

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF
WATER, LAND AND RESOURCE STEWARDSHIP

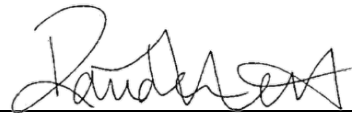
Wildlife Act

Ministerial Order No. M186

I, Randene Neill, Minister of Water, Land and Resource Stewardship, order that, effective June 20, 2025, the Controlled Alien Species Regulation, B.C. Reg. 94/2009, is amended as set out in the attached Schedule.

June 4, 2025

Date



Minister of Water, Land and Resource Stewardship

(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, 108 and 109.

Other: M 81/2009; OIC 241/2018

R10899677

SCHEDULE

1 *Section 1 (1) of the Controlled Alien Species Regulation, B.C. Reg. 94/2009 is amended*

(a) by adding the following definition:

“**aircraft**” has the same meaning as in section 95 (1) of the Act; ,

(b) by repealing the definition of “aquatic invasive species individual” and substituting the following:

“**aquatic invasive species individual**” means a single member of an aquatic invasive species; ,

(c) by adding the following definition:

“**contaminated jurisdiction**” means one or more of the following:

- (a) a jurisdiction listed in Schedule 5;
- (b) a province of Canada that is not listed in Schedule 5 but has within its jurisdiction one or more bodies of water that are contaminated with mussels;
- (c) 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; ,

(d) by repealing the definition of “mussel” and substituting the following:

“**mussel**” means a single member of an aquatic invasive species designated in Schedule 4; , ***and***

(e) by adding the following definitions:

“**mussel prevention measure**” means a measure taken by an officer under section 9.03 of this regulation;

“**mussel prevention order**” means an order issued by an officer under section 9.04 of this regulation;

“**water-related equipment**” has the same meaning as in section 95 (1) of the Act.

2 *Section 2 is repealed and the following substituted:*

**Designation of species as controlled alien species
and aquatic invasive species**

- 2**
- (1) For the purposes of paragraph (a) of the definition of “**controlled alien species**” in section 1 (1) of the Act, the species listed in Schedules 1, 2, 3 and 4 of this regulation are designated as controlled alien species.
 - (2) For the purposes of the definition of “**aquatic invasive species**” in section 1 (1) of the Act, the species listed in Schedules 3 and 4 of this regulation are designated as aquatic invasive species.

3 *The heading to Part 3 is repealed and the following substituted:*

PART 3 – AQUATIC INVASIVE SPECIES .

4 *The following section is added:*

Mandatory opening of drainage holes, valves and devices for transport

- 7.01** (1) A person must not transport, on land, a boat unless
- (a) all drainage holes, valves or other devices used to drain water from the boat are left open, other than holes, valves or devices used in kitchen or washroom facilities on the boat, or
 - (b) the boat is transported in an inverted manner and the interior of the boat is drained, including draining any ballast tanks, bilge areas or compartments.
- (2) A person must not transport, on land, water-related equipment unless all drainage holes, valves or other devices used to drain water from the equipment are left open.
- (3) A person must not transport, on land, an aircraft designed to land on water unless all drainage holes, valves or other devices used to drain water from the aircraft's pontoons are left open, other than holes, valves or devices used in washroom facilities on the aircraft.

5 *Section 7.1 is repealed and the following substituted:*

Application of Act to dead mussels

- 7.1** The following sections of the Act apply as if a dead mussel were wildlife or an animal:
- (a) section 33 (2) [*offence to possess dead wildlife unless authorized*];
 - (b) section 37 [*offence to transport wildlife unless authorized*];
 - (c) section 77 (2) [*offence to release or abandon animal*].

6 *Section 8 is amended*

- (a) *in subsection (1) by adding “and” at the end of paragraph (a) and by striking out “and” at the end of paragraph (b),*
- (b) *by repealing subsection (1) (c), and*
- (c) *in subsection (2) by striking out “Without limiting subsection (1) (c), a person is” and substituting “A person is”.*

7 *Section 9 is repealed and the following substituted:*

Officer uniform and identification required

- 9.01** An officer must be wearing an officer's official uniform or displaying an officer's official identification for the purposes of one or more of the following:
- (a) taking a mussel prevention measure in accordance with section 9.03;
 - (b) issuing a mussel prevention order in accordance with section 9.04;

- (c) enforcing an offence under section 10 [*offences*].

