

B.C. Reg. 168/90  
O.C. 758/90

Deposited May 18, 1990.

### ***Wildlife Act***

## **DESIGNATION AND EXEMPTION REGULATION**

[includes amendments up to B.C. Reg. 171/2006, June 14, 2006]

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**Wildlife prescribed**

- 1 The vertebrates listed in Schedule A are prescribed as wildlife for the purposes of the definition of "wildlife" in section 1 of the *Wildlife Act*.

**Exemption from sections 11, 17 (7) (b) and (8), 26 (1) (c), 27 (4), 29 and 35 (2) (b) of the Act**

- 2 (1) A person is exempted from sections 11, 17 (7) (b) and (8), 26 (1) (c), 27 (4), 29 and 35 (2) (b) of the *Wildlife Act* where wildlife listed in Schedule B or C is killed
  - (a) by that person for the protection of that person's property, or
  - (b) by the person on property owned or occupied by that person or the spouse, parent, guardian, or child of that person.
- (2) Subsection (1) does not apply with respect to *Lepus americanus* — snowshoe hare in Region 2 as defined in section 3 of B.C. Reg. 190/84, the Hunting Regulation.

[am. B.C. Reg. 253/2000, App. 2, s. 1.]

**Exemption from sections 11 (8), 33, 37, 44 and 77 (2) and (3) of the Act**

- 3 (1) A person is exempted from sections 11 (8), 33, 37, 44 and 77 (2) and (3) of the *Wildlife Act* and is authorized to use a trap, other than a leg-hold trap, for wildlife listed in Schedules B and C on land owned or occupied by the person, or with the permission of the owner or occupier of private land, where wildlife, transported and released on Crown land or on that person's private property, is possessed for not more than 24 hours and is taken a distance no greater than 10 kilometres from where the animal was trapped unless a further distance is specified by an officer.
  - (2) Subsection (1) does not apply where the person releases the wildlife
    - (a) at a distance greater than one kilometre from the site of its capture in M.U.s 1-1 to 1-13 on Vancouver Island, or
    - (b) on an island in any body of water in the province, other than the island on which the wildlife was capturedunless the person has prior approval of an officer.
- (3) Subsection (1) does not apply with respect to *Lepus americanus* —

snowshoe hare in Region 2 as defined in section 3 of B.C. Reg. 190/84, the Hunting Regulation.

[am. B.C. Regs. 5/96, s. 1; 253/2000, App. 2, s. 2.]

#### **Requirement to kill injured wildlife**

- 4 If a person injures wildlife listed in Schedule B or C, the person must kill that wildlife.

[en. B.C. Reg. 253/2000, App. 2, s. 3.]

#### **Exemption from section 26 (1) (f) of the Act**

- 5 (1) A person is exempted from section 26 (1) (f) of the *Wildlife Act* on property owned or occupied by the person or the spouse, parent, guardian, or child of the person in respect of the following animals:

- (a) all of the species of the family *Arvicolidae* — voles and lemmings, except *Ondonatra zibethicus* — muskrat;
- (b) *Thomomys talpoides* — northern pocket gopher;
- (c) all species of the genus *Peromyscus* — deer mice;
- (d) *Spermophilus columbianus* — Columbian ground squirrel.

(2) Subsection (1) does not apply to a person unless the poison used is registered under the *Pest Control Products Act* (Canada) for the use to which it is being put and is used in compliance with the *Pesticide Control Act*.

#### **Exemption from section 29 of the Act**

- 6 (1) A person is exempted from section 29 of the *Wildlife Act* on property owned or occupied by that person or the spouse, parent, guardian, or child of that person for the purposes of the protection of property, for species listed in Schedule B or C.

(2) A person is exempt from section 29 of the *Wildlife Act* to hunt or trap raptors that are on the person's property and are a menace to domestic animals or birds.

(3) Subsection (2) does not apply to a person who hunts, takes, traps, wounds or kills a raptor with the use of

- (a) a snare or trap that is set above the ground, or
- (b) a leg-hold trap.

