
Third Session, Forty-second Parliament
1 Charles III, 2022
Legislative Assembly of British Columbia

BILL M _____

WILDLIFE AMENDMENT ACT (NO. 3), 2022

Mr. Adam Olsen

Explanatory Notes

CLAUSE 1: *[Wildlife Act, section 1]* adds a definition of “bear den”.

CLAUSE 2: *[Wildlife Act, section 9.1]* creates a new offence.

CLAUSE 3: *[Wildlife Act, section 84]* is consequential to the addition of section 9.1 to the Act by this Bill.

CLAUSE 4: *[Wildlife Act, section 108]* provides the Lieutenant Governor in Council with additional regulation-making powers respecting the preservation, protection and management of bear dens.

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WILDLIFE AMENDMENT ACT (NO. 3), 2022

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 (1) of the Wildlife Act, R.S.B.C. 1996, c. 488, is amended by adding the following definition:

“**bear den**” means a cavity within a tree, a snag, a stump or a log, greater than 0.80 meters in diameter, that is used by bears, shows evidence of use by bears, or is capable of being used by bears.

2 The following section is added to Part 1:

Damaging bear dens

9.1 (1) A person commits an offence if the person, except as provided by regulation, disturbs, molests, damages or destroys a bear den.

(2) Subsection (1) applies to a bear den located on Crown land or private land throughout British Columbia.

3 Section 84 (1) (b) (i) is amended by striking out “under section 7 (5), 9, 17.1 (4)” and substituting “under section 7 (5), 9, 9.1, 17.1 (4)”.

4 Section 108 (2) is amended by adding the following:

(b.2) respecting the preservation, protection and management of bear dens, including, without limitation, by

- (i) establishing classes based on the species of the genus of *Ursus* using bear dens,
- (ii) establishing classes based on an ecosystem or area of British Columbia in which a bear den is located,

- (iii) prescribing protected areas of contiguous mature or old forest around a bear den, and
- (iv) prescribing the minimum distance that must exist between a bear den and a road, a right of way, or other structure or activity that may cause negative effects on bears using a bear den; .

Commencement

5 This Act comes into force on the date of Royal Assent.