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IMPORTANT INFORMATION

B.C. Reg. 253/2000
O.C. 994/2000

Deposited July 7, 2000
effective September 1, 2000

Wildlife Act
PERMIT REGULATION

[includes amendments up to B.C. Reg. 237/2007, June 21, 2007]

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Definitions

1 In this regulation:

"Act" means the *Wildlife Act*;

"government agency" means

- (a) the government of Canada or an agency operated or maintained by that government,
- (b) the government of a province in Canada or an agency operated or maintained by a province, or
- (c) the government of the United States of America, a state of the United States or an agency operated or maintained by the United States or a state of the United States;

"licence year" means the period commencing April 1 in a calendar year and ending on March 31 of the following calendar year;

"regional manager", except in sections 6 (2), 9 (1), 17 (1) and 23 (4) (c), includes a person authorized by a regional manager;

"shot" has the same meaning as in B.C. Reg. 76/84, the Closed Areas Regulation;

"zoo" means a place or enclosure where animals are kept in captivity for public viewing or public display, but does not include a permitted rehabilitation facility or a business for the sale of live animals.

Authorization by permit

2 A regional manager may issue a permit in accordance with this regulation on the terms and for the period he or she specifies

- (a) authorizing a person to use land or resources in a wildlife management area in accordance with section 4 (4) of the Act,
- (b) authorizing a resident to hunt, trap or kill wildlife on his or her own property during the open or closed season, including by the use of poison, for the following purposes:
 - (i) agricultural crop protection;
 - (ii) controlling wildlife populations,

- (c) authorizing a person to hunt, trap or kill wildlife during the open or closed season for the following purposes:
 - (i) scientific purposes;
 - (ii) educational purposes;
 - (iii) if the regional manager considers it necessary for the proper management of the wildlife resource;
 - (iv) on behalf of the government, to destroy wildlife that is dangerous to public safety;
 - (v) on behalf of the government, to destroy wildlife that is so badly injured that prolonging the animal's life would result in the animal suffering unduly,
- (d) authorizing a person to hunt, trap or kill wildlife in a wildlife sanctuary,
- (e) authorizing a person to trap wildlife during the open or closed season with a trap that is prohibited by regulation,
- (f) authorizing a person to traffic in
 - (i) legally taken wildlife meat,
 - (ii) his or her possessory interest in wildlife legally held captive, or
 - (iii) his or her possessory interest in dead wildlife or wildlife parts,
- (g) authorizing a person to allow a dog to pursue small game, excluding migratory game birds, during the open or closed season for the purpose of conducting field dog trials,
- (h) authorizing a person to capture live wildlife,
- (i) authorizing a person to discharge a firearm in a no shooting area,
- (j) authorizing a person to possess live wildlife,
- (k) authorizing
 - (i) a person to possess and dispose of dead wildlife or parts of wildlife for scientific or educational purposes, or
 - (ii) a person to possess and dispose of dead wildlife or parts of wildlife for a ceremonial or societal purpose,
- (l) authorizing a licensed trapper or a person exempt from holding a trapping licence to set traps for and trap fur bearing animals on a trapline registered to another person,

- (m) authorizing a person to transport or engage another person to transport live wildlife within British Columbia,
- (n) authorizing a person to export from British Columbia
 - (i) wildlife,
 - (ii) parts of wildlife, or
 - (iii) an egg of a wildlife species,
- (o) authorizing a person to release an animal from captivity,
- (p) transferring the right of property in dead wildlife or wildlife parts from the government to a person,
- (q) authorizing an assistant guide to exercise the privileges and perform the duties of a guide outfitter under the Act and regulations,
- (r) authorizing a person or association to organize or carry on an operation for the purpose of hunting game birds, excluding migratory game birds, on property the person or association owns or controls access to,
- (s) authorizing an institution or non-profit organization directly concerned with physically or mentally disabled persons or persons under 19 years of age to undertake fishing programs in non-tidal waters of British Columbia and exempting the participants of the program from the requirement to hold an angling licence,
- (t) authorizing a person, for the purpose of rehabilitating wildlife, to do any or all of the following:
 - (i) keep wildlife in captivity;
 - (ii) capture wildlife;
 - (iii) transport wildlife
 - (A) to a rehabilitation facility, or
 - (B) for the purpose of releasing the wildlife;
 - (iv) release wildlife;
 - (v) perform euthanasia on wildlife;
 - (vi) possess dead wildlife for the purpose of disposal,
- (u) Repealed. [B.C. Reg. 441/2004.]
- (v) authorizing a person in need of sustenance to possess game meat for the purpose of providing sustenance for him or herself and his or her dependants,

(w) authorizing a food bank or similar non-profit organization to possess and distribute game meat to persons in need of sustenance,

(x) Repealed. [B.C. Reg. 441/2004.]

(y) authorizing a person to possess dead wildlife or parts of wildlife if the documentation to prove ownership under section 2 (2) or 2 (3) of the Act has been lost or destroyed, or

(z) Repealed. [B.C. Reg. 441/2004.]

[am. B.C. Regs. 358/2002, s. 1; 441/2004.]