Grounds for mussel prevention measure or order

9.02 An officer may take a mussel prevention measure or issue a mussel prevention order in respect of a vehicle, aircraft designed to land on water or boat or any water-related equipment if one or more of the following circumstances exist:

- (a) the officer inspected the vehicle, aircraft, boat or equipment and determined that the vehicle, aircraft, boat or equipment
 - (i) may be or may have been contaminated with mussels, or
 - (ii) may be or may have been contaminated with suspected mussels;
- (b) the vehicle, aircraft, boat or equipment is owned, or is registered, licensed, insured or otherwise authorized to be possessed or operated, in a contaminated jurisdiction;
- (c) the officer has reason to believe that the vehicle, aircraft, boat or equipment was operated in, or otherwise came into contact with, water that is contaminated with mussels or water that is potentially contaminated with mussels;
- (d) the officer has reason to believe that a person may be in violation of one or more of the following provisions with respect to mussels:
 - (i) section 7 [*prohibitions*] of this regulation;
 - (ii) section 7.01 [*mandatory opening of drainage holes, valves and devices for transport*] of this regulation;
 - (iii) section 33 (2) [*offence to possess of dead wildlife unless authorized*] of the Act;
 - (iv) section 37 [*offence to transport wildlife unless authorized*] of the Act;
 - (v) section 77 (2) [*offence to release or abandon animal*] of the Act.

Mussel prevention measures

9.03 An officer may take one or more of the following mussel prevention measures in respect of a vehicle, aircraft designed to land on water or boat or any water-related equipment:

- (a) decontaminate all or part of the vehicle, aircraft, boat or equipment;
- (b) apply a seal to an aircraft or boat or any equipment.

Mussel prevention orders

9.04 (1) An officer may issue a mussel prevention order requiring a person to do one or more of the following in respect of a vehicle, aircraft designed to land on water or boat or any water-related equipment:

- (a) remove mussels or suspected mussels, within a period of time specified in the order, from the vehicle, aircraft or boat or equipment;
- (b) comply with any written directions contained or attached to the order with respect to the removal of mussels or suspected mussels;
- (c) ensure that the vehicle, aircraft, boat or equipment does not come into contact with BC waters for

- (i) a period of time specified in the order, or
 - (ii) until a condition specified in the order is satisfied;
- (d) report, within a period of time and in the manner specified in the order, with one or both of the following:
 - (i) proof, satisfactory to an officer, of compliance with the order;
 - (ii) the vehicle, aircraft, boat or equipment that is the subject of the order, for the purposes of further inspection by an officer.
- (2) An officer may issue a mussel prevention order requiring a person to do one or more of the following in respect of an aircraft designed to land on water or boat or any water-related equipment:
 - (a) remove a drainage plug, valve or device used to drain water in or on the aircraft, boat or equipment;
 - (b) leave open, for a period of time specified in the order, a drainage plug, valve or device used to drain water in or on the aircraft, boat or equipment;
 - (c) ensure that a seal applied by an officer is not altered or removed from the aircraft, boat or equipment unless the removal is directed or completed by an officer.

Interference with prevention measure

- 9.05** A person must not interfere with an officer who is taking or attempting to take a mussel prevention measure.

Compliance with mussel prevention order

- 9.06** (1) A person to whom a mussel prevention order is issued must comply with the order.
- (2) A person to whom a mussel prevention order is issued must ensure that the subject vehicle, aircraft designed to land on water, boat or water-related equipment of the order does not come into contact with BC waters until the order is complied with.
- (3) A person who engages in procedures to remove mussels or suspected mussels must ensure that the water used in those procedures does not come into contact with BC waters.

8 *Section 9.1 is repealed and the following substituted:*

Immediate destruction

- 9.1** The disposal power set out in section 97.3 [*if perishable wildlife seized*] of the Act applies to an aquatic invasive species individual as if the aquatic invasive species individual were wildlife.

9 *Section 10 is amended*

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

- (1) A person who contravenes any of the following commits an offence:
- (a) section 7 (1) [*possess aquatic invasive species individual*];

- (b) section 7 (2) *[prevent aquatic invasive species individual from breeding];*
- (c) section 7 (3) (a) or (b) *[release or allow release of aquatic individual into BC waters];*
- (d) section 7 (4) *[ship or transport aquatic species individual in BC];*
- (e) 7.01 (1) *[transporting boat - mandatory opening of drainage holes, valves and devices or complete drainage];*
- (f) 7.01 (2) *[transporting water-related equipment - mandatory opening of drainage holes, valves and devices];*
- (g) 7.01 (3) *[transporting aircraft - mandatory opening of drainage holes, valves and devices];*
- (h) section 9.05 *[interfere with officer taking mussel prevention measure];*
- (i) section 9.06 (1) *[comply with mussel prevention order];*
- (j) section 9.06 (2) *[no contact with BC waters];*
- (k) section 9.06 (3) *[water used in procedure to remove mussels not to come into contact with BC waters]. , and*

(b) by repealing subsection (3) and substituting the following:

- (3) The following are prescribed as offences for the purposes of section 84 (1) (b) (ii) of the Act:
 - (a) an offence under subsection (1) (i);
 - (b) an offence under subsection (1) (j).

10 Schedule 4 is amended by adding the following section:

- 2 Limnoperna fortunei [golden mussel] of the family Mytilidae.***

11 Schedule 5 is amended

(a) in section 1 by repealing paragraph (d),

(b) in section 1 by adding the following paragraph:

- (e) New Brunswick. ,

(c) in section 2 by repealing paragraph (r.1), and

(d) in section 2 by adding the following paragraphs:

- (f.1) Idaho;
- (v.1) North Carolina; .