#### **Repealed**

7 Repealed. [B.C. Reg. 253/2000, App. 2, s. 4.]

### **Domestic animals under section 26 (2) of the Act**

8 For the purposes of section 26 (2) of the *Wildlife Act* the following are domestic animals:

- (a) horses of the genus *Equus*;
- (b) cattle of the genus *Bos*;
- (c) sheep of the genus *Ovis*, except *Ovis canadensis* and *Ovis dalli*;
- (d) goats of the genus *Capra*;
- (e) swine of the genus *Sus*;
- (f) an animal defined as game under the *Game Farm Act* that is lawfully kept under that Act;
- (g) an animal lawfully held under a licence issued under the *Fur Farm Act*;
- (h) an animal not defined as wildlife in the *Wildlife Act* or regulations, that is not native to or does not naturally occur within the province and is tame and kept in captivity for the use of man.
- (i) Repealed. [B.C. Reg. 130/99, App. 1, s. 1.]

[am. B.C. Reg. 130/99, App. 1, s. 1.]

### **Exemption from sections 11 (1) and (8), 21, 22, 26 (1) (h), 27 (4), 33, 35 (2) (b), 37, 75 and 78 of the Act**

9 (1) A person is exempt from sections 11 (1) and (8), 21, 22, 26 (1) (h), 27 (4), 33, 35 (2) (b), 37, 75, and 78 of the *Wildlife Act* where that person hunts, takes, traps, wounds or kills an animal of the species of the family *Leporidae* — hares and rabbits.

(2) Subsection (1) does not apply to:

- (a) *Lepus americanus* — snowshoe hare;
- (b) *Lepus townsendii* — white-tailed jackrabbit;
- (c) *Sylvilagus nuttallii* — Nuttall's cottontail.

[am. B.C. Reg. 340/2005, s. 1.]

### **Exemptions related to private property**

9.1 (1) If an owner or occupier of land hunts wildlife under the authority of

section 26 (2) of the *Wildlife Act*, that person is exempt from section 11 (1) of the *Wildlife Act* insofar as it requires a licence to hunt wildlife.

(2) An owner or occupier of land, or an employee of an owner or occupier of land who discharges a firearm on the land, or a person who discharges a firearm on the land with the permission of the owner or occupier, is exempt from section 4 of the Closed Areas Regulation, B.C. Reg. 76/84, with respect to a dwelling house and a farm or ranch building located on the land.

(3) The exemptions described in subsections (1) and (2) apply to an owner or occupier of land or an employee of the owner or occupier who discharges a firearm for the purposes of slaughtering livestock.

[en. B.C. Reg. 130/99, App. 1, s. 2; am. B.C. Regs. 253/2000, App. 2, s. 5; 340/2005, s. 2.]

### **Exemption from section 75 of the Act**

**10** (1) A person is exempt from section 75 of the *Wildlife Act* where the person kills, by accident or for the protection of life or property:

- (a) an animal listed in Schedule B or C;
- (b) an animal of any of the species of the family *Soricidae* — shrews;
- (c) *Reithrodontomys megalotis* — western harvest mouse;
- (d) *Perogathus parvus* — Great Basin pocket mouse;
- (e) an animal of any of the species of the genus *Spermophilus* — ground squirrels;
- (f) an animal of any of the species of the genus *Tamias* — chipmunks;
- (g) an animal of any of the species of the family *Zapodidae* — jumping mice.

(2) A person is exempt from section 75 of the *Wildlife Act* where the person accidentally kills or wounds one of the following:

- (a) an animal of any of the species of reptiles;
- (b) an animal of any of the species of amphibians.

(3) A person is exempt from section 75 of the *Wildlife Act* where the person accidentally kills or wounds, while using a motor vehicle, the following:

- (a) raptors;

(b) an animal of any species of fur bearing animal except wolf, black bear, badger, lynx, wolverine and bobcat.

(4) Nothing in this section exempts a person from section 75 of the *Wildlife Act* with respect to an endangered or threatened species.

