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Geological Survey and United States Forest Service–Dakota Prairie Grasslands sign cooperatively Memorandum of Understanding to manage paleontological resources

by John W. Hoganson

In 1986, the North Dakota Geological Survey signed an agreement with the United States Forest Service–Custer National Forest to manage cooperatively paleontological resources found on USFS administered lands in North Dakota. This was the first agreement of its kind between the USFS and a state agency. In January 2001, that commitment was reaffirmed when the Geological Survey and newly established USFS-Dakota Prairie Grasslands endorsed a new Memorandum of Understanding regarding cooperative management of fossil resources.

The United States Forest Service, as a federal land-management agency, has statutory responsibility under the Antiquities Act of 1906 and the Federal Land Policy Management Act of 1976 (FLPMA) to manage and protect significant paleontological resources. The North Dakota Geological Survey has statutory responsibility to conduct investigations designed to promote public understanding of North Dakota's paleontological and other natural resources and to operate and maintain a public repository for North Dakota's fossils (Section 54-17.4, N.D.C.C.). Also, the North Dakota Industrial Commission, acting through the Office of the State Geologist, has statutory responsibility to protect paleontological resources located on land owned by the State or its political subdivisions (Section 54-17.3, N.D.C.C.).

Both the USFS and NDGS have statutory responsibilities and a mutual professional interest in the management of paleontological resources. So it is advantageous to both agencies to work cooperatively in matters relating to the recognition, management, and protection of fossil resources and their scientific values. This agreement establishes a cooperative effort with respect to management and protection of significant paleontological resources on Forest Service lands of the Dakota Prairie Grasslands, specifically the Little Missouri National Grassland, Grand River National Grassland, Cedar River National Grassland, and the Sheyenne National Grassland.

The following are some of the management procedures agreed to.

1) The USFS will forward to the NDGS applications that they receive to conduct paleontological activities on Forest Service lands in North Dakota. The NDGS will review the professional qualifications of the applicant and the proposed activity and will provide recommendations to the USFS whether a permit should be issued.

If the NDGS receives a request to collect paleontological resources on Forest Service lands, the NDGS will inform the applicant that a permit is required from the Dakota Prairie Grasslands office in Bismarck.

2) The NDGS and USFS agree to provide each other with information about previously and newly discovered paleontological sites on Forest Service lands in North Dakota.

3) When a potentially significant paleontological site on Forest Service lands in North Dakota is discovered and/or threatened by human activities or natural events that could impact or destroy the site, a site-significance determination will be made by the NDGS, and if appropriate, mitigation measures will be recommended.

4) Through this agreement, qualified professional paleontologists with the NDGS may collect paleontological specimens on Forest Service lands in North Dakota.

5) As a result of this agreement, the USFS has designated the NDGS State Fossil Collection at the North Dakota Heritage