DOI) and the U.S. Forest Service (USFS) within the Department of Agriculture are the primary land managing agencies which will assimilate this new legislation into regulations and policy.

A brief review of the legislative history associated with fossil resource preservation dates to the period preceding the passage of the Archeological Resources Protection Act of 1979 (ARPA). In general archeologists and paleontologists identified fundamental differences between archeological artifacts and fossils leading to the decision to not include fossils within the proposed ARPA legislation. The following language relative to fossils is contained within the final version of the ARPA legislation, "*Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in archaeological context.*"

During the 1980s National Park Service officials recognized the need to distinguish archeological resources from paleontological resources. Although both categories of resources are often viewed as *"old remains dug from the ground",* there are significant differences in their scientific, historic and educational values. Archeological objects are essentially the remains or evidence of past human remains and activities, whereas fossils are the remains of past life preserved in a geologic context. Academic training for archeologists often focuses on human culture and history, while paleontologists typically study biology and geology. By 1988, the National Park Service officially shifted paleontology from the Cultural Resources Program to the Natural Resources Program.

In 1983 Senator Larry Pressler (South Dakota) introduced a bill (S-1569) in the 98th Congress which proposed to enable commercial collection of paleontological resources on federal lands. This proposed legislation led to a very contentious and polarized discussion between the professional paleontologists and commercial fossil collectors. The debate was fueled by a controversial report produced in 1987 by a committee representing the National Academy of Sciences (NAS). The recommendations set forth in the NAS report were generally not supported by the scientific community and were not adopted by the federal land managing agencies. The integrity of the NAS report was later questioned when it was determined that important information was misrepresented in the document.

Three important paleontological resource preservation achievements were gained through legislation during the 1990s. First, the National Park Service Omnibus Management

Act of 1998 mandates that park managers incorporate science into decision-making. Additionally within this legislation, Section 207 includes an exemption from disclosure of confidential or sensitive paleontological resource locality information. The other achievement was obtained through the National Park System Resource Protection Act (P.L. 101-337) which authorizes the NPS to recover costs associated with any resource damages through civil penalty and litigation. All of these resource protection provisions are incorporated within PRPA.

The Paleontological Resources Preservation Act provides specific mandates to promote and support: public awareness and education programs (Section 6303), a permit system for paleontological resource collecting on federal lands (Section 6304); the curation of fossil collections from federal lands (Section 6305); protection of federal fossils through resource specific penalties for unauthorized collecting and other activities (Section 6306); opportunities for cost recovery through civil penalties and litigation where paleontological resources have been lost or damaged through human activities (Section 6307); and, the protection of sensitive paleontological resource locality information through an exemption from disclosure (Section 6309).

Through the authority provided within PRPA, federal land managing agencies will have greater opportunities for interagency cooperation to enhance paleontological resource stewardship, science and public education. Since the fossil record does not end at administrative boundaries, the interagency cooperation involving the management, protection and interpretation of fossils on federal lands will support the mandates identified in PRPA.

Some of the specific interagency efforts include cooperative management, joint scientific research, development of an interagency paleontological resource protection taskforce, coordination of joint paleontological resource training programs, development of interagency programs for public education in paleontology, and other partnerships for preservation.

The Paleontological Resource Preservation Act should foster greater opportunities to develop partnerships with academic and museum institutions, professional and amateur organizations, and educators. The National Park Service plans to establish a scientific advisory committee for paleontology to provide recommendations and guidance to ensure science-based decision-making is incorporated into agency programs.

Finally, it is important to revisit the organizational and operations changes experienced by federal land managing agencies with the adoption of the Archeological Resources Protection Act (ARPA) in 1979. Prior to ARPA there were only a few archeologists employed by federal and state land managing agencies. In fact, the employment opportunities for a professional archeologist were very limited. After ARPA and other cultural resource legislation were passed into law, there has been a tremendous infusion of professional archeologists throughout federal and state land managing agencies. Today most graduate academic programs in archeology include coursework on law, regulations, policies, permits, resource management, conservation, curation, any many other topics which are essential for a career as a federal or state archeologist. Employment opportunities for paleontologists in federal service are likely to expand in order to meet the mandates within PRPA. The federal agencies should work closely with academic institutions with paleontology programs to develop coursework in paleontological resource management, protection, interpretation and legislation.

Beginning immediately after the PRPA legislation became law, representatives of the BLM, BOR, FWS, NPS, and USFS met to plan the future of a unified federal paleontology program. The new authorities provided in PRPA, combined with the cooperation of the federal agencies will strengthen the collective opportunities for preserving the fossil record and history of life preserved on federal lands and thus begins a new chapter in the history of paleontology.