



# PROCEDURE MANUAL

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## This Procedure Replaces:

None

## Staff, Organizations Directly Affected:

Director  
Regional Managers  
Fish and Wildlife Section Heads  
Wildlife Management Staff  
First Nation Consultation Specialists  
Guide Outfitters in BC  
First Nations

## Policy Cross-Reference:

Ministry Policy Manual, Volume 4, Section 1

Subsection:

— 01.13 First Nations Consultation on Guiding Territory Certificate Decisions

## Other Cross-References:

[Wildlife Act](#)

[Updated Procedures for Meeting Legal Obligations When Consulting First Nations \(2010\)](#)

Ministry of Aboriginal Relations and Reconciliation's Consultation Procedures – Preparation

Ministry of Aboriginal Relations and Reconciliation's Consultation Procedures – Engagement

Ministry of Aboriginal Relations and Reconciliation's Consultation Procedures – Accommodation

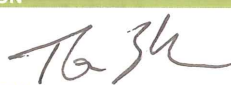
Ministry of Aboriginal Relations and Reconciliation's New Consultation Procedures: Frequently Asked Questions

Ministry of Aboriginal Relations and Reconciliation's Accommodation Guidance Document

## Purpose:

The purpose of this procedure is to

- 1) provide guidance and provincial consistency in the Province's consultation with First Nations on Guiding Territory Certificate decisions; and
- 2) provide template letters for the various decisions associated with Guiding Territory Certificates (i.e. renewals, transfers, boundary amendments and new territories).

PREPARED BY		AUTHORIZATION	
NAME Jennifer Smith	NAME Tom Ethier		SIGNATURE
POSITION Human Dimensions Specialist	POSITION Assistant Deputy Minister		
		DATE EFFECTIVE Jan. 30, 2013	REVISION NO. 0



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## Definitions:

**“Aboriginal Interests”** – generally refers to claimed or proven Aboriginal Rights (including title) and Treaty Rights that require consultation. Where required, the specific right will be referenced.<sup>1</sup>

**“Aboriginal Rights”** – practices, customs or traditions integral to the distinctive culture of the First Nation claiming the right. A practice undertaken for survival purposes can be considered integral to a First Nations culture. Some examples of aboriginal rights are hunting, fishing and gathering plants for traditional medicines and spiritual ceremonies. Aboriginal Rights may be connected to a particular piece of land and are generally not exclusive.<sup>1</sup>

**“Aboriginal Title”** – a subcategory of Aboriginal Rights that has its own test for proof. It is a unique interest in land that encompasses a right to exclusive use and occupation of the land for a variety of purposes. Those uses must not be inconsistent with the nature of First Nation’s historical attachment to the land. A claimant must prove exclusive occupation of land prior to sovereignty.<sup>1</sup>

**“Allocation”** – the division of the Annual Allowable Harvest remaining after the legal rights of First Nations have been recognized and provided for, between resident hunters and guided hunters.

**“Annual Allowable Harvest”** – means the optimum number of animals that can be harvested annually by hunters from a herd or population which will be replenished through the population’s natural reproduction to meet management objectives.

**“Fractional Areas”** – Crown Land that the Regional Manager considers to be suitable for guided hunting, but not suitable for designation as a stand-alone territory.

**“Guiding Territory”** – the area for which a Guiding Territory Certificate authorizes the activity of guided hunting.

**“Guiding Territory Certificate” or “Certificate”** – a certificate issued by the Regional Manager, pursuant to section 59 of the *Wildlife Act*, that gives the certificate holder exclusive control over privileges to guide (for compensation) hunters in a particular area – the Guiding Territory.

**“Treaty Rights”** - rights held by a First Nation in accordance with the terms of a historic or modern treaty agreement with the Crown. Treaties may also identify obligations held by a First Nation and the Crown.<sup>1</sup>

**“Unoccupied Areas”** – Crown Land where guiding activities have not previously occurred and that have not previously been included in a Certificate

<sup>1</sup> From the [Updated Procedures for Meeting Legal Obligations When Consulting First Nations \(2010\)](#)

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**“Vacant Guide Territory”** – a Guiding Territory on Crown Land for which there is a guiding history (i.e. the metes and bounds have been established), but no Certificate is currently issued.