[am. B.C. Reg. 253/2000, App. 2, s. 6.]

### **Exemption from section 21 (1) (b) of the Act**

**10.1** (1) A person who kills

- (a) a grizzly bear,
- (b) a mountain sheep,
- (c) a cougar,
- (d) a caribou, or
- (e) a mountain goat

is exempt from section 21 (1) (b) of the *Wildlife Act* for the period provided for making a report under section 16 of B.C. Reg. 190/84, the Hunting Regulation, for the purpose of complying with that section if the person holds a resident species licence or a non-resident species licence for the wildlife killed and has complied with all requirements of the *Wildlife Act* and regulations respecting the use of the licence other than the duty to report.

(2) The exemption under subsection (1) applies only while transporting the dead wildlife or part of wildlife in Haines Junction, Yukon territory, on any of the following highways or in the municipalities or communities along the highways:

- (a) Highway 3 Haines Road;
- (b) Highway 2 Klondike Highway;
- (c) Highway 8;
- (d) Highway 7;
- (e) Highway 37 between the British Columbia-Yukon Territory border and Highway 1 Alaska Highway;
- (f) Highway 1 Alaska Highway between Haines Junction, Yukon Territory and Fireside, British Columbia.

(3) The exemption under subsection (1) applies to an agent of the person referred to in that subsection.

(4) Repealed. [B.C. Reg. 166/2001, s. 1.]

[en. B.C. Reg. 253/2000, App. 2, s. 7; am. B.C. Regs. 23/2001, s. 1; 166/2001, s. 1.]

### **Exemption from section 26 (1) (c) of the Act**

**11** (1) A person is exempted from sections 11 (1) and 26 (1) (c) of the *Wildlife Act* where wildlife listed in Schedule C is hunted, taken, trapped, wounded or killed.

(2) Subsection (1) does not apply where the hunting, taking, trapping, wounding or killing of the animal occurs

(a) on private land without the permission of the landowner or occupier, or

(b) in a manner prohibited by law.

(3) Despite subsection (1), the exemption from section 11 (1) does not apply to the following:

(a) species of the genus *Corvus* — crows;

(b) *Pica pica* — black-billed magpie;

(c) *Molothrus ater* — brown-headed cowbird.

[en. B.C. Reg. 202/91, App. 3, s. 1; am. B.C. Reg. 171/2006, s. (d).]

### **Exemption from section 41 of the Act**

**11.1** (1) Subject to subsection (5), a person is exempt from section 41 of the *Wildlife Act* where the person meets all the following requirements:

(a) the person holds a valid hunting licence under the Act;

(b) if the person is hunting a species that requires a species license under the Act, the person holds such a licence;

(c) the person is lawfully hunting for one or more of black bear, bobcat, coyote, fox, lynx, raccoon, skunk, wolf and wolverine.

(2) Subject to subsection (5), a guide outfitter or assistant guide is exempt from section 41 of the *Wildlife Act* while guiding a person who is exempted under subsection (1) of this section.

(3) Subject to subsection (5), a person who holds a permit is exempt from section 41 of the *Wildlife Act* in relation to the activities authorized by the permit.

(4) Subject to subsection (5), an Indian residing in British Columbia is exempt from section 41 of the Act in relation to hunting.

- (5) For an exemption under subsection (1) to (4) to apply,
- (a) if the activity in relation to which the exemption applies is being conducted on private land, the person must have written permission of the owner or occupier of the land, and
  - (b) if the activity in relation to which the exemption applies is being conducted on Crown land that is subject to a right of occupation, the person must have permission of the Crown or of the occupier of the land.

[en. B.C. Reg. 112/97.]

### **SPCA exemption**

**11.2** (1) An authorized agent of the British Columbia Society for the Prevention of Cruelty to Animals who holds an appointment as a special provincial constable under the *Police Act* is exempt from sections 11 (1) and (8), 26 (1) (c), (d), (e) and (h), 27 (1) and (3), 31, 32, 33, 34, 35 (2) (b), 36, 37, 39, 41 and 75 of the *Wildlife Act* while carrying out his or her duties under the *Prevention of Cruelty to Animals Act*.

