

FOSSIL INFORMATION SHARING AGREEMENT

Between: **Agency:** Heritage Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development
("Branch")

Branch Agreement

Administrator: Senior Stewardship Officer, Paleontology

And: **Agency/Company:** _____
("Client")

Client Agreement

Administrator: _____
("Authorized Representative")

Address: _____ **Ph:** _____

City: _____ **Fax:** _____

Prov/Postal Code: _____ **Email:** _____

Access to Systems: Fossil Webmap BCGW Layers Other _____

1. Purpose

This agreement documents the terms and conditions of the sharing of fossil information by the parties, in compliance with the *Freedom of Information and Protection of Privacy Act*, the *Heritage Conservation Act*, the *Land Act* and applicable copyright legislation. This agreement applies to the use of:

- Remote Access to the Fossil Webmap
- Fossil data layers in the British Columbia Geographic Warehouse (BCGW)
- Other information distribution systems that may be developed by the Province

2. Fossil Information

In this agreement, "fossil information" refers to GIS data, descriptions, details, taxonomic identifications, fossil age, locations, sketches, maps, documents, photographs, and any other information maintained by the Branch that contains fossil site descriptions, locations, and boundaries.

3. Permitted Uses of Fossil Information

Provincial Government Clients	If the client has established a formal referral process in consultation with the Branch, then that process will be followed. All other Provincial Government clients will use fossil information for general planning purposes only and will not use fossil information to make specific land and resource management decisions without the advice of a qualified paleontologist or the Branch. Access to fossil information will be provided for a three month term, with an option to renew.
First Nations & Professional Paleontologists	The client will use fossil information for general planning purposes, specific land and resource management decisions, and research. Access to fossil information will be provided for a three month term, with an option to renew.
All Other Clients	The client will use fossil information for general planning purposes only and will not use fossil information to make specific land and resource management decisions without the advice of a qualified paleontologist or the Branch. Access to fossil information will be provided for a three month term.

4. Sharing of Fossil Information

Fossil information will not be shared or redistributed to a third party without the written permission of the Branch. Under this agreement, sharing of fossil information is permitted when the third party is:

- A representative of a First Nation government organization.
- A third party with a registered interest in the land (e.g., land owner, tenure holder, licensee).
- An agent of a third party with a registered interest in the land (e.g., realtor, notary public).

In all cases, fossil information that is shared with a third party will be accompanied by this disclaimer: *Fossil information must not be shared or redistributed without the permission of the Heritage Branch.*

5. Accuracy

Due to the subsurface nature of fossil sites and the absence of confirmed locational data for some fossil records, all fossil site boundaries/locations are considered to be approximate. The Province makes no guarantees or representations regarding the accuracy or completeness of fossil information provided by the Branch. In the case of dispute between the Fossil data and museum specimen records, the specimen record will be considered the definitive source.

6. Responsibilities of the Client

6.1 Maintain List of Users

The Client Agreement Administrator will maintain a list of users (“users”) who are authorized in this agreement to access fossil information (see Appendix A). Should a user transfer to another department or terminate employment, the Client Agreement Administrator will inform the Branch immediately of the effective date of departure. Failure to do so will result in termination of this agreement.

6.2 Inform Users of Terms and Conditions

It is the Client Agreement Administrator’s responsibility to ensure that all users are aware of the terms and conditions of using and sharing paleontological information. The Client Agreement Administrator will ensure that the user has read Appendix B *Using and Sharing Fossil Information* prior to accessing any fossil information.

6.3 Maintain Security of Fossil Information

The Client will make reasonable arrangements to maintain the security of fossil information in its custody by protecting against unauthorized access, use, or sharing. The Client will advise the Branch immediately of any circumstances which may:

- jeopardize the privacy of individuals
- jeopardize the security of any computer system in its custody that is used to access fossil information
- involve unauthorized access, use, or sharing of fossil information

6.4 Investigate Unauthorized Access, Use, and Sharing

The Client will investigate all reported cases of unauthorized access, use, or sharing of fossil information in its custody. The Client will also investigate breaches of privacy or security with respect to the fossil information in its custody or with respect to any computer system in its custody that is used to access the fossil information. The Client will report the results of any such investigation to the Branch, including the steps taken to address any remaining issues or concerns. Failure to do so will result in termination of this agreement.

