



Bureau of Land Management Paleontology Permitting Process Focus Group Findings

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I. Introduction

The Bureau of Land Management (BLM) is interested in achieving a better understanding of the paleontology permitting process in an effort to improve the permitting structure, increase the efficiency of the permitting process, and standardize the process across BLM offices. In pursuit of this goal, the BLM contracted with the Social Research Laboratory (SRL) at Northern Arizona University (NAU) to conduct a national study of paleontology permit holders. The first phase of this study involved holding two focus groups with paleontology permit holders in the West. Information derived from the focus groups would subsequently be used to build a national evaluation instrument.

The specific purpose of the two focus groups involved allowing permittees to define their experiences with the BLM paleontology permitting process using their own words. Permittees were encouraged to voice their opinions, criticisms, and suggestions regarding the permitting process. Specifically, the focus groups were designed to gather information from permittees regarding: (1) their background and experiences with applying for and receiving paleontology permits, (2) their experience with permitting guidelines and information, (3) their knowledge and opinion of the reporting requirements, (4) suggestions for improving the paleontology permitting process, and (5) identifying similarities and differences in the permitting process across offices, states and regions.

Focus groups offer researchers an opportunity to obtain detailed information on specific topics using a discussion format. The discussion atmosphere enables researchers to probe the complexity of participants' thought processes and elicit great depth and detail involving a particular subject matter. Focus groups generally involve a small number of participants; therefore, it is difficult to assess the degree to which expressed sentiments are representative of broader populations. Nonetheless, focus groups provide valuable descriptive information and give shape and direction to the research process. Information from these focus groups will be used to build a national evaluation instrument that is scheduled to be implemented in late Spring/early Summer 2004.

For this study, two focus groups were held. The first of the two focus groups was held in Salt Lake City, Utah on February 25, 2004. The second focus group was held in Denver, Colorado on February 26, 2004.

II. Methodology

The Bureau of Land Management provided the Social Research Laboratory (SRL) with the names of 137 paleontology permittees largely concentrated in the Western United States. This list was edited by the SRL for duplicates and a final list of 107 potential focus group participants was produced. The SRL research team reviewed this list with BLM personnel and determined that Salt Lake City, Utah and Denver, Colorado were the most suitable sites for holding focus groups. The SRL research team invited all potential participants in Utah, Colorado and Wyoming to participate in these groups. Of the 13 potential participants in Utah and seven in Wyoming, eight agreed to participate in the Salt Lake City focus group. Of the 21 potential Colorado participants, seven agreed to attend the Denver focus group.

Permit holders were initially contacted by telephone during regular business hours (9 am-5 pm, Monday through Friday). If contact information was incorrect or missing, the SRL research team sought out correct contact information using the Internet, the Yellow Pages, or via the organization where the permittee worked. If the participant could not be directly reached on the phone, messages were left on voicemail informing them about the upcoming focus groups. The SRL research team attempted to contact all potential participants by telephone a minimum of five times. Upon request, SRL staff followed up initial contacts by e-mailing supplementary information.

The SRL research team used a formal telephone recruitment script to notify potential participants of the nature of the focus group and to issue an invitation to participate. Interested people were given details including the meeting location, date, and time, and informed that a light snack would be provided. Potential participants were also informed that they would receive a seventy-five dollar monetary incentive to cover expenses incurred while participating in the group. If the person agreed to participate, their address was recorded and they were informed that a confirmation letter, including an agenda, a map, and parking instructions would be sent in the mail. The confirmation letter also notified participants that the session would be audiotaped with their consent. As the actual date of the focus group neared, committed participants were called with a reminder to attend their scheduled group.

The focus groups were held in community locations in order to provide participants with a value free environment in which they could freely express their thoughts and ideas. Group participants concurred in their appreciation for this arrangement. The Salt Lake City, Utah focus group was held at the Wyndam Hotel Downtown on February 25, 2004 from 10 am to 12 pm. The Denver, Colorado focus group was held at the Holiday Inn Downtown on February 26, 2004 from 10 am to 12 pm. Participants were asked to arrive at 9:30 am to insure a prompt start time and to complete the necessary paperwork. Seven permittees attended the Salt Lake City focus group. Six permittees attended the Denver focus group.

Participation in the focus groups was voluntary and confidential. When participants arrived, they acknowledging their attendance by signing in. Attendees signed a consent form acknowledged that the focus group session would be audiotaped and a written transcript of the session would be produced, with individual identities not attached to specific comments. Appropriate measures

have been taken to protect the identity of participants at all times. Participant identities are not attributed to specific comments and all information is reported anonymously.