- (2) Despite subsection (1), the authorized agent must
- (a) report to an officer within 48 hours the taking, wounding, killing or coming into possession of wildlife, and
  - (b) dispose of the wildlife as directed by the officer.

[en. B.C. Reg. 130/99, App. 1, s. 2; am. B.C. Reg. 340/2005, s. 3.]

### **Exemption from section 34 of the Act for certain birds**

**11.3** (1) A person is exempt from section 34 of the *Wildlife Act* with respect to possessing, taking, injuring, molesting or destroying a bird or its egg or a nest occupied by a bird or its egg if the bird is not designated as wildlife, a threatened species or an endangered species.

- (2) Despite subsection (1), a person is exempt from section 34 of the *Wildlife Act* with respect to taking, injuring, molesting or destroying a bird or its egg or a nest occupied by a bird or its egg if the bird is listed in Schedule C.

[en. B.C. Reg. 253/2000, App. 2, s. 7; am. B.C. Reg. 132/2002, s. (a).]

### **Domestic animals under sections 76, 77 and 79 of the Act**

**12** For the purposes of sections 76, 77 and 79 of the *Wildlife Act*, the following are domestic animals:

- (a) a horse of the genus *Equus*;
- (b) cattle of the genus *Bos*;
- (c) sheep of the genus *Ovis*, except *Ovis canadensis* and *Ovis dalli*.

### Threatened and endangered species

- 13** (1) The species listed in Schedule D are designated as threatened species.
- (2) The species listed in Schedule E are designated as endangered species.

[en. B.C. Reg. 253/2000, App. 2, s. 8.]

### Game birds

- 14** The following birds are designated as game birds:

- (a) upland game birds of the following genera of the order *Galliformes*:
  - (i) grouse
    - (A) *Dendragapus* — blue grouse, spruce grouse and Franklin grouse;
    - (B) *Bonasa* — ruffed grouse;
    - (C) *Tympanuchus* — prairie chicken and sharp-tailed grouse;
    - (D) *Centrocercus* — sage grouse;
  - (ii) *Lagopus* — willow, rock and white tailed ptarmigan;
  - (iii) quail
    - (A) *Colinus* — Northern bobwhite;
    - (B) *Callipepla* — Gambel's, scaled and California quail;
    - (C) *Oreortyx* — mountain quail;
    - (D) *Cyrtonyx* — harlequin quail;
  - (iv) *Phasianus* — pheasant;
  - (v) partridge
    - (A) *Alectoris* — Chukar partridge;
    - (B) *Perdix* — grey or Hungarian partridge;
  - (vi) *Meleagris* — wild turkey;
- (b) migratory game birds as defined in the *Migratory Birds Convention Act, 1994* (Canada).

[am. B.C. Reg. 130/99, App. 1, s. 3.]

### Small game

15 The following animals are designated as small game:

- (a) *Vulpes vulpes* — fox;
- (b) *Procyon lotor* — raccoon;
- (c) and (d) Repealed. [B.C. Reg. 130/99, App. 1, s. 4.]
- (e) *Canis latrans* — coyote;
- (f) *Mephitis mephitis* — striped skunk;
- (g) *Spilogale putorius* — spotted skunk;
- (h) *Lepus americanus* — snowshoe hare;
- (i) Repealed. [B.C. Reg. 130/99, App. 1, s. 4.]
- (j) game birds.

[am. B.C. Regs. 5/96, s. 2; 130/99, App. 1, s. 4.]