## Procedure:

### A. Steps for consultation

**Step 1:** Upon receiving an application for a decision related to a Certificate, the consultation specialist leading the process should proceed with the following steps to prepare for consultation with relevant First Nations:

- I. **Identify First Nations** – Using the provincial Consultative Areas Database, determine which First Nations have Aboriginal Interests that overlap with the Guiding Territory.
- II. **Identify treaties or process agreements** - Determine if there are any signed agreements with the First Nation(s) identified in (I) that set out consultation obligations that capture how the Province will consult with that First Nation(s) regarding Certificates. If there are, ensure that the applicable consultation processes outlined in the signed agreements are met with respect to that First Nation(s).
- III. **Review readily available information** – Consider the nature of known Aboriginal Interests (including whether a First Nation identified in (I) has a claimed or proven aboriginal right or treaty rights in the area in question). Consider also the potential impacts to those Aboriginal Interests of the proposed decision relating to a Certificate, which is discussed in more detail in section B. Consider whether the content of previous consultation with any of the First Nation(s) identified in (I) could be relied on to facilitate a more effective consultation process with that First Nation, particularly where there has been previous consultation on the Certificate in question.

**Step 2: Engage with the First Nations** – A letter should be sent to each First Nation identified above and informed by the information gathered in Step 1. Templates of letters related to the different types of Certificate decisions captured in this policy are found in Appendices A to F. The template letters should be viewed as a starting point and will likely be applicable in the majority of situations; however, it is important to review each situation individually and change the template letter as appropriate. The template letters are based on the recommended levels of consultation in Section B 1 to 6. When writing a notification consultation letter, the recommended starting point for timelines is as follows:

- I. The timeline goal for responses from First Nations should be 30 days. The First Nation should be informed that responses are requested by that date.

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- II. The timeline goal for the overall consultation process should be 60 days. The First Nation should be informed that the Regional Manager wishes to make a decision by that date.

If the First Nation that received the notification letter has any reason to believe that an extension to the timeframe is required, they should indicate their request to extend the timeline, with applicable rationale, to the consultation specialist for consideration by the decision maker.

**Step 3: Accommodation** – In some instances, where a proposed decision related to a Certificate may adversely impact (or infringe) an Aboriginal Interest, accommodation may be required. Consider whether the options set out in Section C could appropriately avoid or mitigate impacts to Aboriginal Interests from the Certificate decision. The information gathered as a result of the engagement with First Nations under Step 2 should be used to inform the most appropriate type and degree of accommodation.

**Step 4: Decision and Follow-up** – Ensure the decision made regarding the Certificate is provided to both the applicant and First Nation(s) that were consulted in the above steps.

## B. Types of decisions related to Certificates

A Certificate gives the Certificate holder exclusive control over privileges to guide (for compensation) hunters in the area and for the time period described in the Certificate. It does not preclude hunting of wildlife within that area by other hunters, including First Nations hunting within their traditional territories, pursuant to an established or claimed aboriginal or treaty right to hunt.

The Crown's duty to consult is in relation to impacts flowing from the particular proposed decision, thus, consultation on a decision related to Certificates needs to be focused on the adverse impacts to Aboriginal Interests caused by that particular proposed decision. A First Nation may want to discuss potential impacts that do not flow from the particular proposed decision related to Certificates, such as those caused by wildlife Allocation decisions. The recommendation is to acknowledge and direct those concerns to the appropriate venue for discussion on potential impacts because they do not flow directly from decisions related to Certificates.

Note that in instances where there is an existing Certificate, consultation should be in respect of the proposed decision and not in relation to previous decisions, including the original issuance of the Certificate.

Land tenures associated with a guiding operation (e.g. the establishment of cabins for guiding) are provided by the Land Tenures Branch, and are not a component of decisions made under the *Wildlife Act*. Until such time as the Certificates are included in the "one window" process provided by Front Counter BC, if the First Nation has concerns related to land tenures, they should be directed to the appropriate provincial contact within the Land Tenures Branch office. Any relevant information obtained via consultations on Certificates should be shared with the Land Tenures Branch.

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Various types of decisions could be requested by proponents related to Certificates including granting of a new Certificate, renewals, transfers and boundary amendments. The following bullets reflect the nature of each type of decision and factors to consider when assessing the potential for impact on Aboriginal Interests. The potential impacts, as outlined in each of the bullets below, should be used as a starting point. Individual cases must be considered on their own merits and each decision should take into consideration the information specific to the decision at hand.