Following the focus group, participants were required to sign an incentive confirmation, acknowledging they received a monetary incentive to cover expenses. The incentive was provided in an envelope with a letter thanking participants for their participation and inviting them to contact the SRL research team if they had additional comments or questions that arose after the focus group session concluded.

The focus group was uniquely designed to facilitate discussion about participant experiences with the BLM permitting process. The focus group involved a discussion based on a protocol developed concurrently by BLM and the SRL research team (see Appendix A). Frederic I. Solop, Ph.D., serves as principal investigator for this project. Dr. Solop facilitated the Salt Lake City focus group. Kristi Hagen, co-principal investigator, facilitated the Denver focus group. Dr. Solop and Ms. Hagen were assisted on this project by Anne Mottek-Lucas. Ms. Mottek-Lucas is the Project Manager for this study

III. Executive Summary of Focus Group Findings

This executive summary reviews important ideas raised by paleontology permittees in the focus groups. These ideas are categorized into topics that become the basis for the final design of a national evaluation instrument.

A. OVERVIEW OF BLM PALEONTOLOGY PERMITTING PROCESS

Focus group participants describe the permitting process as “evolving.” Prior to the 1990’s, it was an “informal process” that was eventually “standardized.” However, permittees believe the rules and guidelines surrounding the permitting process appear to change frequently. This problem especially plagued the permitting process during the 1990’s. It was noted by focus group participants that a more formal process for managing natural resources emerged following approval of the Antiquities Act (AA) and the National Environmental Protection Act (NEPA). Today, most focus group participants describe the permitting process as improved and they support the need for permits, primarily as a means of protecting resources.

Focus group participants received no formal training or instruction in the permitting process and described their experience with the application process as “trial and error.” Many learned the permitting process “from mentors,” “local traditions in university departments,” or by “word-of-mouth” from others who had previously applied for permits. While some prefer the on-line application option, most focus group participants said they would like to have both paper and electronic application process be available for their use. The instructions in the permit application were described as “understandable.” One application challenge includes sometimes identifying proper people to sign applications. Another challenges in the process involved the perception that the actual approval process differed with the individual reviewing the application. While applications for Survey and Limited Collection permits seemed rather routine, the Excavation permitting process involves heightened scrutiny of applications and sometimes seems to be anything but routine.

The BLM is viewed as more progressive in its protection and permitting of paleontology sites, as compared to the United States Forest Service (USFS). The BLM permit application was described as “simpler than those of NPS (National Park Service), but NPS is quicker in response and turn-around time.”

Potential Topics to Explore in a National Evaluation Instrument

- General experience with the permitting process
- Types and number of permits held
- Areas and regions of permits
- Training and guidelines governing application process
- Availability of application materials
- Ease of obtaining application signatures
- Comparative application experience for BLM permits, NPS, and USFS permits
- Time for applications to be processed

B. PERMITTING GUIDELINES AND PERSONNEL

While the permitting process is generally viewed as having “improved” over time, one of the challenges still faced by permit applicants is wide variation in application processing between states, areas, regions and offices. Despite the implementation of a “more formal process in the 1990’s,” local and regional offices are perceived to differ in their interpretation of the minimum permittee qualifications, minimum education level and degree, appropriate repository selection, rationale for survey and/or excavation, and how quickly permits should be signed and processed. A long-time permit holder noted, however, that “it’s really nice now that the same forms are used for all states and that it’s more standard now than it ever was.”

Focus group participants noted that experiences with BLM paleontology permitting personnel may differ widely. If an applicant has a “cordial and positive working relationship with the BLM staff, the permitting process is generally pleasant and timely.” However, if the BLM staff have “an axe to grind” with a particular permittee, the process can become “very personal.” Some BLM staff are viewed as having “favorites and it’s hard if you are not one of the favorites.” Not being a “favorite” may mean “greater scrutiny,” “a delay in the approval process” or “personal antagonism.” Some permittees praised attempts by particular BLM offices to enforce standards despite criticism and saw involvement of a “paleontologist in the permit approval position as a positive step forward.”

