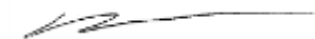


EXECUTIVE APPROVAL:



DATE: February 2, 2022

NAME OF POLICY:	Fossil Management
APPLICATION:	Applies to the protection, management and use of all fossils in the custody of the Crown, whether on Crown or private land.
ISSUANCE:	Assistant Deputy Minister, Integrated Resource Operations
IMPLEMENTATION:	BC Fossil Management Office, Heritage Branch
REFERENCES:	<i>Land Act (Ch. 245, R.S.B.C., 1996)</i> <i>Fossil Definition Regulation, Land Act</i> <i>Mineral Definition Modification Regulation, Mineral Tenure Act</i> <i>Heritage Conservation Act</i>
RELATIONSHIP TO PREVIOUS POLICY:	New policy
POLICY AMENDMENT:	Any formal request for an amendment to this policy is to be directed in writing to the Director, Heritage Branch, Integrated Resource Operations Division.



Matt Austin, ADM,
Integrated Resource Operations Division
Ministry of Forests, Lands, Natural Resource
Operations and Rural Development

Date: February 2, 2022

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1. PURPOSE

The Policy, with associated procedures and guidelines documents (Appendix A), is intended to guide public officials who are involved in making decisions about the protection, management and use of fossils and fossil sites. The policy also guides natural resource proponents seeking authorization for activities that may impact fossils.

Achieving the Province's goals for economic prosperity and environmental sustainability requires consideration and integration of environmental, social and economic values in the decision-making process for the natural resource sector. This Policy is intended to support timely, informed and transparent decisions.

The Policy is also intended to support Article 11 of the *Declaration on the Rights of Indigenous Peoples Act (Declaration Act)* and recognizes the importance of working with First Nation governments to manage and protect fossils and fossil sites.

1.1 Fossil Management Principles

The [Crown Land Allocation Principles \(PDF\)](#) provide guidance to public officials who are involved in decisions related to the allocation of Crown land and natural resources.

The following Fossil Management Principles have guided the development of the Fossil Management Framework:

- Fossils and fossil sites are important to British Columbia as heritage resources.
- The order of priority for fossil management is science, natural heritage, education and where appropriate, commercial use.
- A fossil management framework that recognizes the heritage value of fossils, the need to protect significant fossil sites and the interest of stakeholders is necessary.

1.2 Fossil Management Objectives

The objectives or best management practices for fossils include:

- To protect non-renewable fossil resources and fossil sites;
- To explain the rules governing the management and use of fossils;
- To manage impacts on fossils from land use activities;
- To encourage stewardship of significant sites;
- To raise awareness of the framework and the importance of fossils;

- To build knowledge of the nature and extent of the resource in B.C.;
- To clarify the rights and obligations of the public, business, governments and other stakeholders; and
- To commit to best efforts in working with Indigenous governments on the stewardship of fossil resources and in collaboratively developing tourism opportunities related to fossils and fossil sites where culturally appropriate.

2. SCOPE AND APPLICATION

2.1 Fossils and Lands

The Province serves as custodian of the fossil resources for all people to ensure the duty of care of fossils and to make them available for scientific research, heritage, public education and recreation. A person who finds a fossil is a caretaker of the fossil, not an owner.

2.1.1 Fossils on Crown Land

Reporting fossil discoveries is important for the management and protection of the province's fossil resources. Fossils remain in the custody of the Province if they have been found on, or removed, from Crown land with or without authorization. Right of ownership of fossils is not usually conveyed with a Crown Grant unless it specifically states it. This applies to fossils attached or within the land or loose on the surface.

2.1.2 Fossils on Private Land

Fossils found on private land are also in the custody of the Province if the rights to the fossils have not previously been conveyed to the landowner or another party via a Crown grant, a mineral tenure, or a land tenure.

The same requirements for fossil collection on Crown land will apply to collection on private land except that activity will only be authorized following the written consent of the landowner.

