Public Lands News for Rockhounds New Rules for Fossil Collecting on Department of Interior (BLM) Land by Andrew Hoekstra

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N AUGUST 8TH, regulations that will govern paleontological resources and fossil collecting on DOI lands were published. The final rules reflect a number of changes from the original proposal, including several changes that were suggested by rock hounds during the public comment period in 2017. These favorable changes included some that are potentially relevant to the collecting of rocks and minerals on BLM-managed lands.

The new rule states that "casual collecting" by amateurs of non-vertebrate fossils is allowed on all BLM land, except when an area is closed by authority of a specific statute. Collecting is to be allowed except by specific restriction - within BLM-managed National Monuments (such as the Mojave Trails NM), Conservation Areas, Scenic Areas, Areas of Critical Environmental Concern, other outstanding natural areas, and Wilderness Areas. Where non-vertebrate fossils can be collected, it would be reasonable for the collection of rocks and minerals to also be allowed.

Collecting of petrified wood by the public is specifically not subject to these new paleontological resource rules, it being governed instead by 43CFR part 3620 in accordance with the Petrified Wood Act of 1962.

Several restrictions proposed to limit "disturbance" have been removed or modified. This is important because disturbance is also an issue when collecting rocks. Removed is language that restricted a collector to a one square yard area of "disturbance" and that required collectors to be separated by 10 or more feet. Gone is a limit of 100 lbs per year of fossils, and the remaining daily limit of 25 lbs of fossils now includes an exception allowing for collection of a single large piece including matrix that exceeds 25 pounds.

The final rules allow for non-motorized "hand tools" of any size, including large picks, shovels and pry-bars.

Federal lands managers may determine that specific fossils are not "paleontological resources," including for reason of "redundancy," i.e., that a particular exposure of abundant and extensively researched fossils lacks "paleontological interest"; fossils (including vertebrate fossils) determined to not be paleontological resources would not be regulated under this regulation, but would be subject to other existing laws and regulations.

These are a few of the more relevant changes. Those interested are encouraged to read the BLM's discussion of their response to public input and its effect on the final rule. The way that the BLM incorporated comments critical of the original proposal is encouraging, and those of us who wrote comment letters should feel that our efforts were rewarded. Rockhounds need to continue to participate in the process, with the management plan for the Mojave Trails National Monument being the important local issue during the next year or two.

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SDMG Editor's comment: As members of the Southern California Paleontological Society (SCPS), Karol McQueary and Andrew Hoekstra wrote a detailed comment letter in 2017 on BLM's proposed rule for implementing the Paleontological Resources Act (PRPA). SDMG signed onto that letter, along with many other gem mineral societies and individuals. As the author noted in his article, the final rule reflects a responsiveness to many of the concerns raised in the SCPS letter, available here: https://bit.ly/scps-ltrprpa-2017.

The proposed rule had many onerous and impractical constraints on collecting, while treating the activity of collecting invertebrate fossils as something akin to archaeology on the one hand and a wantonly destructive activity on the other. Paleontological resources left in the ground cannot be studied, and they may weather out, resulting in loss or destruction of resources everyone should want to preserve. The questions devolve to how does one define and practice preservation, and how does one maximize the educational value of a fragile resource, including one discovered by hobbyists?