1. **Renewal.** Certificates can currently be issued for a maximum 25 year term and may be renewed after 3/5 of term has elapsed. The holder(s) of the Certificate do not change in this case, nor does the area covered by the Certificate. The only possible change is in relation to extending the term to which the current Certificate holder may continue to operate in this area. It is likely that the impact on Aboriginal Interests from this type of decision would be negligible.
2. **Full transfer.** A Certificate holder may wish to sell the Certificate, in its entirety, to another party. In many of these cases, the primary operator of the business may change and the “on the ground” practices may change as well. Information regarding the potential new operator’s history of compliance with the *Wildlife Act* could be considered in determining whether there may be impacts to Aboriginal Interests. A meeting between the potential new operator and potentially affected First Nation(s) could be encouraged. The potential impact on Aboriginal Interests from this type of decision would generally be minor. In the case of a Vacant Guide Territory (where a Certificate has come back to the Crown), there would necessarily be a new primary operator and the “on the ground” practices would change upon issuance. Consider whether there may be new the impacts on Aboriginal Interests that were not considered since the Vacant Territory was last used for guide outfitting. The depth of consultation should reflect the depth of potential impact and should increase accordingly.
3. **Transfer of interest/minor amendment to the Certificate.** A Certificate holder may decide to sell off an interest in the Guiding Territory (e.g. a father selling his son 20% interest in the territory). In some of these scenarios, the primary operator of the business would not change nor would “on the ground” practices; however, in some cases both kinds of changes may occur at the same time. The greater the percentage being transferred, the greater the potential for impact. Information regarding the history of compliance with the *Wildlife Act* of the potential new transferee could be considered in determining whether there may be impacts to Aboriginal Interests. A meeting between the potential new transferee and potentially affected First Nation(s) could be encouraged to discuss any change to the business practice of guiding in that area. The potential impact on Aboriginal Interests from this type of decision would generally be minor.
4. **Transfer of a portion of a Guiding Territory** (e.g. the southern 35% of the territory is sold to a neighbour wishing to have a larger territory). Transfer of a portion of a Guiding Territory

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would include only lands that had previously been covered by a Certificate. If new lands are proposed for inclusion, see subsection (5) “boundary amendments” below. The greater the percentage being transferred, the greater the potential for impact. Information regarding the history of compliance with the *Wildlife Act* of the potential new transferee could be considered in determining whether there may be impacts to Aboriginal Interests. A meeting between the potential transferee and potentially affected First Nation(s) could be encouraged to discuss any change to the business practice of guiding in that area. The potential impact on Aboriginal Interests from this type of decision would generally be minor.

5. **Boundary amendments.** This refers to a change in the Guiding Territory that is not a transfer of a portion of an existing Guiding Territory to another person. Boundary amendments involve the addition of a portion of land not previously included in a Guiding Territory or a Fractional Area, and so is normally included in a boundary change of an existing Guiding Territory. The greater the percentage being transferred, the greater the potential for impact. The potential impact on Aboriginal Interests from this type of decision would generally be minor.
6. **Granting of a new Certificate.** A new Certificate can be proposed, including in Fractional or Unoccupied Areas (areas which have never had guide outfitter activities). A regional manager may issue a Certificate pursuant to section 59 of the *Wildlife Act*. Where a new Certificate is being proposed, the potential for impact may be more significant than in instances where an area previously had guide outfitter activities. The potential for impact may also increase with the size of the area (i.e. a larger area may have a higher potential for impacting Aboriginal Interests).

### C. Accommodation

If potential adverse affects to Aboriginal Interests are identified during the consultation process, accommodation may be required. It may require taking steps to avoid irreparable harm or to minimize effects of the impact of the Certificate decision on Aboriginal Interests. It is important to clearly identify the nature and scope of the Aboriginal Interest and how that particular Aboriginal Interest may be impacted by the particular proposed decision related to the Certificate. For more information to help determine when accommodation is required and what would be considered a reasonable accommodation, please refer to the [Updated Procedures for Meeting Legal Obligations When Consulting First Nations \(2010\)](#).

