

Index

A

- Alternative A vii, xii, xix–xxiii, xxv–xxviii, 24, 37, 39, 40, 52–55, 58, 59, 61–65, 67, 68, 99, 101, 107–109, 111–117, 131, 158, 234, 295, 311, 322
- Alternative B vii–ix, xi–xiv, xvii, xix–xxiii, xxv–xxviii, 4, 5, 13, 15–17, 20, 24, 27, 28, 32, 37, 38, 40–42, 44–48, 50, 52–55, 58, 59, 61–65, 67, 68, 73, 74, 78, 91, 92, 99, 100–104, 117, 119–122, 125, 127, 129, 131–138, 141–143, 146, 158, 159, 165, 167, 175, 193, 195–197, 208, 211, 212, 218–220, 223, 227, 229, 241, 250, 259, 287, 289, 290, 295, 296, 302, 308–312, 322
- Alternative B1 vii, xii, xiv, xv, xix–xxiii, xxv–xxviii, 37, 40, 45, 61–65, 122–124, 130, 131, 135–137, 140, 141, 146, 205, 206, 229, 249, 302, 306–308
- Alternative B2 vii, xii, xv, xx, xxii, xxv–xxviii, 37, 40, 45, 61–65, 124, 136, 141, 205, 250, 290, 310, 313
- Alternative B3 vii, xii, xv, xx, xxi, xxv–xxviii, 37, 40, 45, 61–65, 124, 136, 141, 205, 287, 296
- Alternative C vii, xii, xv, xvi, xx, xxi–xxviii, 17, 24, 26, 29, 37, 38, 50–55, 57–59, 61–65, 68, 69, 91, 92, 101, 102, 146–157, 160, 167, 190, 193, 198, 202, 224–226, 228, 229, 241, 250, 255, 258, 289, 290, 295, 296, 301, 304, 308–311, 319, 320, 322

B

Benefits

- monetary viii, xiii, xiv–xvii, xix–xxi, xxv, 4, 18, 27, 40, 42–45, 48, 52, 53, 55, 58, 62, 73, 74, 78, 79, 94, 100, 104, 108, 111, 117, 120–132, 134–137, 149, 159, 187, 204, 206, 208, 211–214, 218, 238, 299, 312, 313, 323
- non-monetary viii, xiii, xiv–xvii, xix–xxi, xxv, 4, 18, 43–45, 55, 58, 59, 62, 73, 101, 107, 108, 117–119, 124, 126, 127, 129, 131–134, 136, 204, 206, 210, 211, 213, 226, 233, 238, 300, 316, 323
- performance-based payments xiv, 43, 108, 117, 122, 125, 127, 128, 140, 141, 149, 158
- royalties vii, xii, xiv, xv, xix, xx, xxii, xxv–xxviii, 25, 33, 37, 40, 43–45, 53, 61–65, 118, 120–126, 128, 135, 136, 140, 141, 159, 187, 188, 206, 210, 217, 218, 250, 299, 300, 303, 306, 311–313, 315, 317, 323, 327
- up-front payments 43, 139, 158
- Benefits-sharing vii, viii, x–xvii, xix, xx–xxviii, 3–6, 12–18, 20, 22, 24, 26–33, 37–55, 57–59, 61–65, 67–69, 73, 74, 78, 82, 91, 92, 98–102, 106–

109, 111–113, 115–117, 120–122, 124–127, 129, 130–146, 158–160, 162, 164–168, 175, 179, 184, 187–190, 193, 194, 196–199, 201, 202, 204–242, 249, 250, 256, 258, 263, 264, 271, 289, 292, 295, 297, 299–304, 310–313

Benefits-sharing agreements vii–x, xii–xvi, xx–xxii, xxv, xxviii, 3–6, 12, 13, 15, 16, 18, 21, 24, 27, 31, 37–55, 57, 61–63, 65, 73, 91, 92, 103, 115–125, 127, 129–142, 145, 146, 155, 158–160, 184, 187–189, 191, 192, 195–199, 204–211, 213–220, 227–230, 233, 238, 240, 243, 250, 261, 295, 304, 311–313, 322

and Native American rights 52, 55

failure to negotiate 47

Bioprospecting x, xviii, 5, 6, 26, 32, 84–87, 89, 92, 94, 95, 121, 135, 148, 160, 167, 168, 175, 176, 182, 186, 190–193, 195, 197, 200–202, 205, 217, 220, 222–225, 227, 232–234, 237, 250, 254–263, 265, 271, 288, 292–300, 304, 309, 310, 314–317, 319–321