2.1.3 Private Landowner Holding Rights to Fossils

Third parties interested in collecting fossils from private land where landowners hold rights to fossils must seek consent/permission from the landowner. This policy does not place obligations on landowners who hold rights to fossils, with respect to the collection and extraction of fossils. Private landowners are encouraged to report fossils found on their property to the Heritage Branch or the Royal BC Museum to ensure scientific information is collected.

2.1.4 First Nations Reserves and Treaty Settlement Lands

First Nation Reserves under the *Indian Act* (Canada) are federal land, outside the jurisdiction of the Province, and beyond the scope of this policy.

When Treaty Settlement Lands are established through the treaty process, all surface and subsurface resources with the land, including fossils, are transferred to the First Nations. During the treaty process, information on fossil resources can be provided to treaty negotiators so that the scientific, heritage and educational values of fossils can be considered during negotiations.

3. DEFINITIONS

Fossils are the preserved remains of organisms in rock and preserved biological activity such as footprints called trace fossils.

“Fossil”, as defined in the *Land Act*¹, means the preserved remains, traces or imprints of organisms from the geological past, but does not include:

- (a) human remains or artifacts, or
- (b) the following substances:
 - (i) limestone;
 - (ii) dolomite;
 - (iii) coal;
 - (iv) petroleum;
 - (v) natural gas.

Note: the disposition of limestone, dolomite or coal deposits do not fall under this policy however, fossils that may be contained within these deposits do.

4. FOSSIL MANAGEMENT

4.1 Site and Specimen Protection

Enhanced protection for significant fossils and fossil sites is required to conserve and promote their scientific, natural heritage and educational values. Significant fossils include vertebrate fossils, vertebrate tracks, exceptionally preserved or diverse invertebrate and plant fossils, and newly discovered sites.

Protected fossil sites offer opportunities for scientific advancement, educational and recreational programs, and community involvement. Fossil sites raise

¹ *Land Act* Fossil Definition Regulation BC Reg 214/2011

awareness of local fossils, foster a local stewardship ethic for fossils and can encourage geological and fossil tourism.

Several mechanisms are available to protect individual fossils and fossil sites, providing a range in the level of protection. Legislative tools for site protection include the *Land Act*, *Heritage Conservation Act*, *Park Act*, *Mineral Tenure Act*, and *Mines Act*.

Protection may warrant special management or exclusion of other uses to conserve the scientific, educational, and heritage values of some fossil sites. Information about site protection assists provincial government staff in identifying the most suitable instrument to use in a specific situation, and to clarify the process and procedures for establishing protective designations.

Before a decision is made on whether to protect a site and which mechanism to use, a paleontological assessment of the significance of the site is required to evaluate the importance of the fossil resource at a site, and the scientific, heritage and educational value of fossils found there.

4.2 Managing Impacts on Fossils

The *Land Act* s.11 allows the Minister to dispose of (or authorize the use of) Crown land to be used for purposes subject to terms and conditions the Minister determines to be in the public interest.

Activities such as placement or construction of improvements that require excavation of the Crown land may impact fossils. Proponents for land use projects and developments must assess the potential to impact fossil resources.

Projects requiring an impact assessment as part of the application process are:

- overlapping an important fossil area;
- a proposed project impacting consolidated sedimentary rocks or unconsolidated (loose) deposits, or volcanic rocks (that may contain fossils in rare instances);
- pipeline projects; or
- proposed projects triggering the Environmental Assessment process.

Assessment of potential impact to fossils begins with a preliminary study. If this initial study indicates low or very low risk to fossil resources, a Chance-Find Protocol needs to be developed in case fossils are uncovered during land disturbance.

If the preliminary study indicates project activity is likely to encounter areas with medium and high risk to fossil resources, a Fossil Impact Assessment (FIA) is required, including a Chance-Find Protocol and Mitigation Plan.

FIA's must be conducted by, or under the supervision of, a qualified Lead Paleontology as outlined in the [FIA Guidelines document \(PDF\)](#). A list of [qualified BC Fossil Resource Consultants](#) is available from the BC Fossil Management Office.

A [Chance-Find Protocol](#) must be developed by the proponent, even if a fossil impact assessment is not required, because fossil resources may be discovered during industrial activity or development. This must also be submitted to and approved by the B.C. Fossil Management Office.