Options to avoid or mitigate the particular identified impact of the proposed Certificate decision on Aboriginal Interests should be discussed with the First Nation. Potential accommodation measures could include, but are not limited to the following:

- I. the decision maker could add conditions to the Certificate to incorporate measures to avoid or mitigate the identified impact to an Aboriginal Interest;

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- II. written agreement between the guide outfitter and First Nation obliging the guide outfitter to take specific steps to respect the First Nation's areas of interest (i.e. areas of cultural significance where strong title claims may be present);
- III. business or management plans can be requested of the applicant that outline areas where the guide outfitter plans to operate;
- IV. a shorter than normal term. This may be appropriate, for example, where the Province has made an offer of particular lands that would be available as potential Treaty Settlement Lands in the process of negotiating a treaty with a First Nation; and
- V. if it is not possible to mitigate an impact and the impact on Aboriginal Interests could potentially be very serious, consider removing from the Guiding Territory a particular area to avoid an unreasonable interference with the meaningful exercise of an Aboriginal Interest. This may be appropriate where there is a particular significance to a specific site, and the First Nation has demonstrated that meaningful exercise of the Aboriginal Interest at issue is incompatible with guiding activity. Note that this measure may have significant business implications on the Certificate holder so other measures to minimize the impacts should be explored first.

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## Appendix A – Letter Template for Renewal Requests

{Enter the date of the letter}

{First Nation(s)}

{First Nation(s) address}

Dear Chief { } and Council,

The purpose of this letter is to inform your First Nation that the Ministry of Forests, Land and Natural Resource Operations (FLNRO) has received an application to renew a guiding territory certificate.

PROPOSAL: {NOTE: Make sure to include the length of time for which the renewal is being requested}

APPLICANT:

LOCATION:

A guiding territory certificate is a certificate issued by the Regional Manager, pursuant to section 59 of the *Wildlife Act* that gives the certificate holder exclusive control over the privilege of taking paying clients into the area defined in the guiding territory certificate to harvest wildlife. If someone wanted to pay for a guided hunt within this area, then only a licenced guide outfitter who obtained permission from the holder of the guiding territory certificate would be permitted to provide that service. It is important to note that licensed hunters and First Nations are not excluded from hunting within a guiding territory. A guiding territory certificate does not restrict or impede the {Enter the name of the First Nation} from hunting within its traditional territory pursuant to Choose an item. to hunt, where that traditional territory overlaps with the guiding territory.

A guiding territory certificate in and of itself is not sufficient for a person to take clients out on the land base to harvest wildlife. A guide outfitter is required to have a guide outfitter licence which is issued on an annual basis with the consent of the certificate holder, who might be the same person. A guide outfitter may be limited by a quota of wildlife to harvest within the guiding territory through the annual guide outfitter licence, a decision which is separate from the proposed decision related to the guiding territory certificate.

In setting harvest levels for guide outfitting and general hunting, we recognize the significance of {Enter the name of the First Nation} in harvesting wildlife for food, social and ceremonial purposes within your traditional territory. Therefore, the number of animals that can be harvested annually is allocated to guide outfitters and resident hunters only **after** conservation and First Nations food, social and ceremonial requirements have been accommodated. Although this allocation process is separate and independent of the proposed decision regarding the guiding territory certificate, if you have any questions or are interested in having further discussion about this allocation process, please do not hesitate to contact {enter name of contact here}.

The proposed decision at issue is in relation to an application for a renewal of an existing guiding territory certificate. Certificates can be renewed after 3/5 of their term has elapsed. The holder(s) of the guiding territory certificate will remain the same, as will the guiding territory. The only change is in relation to extending the term during which the current guiding territory certificate holder may continue to control guiding privileges in the guiding territory.

We understand that {Enter the name of the First Nation} has {describe the treaty rights, proven Aboriginal rights or title, or asserted aboriginal right/title that the available information suggests are relevant to the area or locations} that overlaps with the guiding territory in question. As indicated above, neither the certificate nor its proposed renewal will restrict or impede the hunting by your First Nation within your traditional territory. Given the nature of the proposed decision, it appears that the potential for impacts to the Aboriginal Interests of the {Enter the name of the First Nation} is remote and consultation at the notification level is appropriate. {Delete this before sending - NOTE: If the Province is aware that the First Nation is in pre-treaty discussions, the decision maker should take into account any potential implications that treaty

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settlement may have on the guiding territory (i.e. are there any implications due to the land changing from Crown to fee simple?).}

The Province intends to proceed with a decision on {Enter the end date of the consultation period (30 days from the date of this letter)}. If {Enter the name of the First Nation} has any further information that may inform how the proposed renewal might impact Choose an item., please contact me at {Enter the Project Lead/Consultation Lead's Phone Number} or {Enter the Project Lead/Consultation Lead's Email Address} prior to {Click here to enter date} to enable the Province to consider that information in relation to its decision-making process in this matter.

