

PROVINCE OF BRITISH COLUMBIA  
REGULATION OF THE MINISTER OF FORESTS, LANDS AND  
NATURAL RESOURCE OPERATIONS

*Wildlife Act*

Ministerial Order No. **M 284**

I, Steve Thomson, Minister of Forests, Lands and Natural Resource Operations, order that the Controlled Alien Species Regulation, B.C. Reg. 94/2009, is amended as set out in the attached Appendix.

Dec 13, 2012  
Date

Original Signed by

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*Minister of Forests, Lands and  
Natural Resource Operations*

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: Wildlife Act, R.S.B.C. 1996, c. 488, ss. 6.4, 6.5 (1) (a), (b), (c) and (e) and (2) (a) and (b) and 109 (1) (d) and (i)

Other: MO 81/2009

December 12, 2012

## APPENDIX

- 1 *The Controlled Alien Species Regulation, B.C. Reg. 94/2009, is amended by adding the following heading before section 1:*

### PART 1 – INTERPRETATION AND DESIGNATION .

- 2 *Section 1 is amended*

- (a) *by repealing subsection (1) and substituting the following:*

(1) In this regulation:

“accredited zoo or aquarium” means a zoo or an aquarium that

- (a) is accredited by the Canadian Association of Zoos and Aquariums, or
- (b) provides proof to the satisfaction of the director of meeting or exceeding the accreditation standards set by the Canadian Association of Zoos and Aquariums;

“Act” means the *Wildlife Act*;

“aquatic invasive species individual” means any of the following:

- (a) a single live member of a controlled alien species designated in Schedule 3, at any developmental stage;
- (b) a mussel;

“certified educational institution” means a body that

- (a) is an educational body within the meaning of paragraph (a), (c), (d) or (d.1) of Schedule 1 of the *Freedom of Information and Protection of Privacy Act*, and
- (b) holds a valid Certificate of Good Animal Practice issued by the Canadian Council on Animal Care;

“BC waters” includes

- (a) any part of a body of water that is located in British Columbia,
- (b) fish habitat within the meaning of the *Fish Protection Act*,
- (c) a stream within the meaning of the *Water Act*,
- (d) a ditch, and
- (e) any of the following that may leak, drain or empty, directly or indirectly, into any part of a body of water, fish habitat, stream or ditch referred to in paragraph (a), (b), (c) or (d):
  - (i) a naturally-formed pool of water other than one referred to in paragraph (a), (b), (c) or (d);
  - (ii) a storm drain, sewer or other artificial conduit;
  - (iii) a tank or other container that holds or is intended to hold water or wastewater;

“certified research institution” means a body that

(a) holds a valid Certificate of Good Animal Practice issued by the Canadian Council on Animal Care, and

(b) publishes the results of original research in a peer-reviewed scientific journal at least once each year;

“mussel” means a single member, live or dead, of a controlled alien species designated in Schedule 4, and if live, at any developmental stage;

“prohibited species individual” means any of the following:

(a) a single live member of a controlled alien species designated in Schedule 1, at any developmental stage;

(b) a single live member of a controlled alien species designated in section 1 (1) or (2) of Schedule 2 that is 3 metres or more in length when measured from the front of the snout to the tip of the tail while the animal is fully extended;

(c) a single live member of a controlled alien species designated in section 1 (3) of Schedule 2 that is 2 metres or more in length when measured from the front of the snout to the tip of the tail while the animal is fully extended;

“restricted species individual” means a single live member of a controlled alien species designated in Schedule 2, at any developmental stage, but does not include a prohibited species individual, *and*

(b) *in subsection (2) by striking out “In Schedules 1 and 2,” and substituting “In Schedules 1 to 4,”.*

3 *Section 2 is amended by striking out “Schedules 1 and 2” and substituting “Schedules 1 to 4”.*

4 *The following heading is added before section 3:*

## **PART 2 – SPECIES FOR WHICH A PERMIT IS REQUIRED .**

5 *Section 3 is amended by adding “listed in Schedule 1” after “prohibited species individual”.*

6 *Section 4 (2) (a) is repealed and the following substituted:*

(a) the person

(i) operates an accredited zoo or aquarium,

(ii) is a certified educational institution, or

(iii) is a certified research institution, .

7 *Section 5 is amended by adding “, or to escape” after “to be released”.*

8 *The following Part is added:*

### PART 3 – AQUATIC INVASIVE SPECIES INDIVIDUALS

#### Prohibitions

- 7 (1) A person must not possess an aquatic invasive species individual.
- (2) A person who possesses an aquatic invasive species individual must prevent the aquatic invasive species individual from breeding.
- (3) A person must not
- (a) release into BC waters an aquatic invasive species individual,
  - (b) allow an aquatic invasive species individual to be released, or to escape, into BC waters, or
  - (c) allow a mussel to come into contact with BC waters.
- (4) A person must not ship or transport in British Columbia an aquatic invasive species individual.

#### Certified educational and research institutions exempt

- 8 A certified educational institution and a certified research institution are exempt from
- (a) the prohibitions set out in section 7 (1) and (4), and
  - (b) the requirement set out in section 7 (2).