Some applicants perceive that the permitting process also may vary depending on the type of permit. Survey and limited collection permits (SLCP) are generally easy to apply for, receive timely processing and are the most widely-used type of permit. Excavation permits (EP) can take one to two years or more for processing, require a large number of signatures, and that offices apply different criteria when processing applications. Several permittees pointed out that BLM is not the only “bureaucracy” that one has to work through and that other “roadblocks” are sometimes encountered when working on a monument site, NEPA sites, and sites governed by other regulatory agencies. One participant suggested having a paleontology component included in land management plans since these plans impact permitting, survey and excavation work. A concern of all the focus group participants is the amount of vandalism that takes place on sites before excavation permits are granted. Delays in the permitting process prevent permittees from studying and protecting resources before they are no longer available.

There is the perception that “a pecking order of sciences and permits” exists. Several group permittees have the “feeling that paleontology is on the lower rung of the recognition and value ladder” and is often overseen by non-paleontologists. At the state level, archaeologists are involved issuing permits. Some participants noted very little coordination of permits between paleontology and archaeology. Participants also noted that BLM paleontologists are often supervised or regulated by archaeologists, anthropologists, or geologists with little or no paleontology training.

Potential Topics to Explore in a National Evaluation Instrument

- Training and expertise of BLM permitting staff
- Comparative application experience across offices and states
- Comparative application experience between SLCP and excavation permits
- Perceptions of BLM staff bias in application process
- Perceptions of paleontology by related groups and agencies
- Coordination of permits among scientific disciplines
- BLM personnel training in paleontology
- Experience with sites being vandalized

C. PERMIT REPORTING AND REPORT USE

Most focus group participants found reporting requirements clear and easy to follow. However, a few participants would like more detailed guidelines and have seen wide variation in reports ranging “from short and simple to lengthy and in-depth.” One participant suggested streamlining the forms needed to report findings since they found the process redundant with other reporting requirements. Another noted that the form designed to track movement of fossils from the field to curation is needed but that the time frame for the forms is not well coordinated with field collection and repository deposit.

The general perception among permit holders is that “no one reads the reports that are written and paleontologists are unable to get feedback on their own reports.” Another perception is that reports involving mining and oil use permits were considered more important, processed more quickly and reviewed more closely than other types of permits where the “report findings were often ignored.” Several permit holders voiced frustration over “lost and destroyed reports” and said they need access to research done by other paleontologists to move forward in their own research.

Many of the focus group participants acknowledged the danger of having publicly available information containing site locations and GPS coordinates, but would like to see some form of secure recording that would allow qualified individuals access to site coordinates.

Potential Topics to Explore in a National Evaluation Instrument

- Experiences with permit reporting
- Experience with reporting guidelines and instructions
- Perceptions of how BLM uses report information
- Preferred strategies for accessing archived reports

D. PERMIT CLAIMS AND SPACE ISSUES

Concern about permit claims and space issues were raised in the focus groups. Some focus group members recalled “instances of BLM permit personnel giving the permit to one institution and then giving another institution a permit as well.” All participants would prefer to see the permit allocated “like mining claims: one area, one permit.” Others noted that if a paleontologist is holding an excavation permit, “it should only be their site.” None of the focus group participants could recall a time when “two permit holders on the same site worked out well.” This exclusive permitting was seen as necessary only for “excavation; this is not an issue with survey and land collection.”

The BLM is perceived to work from an understanding of “no private fishing trips on public lands” and that “permittees should work together.” In these situations, permittees would like to see “outside hearings” and “a clear recourse for complaints without a legal battle.” Several permit holders in the focus groups suggested having non-exclusive permit for survey and surface collection and exclusive permits for excavation with clearly defined boundaries.

When queried about the need for exclusive permits, permit holders indicated that there was little or no coordination of permittees. All of the permit holders stated they would like to “see the BLM district offices provide up-to-date information on who is doing what, where and when.”

Potential Topics to Explore in a National Evaluation Instrument

- Experiences with permit claims
- Perception of space issues
- Experience with sharing space
- Preferences for a system to resolve space disputes

E. REPOSITORIES

A significant issue faced by most permit applicants and holders is the challenge of locating an appropriate repository for fossil remains. Since repository status is a consideration in permit approval, it is imperative that permit applicants locate a repository that is capable of curating and maintaining remains into “perpetuity.” Several permittees found that the expectations of a repository were not clear on the BLM application guidelines, noting, “the BLM needs better definitions of what a qualified repository is.” Since “repositories do not undergo a formal process of accreditation, it’s up to the permit reviewer to decide if it’s adequate.” Some permit holders noted that relationships with repositories are critical and that the approval or rejection of one’s permit application may be impacted by the identification of a “BLM approved repository.” Other permit holders would like to see the BLM develop their own repositories, “like the one in Dolores, Colorado.”