If no additional information is provided by this time, our intent is to proceed with the decision with no further request for input.

Sincerely,

*(Delete this before sending - NOTE: advice indicates that the individual who signs the letter is not crucial. Recommend using a consistent approach within the region/district and using the same individual each time – i.e. First Nations Consultation Coordinators)*

Enter the Name of the Project Lead/Consultation Lead.

Enter the Position of the Project Lead/Consultation Lead.

Enter the Agency of the Project Lead/Consultation Lead.

Enter the Address of the Project Lead/Consultation Lead.

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## Appendix B – Letter Template for Full Transfer Requests

{Enter the date of the letter}

{First Nation(s)}

{First Nation(s) address}

Dear Chief { } and Council,

The purpose of this letter is to inform your First Nation that the Ministry of Forests, Land and Natural Resource Operations (FLNRO) has received an application to transfer a guiding territory certificate.

PROPOSAL:

APPLICANT:

LOCATION:

A guiding territory certificate is a certificate issued by the Regional Manager, pursuant to section 59 of the *Wildlife Act*, that gives the certificate holder exclusive control over the privilege of taking paying clients into the area defined in the guiding territory certificate to harvest wildlife. If someone wanted to pay for a guided hunt within this area, then only a licenced guide outfitter who obtained permission from the holder of the guiding territory certificate would be permitted to provide that service. It is important to note that licensed hunters and First Nations are not excluded from hunting within a guiding territory. A guiding territory certificate does not restrict or impede the {Enter the name of the First Nation} from hunting within its traditional territory pursuant to Choose an item. to hunt, where that traditional territory overlaps with the guiding territory.

A guiding territory certificate in and of itself is not sufficient for a person to take clients out on the land base to harvest wildlife. A guide outfitter is required to have a guide outfitter licence which is issued on an annual basis with the consent of the certificate holder, who might be the same person. A guide outfitter may be limited by a quota of wildlife to harvest within the guiding territory certificate area through the annual guide outfitter licence, a decision which is separate from the proposed decision related to the guiding territory certificate.

In setting harvest levels for guide outfitting and general hunting, we recognize the significance of {Enter the name of the First Nation} in harvesting wildlife for food, social and ceremonial purposes within your traditional territory. Therefore, the number of animals that can be harvested annually is allocated to guide outfitters and resident hunters only **after** conservation and First Nations food, social and ceremonial requirements have been accommodated. Although this allocation process is separate and independent of the proposed decision regarding the guiding territory certificate, if you have any questions or are interested in having further discussion about this allocation process, please do not hesitate to contact {enter name of contact here}.

The proposed decision at issue is in relation to an application for a transfer of an existing guiding territory certificate. The primary operator of the business Choose an item. change and it is Choose an item. that “on the ground” practices may change as well. {If changes are anticipated, please describe them}

We understand that {Enter the name of the First Nation} has {describe the treaty rights, proven Aboriginal rights or title, or asserted aboriginal right/title that the available information suggests are relevant to the area or locations} that overlaps with the guiding territory in question. As indicated above, neither the certificate nor its proposed transfer will restrict or impede the hunting by your First Nation within your traditional territory. Given the nature of the proposed decision, it appears that the potential for impacts to the Aboriginal Interests of the {Enter the name of the First Nation} is minor and consultation at the notification level is appropriate.

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The Province intends to proceed with a decision on {Enter the end date of the consultation period (30 days from the date of this letter)}. If {Enter the name of the First Nation} has any further information that may inform how the proposed transfer might impact Choose an item., please contact me at {Enter the Project Lead/Consultation Lead's Phone Number} or {Enter the Project Lead/Consultation Lead's Email Address} prior to {Click here to enter date} to enable the Province to consider that information in relation to its decision-making process in this matter. {Delete this before sending - NOTE: If the full transfer involves transferring a Vacant Territory from the Crown to a guide outfitter, consideration should be given to the amount of time the Vacant Territory has been vacant. The impact on Aboriginal Interests could potentially increase with an increase in the time that has lapsed since the Vacant Territory was last used for guide outfitting. The depth of consultation should reflect the strength of claims and seriousness of potential impacts and should increase accordingly.}

If no additional information is provided by this time, our intent is to proceed with the decision with no further request for input.