### Fur bearing animals

16 The following mammals are designated as fur bearing animals:

- (a) *Canis latrans* — coyote;
- (b) *Canis lupus* — wolf;
- (c) *Ursus americanus* — black bear;
- (d) *Castor canadensis* — beaver;
- (e) *Lutra canadensis* — river otter;
- (f) *Ondatra zibethicus* — muskrat;
- (g) *Vulpes vulpes* — fox;
- (h) *Alopex lagopus* — Arctic fox;
- (i) *Vulpes macrotis* — kit fox.
- (j) *Urocyon cinereoargenteus* — grey fox;
- (k) *Martes americana* — marten;
- (l) *Martes pennanti* — fisher;
- (m) *Mustela erminea* — ermine;
- (n) *Mustela vison* — mink;
- (o) *Mustela frenata* — longtailed weasel;

- (p) *Mustela nivalis* — least weasel;
- (q) *Tamiasciurus hudsonicus* — red squirrel;
- (r) *Tamiasciurus douglasii* — Douglas squirrel;
- (s) *Glaucomys sabrinus* — northern flying squirrel;
- (t) *Gulo gulo* — wolverine;
- (u) *Lynx canadensis* — lynx;
- (v) *Lynx rufus* — bobcat;
- (w) *Procyon lotor* — raccoon;
- (x) *Mephitis mephitis* — striped skunk;
- (y) *Spilogale putorius* — spotted skunk.

### Big game

17 The following animals are designated as big game:

- (a) *Lynx canadensis* — lynx;
- (b) *Lynx rufus* — bobcat;
- (c) *Gulo gulo* — wolverine.

[en. B.C. Reg. 130/99, App. 1, s. 5.]

### Schedule A

#### [section 1]

[en. B.C. Reg. 253/2000, App. 2, s. 9; am. B.C. Reg. 132/2002, s. (b).]

1 Mammals of the following species:

- (a) all species of the family *Leporidae* — hares and rabbits;
- (b) all species of the family *Soricidae* — shrews;
- (c) all species of the family *Talpidae* — moles;
- (d) all species of the family *Vespertilionidae* — Vespertilionid bats;
- (e) all species of the family *Ochotonidae* — pikas;
- (f) all species of the subfamily *Arvicolinae* — voles and lemmings;
- (g) all species of the subfamily *Sigmodontinae* — new world

rats and mice;

(h) all species of the family *Dipodidae* — jumping mice and jerboas;

(i) all species of the genus *Glaucomys* — flying squirrels;

(j) all species of the genus *Marmota* — marmots and woodchucks;

(k) all species of the genus *Spermophilus* — ground squirrels;

(l) all species of the genus *Sciurus* — gray and fox squirrels;

(m) all species of the genus *Tamias* — chipmunks;

(n) all species of the genus *Erinaceus* — hedgehogs;

(o) all species of the genus *Cynomys* — prairie dogs;

(p) *Nyctinomops macrotis* — big free-tailed bat;

(q) *Aplodontia rufa* — mountain beaver;

(r) *Perognathus parvus* — great basin pocket mouse;

(s) *Taxidea taxus* — badger;

(t) *Nyctereutes procyonoides* — raccoon dog;

(u) *Erethizon dorsatum* — porcupine;

(v) *Thomomys talpoides* — northern pocket gopher;

(w) *Didelphis virginiana* — North American opossum;

(x) *Myocastor coypus* — nutria.

## 2 Birds of the following species:

(a) all species of birds described in the American Ornithologists Union Checklist of North America Birds, 7th edition (American Ornithologists Union 1999) or its supplements, which are native to Canada or the United States of America and were not introduced by man;

(b) *Alauda arvensis* — skylark;

(c) *Acridotheres cristatellus* — crested myna;

(d) *Passer domesticus* — house sparrow;

(e) *Sturnus vulgaris* — European starling;

(f) *Columba livia* — rock dove (except domestic-bred racing pigeon).

**3** Amphibians of the following species:

- (a) all species of the family *Ambystomatidae* — mole salamanders;
- (b) all species of the family *Dicamptodontidae* — giant salamanders;
- (c) all species of the family *Plethodontidae* — lungless salamanders;
- (d) all species of the family *Pelobatidae* — spadefoots;
- (e) all species of the family *Hylidae* — treefrogs;
- (f) all species of the family *Ranidae* — true frogs;
- (g) all species of the genus *Taricha* — newts;
- (h) all species of the genus *Ascaphus* — tailed frogs;
- (i) all species of the genus *Bufo* — toads.