Rainbow trout ponds

2 . 1 (1) In this section "**pond**" means an artificially created pool of water

(a) that is a closed-system for holding rainbow trout,

(b) that is not connected to a natural watercourse,

(c) from which rainbow trout can not escape to tidal or non-tidal waters if the pond overflows, and

(d) that is not used for commercial aquaculture.

(2) A regional manager, or a person authorized by a regional manager, may issue live fish permits for the transportation of rainbow trout from a licensed aquaculture facility in British Columbia as defined in B.C. Reg. 364/89, the Aquaculture Regulation, to a pond or for holding rainbow trout in a pond.

[en. B.C. Reg. 249/2001.]

Exemptions by permit

3 (1) A regional manager may issue a permit in accordance with this regulation on the terms and for the period he or she specifies, exempting a person from

(a) the prohibition in section 9 (1) of the Act against destroying beaver or muskrat dens or houses or beaver dams,

(b) for permits issued under section 2 (b), (c) or (d), the prohibitions in section 26 (1) (d), (e) or (h) of the Act against hunting, taking, trapping, wounding or killing wildlife

(i) with a firearm or a bow during prohibited hours,

(ii) by the use of or with the aid of a light or illuminating device, or

- (iii) with a pump, repeating or auto loading shotgun unless the magazine is incapable of holding more than 2 cartridges,
- (c) the prohibitions in section 27 of the Act against
 - (i) discharging a firearm or killing wildlife from a motor vehicle or from a boat that is propelled by a motor,
 - (ii) hunting wildlife from an aircraft or using a helicopter to transport hunters or game, or
 - (iii) herding wildlife with the use of a motor vehicle, aircraft, boat or other mechanical device,
- (d) the prohibitions in section 34 of the Act against possessing, taking or destroying
 - (i) a bird or its egg,
 - (ii) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
 - (iii) the nest of a bird not referred to in subparagraph (ii), when the nest is occupied by a bird or its egg,
- (e) Repealed. [B.C. Reg. 441/2004.]
- (f) the prohibitions in section 10 (1) of B.C. Reg. 76/84, the Closed Area Regulation, against discharging
 - (i) a firearm in an area set out in Schedule 9 to that regulation unless the person uses shot only,
 - (ii) a firearm in an area set out in Schedule 10 to that regulation during the appropriate period set out in that Schedule for each area unless the person uses shot only,
 - (iii) a rifle in an area set out in Schedule 11 to that regulation, or
 - (iv) a firearm in an area set out in Schedule 13 to that regulation unless the person uses non-toxic shot only, or
- (g) an order of the regional manager under section 7 (4) of the Act.

(2) A regional manager may issue a permit in accordance with this regulation, on the terms and for the period he or she specifies, exempting a person from

(a) any provisions of the Motor Vehicle Prohibition Regulation, B.C. Reg. 196/99, and

(b) any of the following provisions of the Public Access Prohibition Regulation, B.C. Reg. 187/2003: section 2; section 3; section 6; section 7; section 9; section 10.

(3) Repealed. [B.C. Reg. 441/2004.]

[am. B.C. Regs. 258/2003; 441/2004.]

Director's permits

4 The director may issue a permit in accordance with this regulation on the terms and for the period he or she specifies,

(a) if satisfied that special circumstances exist, authorizing a non-resident or non-resident alien,

(i) to hunt game, or

(ii) to angle for fish,

(b) authorizing a person to import into British Columbia

(i) live wildlife, or

(ii) the egg of a wildlife species,

(c) authorizing an educational institution or non-profit organization that provides outdoor educational programs in British Columbia to undertake fishing programs in non-tidal waters of British Columbia and exempting the participants of the program from the requirement to hold an angling licence, or

(d) Repealed. [B.C. Reg. 441/2004.]

(e) that will be awarded to the nominee of a person who holds a raffle or auction in accordance with a contract that person entered into with the government, authorizing a person to hunt game

(i) in an open or closed season, and

(ii) in excess of the bag limit for the species of game.

[am. B.C. Reg. 441/2004.]

Restrictions on issuing permits generally

5 (1) Before issuing a permit under section 2, 3 or 4 the regional manager or the director, as applicable, must be satisfied

(a) that the applicant meets the specific requirements, if any, for the permit as set out in this regulation, and

(b) that issuing the permit is not contrary to the proper management of wildlife resources in British Columbia.

(2) A permit must not be issued to a person

(a) who is under 10 years of age, or

(b) who is under 19 years of age unless a parent or guardian of the person has consented in writing to the application.