Potential Topics to Explore in a National Evaluation Instrument

- Experiences with repositories
- Ease of locating and using repositories
- Quality of repository accreditation process
- Impact of repository on own work

F. ROLE OF BLM IN PALEONTOLOGY

Most focus group participants prefer to have BLM acting as a “silent partner,” operating primarily as a “regulatory agent” rather than as an “active entity or a scientific collaborator.” The preference for a silent partnership role for BLM is especially strong at the local BLM office level where paleontologists have sometimes encountered “anti-scientific” or “creationistic and religious” views towards their work. Other permit holders have found some antagonism from local offices when their “work is viewed as a waste of time or obstructing, delaying development.” Additionally, group participants sense that the “majority of BLM offices have no interest” in the work paleontologists are doing in an area.

A few focus group participants see the BLM as “more responsive to other, outside interest groups” than to paleontologists. One person felt that the BLM “seems responsive against paleontologists.” This view was taken primarily in regards to regulations that are intended to “protect resources but end up having a negative impact on paleontologists more than others.” Paleontologists’ needs and concerns were described as “low on the radar screen” and “since we don’t squeak, why oil us?”

Potential Topics to Explore in a National Evaluation Instrument

- Preferred role of BLM in paleontology permitting
- Experiences interacting with BLM personnel
- Perceptions of BLM attitude regarding scientific endeavors

G. FEEDBACK AND RESPONSE OF BLM IN PALEONTOLOGY

Permit holders were not aware of any formal notification process that informs current and past permittees of changes to policies, guidelines or requirements. Some permit holders believe that changes in the permitting process come “ad hoc, out of the blue, with no warning or notification.”

Permit holders are not aware of any formal process or mechanism for their input and share concern about personnel changes that may impact them. Several permittees have found that “maintaining a good rapport with critical BLM staff can help get things done or fixed.” Moving up the chain of command was not seen as a viable option as one participant commented, “it gets more difficult if decisions go up the line.”

Potential Topics to Explore in a National Evaluation Instrument

- Experiences when providing feedback on the permitting process
- Preferences regarding how changes in permitting process and regulations are distributed
- How can BLM improve the paleontology permitting process?

IV. Appendix A

Paleontology Focus Group Protocol

Introduction:

1. Explain purpose of study, how it will be used, confidentiality, group rules, etc.
2. Explain consent to participate, audio recording, transcripts, etc.
3. Discuss incentives, post-interview thoughts, how to participate in a FG.
4. Introduce SRL team
5. Participants give first name, etc.

A. Background

1. What type of paleontology research projects are you currently working on?
 - * Areas / regions / states working in
 - * Are your permits for research or for consulting purposes?
 - * How many permits have you obtained and over what period of time?
2. Have you had SLSCP (Survey and Limited Survey Collection permits), Excavation permits, or both?

B. Permitting Process

1. What training or information did you receive before first applying for a permit?
2. Describe your last permitting experience. Are applications processed efficiently and within a reasonable timeframe?
3. Have you obtained permits for different states? How does the permitting process differ across states?
4. How consistent is BLM staff response to permit applications and process?
 - a. Do you receive different responses/information from different BLM staff?
 - b. Is BLM staff too involved or not involved enough in your permitted work?

C. Permitting guidelines

1. How accessible and usable are current permitting guidelines?
 - * Are guidelines clear, specific, objective?
 - * Is the difference between the roles of the State Office and the Field Office clear?
2. Who should be responsible for resolving space conflicts: BLM or permittees?
3. Would you favor a mechanism to limit the number of permittees who could work in a particular area?

[BREAK]

D. Permit Information / Use and Reporting

1. After you received the permit, were reporting instructions and requirements clear and reasonable? Are reporting requirements burdensome?
2. How do you think this information is used?
 - * What does BLM do with your information?
 - * Should BLM share a list of all researchers with each permittee?
 - * Should BLM make your reports available to other researchers?
3. Do you think of BLM more for their regulatory role or more for their scientific role?
 - * Does BLM understand the science?
4. Have you provided feedback on the permitting process and experience to the BLM in any way? (If yes, explore – Is BLM responsive?)

E. Comments / Suggestions

1. How can BLM improve the permitting process?
2. Comment on objectivity of focus group format.
 - * Would participants be as objective if group held in BLM office?