7. Termination of Agreement

This agreement may be terminated at any time, in writing, by either party. Upon termination, all fossil information obtained through this agreement will be destroyed by the Client. Examples of situations where the Branch might terminate this agreement are:

- the Branch chooses to discontinue this service
- the Client fails to renew their access on expiry
- the Client fails to meet the obligations under this agreement

8. Appendices

Any appendices to this agreement are part of the agreement.

Agreed to on behalf of the Client: _____

(Authorized representative)

_____ Date

Appendix B

Using and Sharing Fossil Information Guidelines

You have been authorized to access fossil information provided by the Heritage Branch. An information sharing agreement has been signed on your behalf by a representative of your agency. The agreement requires that you read and understand this document prior to accessing fossil information.

What is “fossil information”?

Fossil information refers to GIS data, descriptions, details, taxonomic data, locations, sketches, maps, documents, photographs, and any other information maintained by the Branch that contains fossil specimen or fossil site descriptions and boundaries.

A *fossil site* is a location where there are preserved remains, traces or imprints of organisms from the geological past. The Heritage Branch manages and distributes information for known fossil sites in the province. Fossils found on Crown land are the property of the Crown. Fossil sites within the boundary of a provincial park are protected under the *Park Act*. Specific fossil sites are also protected by designation under the *Heritage Conservation Act* and by reserves placed under the *Mineral Tenure Act*, the *Ecological Reserve Act*, the *Environment and Land Use Act* and the *Land Act*.

Can I give fossil information to someone else?

You **may not** share fossil information without the permission of the Heritage Branch. Fossil information is very sensitive because its misuse can lead to looting and vandalism of paleontological objects or sites. If someone asks you for fossil information, advise them to contact a qualified paleontologist, a museum, or to contact the Heritage Branch at Fossil.Management@gov.bc.ca.

You must always include the following disclaimer whenever you share fossil information:

Fossil information must not be shared or redistributed without the permission of the Heritage Branch.

Is fossil information accurate?

All fossil locations are approximate. This is because most fossil distributions are subsurface and difficult to map with precision, or they have not been thoroughly tested. There are also many fossil site records from past decades that have only rough mapping. Therefore, you should always be aware that the *actual* fossil distribution may be larger, smaller, or in a different location than the one you see on a map. To account for this ambiguity, any area that is within 50 m of a known fossil location is generally considered to be in “direct overlap” with the fossil location until the area can be inspected by a qualified paleontologist.

Are provincial fossil site records complete?

While there are thousands of fossil find locations in provincial records, there are many more fossils that have never been identified or recorded. If there are no fossils mapped in a particular location, you cannot immediately assume that there are no concerns. There may be unknown fossil resources present that are nonetheless important and part of the provincial natural heritage.

Based on geology and records of previously recovered and identified fossils, some areas of the province have been identified as areas of high fossil potential. These "important areas" are identified in the Fossil Webmap along with locations for individual fossil localities.

How do I use fossil information?

Some provincial government agencies, such as the Oil and Gas Commission, have established a formal referral process in consultation with the Heritage Branch. If you belong to one of those agencies, you will have an established process for consulting and using fossil information.

If you don't know what this means or if you don't work for the provincial government, your agency likely does not have an established process. It is important to know that special scientific knowledge and expertise are required to properly interpret fossil information. For this reason, you should only use fossil information for general planning purposes. You should not use fossil information to make specific land and resource management decisions without seeking advice from a qualified paleontologist or the Heritage Branch.

Where can I find more information about fossils?

More information about fossils can be found on the Heritage Branch website at <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/fossil-management>