Restrictions on permits providing possessory or property rights

6 (1) A regional manager must not issue

(a) a permit under section 2 (j) or (p) if the wildlife or parts that are the subject of the permit were taken, captured, possessed, transported, hunted, trapped, imported or killed contrary to the Act or regulations,

(b) a permit under section 2 (p) if the wildlife that is the subject of the permit was killed by accident, for a humane purpose or for the protection of life or property, unless the regional manager is satisfied that special circumstances exist,

(c) a permit under section 2 (p) transferring a right of property in

(i) eagles,

(ii) migratory insectivorous birds or migratory non-game birds both as defined in the Convention appended to the *Migratory Birds Convention Act, 1994* (Canada),

(iii) endangered species or threatened species, or

(iv) antlers, or

(d) a permit under section 2 (p) for wildlife if the value of the wildlife or wildlife parts is greater than \$200 unless

(i) the person applying for the permit will receive the dead wildlife or wildlife parts as compensation for conducting work or an activity on behalf of the government, or

(ii) the person applying for the permit is applying on behalf of a charitable organization in British Columbia.

(2) For the purpose of subsection (1) (d), the value of wildlife or wildlife

parts is to be determined by the regional manager based on the average price the government receives at auction for wildlife or wildlife parts of the particular species, of similar size and in similar condition.

(3) Despite subsection (1), a regional manager may issue a permit under section 2 (j) or (p), as applicable, to an educational institution or a scientific organization or an agent of either

- (i) to authorize the possession of, or
- (ii) to transfer property rights in

wildlife or parts of wildlife for an educational or scientific purpose.

(4) Despite subsection (1) (a), a regional manager may issue a permit under section 2 (p) with respect to dead wildlife or a part of wildlife to a person who finds and collects that wildlife or part and who was not a party to any of the activities referred to in subsection (1) (a) with respect that wildlife or part, other than transporting and possessing, if the person immediately notifies an officer that he or she is in possession of that dead wildlife or part and applies for the permit.

[am. B.C. Reg. 358/2002, s. 2.]

No permit to import certain wildlife

7 (1) For the purpose of section 21 of the Act and section 4 (b) of this regulation, a permit must not be issued to authorize the importation of a species of wildlife listed in Schedule 1.

(2) Despite subsection (1), the director may issue a permit under section 4 (b) for a species of wildlife listed in Schedule 1 if the applicant is an educational institution or scientific organization or an agent of either and the director is satisfied that the importation will not be detrimental to native wildlife or wildlife habitat.

General offence — failure to comply with permit

8 A person who holds a permit under the Act or this regulation commits an offence if he or she fails to comply with a term of the permit.

Live capture permits

9 (1) An application for a permit under section 2 (h) must be made to the regional manager in writing and must either contain the following information or specify when the applicant will provide the following information:

- (a) the name, address and date of birth of the applicant;
 - (b) the species, age, sex and number of wildlife to be captured;
 - (c) the location of the proposed capture;
 - (d) the method of capture and transportation of the wildlife to be captured;
 - (e) the standard of care for the wildlife to be captured;
 - (f) the proposed use of the wildlife.
- (2) A person is not eligible for a permit under section 2 (h) if the person has been convicted of an offence
- (a) specified under section 84 (1) (a) of the Act, within the 5 year period immediately preceding the application for a permit, or
 - (b) specified under section 84 (1) (b) of the Act, within the 3 year period immediately preceding the application for a permit.
- (3) A permit under section 2 (h) for the capture of a raptor for the purposes of falconry may be issued only to a resident.
- (4) The following are terms of every permit issued under section 2 (h):
- (a) the holder of the permit must notify the permit issuer in writing within 21 days after the capture of wildlife of
 - (i) the species, age, sex and number of the wildlife captured and whether alive or dead,
 - (ii) the date of capture of each animal,
 - (iii) the location of capture of each animal, and
 - (iv) the provisions instituted and maintained to ensure humane care of the wildlife;
 - (b) if no wildlife is captured under the permit the holder of the permit must, within 21 days after the expiry date of the permit, notify the permit issuer in writing that no wildlife was captured under the permit;
 - (c) if the holder of the permit is under 19 years of age, he or she may carry out the activities authorized by the permit only if accompanied by a resident who is 19 years of age or over.

Sections 2 (j), (m), (n), (o) and 4 (b) permit requirements

- 10** (1) A regional manager or the director, as applicable, must not issue a permit with respect to live wildlife under section 2 (j), (m), (n), (o) or 4 (b) unless the applicant has submitted a plan with his or her permit application that demonstrates that public safety will not be jeopardized by any activity to be undertaken under the permit.
- (2) It is a term of every permit issued with respect to live wildlife under sections 2 (j), (m), (n) and (o) and 4 (b) that the permit holder comply with the plan submitted under subsection (1).
- (3) Subsection (1) does not apply to a permit respecting a raptor used for falconry purposes.

[am. B.C. Reg. 134/2002.]

Exemption — feeding dangerous wildlife

- 11** A person who holds a permit under section 2 (h), (j), (m), (n) or (o) or 4 (b) is exempt from section 33.1 of the Act for the purpose of feeding dangerous wildlife held under the permit.

Conditions attached to live wildlife permits

- 12** A permit issued under section 2 (h), (j), (m) or (n) (i) or 4 (b) may include
- (a) terms and conditions respecting the location, dimensions, construction and maintenance of, and the materials to be used in constructing and maintaining, enclosures for wildlife, and
 - (b) terms and conditions intended to
 - (i) protect against unnecessary suffering by the wildlife,
 - (ii) provide adequate protection and shelter for the wildlife,
 - (iii) facilitate safe and sanitary cleaning of the wildlife and enclosures,
 - (iv) prevent the escape of the wildlife, and
 - (v) prevent, by means of a secondary fence or barrier, members of the public from coming into personal contact with an enclosure.

