

CHAPTER 43-04-02 PERMIT PROGRAM

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43-04-02-01. Qualifications of applicants.

Permits will be issued only to applicants who can demonstrate that they are qualified and have experience in conducting those activities. The general standards for a qualified applicant will be determined by the state geologist.

History: Effective October 1, 1990.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-17.3-03, 54-17.3-06

43-04-02-02. Procedure of application.

Anyone wishing to collect paleontological resources on lands owned by the state or any of its political subdivisions must obtain a paleontological collecting permit. Whether or not a permit is required, the state geologist shall be contacted prior to paleontological mapping or collecting of fossils other than those defined as paleontological resources on lands owned by the state or its political subdivisions. Fossils found during those activities that are believed to be paleontological resources shall be reported to the state geologist.

Commercial collecting of paleontological resources from lands owned by the state or its political subdivisions is prohibited.

1. Information required on the permit application (available from the state geologist) is determined by the state geologist and may include, but is not limited to, the following:
 - a. Name, mailing address, and telephone number of the applicant.
 - b. Information to evaluate the qualifications of the applicant including a resume.
 - c. Type of permit requested (modified minimum excavation and surface collecting permit, minimum excavation and surface collecting permit, or large scale excavation permit).
 - d. Purpose of the proposed activity.
 - e. Location of the proposed activity.
 - f. Date (start and end of the proposed activity).
 - g. Names and affiliations of other individuals that will be involved in the proposed activity.
2. No permit processing fee will be charged.
3. The state geologist will review and respond to the permit application within thirty days after all the application materials have been submitted.

History: Effective October 1, 1990.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-17.3-03, 54-17.3-06

43-04-02-03. Requirements for permitholders.

Requirements for permitholders are to be determined by the state geologist and must include, but not be limited to, the following:

1. Permits will be effective until December thirty-first of the year in which they are issued.
2. Permits will generally be issued for paleontological activities in geographically restricted areas. Individuals affiliated with North Dakota institutions may obtain a statewide permit. The names of students or field assistants under supervision of these statewide permitholders must be reported to the state geologist.
3. All paleontological resources collected from state-owned lands remain the property of North Dakota.
 - a. Permitholders not affiliated with a North Dakota institution must return to the geological survey a representative sample of the paleontological resources collected after an appropriate period of study.
 - b. What constitutes a representative sample and an appropriate period of study will be determined upon proposal and request by the collector at the end of the field activity and approved by the state geologist.
 - c. The representative sample is to be permanently repositied in the state fossil collection or, if preferred by the collector, into the paleontological collection of one of North Dakota's universities.
 - d. Remaining specimens must be deposited in a suitable repository, presumably the institution where the permitholder is affiliated, where they will be available for study and public display.
 - e. North Dakota resident permitholders affiliated with state institutions having a paleontological collection will be expected to curate specimens into that collection but, if they so desire, can deposit the specimens with the North Dakota geological survey for curation into the state fossil collection.
4. Upon termination of field activity or expiration or revocation of the permit, the permittee shall restore the site (remove all collecting equipment, fill in excavations, and so forth).
5. The state geologist may revoke the permit at any time if it appears that the circumstances warranting revocation as stated in North Dakota Century Code section 54-17.3-04 exist.
6. The permitholder will not be released from the requirements of the permit until all the outstanding obligations of the permit have been satisfied even if the term of the permit has expired.
7. The state geologist or the state geologist's representative has the right to visit the permit area at any time and inspect all paleontological resources collected under the permit.
8. A paleontological resource site record form, supplied by the state geologist, must be filled out for each fossil site identified.
9. Six months after the termination date of the permit, a final report, containing at least the following information must be submitted to the state geologist:
 - a. Paleontological collecting permit number.
 - b. Names and affiliations of all individuals involved with the permitted activity.

- c. Discussion of the purpose of the activity.
 - d. Description of the area where the activity took place, including the plotting of site locations on 1:24,000 United States geological survey topographic maps.
 - e. Methods employed during the activity.
 - f. Preexcavation and postexcavation photographs of the site in the case of large-scale excavation permits.
 - g. Discussion of the results of the activity.
 - h. Description of the paleontological resources collected during the activity. This includes specimen accession or catalog numbers or both.
 - i. All paleontological resource site record forms.
10. A copy of all publications, such as journal publications or reports, resulting from the activity conducted under the permit must be submitted to the state geologist.
11. Upon request, copies of all field notes and other data relating to the permitted activity must be made available to the state geologist.

History: Effective October 1, 1990.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-17.3-03, 54-17.3-06