



NATURAL SCIENCE COLLECTIONS ALLIANCE

1201 NEW YORK AVE., NW SUITE 420 WASHINGTON, DC 20005 TEL.: 202 628 1500

WWW.NSCALLIANCE.ORG

January 25, 2017

Re: RIN 1093-AA16

To Whom It May Concern:

As President of the Natural Science Collections Alliance, I am writing to comment on the Department of the Interior (DOI) proposed new rule under the Paleontological Resources Preservation Act.

The Natural Science Collections Alliance is a national, non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our members include the leading museums, living stock centers, and other groups associated with museum collections in the United States. We are part of an international community of museums, botanical gardens, herbariums, universities and other institutions that house natural science collections and use them in research, exhibitions, academic and informal science education, and outreach activities.

The proposed rule is intended to address the management, collection, and curation of paleontological resources from federal lands using scientific principles and expertise, including collection in accordance with permits; curation in an approved repository; and maintenance of confidentiality of specific locality data.

We have several concerns about the proposed rule:

- We have significant concerns with the prohibition on disclosing information about the specific location of paleontological resources [49.75(a)(1)]. Publication of localities is critical for scientific replication of the work and important for research using large databases of fossils.
- The proposed permit process is burdensome, as there would be two different permit applications, one for the National Park Service and another for other Interior bureaus [49.65(b)]. We understand the history that led to the proposed arrangement, however, we encourage the bureaus to continue to pursue a uniform and unified permit application system. Moreover, although the Bureau of Land Management, the Bureau of Reclamation, and the Fish and Wildlife Service are all using DI Form 9002 (Paleontological Resource Use Permit Application), each bureau has its own instructions for how to complete each field on the form. The differences in the instructions are

significant enough that an applicant would have to complete a new application for each permit they seek, which is inefficient and not the streamlined approach as the department proposed in its supporting statement for the Paperwork Reduction Act submission.

- The existing permit process is cumbersome and slow. The United States Forest Service has already implemented this procedure and it does not have the workforce to process the permits in a timely manner. Critical research, including graduate student projects, could be delayed for months, causing significant economic impacts to these individuals and their educational institutions, as well as disruptions to their education and potential to secure employment.
- The draft rule is unclear regarding the level of specificity required on a permit application for the “proposed content and nature of any collection to be made under the permit” [49.65(b)(4)]. This could be interpreted as a requirement to list the species that will be collected. Researchers do not know in advance what they might find, so it is not possible to list species in advance. Some groups are especially problematic under these rules (e.g., plants frequently do not have species names for fossils, so only genera might be identified prior to an actual research study).
- It is not always possible to know the exact geographic location for digging until a survey is initiated [49.65(b)(3)].
- Too much credit is given to the ability of casual collectors to differentiate species of conodonts or nonvertebrate microfossils. The supplementary information for the proposed rule states “Bureaus may individually determine that certain conodonts or nonvertebrate microfossils lack paleontological interest and therefore are not paleontological resources on all or on portions of land they administer.” It also states that a “knowledgeable collector” will be held to a higher standard than the general public in knowing if a fossil is common or not. Given the specialized knowledge needed to know these differences, it is not likely that casual collectors will be able to make these distinctions.
- The organizations that house paleontological resources bear a large financial burden in terms of storage, curation, and reporting requirements. Although many federal collections are curated by DOI, many others are located in non-governmental facilities, such as museums and universities. The federal government should do more to defray the associated costs of curation of federal paleontological resources. Ownership comes with financial responsibilities.
- Section 49.300(d) would criminalize scientific misconduct such as making or submitting a false record or label for a fossil. We do not condone scientific misconduct, but it should not be punished by up to five years in prison. The existing federal rules and policies regarding scientific misconduct provide sufficient penalty options for researchers who knowingly fabricate or falsify data or findings.

- Implementation could significantly hinder the scientific use of paleontological resources on federal land. To rigorously preserve fossil resources, the final rule must ensure easy access by paleontologists so that these specimens are preserved and available for study.

Thank you for your thoughtful consideration of our concerns. The Natural Science Collections Alliance and our member institutions would welcome an opportunity to work with you further on this and related matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Cook". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph A. Cook, PhD
President, Natural Science Collections Alliance
Director, Museum of Southwestern Biology, University of New Mexico