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SUBJECT			
Guiding Area Described on a Licence			

This Policy Replaces:

None

Staff, Organizations Directly Affected:

Fish and Wildlife Regional Managers
Director, Fish and Wildlife Branch
FrontCounter BC
Guide Outfitters.

Purpose:

To clarify and confirm the intent of amendments to the *Wildlife Act* made in 2008, which

- repealed the restriction that a person may be licensed as a guide outfitter for only one guiding territory;
- changed the requirement for a guide outfitter to be present in the guide outfitter's guiding area during a majority of the time rather than substantially all of the time when the guide outfitter's assistant guides are guiding for game;
- enabled licenced guide outfitters to operate a business in more than one guiding territory.

POLICY STATEMENT

It is the policy of the Ministry


That the regional manager should record multiple guiding territories on a guide outfitter licence as a single "guiding area" if the regional manager is satisfied with the guide outfitter's ability to manage the guided hunts there.

The regional manager may give weight to the following factors, or other considerations:

- whether the guide outfitter is able to be in the guiding area "the majority of time";
- whether the guide outfitter, when absent from the guiding area,
 - can and will designate an assistant guide or other guide to be in charge locally in the guiding area;
 - can maintain reasonable routine communication and contact with the designate in the guiding area.

Definitions: (note: section numbers in the definition refer to the *Wildlife Act*)

"guiding area", in relation to a guide outfitter, means the area described in the guide outfitter's licence issued under section 51;

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"guide outfitter" means a person licensed as a guide outfitter under the *Wildlife Act*;

"guiding territory" means

- (a) an area described in a guiding territory certificate, or
- (b) an area designated under section 65 (1) as a guiding territory;

"guiding territory certificate" means a certificate issued under section 59;

"majority of the time" with respect to section 48(3) of the *Wildlife Act* means, for the purposes of this policy, that the guide outfitter is present in his or her guiding area for more than 50% of the time during every hunting season(s) while the guide outfitter has clients being guided by assistant guides;

For clarity, the hunting seasons are: Spring/Summer hunting season, April 1st – September 30th and Fall/Winter hunting season, October 1st – March 31st.

The “majority of the time” is calculated this way:

Spring/Summer hunting season example:

The guide outfitter has assistant guides guiding clients during 90 days of the 183-day spring/summer hunting season, April 1st – September 30th.


Therefore, the guide outfitter must be present in his/her guiding area at minimum 46 of those 90 days during the spring/summer hunting season (90 x 51% = 46).

Fall/Winter hunting season example:

The guide outfitter has assistant guides guiding clients during 60 days of the 182-day fall/winter hunting season, October 1st – March 31st.

Therefore, the guide outfitter must be present in his/her guiding area at minimum 31 of those 60 days during the fall/winter hunting season (60 x 51% = 31).

"regional manager" means a regional manager of the recreational fisheries and wildlife programs;

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Reasons for Policy:

1. To establish a guidance framework for regional managers to use when determining the guiding area to be described on a guide outfitter licence.
2. To ensure that ministry administrative processes align with the legislation and regulatory provisions aimed at providing certainty for the guide industry.
3. Regional managers should be aware that various scenarios may arise as part of guide outfitter licence applications for the “guiding area” to be described on a guide outfitter licence, such as:
 - a single guiding territory,
 - two (or more) adjacent or non-adjacent guiding territories,
 - a portion of a guiding territory.

Procedure Manual Cross-Reference:

Ministry Procedure Manual, Volume 4, Section 1

Subsection:

- 01.01 Guide Outfitter Licence First Issuance
- 01.02 Renewal of Annual Guide Outfitter Licence
- 01.09 Action When a Regional Manager Makes a Decision that Affects a Guide Licence, Permit or Guide Outfitter's Certificate or Application Therefor

Other Cross-References:


Ministry Policy Manual, Volume 4, Section 1

Subsection:

- 01.01 Guiding Activities
- 01.02 Exclusive Guide Outfitter Areas
- 01.03 Refusal to Issue a Guide Outfitter Licence for an Inappropriate Area.

Wildlife Act, Sections 1, 48, 51, 59, 60, 67, 100, and 101.

Wildlife Act Commercial Activities Regulation, B.C. Reg. 338/82.

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