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To whom it may concern

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I write on behalf of both professional paleontological researchers and of a large and valued community of avocational (or amateur) fossil collectors. In particular, I have three major concerns with the wording of the Paleontological Resource Protection Act (PRPA) of the Omnibus Land Management Act of 2009 regarding collection of invertebrate and plant fossils on public land. While I am certain that these guidelines/specifications were well intended and indeed, it is important to value and protect our fossil legacy, some of the provisions of this act, actually undermine research and discourage scientific and educational use of these resources.

The first issue concerns the requirement for permits for any research on public lands (e.g., BLM lands). This is a cumbersome and awkward restriction for scientists who often need to visit and compare multiple section multiple times and to make limited collections of fossils for laboratory preparation and detailed identification. If researchers are required to obtain permits for each of these visits it will surely stifle research. Most researchers are deeply involved in a wide array of professional activities, teaching, etc over and above field research. The process of obtaining permits is no doubt time consuming and in some cases they may not be issued promptly such that research, which is often quite limited may be expended. In fact, there is a tendency for field research projects, that are vital to continued growth of knowledge to be very poorly funded. Probably a majority of paleontological researchers active in the country are largely self funded, so if the permits entail additional costs or even major paperwork, these researchers may abandon plans for projects. More importantly, full understanding of stratigraphic patterns of fossil distribution involves iterative study. That is, many localities need to be studied compared and revisited in order to get to a complete understanding of patterns and to test new hypotheses as they arise. If permits were required for each visit then this would greatly impede this type of research. I would suggest that language regarding the need for permits be restricted to large scale excavations that might have some impact on natural resources. For most research purposes that do not require excavation beyond the provisos indicated in this document (i.e., hand tools such as rock hammers) there should be no requirement of permitting. In

fact, the guidelines as specified allow (casual) amateur collecting without permits while discouraging research (see below).

A second concern is the phrase: "If a knowledgeable collector makes an unanticipated discovery of an **uncommon paleontological** resource while casually collecting, that collector **shall not collect** that resource because he or she is not authorized to do so. Instead, the collector should alert the relevant bureau" (emphases mine). There are really two problems with this phrasing. First, many times the unusual nature of the fossil may not be recognized until the fossil is extracted and prepared. The second issue is the statement that a collector should not collect rare finds but leave them in the ground. Experience shows that in most cases, these specimens are never re-discovered or recovered. Furthermore, this statement reveals difference in the way fossils should be considered as opposed to other types of natural resources. Left in the ground the fossils, which have survived by lucky accident for sometimes 10s to 100s of millions of years, are readily destroyed by weathering. Collecting of fossils actually prevents their destruction.

It is thus important that unusual finds, unless extremely fragile, be obtained by knowledgeable collectors (other casual collectors would not recognize these or might destroy them) and that they be encouraged to report them to professionals who may then properly prepare them and or do research on them. The reporting of finds should be encouraged, perhaps even with incentives, such as credit given, naming of new taxa for the discoverers, etc. So the alerting of relevant officials is good. However, those individuals need to be trained to work positively with amateurs and in contact with a network of professional paleontologists who can consider the best course of action and museum repository for these. As written, I fear this provision will encourage collectors to hide their rare finds.

Of even more concern is the phrase, which I quote: "Casually collected resources may be used only for noncommercial personal use, which means a use other than purchase, sale, financial gain, **or research.**" (my emphasis). While I certainly see why commercial collection should be restricted on public land I find it remarkable that collection for the purposes of research should be discouraged. Thus, the effect of this phrase is to allow collecting by those mainly ignorant of fossils and to discourage serious collectors and professional researchers. This clearly seems backward and I strongly recommend that the phrase "or research" be removed from this statement and explicitly encouraged in another phrase.

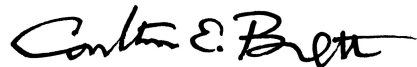
Perhaps above all, this document needs to be worded in such a way that it does not give the implication that serious collectors and amateurs are somehow less valued than casual citizens. I must note that as an advisor to one of the best and oldest amateur fossil societies in the country, the Cincinnati "Dry Dredgers", and in all of my dealings with avocational paleontologists, I have been extremely impressed with the knowledge, cooperative spirit, and dedication of these amateurs. Nearly all of them are extremely helpful to professionals and provide a wealth of materials for research that we would never be seen without their determined efforts. This community which includes many thousands across the country is a distinct asset to the professional community and that

they deserve our respect and encouragement. I can tell you that these individuals are highly discouraged and upset by these new regulations.

Please consider altering these rules to allow knowledgeable collectors and professionals to study and collect modestly on public lands. If you have further questions I might answer, please don't hesitate to contact me (carlton.brett@uc.edu; ph: 513 556-4556).

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Carlton E. Brett". The signature is written in a cursive, flowing style.

Carlton E. Brett  
University Distinguished Research Professor  
Fellow of the Paleontological Society