4.3 Managing Access to Fossils

Provincial approval is required to collect, excavate and/or remove fossils from Crown land. Fossil collection from Crown land designated under the *Park Act*, *Ecological Reserve Act* and the *Environment and Land Use Act* is under the authority of those acts and is administered by the Ministry of Environment and Climate Change Strategy.

On other Crown land, the applicable authority is either the *Land Act* or the *Heritage Conservation Act*. As identified in the fossil management principles, the priority order for fossil management is science, heritage and education purposes, and where appropriate, commercial uses. Accordingly, applications will be reviewed and evaluated using those relative priorities. Required consultation with First Nations will be carried out as part of the Crown land application process.

4.3.1 Recreational Collecting

Recreational collectors bring many important discoveries to the attention of professional paleontologists. Recreational collection is not regarded as a serious threat to paleontological sites if collection is limited to surface collection of common, globally abundant fossils for non-commercial purposes and is done by using hand tools.

Common refers to types of fossils not considered scientifically significant, and those that occur in such abundance that collecting a few specimens would not deplete a fossil site.

Prior to collecting fossils, a recreational collector needs to review the *Land Act Permission Policy (PDF)*, the recreational collection information, and is responsible for knowing about land authorizations in the general collection area.

Prior to collecting on mineral claims and mineral leases, recreational fossil collectors must contact the mineral tenure holder for permission to access the claim area and to determine whether the claim includes fossil rights.

A person who collects a fossil recreationally becomes a caretaker of the fossil, not an owner. The Province serves as custodian of fossils found in B.C. Collectors may hold non-significant, locally abundant fossils if they do not sell the fossils, damage them or export them out of the Province without permission.

4.3.2 Research and Scientific Collecting

Authorizations to collect fossils on Crown land for research purposes are issued to institutions such as museums and universities for site-specific collection of fossils.

There are two ways to apply to collect fossils for research purposes.

Prior to conducting fossil research activities on Crown Land, researchers must submit a [Research Plan \(PDF\)](#) to the BC Fossil Management Office and review the *Land Act* [Permission Policy \(PDF\)](#).

If the proposed activities do not fall under the Permission Policy, the research project must be authorized under the *Land Act* with an application made [to Front Counter BC](#).

Fossil collections for scientific purposes (either allowed through the Permission Policy or authorized under the *Land Act*) also require pre-arrangement with a qualified B.C. institution to ensure appropriate management of fossil resources at the site and of the collections from the site.

The fossils collected remain in the custody of the Province of British Columbia and institutions play a key role in ensuring stewardship of these provincial assets. Accordingly, a written agreement concerning curation must be signed between the researcher's institution and the B.C. repository to ensure that roles are clearly defined and responsibilities of the researchers and their institutions are understood. This pre-arrangement must be attached to the Research Plan.

The Royal BC Museum or other recognized B.C. fossil repositories will ensure that fossils collected through research permits remain in the care of the Crown unless they are otherwise disposed of as approved by the Minister or designate.

4.3.3 Fossils and Non-Extractive Commercial Uses

Non-extractive commercial uses, such as guided adventure tourism, may be allowed where the public educational value from the activity is high, with a correspondingly low impact on the fossil resource. Fossil sites intended for non-

extractive commercial use may require a site assessment prior to engaging in activities to mitigate any negative impact on fossil resources due to visitation, such as erosion or vandalism to the site.

4.3.4 Commercial Fossil Extraction

Proposals for commercial fossil extraction will not be considered at this time.

Fossils are part of the heritage of all people of British Columbia and humanity in general. In recognizing the priority of scientific, heritage and educational values, this policy encourages fossil site users and fossil collectors to work with paleontologists, educational institutions, museums and governments to optimize the management of the fossil resource in B.C.

APPENDIX A – LIST OF PROCEDURES, GUIDELINES AND TOOLS FOR FOSSIL MANAGEMENT

[Fossil Impact Assessment Guidelines \(PDF\)](#)

[Fossil Collection Data Sheet \(PDF\)](#)

[Land Act Permission Policy \(PDF\)](#)

[Research Plan for Paleontological Field Research \(PDF\)](#)