Record of live wildlife held requirement

- 13** The following are terms of every permit issued under section 2 (j):
- (a) the permit holder must maintain an accurate up to date

record of the wildlife held under the permit which shows all additions and deletions from the record and which includes the following information:

- (i) the common name of the wildlife;
 - (ii) the number, sex, maturity and condition of the wildlife;
 - (iii) the name and address of the person or organization who provided the wildlife;
 - (iv) the name and address of the person or organization to whom the wildlife was provided, if any;
 - (v) the number of the permit under which the wildlife was captured, transported or imported;
 - (vi) the manner, form, locations and date of marking of wildlife taken from the wild and the number and date of the official receipt for the capture fee;
- (b) the permit holder must submit a copy of the record referred to in paragraph (a) to the permit issuer within 21 days after the expiry date of the permit;
- (c) the permit holder must produce a copy of the record referred to in paragraph (a) on demand of an officer.

Record of wildlife killed requirement

14 The following are terms of every permit issued under section 2 (b), (c) (i), (ii), (iv) or (v), (d), 3 (1) (a), (c) or (d):

- (a) the permit holder must maintain an accurate up to date record of the wildlife hunted, trapped or killed under the permit, which includes the following information:
- (i) the common name of the wildlife;
 - (ii) the location where the wildlife was taken;
 - (iii) the date the wildlife was hunted, trapped or killed;
 - (iv) the sex and age class of the wildlife taken;
 - (v) the bands or tags on the wildlife;
 - (vi) a description of all nests, dams or other structures destroyed or removed;
- (b) the permit holder must submit the original record referred to in paragraph (a) to the permit issuer within 21 days after

the expiry date of the permit;

(c) the permit holder must produce a copy of the record referred to in paragraph (a) on the demand of an officer.

Application of section 33 (2) of the Act

15 (1) For the purposes of section 33 (2) of the Act, it is not an offence for a person to possess

(a) antlers,

(b) bird feathers, except feathers from migratory insectivorous birds or migratory non-game birds both as defined in the Convention appended to the *Migratory Birds Convention Act, 1994* (Canada),

(c) wildlife or parts of wildlife that were disposed of by the government under section 46 of the *Financial Administration Act*, if

(i) the person is in possession of the British Columbia Surplus Sales Invoice for that wildlife or part, and

(ii) the wildlife or part is tagged with a bar code or other marking that matches the invoice described in subparagraph (i),

(d) wildlife or parts of wildlife that was killed lawfully outside of British Columbia and was subsequently brought into British Columbia in a lawful manner,

(e) wildlife or parts of wildlife that have been processed or manufactured into a product that no longer resembles the original dead wildlife or parts,

(f) game meat, if the person possesses a written record issued by a food bank or non-profit organization identifying the species of game meat and stating that the meat is distributed under a permit issued under section 2 (w), and

(g) dead wildlife or wildlife parts under a permit issued under section 2 (p) or (x) if the person has the permit in his or her possession.

(2) The burden of proving an entitlement under subsection (1) (d) is on the person claiming the exemption.

[am. B.C. Reg. 358/2002, s. 3.]

Permits under section 70 (1) (a) of the Act and offences

16 (1) To be eligible for a permit under section 70 (1) (a) of the Act an applicant must

- (a) be at least 19 years of age,
- (b) be a citizen or permanent resident of Canada, and
- (c) have
 - (i) held a British Columbia resident hunting licence and a big game species licence for 3 of the 5 licence years immediately preceding the application for a permit, or
 - (ii) successfully completed the CORE program as defined in B.C. Reg. 53/98, the Hunter Safety Training Regulation, and have held a British Columbia resident hunting licence and a big game species licence for 2 of the 5 licence years immediately preceding the application for a permit.

(2) A person is not eligible for a permit under section 70 (1) (a) of the Act if

- (a) another permit under section 70 (1) (a) of the Act has been issued to the person in the same licence year,
- (b) either the applicant or the non-resident or non-resident alien to whom the permit would apply has been convicted of an offence
 - (i) specified under section 84 (1) (a) of the Act within the 5 year period immediately preceding the application for a permit, or
 - (ii) specified under
 - (A) section 84 (1) (b) of the Act, or
 - (B) the *Firearm Act*within the 3 year period immediately preceding the application for a permit, or
- (c) another permit under section 70 (1) (a) of the Act has been issued for a different time period in the same licence year that applies to the non-resident or non-resident alien whom the person will accompany under the permit.