Bioprospectors xix–xxii, xxvii, 5, 6, 53, 82, 85–87, 89, 92, 95, 105, 117, 121, 135, 148, 150, 151, 153–155, 193, 215, 220, 224, 225, 257–259, 261, 263, 271, 297, 298, 300

declared xviii, xxi, xxii, xxvii, 64, 85–89, 105, 113–115, 123, 124, 134–137, 140, 141, 148, 149, 151–156, 159, 193, 219, 228

inadvertent xviii, xxi, xxii, xxvii, 64, 85, 86, 88, 89, 105, 113–115, 134, 135, 153–155, 228

undeclared xviii, xxi, xxii, xxvii, 64, 86, 88, 89, 95, 105, 113–115, 123, 124, 135, 136, 140, 141, 148, 153–155, 159, 160

Brock, Thomas 11, 32

Bromley, D. Allan 11, 32

C

Cooperative Research and Development Agreements (CRADAs) x, xiii, xiv, xix–xxiii, 20, 24, 25, 32, 40, 42–44, 46–49, 52, 54, 67, 68, 99, 107, 117, 118, 120, 125, 130, 132, 134–136, 139, 142, 158, 159, 160, 184, 185, 187–191, 199, 204–208, 210, 212–214, 216–218, 228, 229, 233, 237, 238, 242, 243, 250, 255–257, 259–263, 297, 299, 310–313, 315, 322, 323

proposed standardized 42, 43, 50, 67

General Provisions of 43, 44, 50, 214, 312

Yellowstone–Diversa x, xii, xix, 6, 17, 24, 32, 39, 40, 50–52, 61, 67, 92, 94, 108, 113, 127–128, 149, 181, 183, 188, 189, 191, 192, 194, 202, 241, 242, 258, 264

D

Diamond v. Chakrabarty 25, 34

Diversa Corporation vii, x, 5, 6, 12, 40, 42, 50, 87, 107, 127, 134, 149, 164, 256

E

Edmonds Institute, et al. v. Babbitt, et al. xiii, 24, 32–33, 55, 67–69, 94, 160, 190, 241, 242, 264, 265
Environmentally Preferred Alternative vii, xiii, 15, 37, 38, 40, 58, 69, 228, 232, 238

F

Federal Technology Transfer Act of 1986 (FTTA) xiii, xxiii, 20, 21, 24, 42–44, 48, 67, 99, 118, 137, 142, 146, 158, 184, 186–189, 212–214, 218, 238, 256, 257, 323
Freedom of Information Act (FOIA) xv, 45, 61, 68, 123, 135, 136, 140, 141, 159, 184, 205, 206, 255, 263, 313

I

Impairment 22, 49, 106, 143, 258, 308
Intellectual property xi, xviii, 5, 10, 18, 28, 34, 37, 39, 43, 55, 57, 85, 87, 181, 183, 199–202, 216, 226, 234, 287, 293, 303, 306, 315, 316
Investigator's Annual Report (IAR) viii, 9, 39, 82, 83, 113, 121, 123, 148

J

JEM Ag Supply dba Farm Advantage v. Pioneer Hi-Bred Int'l 25, 34

M

Material Transfer Agreement (MTA) xiv, xxi–xxiv, 41, 51, 67, 68, 113, 115, 116, 134, 135, 138, 142, 145, 146, 147, 154–157, 159, 160, 216, 227, 228, 239, 297, 322
Mitigation xiv, xxiii, 16, 17, 38, 42, 47, 48, 55, 108, 112, 113, 116, 130, 133, 136, 142–143, 145, 146, 149, 150, 152, 154, 157, 160, 189, 190, 194, 196, 215, 216, 227, 234, 239, 261, 262

N

National Parks Omnibus Management Act of 1998 (NPOMA) 13–15, 19, 22, 44, 51, 56–58, 74, 76, 77, 109, 110, 144, 184, 185, 202, 203, 232, 242, 256, 260, 263
National Park Service Organic Act 6, 19, 21, 22, 24, 106, 158, 159, 175, 176, 178, 189, 256, 317
Natural products (also see research specimens) ix, xii, 3, 37, 46, 95, 300
commercial use of 84
commercial use of prohibited 21, 38, 46, 48, 54, 55, 237
consumptive use of 46, 54
consumptive use of prohibited 38, 43, 46

Natural Resource Challenge (NRC) xvii, 24, 33, 34, 74, 78, 79, 93, 94, 101, 102, 109, 110, 118, 125–127, 158, 159, 212, 213, 256, 260, 312

Negotiation

of benefits 43, 53, 122
of benefits-sharing agreements xii, xv, 39–44, 47–50, 53, 57, 115, 142, 145, 159, 230
of CRADAs 42

