CHAPTER 54-17.3
PALEONTOLOGICAL RESOURCE PROTECTION

54-17.3-01. Definitions.

As used in sections 54-17.3-01 through 54-17.3-08, unless the context otherwise requires:

1. "Commission" means the North Dakota industrial commission.
2. "Paleontological resource" means any significant remains, trace, or imprint of a plant or animal that has been preserved by natural causes in earth materials and the localities in which they are found.

54-17.3-02. Jurisdiction of the commission.

The commission, acting through the office of the state geologist, has jurisdiction and authority to enforce the provisions of sections 54-17.3-01 through 54-17.3-08. The commission has authority to make such investigations as it deems proper to determine whether facts exist which justify action by the commission. The commission has authority to adopt rules and issue orders to effectuate the provisions of sections 54-17.3-01 through 54-17.3-08.

54-17.3-03. Permit required.

A permit must be obtained by any person, organization, institution, or company engaged on one's own behalf or on behalf of another to:

1. Identify or evaluate paleontological resources to satisfy state or federal requirements; or
2. Investigate, excavate, collect, or otherwise record paleontological resources on land owned by the state or its political subdivisions.

A permit may be issued upon filing of an application that contains information prescribed by the state geologist and upon the applicant's payment to the state geologist of the fee set by the state geologist. The state geologist may waive the fee requirement if the applicant is an instrumentality of the state. A permit may be issued only for the activities and at the locations described in the permit application.

54-17.3-04. Permit - Duration - Revocation.

A permit issued under sections 54-17.3-01 through 54-17.3-08 expires on December thirty-first of the year in which it is issued. A permit may be extended upon written request to the state geologist before expiration of the permit and upon payment to the state geologist of the fee set by the state geologist. A permit may be revoked at any time if it appears the permittee secured the permit through false information or that any activities performed by the permittee are being conducted negligently or improperly, or without regard for the careful preservation and conservation of the paleontological resource.

54-17.3-05. Coordination of quaternary fossil finds.

The state geologist shall notify the director of the state historical society of all quaternary paleontological finds reported to the state geologist which potentially or actually contain cultural resources. The treatment of sites containing both paleontological remains and cultural resources must be handled in a manner jointly agreed upon by the state geologist and the director. The term cultural resources has the same definition as the term is defined in section 55-03-00.1.

54-17.3-06. Protection of paleontological specimens and sites.

Any paleontological resource found or located upon any land owned by the state or its political subdivisions may not be destroyed, defaced, altered, removed, or otherwise disposed of in any manner without approval of the state geologist. The state geologist shall determine the significance of the paleontological resource to the understanding of the paleontologic and geologic history of North Dakota. It is the responsibility of the state and its political subdivisions to cooperate with the state geologist in identifying and implementing any reasonable alternative to destruction or alteration of any paleontological resource.

54-17.3-07. Transfer of paleontological resources.

The state geologist may exchange with or transfer to universities, colleges, governmental bodies, and scientific institutions duplicate paleontological resources it holds. The state historical society must receive preference for the receipt of duplicate paleontological resources.

54-17.3-08. Violation of sections 54-17.3-01 through 54-17.3-08 - Penalty.

Any person violating any provision of sections 54-17.3-01 through 54-17.3-08 is guilty of a class B misdemeanor and shall forfeit to the state all paleontological specimens discovered by the violator at that site. Any such violation is considered to have been committed in the county where the exploration, collecting, or excavation for paleontological resources was undertaken.