(3) A permit must not be issued under section 70 (1) (a) of the Act

- (a) for a period of more than 21 days,

(b) that applies to more than one region established by section 3 of B.C. Reg. 190/84, the Hunting Regulation,

(c) to allow the permit holder to accompany more than 2 non-residents or non-resident aliens, or

(d) to allow the permit holder to accompany a non-resident alien who is not, in relation to the permit holder, a father, brother, son, uncle, nephew, grandson, grandfather, mother, sister, daughter, aunt, niece, granddaughter, grandmother, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

(4) A person commits an offence if he or she

(a) hunts big game while in the company of a non-resident or non-resident alien who is hunting big game unless there is present a guide licenced under the Act or a person who holds a permit under section 70 (1) (a) of the Act that applies to that non-resident or non-resident alien,

(b) holds a permit under section 70 (1) (a) of the Act and, while accompanying a non-resident or non-resident alien to which the permit applies, fails to hold a valid British Columbia resident hunting licence and a species licence for the species being hunted, or

(c) holds a permit under section 70 (1) (a) of the Act and fails to accompany the non-resident or non-resident alien to which the permit applies while that person is hunting big game unless a guide licenced under the Act or another person who holds a permit under section 70 (1) (a) of the Act that applies to the same non-resident or non-resident alien is accompanying that non-resident or non-resident alien.

(5) If the circumstances of a person to whom a permit under section 70 (1) (a) of the Act has been issued or of the non-resident or non-resident alien to whom the permit applies change before the time specified in the permit so that the person or the non-resident or non-resident alien no longer meet the requirements of subsections (1), (2) and (3) (d), the person commits an offence if he or she carries out the activities authorized by the permit.

(6) It is a term of every permit issued under section 70 (1) (a) of the Act that, within 10 days after the hunt authorized by the permit is concluded, the permit holder submit a report containing the following

information to the permit issuer:

- (a) the name of the permit holder;
- (b) the name of the hunter accompanied by the permit holder;
- (c) the management unit and the location within the management unit where the permit holder and the accompanied hunter hunted;
- (d) the dates that the permit holder and the accompanied hunter hunted and the total number of days hunted;
- (e) the species hunted;
- (f) details of each game animal killed including
 - (i) species,
 - (ii) sex,
 - (iii) age class, and
 - (iv) the location where the game was killed.

(7) A permit holder may submit the information required under subsection (6) in a form provided by the director for that purpose.

(8) It is a term of every permit issued under section 70 (1) (a) of the Act that, within 30 days after the hunt authorized by the permit is concluded, the permit holder must submit royalties to the director for each animal taken by a non-resident or non-resident alien under the permit, in the amount provided in Schedule 1.06 of the Wildlife Act Commercial Activities Regulation.

[am. B.C. Reg. 142/2004.]

Substitute guide permits and offence

17 (1) A permit may be issued under section 2 (q) only if the guide outfitter who has endorsed the assistant guide licence of the applicant is unable to exercise his or her privileges and perform his or her duties under the Act because of illness or injury or other special circumstance acceptable to the regional manager.

(2) An assistant guide is not eligible for a permit under section 2 (q) if the assistant guide

- (a) is under 19 years of age,
- (b) holds another permit under section 2 (q),
- (c) does not meet the qualifications described in sections 50

and 51 of the Act, or

(d) has been convicted of an offence

(i) specified under section 84 (1) (a) of the Act, within the 5 year period immediately preceding the application for a permit, or

(ii) specified under

(A) section 84 (1) (b) of the Act, or

(B) the *Firearm Act*,

within the 3 year period immediately preceding the application for a permit.

(3) If the public liability insurance policy of the guide outfitter who has endorsed the assistant guide licence of the applicant insures the applicant and any other assistant guides employed by that guide outfitter, the applicant is exempt from section 51 (1) (c) of the Act.

(4) A permit must not be issued under section 2 (q)

(a) for a period that extends past the last day of the current licence year,

(b) that applies to more than one guide area, or

(c) that applies to a guide area for which another permit under section 2 (q) is valid.

(5) A person commits an offence if he or she exercises the privileges or performs the duties of a guide outfitter under a permit issued under section 2 (q) and fails to comply with any requirement of the Act or regulations pertaining to a guide outfitter except those set out in subsection (7) (a).

(6) If the circumstances of the assistant guide to whom a permit under section 2 (q) has been issued or of the guide outfitter to whom the permit relates change during the period specified in the permit so that the assistant guide or the guide outfitter no longer meet the requirements of subsections (1) and (2), the assistant guide commits an offence if he or she exercises the privileges or performs the duties of a guide outfitter under the permit.

(7) A guide outfitter for whom an assistant guide has obtained a permit under section 2 (q)

(a) remains responsible for complying with section 69 of the Act and sections 1.01 and 1.06 of B.C. Reg. 338/82, the

Wildlife Act Commercial Activities Regulation, and

(b) is exempt from sections 48 (3) and 55 of the Act until the expiry of the permit.

Replacement ownership permit

18 (1) A regional manager must not issue a permit under section 2 (y) unless the applicant completes a statutory declaration or swears an affidavit stating that the applicant is the lawful owner of the wildlife and that section 2 (2) or (3) of the Act applies to the wildlife.

(2) The fee for a statutory declaration under subsection (1) is set out in Schedule 3.