#### Preventing entry or spread of mussels

- 9 (1) In this section:
- “boat or water equipment” means any of the following items:
- (a) a boat, including personal watercraft;
  - (b) a boat trailer;
  - (c) any item used for fishing;
  - (d) any item used for water-based recreational activities;
  - (e) any equipment associated with, and any component of, a thing referred to in any of paragraphs (a) to (d);
- “contaminated province or state” means any of the following:
- (a) a jurisdiction listed in Schedule 5;
  - (b) a province or territory of Canada or a state of the United States of America that is not listed in Schedule 5 but has within its jurisdiction one or more bodies of water that are contaminated with mussels;
- “decontamination order” means an order issued by an officer under subsection (3).
- (2) An officer may issue a decontamination order in respect of a boat or water equipment if any of the following circumstances exist:
- (a) the officer has visually inspected the boat or water equipment and found signs that that boat or water equipment may be or may have been contaminated with mussels;

- (b) the boat or water equipment is owned, or is registered, licensed, insured or otherwise authorized to be possessed or operated, in a contaminated province or state;
  - (c) the officer has reason to believe that the boat or water equipment has been operated in, or has otherwise come into contact with, the waters of a contaminated province or state;
  - (d) the officer has reason to believe that a person may be in violation of section 7 with respect to mussels.
- (3) An officer may issue a decontamination order requiring a person to do one or more of the following:
- (a) remove mussels from a boat or water equipment within a reasonable period of time as specified in the order;
  - (b) comply with any written directions contained in or attached to the order with respect to the removal of mussels;
  - (c) report, within the time and to the officer specified in the order,
    - (i) with proof, satisfactory to the specified officer, of compliance with the order, or
    - (ii) for the purposes of further inspection by the specified officer of the boat or water equipment that is the subject of the order.
- (4) A person to whom a decontamination order is issued must
- (a) comply with the order, and
  - (b) ensure that the boat or water equipment to which the order applies does not come into contact with BC waters until the order has been complied with.
- (5) A person who engages in procedures to remove mussels from a boat or water equipment must ensure that water used in those procedures does not come into contact with BC waters.
- (6) For the purposes of subsection (3) (c), an officer may be specified by name or by class.

#### Offences

- 10 (1) A person who contravenes any of the following commits an offence:
- (a) section 7 (1);
  - (b) section 7 (2);
  - (c) section 7 (3);
  - (d) section 7 (4);
  - (e) section 9 (4);
  - (f) section 9 (5).
- (2) An offence under subsection (1) (c) is prescribed as an offence for the purposes of section 84 (1) (a) (ii) of the Act.
- (3) An offence under subsection (1) (e) is prescribed as an offence for the purposes of section 84 (1) (b) (ii) of the Act.

(a) by repealing section 4 (1) (g), and

(b) by adding the following subsection:

(5) Reptiles of the following species of the family *Varanidae*:

- (a) *Varanus bengalensis* [Bengal monitor and clouded monitor];
- (b) *Varanus giganteus* [perentie];
- (c) *Varanus komodoensis* [komodo dragon];
- (d) *Varanus niloticus* [Nile monitor and water leguaan];
- (e) *Varanus salvadorii* [Salvadori's monitor and crocodile monitor];
- (f) *Varanus salvator* [Asiatic water monitor and water monitor];
- (g) *Varanus varius* [lace goanna].

10 Section 1 of Schedule 2 is amended by adding the following subsection:

(3) Reptiles of the family *Varanidae*, other than reptiles of the species listed in section 1 (5) of Schedule 1.

11 The following Schedules are added:

### SCHEDULE 3

(section 2)

- 1 (1) Fish of the following species of the family *Channidae*:
- (a) all species of the genus *Channa* [Asian snakeheads];
  - (b) all species of the genus *Parachanna* [African snakeheads].
- (2) *Misgurnus anguillicaudatus* [oriental weatherfish or weather loach] of the family *Cobitidae*.
- (3) Fish of the following species of the family *Cyprinidae*:
- (a) *Ctenopharyngodon idella* [grass carp];
  - (b) *Hypophthalmichthys molitrix* [silver carp];
  - (c) *Hypophthalmichthys nobilis* [bighead carp];
  - (d) *Mylopharyngodon piceus* [black carp];
  - (e) all species of the genus *Rhodeus* [bitterlings];
  - (f) *Tamichthys albonubes* [White Cloud Mountain minnow];
  - (g) *Tinca tinca* [tench].
- (4) Fish of the following species of the family *Gobiidae*:
- (a) *Neogobius fluviatilis* [monkey goby];
  - (b) *Neogobius melanostomus* [round goby];
  - (c) *Proterorhinus semilunaris* [tubenose goby];
  - (d) *Rhinogobius brunneus* [Amur goby].
- (5) All fish species of the family *Ictaluridae* [including bullheads, channel catfish and madtoms].
- (6) *Gambusia affinis* [western mosquitofish] of the family *Poeciliidae*.

## SCHEDULE 4

(section 2)

- 1 Mussels of the following species of the family *Dreissenidae*:
  - (a) *Dreissena polymorpha* [zebra mussel];
  - (b) *Dreissena rostriformis bugensis* [quagga mussel];
  - (c) *Mytilopsis leucophaeata* [Conrad's false mussel].

## SCHEDULE 5

(section 9)

- 1 The following provinces of Canada:
  - (a) Ontario;
  - (b) Quebec.
  
- 2 The following states of the United States of America:
  - (a) Alabama;
  - (b) Arizona;
  - (c) Arkansas;
  - (d) California;
  - (e) Colorado;
  - (f) Connecticut;
  - (g) Illinois;
  - (h) Indiana;
  - (i) Iowa;
  - (j) Kansas;
  - (k) Kentucky;
  - (l) Louisiana;
  - (m) Maryland;
  - (n) Massachusetts;
  - (o) Michigan;
  - (p) Minnesota;
  - (q) Mississippi;
  - (r) Missouri;
  - (s) Nebraska;
  - (t) Nevada;
  - (u) New Mexico;
  - (v) New York;
  - (w) North Dakota;
  - (x) Ohio;
  - (y) Oklahoma;

- (z) Pennsylvania;
- (aa) South Dakota;
- (bb) Tennessee;
- (cc) Texas;
- (dd) Utah;
- (ee) Vermont;
- (ff) West Virginia;
- (gg) Wisconsin.