

EXECUTIVE APPROVAL:
DATE:

<b>NAME OF POLICY:</b>	<b>Fossil Management</b>
<b>APPLICATION:</b>	Applies to the protection, management and use of all Crown owned fossils, whether on Crown or private land.
<b>ISSUANCE:</b>	Director, Heritage Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development
<b>IMPLEMENTATION:</b>	BC Fossil Management Office, Heritage Branch
<b>REFERENCES:</b>	<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>
<b>RELATIONSHIP TO PREVIOUS POLICY:</b>	New policy
<b>POLICY AMENDMENT:</b>	Any formal request for an amendment to this policy is to be directed in writing to the Director, Heritage Branch, Integrated Resource Operation Division.

## Table of Contents

1.	PURPOSE .....	1
	1.1 Fossil Management Principles .....	1
2.	SCOPE AND APPLICATION .....	1
	2.1 Fossils and Land Ownership .....	1
	Crown-Owned Fossils on Private Land.....	2
3.	DEFINITIONS .....	2
4.	FOSSIL MANAGEMENT.....	3
	4.1 Site and Specimen Protection .....	3
	4.2 Managing Impacts on Fossils .....	3
	4.3 Managing Access to Fossils .....	4
	4.3.1 Recreational Collecting.....	4
	4.3.2 Research and Scientific Collecting.....	5
	4.3.3 Fossils and Non-Extractive Commercial Uses .....	5
	4.3.4 Commercial Fossil Extraction .....	5
	APPENDIX A – LIST OF PROCEDURES, GUIDELINES AND TOOLS FOR FOSSIL MANAGEMENT .....	6

## 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.

### 1.1 Fossil Management Principles

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

The Fossil Management Principles (listed below) provide guidance on the protection, management and use of fossils:

- 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 lastly, commercial use.
- The order of priority for extraction or excavation of fossils is science, natural heritage, education and lastly, commercial use. Non-extractive commercial use has precedent over extractive 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.

The development of the Fossil Management Framework (Framework) for British Columbia has been guided by these management principles.

## 2. SCOPE AND APPLICATION

### 2.1 Fossils and Land Ownership

Fossils found on Crown land are the property of the Province and they remain Crown property if they have been removed from the land, with or without

authorization. The Crown's ownership of a fossil is not affected by whether the fossil is attached to the land or loose on the surface.

Fossils found on private land are the property 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.

### Crown-Owned Fossils on Private Land

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

### Private Land Owner Holding Rights to Fossils

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

### 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.

It is government policy that 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, educational, and heritage values of fossils can be considered in the course of negotiations. Fossils on Treaty Settlement Lands would be treated like on any other private land where land owners hold rights to the fossils. Fossil collecting on Treaty Settlement Lands requires the permission of the First Nation.

## 3. DEFINITIONS

“Fossil”, as defined in the *Land Act*<sup>1</sup>, 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;

---

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

- (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.*

“Significant Fossil” – refer to the [Guidelines for Assessing Significance of Fossil Sites \(web link\)](#) for details.

## 4. FOSSIL MANAGEMENT

### 4.1 Site and Specimen Protection

A number of mechanisms, providing a range in the degree of protection, are available to protect individual fossils and fossil sites.

Protection may warrant special management or exclusion of other uses to conserve the scientific, educational, and heritage values of some fossil sites. The [Guidelines for the Protection of Significant fossil sites \(web link\)](#) assist provincial 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 is required to evaluate the importance of the fossil resource at a site, and the scientific, heritage and educational value of fossils found there. Refer to the [Guidelines for Assessing Significance of Fossil Sites \(web link\)](#) for details.

### 4.2 Managing Impacts on Fossils

Enhanced protection for significant fossils and fossil sites in British Columbia is required in order to conserve and promote their scientific, natural heritage and educational values.

The *Land Act* s.11 allows the Minister to dispose of (or authorize the use of) Crown land to be used for particular 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. In such cases a Fossil Impact Assessment (FIA) is required prior to authorizing the use (as part of the

application process). Evaluation criteria to assess whether a FIA is required include, but are not limited to, the following:

- The proposed project impacts consolidated sedimentary rocks or unconsolidated (loose) deposits, or volcanic rocks (that may contain fossils in rare instances).
- The proposed project triggers the Environmental Assessment process.
- The proposed project impacts an important fossil area as shown on the [Important Fossil Areas Map](#) (link).

Although the distribution of fossil resources within British Columbia is not thoroughly understood, known site concentrations have been found on Vancouver Island, Haida Gwaii, in the Princeton-Merritt-Kamloops area, in southeastern and northeastern British Columbia and the Central Interior Plateau.

Refer to the [Fossil Impact Assessment Guidelines](#) (web link) for what to do to assess impact to fossils and fossil sites and to develop a recovery and mitigation plan.

A Chance-find protocol needs to be developed by the proponent even if a fossil impact assessment is not required.

### 4.3 Managing Access to Fossils

Provincial approval is required to collect, excavate and/or remove fossils from Crown land with the exception of fossil related activities specifically included in the Permission Policy. Fossil collection from Crown land designated under the *Park Act*, *Ecological Reserve Act* and the *Environmental and Land Use Act* is under the authority of those acts and is administered by the Ministry of Environment.

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

#### 4.3.1 Recreational Collecting

Amateur collectors have been responsible for bringing many important discoveries to the attention of professional paleontologists, and recreational collection is not regarded as a serious threat to paleontological sites if collection is limited to surface collection of non-significant, globally abundant fossils for non-commercial purposes.

Prior to collecting on Crown land, amateur collectors should review the *Land Act Permission Policy* and the Ministry fossil management website for additional information on recreational fossil collecting, and to determine if the activity is authorized under that policy.

The Crown retains ownership of fossils collected by amateur collectors. Amateur collectors are considered custodians of the fossils they find; they may keep non-significant, locally abundant fossils as long as they do not sell them, damage them or export them out of the Province without permission.

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

#### **4.3.2 Research and Scientific Collecting**

Authorizations to collect fossils on Crown land are issued to institutions such as museums and universities, pursuant to the *Land Act*, for site-specific collection of fossils for scientific study.

For more information on obtaining authorization, please contact FrontCounter BC.

#### **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 in order 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 the 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 government to optimize the management of the fossil resource in B.C.

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

[Guidelines for Assessing Significance of Fossil Sites](#)

[Guidelines for the Protection of Significant fossil sites](#)

[Fossil Impact Assessment Guidelines](#)

[Important Fossil Areas Map](#)