Commercial game club permits and offence

19 (1) There is no bag limit or possession limit on game birds released and subsequently taken on property operated under a permit issued under section 2 (r).

(2) A person who has in his or her possession, in a place other than on property for which a permit under section 2 (r) has been issued, game birds taken under the authority of a permit issued under section 2 (r) must produce on demand of an officer a written record issued by the permit holder identifying the location where the game birds were taken.

(3) A person must not hunt game birds under a permit issued under section 2 (r) during the period between April 1 and July 31.

(4) A person who fails to comply with subsection (2) or (3) of this section commits an offence.

Rehabilitation records and offence

20 The following are terms of every permit issued under section 2 (t):

(a) the permit holder must maintain an accurate up to date record of the wildlife held under the permit, showing all additions and deletions from the record and including the following information:

- (i) the common name of the wildlife;
- (ii) the location where the wildlife was obtained;
- (iii) the date the wildlife was received;
- (iv) the sex, maturity and physical condition of the wildlife on receipt;

- (v) the bands or tags on the wildlife;
 - (vi) the number of the permit under which the wildlife is held;
 - (vii) the date and manner in which care of the wildlife was terminated;
 - (viii) whichever of following applies:
 - (A) if the wildlife died, the location of death;
 - (B) if the wildlife was released, the location of release;
 - (C) if the wildlife was transferred, the transfer destination;
 - (D) if the wildlife is permanently held captive, the location of the holding facility;
- (b) the permit holder must submit a copy of the record referred to in paragraph (a) to the permit issuer within 21 days after the expiry date of the permit;
- (c) the permit holder must produce a copy of the record referred to in paragraph (a) on the demand of an officer.

Zoo permits

- 21** (1) A permit must not be issued under section 2 (j) for the purpose of operating a zoo for more than
- (a) 20 elk over 2 years of age,
 - (b) 20 moose over 2 years of age,
 - (c) 20 caribou over 2 years of age,
 - (d) 20 female mule deer over 2 years of age,
 - (e) 20 male mule deer over 2 years of age,
 - (f) 20 female white-tailed deer over 2 years of age,
 - (g) 20 male white-tailed deer over 2 years of age,
 - (h) 30 female sitka deer over 2 years of age,
 - (i) 30 male sitka deer over 2 years of age,
 - (j) 30 female black-tailed deer over 2 years of age,
 - (k) 30 male black-tailed deer over 2 years of age,
 - (l) 40 bighorn sheep over 2 years of age,

- (m) 20 stone sheep over 2 years of age,
- (n) 20 Dall's sheep over 2 years of age,
- (o) 20 mountain goats over 2 years of age,
- (p) 6 black bears over 2 years of age,
- (q) 6 grizzly bears over 2 years of age,
- (r) 20 wolves over 2 years of age,
- (s) 6 cougar over 2 years of age,
- (t) 6 lynx over 2 years of age,
- (u) 6 bobcat over 2 years of age, or
- (v) 2 wolverines over 2 years of age.

(2) An applicant for, and a holder of, a permit under section 2 (j) for the purpose of operating a zoo must have and maintain public liability and property damage insurance in the amount of not less than \$1 million which must be

- (a) valid for the same term as the permit, and
- (b) applicable to the operation of a zoo.

(3) A person who fails to comply with subsection (2) commits an offence.

Time limitation on permits

22 (1) Except as otherwise set out in this regulation, a permit issued under section 2, 3 or 4 must not be issued for a period of time greater than 5 years from the date of issue.

(2) Subsection (1) does not apply to a permit issued under section 2 (k), (p), (x) or (y).

(3) Despite section 23 (1) and (3), if a regional manager issues a permit under section 2 (a), (f), (h), (j), (l), (m), (r) or (z), section 3 (1) (a), (c), (d), (f) or (g) or (2) of this regulation or section 7 (3) of the Act for a period longer than one year, the fee and surcharge set out in Schedule 2 or 3 are the annual fee and habitat conservation trust fund surcharge that are to be charged for each full year or portion of a year for which the permit is issued.

[am. B.C. Reg. 358/2002, s. 4.]

Fees and exemptions

- 23** The fee and habitat conservation trust fund surcharge to be paid by
- (a) an applicant for a permit to capture wildlife under section 2 (h), and
 - (b) the holder of a permit issued under section 2 (h) on capturing wildlife

are set out in Schedule 2.

(2) The fee and habitat conservation trust fund surcharge for a permit under section 2 (p) is

- (a) double the amount set out in Schedule 3 if issued to a non-resident, and
- (b) triple the amount set out in Schedule 3 if issued to a non-resident alien.

(3) The fees and habitat conservation trust fund surcharges for any permit not referred to in subsection (1) or (2), including permits issued under sections 7 (3) and 70 (1) (a) and (b) of the Act, are set out in Schedule 3.