Sincerely,

*{Delete this before sending - NOTE: advice indicates that the individual who signs the letter is not crucial. Recommend using a consistent approach within the region/district and using the same individual each time – i.e. First Nations Consultation Coordinators}*

Enter the Name of the Project Lead/Consultation Lead.

Enter the Position of the Project Lead/Consultation Lead.

Enter the Agency of the Project Lead/Consultation Lead.

Enter the Address of the Project Lead/Consultation Lead.

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## Appendix C – Letter Template for Transfer of Interest Requests

{Enter the date of the letter}  
{First Nation(s)}  
{First Nation(s) address}

Dear Chief { } and Council,

The purpose of this letter is to inform your First Nation that the Ministry of Forests, Land and Natural Resource Operations (FLNRO) has received an application to transfer an interest in a guiding territory certificate.

PROPOSAL:  
APPLICANT:  
LOCATION:

A guiding territory certificate is a certificate issued by the Regional Manager, pursuant to section 59 of the *Wildlife Act*, that gives the certificate holder exclusive control over the privilege of taking paying clients into the area defined in the guiding territory certificate to harvest wildlife. If someone wanted to pay for a guided hunt within this area, then only a licenced guide outfitter who obtained permission from the holder of the guiding territory certificate would be permitted to provide that service. It is important to note that licensed hunters and First Nations are not excluded from hunting within a guiding territory. A guiding territory certificate does not restrict or impede the {Enter the name of the First Nation} from hunting within its traditional territory pursuant to Choose an item. to hunt, where that traditional territory overlaps with the guiding territory.

A guiding territory certificate in and of itself is not sufficient for a person to take clients out on the land base to harvest wildlife. A guide outfitter is required to have a guide outfitter licence which is issued on an annual basis with the consent of the certificate holder, who might be the same person. A guide outfitter may be limited by a quota of wildlife to harvest within the guiding territory through the annual guide outfitter licence, a decision which is separate from the proposed decision related to the guiding territory certificate.

In setting harvest levels for guide outfitting and general hunting, we recognize the significance of {Enter the name of the First Nation} in harvesting wildlife for food, social and ceremonial purposes within your traditional territory. Therefore, the number of animals that can be harvested annually is allocated to guide outfitters and resident hunters only **after** conservation and First Nations food, social and ceremonial requirements have been accommodated. Although this allocation process is separate and independent of the proposed decision regarding the guiding territory certificate, if you have any questions or are interested in having further discussion about this allocation process, please do not hesitate to contact {enter name of contact here}.

The proposed decision at issue is in relation to an application for a transfer of interest in the existing guiding territory certificate. In this case, the primary operator of the business Choose an item. change, and “on the ground” practices Choose an item. expected to change. {If changes are expected, please describe them}

We understand that {Enter the name of the First Nation} has {describe the treaty rights, proven Aboriginal rights or title, or asserted aboriginal right/title that the available information suggests are relevant to the area or locations} that overlaps with the guiding territory in question. As indicated above, neither the certificate nor the proposed transfer of an interest in it will restrict or impede the hunting by your First Nation within your traditional territory. Given the nature of the proposed decision, it appears that the potential for impacts to the Aboriginal Interests of the {Enter the name of the First Nation} is minor and consultation at the notification level is appropriate. **{Delete this before sending - NOTE: Be aware that the greater the percentage being transferred, the greater the potential for impact. If there is a known or anticipated impact to a First Nation's Aboriginal Interest(s) as a result of the proposed transfer of interest in the existing guiding territory**

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certificate, the level of consultation should increase relative to the strength of claims and seriousness of potential impacts.}

The Province intends to proceed with a decision on {Enter the end date of the consultation period (30 days from the date of this letter)}. If {Enter the name of the First Nation} has any further information that may inform how the proposed transfer of interest might impact Choose an item., please contact me at {Enter the Project Lead/Consultation Lead's Phone Number} or {Enter the Project Lead/Consultation Lead's Email Address} prior to {Click here to enter date} to enable the Province to consider that information in relation to its decision-making process in this matter.