NPS director xii, xv, xvi, 5, 22, 23, 39, 40, 44, 48–51, 54, 55, 57, 61, 96, 145, 146, 152, 154, 155, 159, 160, 187–189, 226, 255, 312

NPS Management Policies 2001 33

NPS Management Policies 2006 22, 32, 33, 39, 41, 48, 50, 51, 75, 241–243

NPS Research Permit and Reporting System (RPRS) 23, 32, 82, 91, 94, 104, 153, 163, 180

NPS Scientific Research and Collecting Permits (also see “research permits”) 8, 23, 31, 32, 39, 67, 68, 82, 86, 91, 94, 121, 147, 194

P

Polymerase chain reaction (PCR) viii, 11, 12, 32, 88, 287

Preferred Alternative vii, xi, xii, xiv, 15, 37, 38, 40, 45, 79, 205, 206, 210, 232, 257, 260, 261, 295, 302, 303, 311

Public Citizen Health Research Group v. National Institutes of Health, et al. 25, 159

Pyrolase 200™ 12, 108, 127, 149

R

Research and development (R&D) 18, 31, 42, 85, 95, 158, 159, 211, 217, 219, 226, 230, 238, 297–300, 316

Research permits vii, ix, xiii–xviii, 9, 10, 14, 16, 17, 27, 28, 33, 40, 48–51, 55, 67, 68, 82, 83, 87, 89, 92, 113, 123, 124, 142–144, 146, 149, 154, 155, 159, 160, 175, 176, 185, 191, 193, 194, 198, 206, 208, 215, 218, 219, 228, 231, 234, 236, 237, 240, 299, 312, 323

administration of xxiv, 8, 90, 91, 156

application for 39, 61, 91, 123, 124, 141, 217, 225, 226

General Conditions 13, 33, 41, 47, 51, 83, 91, 95, 96, 182

Yellowstone xxiii, 86, 156

Research results

commercial development of xvi, 41–43, 46, 47, 51, 53–55, 57, 58, 146, 152, 160, 187, 188, 199, 312

commercial use of vii–ix, xii, xvi, xxii, 3, 13, 18, 24, 26, 38, 39, 44, 47, 50, 51, 53–55, 57, 58, 61, 99, 105, 107, 118, 153, 154, 158, 181, 183, 191, 194, 201, 202

Research specimens (also see natural products) vii–ix, xi–xiv, xvi–xviii, xxi, xxii, xxvii, 3, 13–15, 21, 27, 28, 33, 39–41, 43, 46, 47, 49–52, 55, 61, 64, 82–84, 86–91, 92, 94–96, 104, 105, 110, 115, 135–139, 142, 154–157, 188, 189, 216, 226, 239, 243, 308, 316
collection of 6, 8, 9, 29, 40, 48, 51, 56, 57, 68, 69, 92, 143, 147, 148, 150, 152, 153, 155, 175, 176, 178, 182, 191, 200, 217
commercial use of vii, 3, 12, 13, 61
commercial use of prohibited 13, 38, 46, 55–57, 61, 146
discoveries resulting from x, xv, 3–6, 10–12, 17, 18, 28, 37, 50, 54, 57, 87, 113, 114, 154, 183, 221, 232

S

Scientific Research and Collecting Permits (see research permits) 8, 31, 32, 39, 67, 68, 82, 86, 91, 94, 121, 147, 194
General Conditions 23, 39
Scoping ix–xii, xiv, xvi, xvii, 25–28, 34, 38, 45, 50, 52–55, 73, 91, 121, 135, 163, 189, 225, 313

T

Taq polymerase 11, 88, 225, 315
Technology transfer xiii, 17, 18, 20, 42, 43, 57, 67, 99, 118, 134, 158, 164, 186–188, 199, 212, 214, 217, 228, 238, 256, 264
Thermus aquaticus 11, 32, 87
Third-party researchers xviii, xxi, xxii, xxvii, 41, 64, 83, 113

Y

Yellowstone National Park viii, x, xiii, xix, xx, xxiii, xxiv, 5, 6, 10–12, 19, 24, 32, 40, 42, 50, 86, 89, 90, 92, 94, 95, 102–104, 106, 107, 110, 112, 115–117, 127, 132, 134, 138, 142–144, 146, 149, 151, 156–159, 163, 165, 169, 181, 183, 186, 188, 189, 225, 235, 236, 255, 256, 263, 318, 319
Yellowstone National Park Organic Act 24
Yosemite National Park 10, 81, 94, 103, 308