(4) The following are exempt from paying fees and surcharges for the specified permits:

- (a) a government agency or a person carrying out an activity on behalf of a government agency for any permit;
- (b) a person issued a permit under section 2 (p) if the person is to receive the dead wildlife or wildlife parts as compensation for conducting work or an activity on behalf of the government;
- (c) a person issued a permit under section 2 (p) or (x) if a regional manager is satisfied the dead wildlife or wildlife parts are being given to a resident or an organization within British Columbia for a charitable purpose;
- (d) a permit issued under section 3 (1) (c) (i) or (2) to a disabled person for the purpose of allowing him or her to hunt or trap during an open season for game;
- (e) a permit issued under section 2 (j) to the following for their own facility:
 - (i) a municipality under the *Local Government Act*;
 - (ii) the City of Vancouver;

(f) a person who requires a permit for the purposes of non-profit scientific research.

(5) If a single permit is issued to a person under more than one paragraph or subparagraph of section 2, 3 or 4, the person must pay the fee and surcharge for the single most costly permit authorized by those paragraphs and subparagraphs.

(6) Unless a permit is one for which no fee and surcharge is set out in Schedule 3, if a regional manager amends a permit under section 19 (4) of the Act at the request of the permit holder, the permit holder must pay the fee set out for a permit amendment in Schedule 3.

[am. B.C. Reg. 13/2006.]

Export permit exemptions

24 (1) If the holder of a resident species licence or a non-resident species licence for any of the following species has complied with the requirements of the Act and regulations respecting the use of the licence and the taking of the game, the holder is exempt from section 21 (1) (b) of the Act for a period of one year from the cancellation of the licence:

- (a) mule deer;
- (b) black-tailed deer;
- (c) white-tailed deer;
- (d) fallow deer;
- (e) moose;
- (f) elk;
- (g) black bear;
- (h) lynx;
- (i) wolverine;
- (j) bison.

(2) If the holder of a resident hunting licence or a non-resident wolf species licence has complied with the requirements of the Act and regulations respecting the use of the licence and the taking of the wolf, the holder is exempt from section 21 (1) (b) of the Act, in the case of a resident, for a period of one year from taking a wolf, or, in the case of a non-resident or non-resident alien, for a period of one year from cancellation of the licence.

(3) Except as provided in subsection (4), if the holder of a hunting licence or bobcat species licence has complied with the requirements of the Act and regulations respecting the use of the licence and the taking of the bobcat or small game, the holder is exempt from section 21 (1) (b) of the Act for a period of one year from the taking of the bobcat or small game.

(4) If a non-resident or non-resident alien who holds an upland game bird licence has complied with the requirements of the Act and regulations respecting the use of the licence and the taking of the upland game bird, the holder is exempt from section 21 (1) (b) of the Act for a period of one year from the taking of the upland game bird under the licence.

(5) Repealed. [B.C. Reg. 237/2007, s. (a).]

(6) The exemptions provided under this section apply only if the holder of the licence accompanies the game out of the Province.

[am. B.C. Reg. 171/2006, s. (a); 237/2007.]

CITES export requirements

25 Nothing in section 24 exempts a person from holding an export permit issued under the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (Canada) for a species of wildlife listed in an Appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Export exemption for shipping within British Columbia

26 A person who mails or commercially ships wildlife or parts of wildlife is exempt from section 21 (1) (b) of the Act if the final destination of the wildlife or parts of wildlife is a place within British Columbia.

Schedule 1

[Section 7 (1)]

For the purposes of section 7 (1), live import permits must not be issued for the following wildlife:

1 Mammals of the following species:

(a) all species of the family *Cervidae* — deer family;

- (b) all species of the family *Talpidae* — moles;
- (c) all species of the family *Vespertilionidae* — vespertilionid bats;
- (d) all species of the subfamily *Arvicolinae* — voles and lemmings;
- (e) all species of the subfamily *Sigmodontinae* — new world rats and mice;
- (f) all species of the family *Dipodidae* — jumping mice and jerboas;
- (g) all species of the family *Leporidae* — hares and rabbits except for *Oryctolagus cuniculus* — european rabbit;
- (h) all species of the genus *Glaucomys* — flying squirrels;
- (i) all species of the genus *Marmota* — marmots and woodchucks except for *Marmota vancouverensis* — Vancouver Island marmot;
- (j) all species of the genus *Sciurus* — gray and fox squirrels;
- (k) all species of the genus *Tamias* — chipmunks;
- (l) all species of the genus *Erinaceus* — hedgehogs;
- (m) all species of the genus *Peromyscus* — deer mice;
- (n) all species of the genus *Cynomys* — prairie dogs;
- (o) *Nyctinomops macrotis* — big free-tailed bat;
- (p) *Nyctereutes procyonoides* — raccoon dog;
- (q) *Procyon lotor* — raccoon;
- (r) *Mephitis mephitis* — striped skunk;
- (s) *Spilogale putorius* — spotted skunk;
- (t) *Didelphis virginiana* — North American opossum;
- (u) *Vulpes vulpes* — fox;
- (v) *Alopex lagopus* — arctic fox;
- (w) *Vulpes macrotis* — kit fox;
- (x) *Neotoma cinerea* — bushy-tailed wood rat;
- (y) *Thomomys talpoides* — northern pocket gopher;
- (z) *Myocastor coypus* — nutria.