If no additional information is provided by this time, our intent is to proceed with the decision with no further request for input.

Sincerely,

*(Delete this before sending - NOTE: advice indicates that the individual who signs the letter is not crucial. Recommend using a consistent approach within the region/district and using the same individual each time – i.e. First Nations Consultation Coordinators)*

Enter the Name of the Project Lead/Consultation Lead.

Enter the Position of the Project Lead/Consultation Lead.

Enter the Agency of the Project Lead/Consultation Lead.

Enter the Address of the Project Lead/Consultation Lead.

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## Appendix D – Letter Template for Requests to Transfer a Portion of a Guiding Territory

{Enter the date of the letter}

{First Nation(s)}

{First Nation(s) address}

Dear Chief { } and Council,

The purpose of this letter is to inform your First Nation that the Ministry of Forests, Land and Natural Resource Operations (FLNRO) has received an application to transfer a portion of a guiding territory.

PROPOSAL:

APPLICANT:

LOCATION:

A guiding territory certificate is a certificate issued by the Regional Manager, pursuant to section 59 of the *Wildlife Act*, that gives the certificate holder exclusive control over the privilege of taking paying clients into the area defined in the guiding territory certificate to harvest wildlife. If someone wanted to pay for a guided hunt within this area, then only a licenced guide outfitter who obtained permission from the holder of the guiding territory certificate would be permitted to provide that service. It is important to note that licensed hunters and First Nations are not excluded from hunting within a guiding territory. A guiding territory certificate does not restrict or impede the {Enter the name of the First Nation} from hunting within its traditional territory pursuant to Choose an item. to hunt, where that traditional territory overlaps with the guiding territory.

A guiding territory certificate in and of itself is not sufficient for a person to take clients out on the land base to harvest wildlife. A guide outfitter is required to have a guide outfitter licence which is issued on an annual basis with the consent of the certificate holder, who might be the same person. A guide outfitter may be limited by a quota of wildlife to harvest within the guiding territory through the annual guide outfitter licence, a decision which is separate from the proposed decision related to the guiding territory certificate.

In setting harvest levels for guide outfitting and general hunting, we recognize the significance of {Enter the name of the First Nation} in harvesting wildlife for food, social and ceremonial purposes within your traditional territory. Therefore, the number of animals that can be harvested annually is allocated to guide outfitters and resident hunters only **after** conservation and First Nations food, social and ceremonial requirements have been accommodated. Although this allocation process is separate and independent of the proposed decision regarding the guiding territory certificate, if you have any questions or are interested in having further discussion about this allocation process, please do not hesitate to contact {enter name of contact here}.

The proposed decision at issue is in relation to an application for a transfer of a portion of the existing guiding territory. Transfer of this portion of the guiding territory includes only lands that had previously been included in a guiding territory certificate. Existing conditions on the guiding territory certificate from which the proposed portion may be transferred Choose an item. remain the same and “on the ground” practices within this area Choose an item. expected to change. {If changes in conditions or practices are expected, please describe them}

We understand that {Enter the name of the First Nation} has {describe the treaty rights, proven Aboriginal rights or title, or asserted aboriginal right or title that the available information suggests are relevant to the area or locations} that overlaps with the guiding territory in question. As indicated above, neither the certificate nor the portion of the guiding territory that is proposed for transfer will restrict or impede the hunting by your First Nation within your traditional territory. Given the nature of the proposed decision, it appears that the potential for impacts to the Aboriginal Interests of the {Enter the name of the First Nation} is minor and consultation at the notification level is appropriate. **{Delete this before sending - NOTE:**

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Be aware that the greater the percentage being transferred, the greater the potential for impact. If there is a known or anticipated impact to a First Nation's Aboriginal Interests as a result of the proposed transfer of a portion of a guiding territory certificate, the level of consultation should increase relative to the strength of claims and seriousness of potential impacts.}

The Province intends to proceed with a decision on {Enter the end date of the consultation period (30 days from the date of this letter)}. If {Enter the name of the First Nation} has any further information that may inform how the proposed transfer of interest might impact Choose an item., please contact me at {Enter the Project Lead/Consultation Lead's Phone Number} or {Enter the Project Lead/Consultation Lead's Email Address} prior to {Click here to enter date} to enable the Province to consider that information in relation to its decision-making process in this matter.