**4** Reptiles of the following species:

- (a) all species of the family *Emydidae* — pond and river turtles;
- (b) all species of the family *Trionychidae* — soft-shelled turtles;
- (c) all species of the family *Chelydridae* — snapping turtles;
- (d) all species of the family *Viperidae* — vipers;
- (e) all species of the genus *Podarcis* — wall lizards;
- (f) all species of the genus *Phrynosoma* — horned lizards;
- (g) all species of the genus *Eumeces* — skinks;
- (h) all species of the genus *Elgaria* — alligator lizards;
- (i) all species of the genus *Thamnophis* — garter snakes;
- (j) *Charina bottae* — rubber boa;
- (k) *Coluber constrictor* — racer;
- (l) *Contia tenuis* — sharptail snake;
- (m) *Hypsiglena torquata* — night snake;
- (n) *Pituophis catenifer* — gopher snake;
- (o) *nora semiannulata* — ground snake.

**Schedule B**

[sections 10 (1) (a), 4, 2 (1), 6 (1)]

[en. B.C. Reg. 253/2000, App. 2, s. 9.]

**1** Mammals of the following species:

- (a) all species of the subfamily *Arvicolinae* — voles and lemmings, except for *Ondatra zibethicus* — muskrat;
- (b) all species of the genus *Peromyscus* — deer and Keen's mice;
- (c) *Scapanus orarius* — coast mole;
- (d) *Lepus americanus* — snowshoe hare;
- (e) *Neotoma cinerea* — bushy tailed woodrat;
- (f) *Erithizon dorsatum* — porcupine;
- (g) *Thomomys talpoides* — northern pocket gopher;
- (h) *Marmota flaviventris* — yellow-bellied marmot;
- (i) *Marmota monax* — woodchuck;
- (j) *Spermophilus columbianus* — Columbian ground squirrel;
- (k) *Mephitis mephitis* — striped skunk;
- (l) *Spilogale putorius* — spotted skunk;
- (m) *Procyon lotor* — raccoon.

**Schedule C**

[sections 10 (1) (a), 11 (1), 4, 2 (1), 6 (1)]

[en. B.C. Reg. 253/2000, App. 2, s. 9.]

**1** Mammals of the following species:

- (a) all species of the genus *Sciurus* — gray and fox squirrels;
- (b) *Didelphis virginiana* — North American opossum;
- (c) *Sylvilagus floridanus* — eastern cottontail;
- (d) *Oryctolagus cuniculus* — European rabbit;

(e) *Myocastor coypus* — nutria.

2 Birds of the following species or their nests or eggs:

(a) all species of the genus *Corvus* — crows, except *Corvus corax* — common raven;

(b) *Pica pica* — black-billed magpie;

(c) *Sturnus vulgaris* — European starling;

(d) *Passer domesticus* — house sparrow;

(e) *Columbia livia* — rock dove;

(f) *Molothrus ater* — brown-headed cowbird.

3 Amphibians of the following species:

(a) *Rana catesbeiana* — bullfrog;

(b) *Rana clamitans* — green frog.

4 Reptiles of the following species:

(a) all species of the family *Chelydridae* — snapping turtles.

#### **Schedule D**

[section 13 (1)]

[en. B.C. Reg. 253/2000, App. 2, s. 9.]

1 Mammals of the following species:

(a) *Enhydra lutris* — sea otter.

#### **Schedule E**

[section 13 (2)]

[en. B.C. Reg. 253/2000, App. 2, s. 9.]

1 Mammals of the following species:

(a) *Marmota vancouverensis* — Vancouver Island marmot.

2 Birds of the following species:

- (a) *Athene cunicularia* — burrowing owl;
- (b) *Pelecanus erythrorhynchos* — American white pelican.

[Provisions of the *Wildlife Act*, R.S.B.C. 1996, c. 488, relevant to the enactment of this regulation: sections 6 and 108]

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