2 Birds of the following species:

- (a) all species of eagles that are not indigenous to British Columbia;
- (b) African and Eurasian Eagle-owls;
- (c) *Sturnus vulgaris* — European starling.

3 Amphibians of the following species:

- (a) all species of the family *Ranidae* — true frogs;
- (b) all species of the genus *Bufo* — toads.

4 Reptiles of the following species:

- (a) all species of the family *Viperidae* — vipers;
- (b) all species of the family *Trionychidae* — soft-shelled turtles;
- (c) all species of the family *Emydidae* — pond and river turtles;
- (d) all species of the family *Chelydridae* — snapping turtles;
- (e) all species of the genus *Podarcis* — wall lizards.

Schedule 2

[am. B.C. Reg. 37/2004, s. (a).]

[section 23 (1)]

- 1 The fee for a permit issued under section 2 (h) is \$100 and the habitat conservation trust fund surcharge to be paid is \$10.
- 2 In addition to the fee prescribed in section 1 of this schedule, on capture under a permit issued under section 2 (h) of the wildlife set out in Column 1 of the following table, the fee and surcharge set out in Columns 2 and 3 of the table must be paid under section 23 (1):

Column 1 Wildlife	Column 2 Fee \$	Column 3 Surcharge \$
peregrine falcon or gyrfalcon	200	40
any other raptor	25	30

black-tailed deer	120	35
mule or white-tailed deer	180	35
fallow deer	25	5
black bear	180	35
caribou	240	50
elk	300	60
moose	300	60
cougar	360	75
mountain goat	360	75
mountain sheep	600	120
grizzly bear	900	180
wolf	100	30
bison	100	30
lynx	100	30
bobcat	100	30
wolverine	100	30
a fur bearing animal (any number) not listed above	100	30
any species of wildlife (any number) not listed above	25	30

Schedule 3

[en. B.C. Reg. 37/2004, s. (b).]

- For the purposes of sections 18 and 23 (2), (3) and (6), the fee set out in Column 3 and the surcharge set out in Column 4 must be paid for a permit issued under the section set out in Column 1 generally or for the wildlife, purpose or method specified in Column 2, if any, of following table:

Column 1 Permit (section number)	Column 2 Wildlife, Purpose, or Method	Column 3 Fee \$	Column 4 Surcharge \$
2 (a)		50	50
2 (b) (i)		50	5
2 (b) (ii)		50	5
2 (c) (i)		100	10

2 (c) (ii)		100	10
2 (c) (iii)		100	10
2 (c) (iv)		-	-
2 (c) (v)		-	-
2 (d)		50	30
2 (e)		50	5
2 (f) (i)		25	5
2 (f) (ii)		100	10
2 (f) (iii)		25	5
2 (g)		25	5
2 (i)		50	5
2 (j)	(a) for a commercial operation or a non-commercial operation where the wildlife is on public display	100	30
	(b) all other circumstances	50	5
2 (k)	(a) for a scientific or educational purpose	50	5
	(b) for a ceremonial or societal purpose	-	-
2 (l)		50	5
2 (m)		50	5
2 (n)	(a) for personal use	25	5
	(b) for any other purpose	50	5
2 (o)		50	5
2 (p)	For the following wildlife or any part of the wildlife:		
	(a) a raptor	35	30
	(b) any other bird	16	15
	(c) a fur bearing animal except big game species	16	15
	(d) deer or black bear	31	30
	(e) elk or moose	41	30
	(f) cougar or mountain goat	46	30
	(g) mountain sheep	66	30
	(h) grizzly bear	91	30
	(i) bison	86	30
	(j) wolf	16	30
	(k) lynx, bobcat or wolverine	24	30
	(l) any species of wildlife not listed in	10	15

	paragraphs (a) to (k)		
2 (q)		50	5
2 (r)		100	30
2 (s)		-	-
2 (t)		-	-
2 (u)		-	-
2 (v)		-	-
2 (w)		-	-
2 (x)		25	5
2 (y)		25	5
2 (z)		25	5
2.1		50	5
3 (1) (a)		50	5
3 (1) (b)		50	5
3 (1) (c)		50	5
3 (1) (d)		50	5
3 (1) (e)		50	5
3 (1) (f)		50	5
3 (1) (g)		50	5
3 (2)		50	5
3 (3)		25	5
4 (a) (i)		-	-
4 (a) (ii)		-	-
4 (b)	(a) for personal use	25	5
	(b) for any other purpose	50	5
4 (c)		25	5
4 (d)		-	-
4 (e)		-	-
18 (2)	statutory declaration	10	-
23 (6)	permit amendment	25	5
7 (3) of the Act		100	50
70 (1) (a) of the Act		50	5
70 (1) (b) of the Act		100	50
For an expedited request the amount that must be paid for a permit is double the			

fee set out in Column 3 and double the surcharge set out in Column 4.

Note: *this regulation repeals B.C. Reg. 337/82*

[Provisions of the *Wildlife Act*, R.S.B.C. 1996, c. 488, relevant to the enactment of this regulation: sections 7, 19, 20, 70 and 108]

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