If no additional information is provided by this time, our intent is to proceed with the decision with no further request for input.

Sincerely,

*(Delete this before sending: Note – advice indicates that the individual who signs the letter is not crucial. Recommend using a consistent approach within the region/district and using the same individual each time – i.e. First Nations Consultation Coordinators)*

Enter the Name of the Project Lead/Consultation Lead.  
Enter the Position of the Project Lead/Consultation Lead.  
Enter the Agency of the Project Lead/Consultation Lead.  
Enter the Address of the Project Lead/Consultation Lead.

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## Appendix E – Letter Template for Boundary Amendment Requests

{Enter the date of the letter}

{First Nation(s)}

{First Nation(s) address}

Dear Chief { } and Council,

The purpose of this letter is to inform your First Nation that the Ministry of Forests, Land and Natural Resource Operations (FLNRO) has received an application to amend the boundary of a guiding territory certificate.

PROPOSAL:

APPLICANT:

LOCATION:

A guiding territory certificate is a certificate issued by the Regional Manager, pursuant to section 59 of the *Wildlife Act*, that gives the certificate holder exclusive control over the privilege of taking paying clients into the area defined in the guiding territory certificate to harvest wildlife. If someone wanted to pay for a guided hunt within this area, then only a licenced guide outfitter who obtained permission from the holder of the guiding territory certificate would be permitted to provide that service. It is important to note that licensed hunters and First Nations are not excluded from hunting within a guiding territory. A guiding territory certificate does not restrict or impede the {Enter the name of the First Nation} from hunting within its traditional territory pursuant to Choose an item. to hunt, where that traditional territory overlaps with the guiding territory.

A guiding territory certificate in and of itself is not sufficient for a person to take clients out on the land base to harvest wildlife. A guide outfitter is required to have a guide outfitter licence which is issued on an annual basis with the consent of the certificate holder, who might be the same person. A guide outfitter may be limited by a quota of wildlife to harvest within the guiding territory through the annual guide outfitter licence, a decision which is separate from the proposed decision related to the guiding territory certificate.

In setting harvest levels for guide outfitting and general hunting, we recognize the significance of {Enter the name of the First Nation} in harvesting wildlife for food, social and ceremonial purposes within your traditional territory. Therefore, the number of animals that can be harvested annually is allocated to guide outfitters and resident hunters only **after** conservation and First Nations food, social and ceremonial requirements have been accommodated. Although this allocation process is separate and independent of the proposed decision regarding the guiding territory certificate, if you have any questions or are interested in having further discussion about this allocation process, please do not hesitate to contact {enter name of contact here}.

The proposed decision at issue is in relation to an application for an amendment to the boundary of the existing guiding territory. This amendment involves Choose an item..

We understand that {Enter the name of the First Nation} has {describe the treaty rights, proven Aboriginal rights or title, or asserted aboriginal right/title that the available information suggests are relevant to the area or locations} that overlaps with the guiding territory in question. As indicated above, neither the certificate nor its proposed boundary amendment will restrict or impede the hunting by your First Nation within your traditional territory. Given the nature of the proposed decision, it appears that the potential for impacts to the Aboriginal Interests of the {Enter the name of the First Nation} is minor and consultation at the notification level is appropriate. **{Delete this before sending - NOTE: If there is a known or anticipated impact to a First Nation's Aboriginal Interest(s) as a result of the proposed boundary amendment of the guiding territory certificate, the level of consultation should increase relative to the strength of claims and seriousness of potential impacts.}**

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The Province intends to proceed with a decision on {Enter the end date of the consultation period (30 days from the date of this letter)}. If {Enter the name of the First Nation} has any further information that may inform how the proposed boundary amendment might impact Choose an item., please contact me at {Enter the Project Lead/Consultation Lead's Phone Number} or {Enter the Project Lead/Consultation Lead's Email Address} prior to {Click here to enter date} to enable the Province to consider that information in relation to its decision-making process in this matter.

If no additional information is provided by this time, our intent is to proceed with the decision with no further request for input.

Sincerely,

*(Delete this before sending – Note: advice indicates that the individual who signs the letter is not crucial. Recommend using a consistent approach within the region/district and using the same individual each time – i.e. First Nations Consultation Coordinators)*

Enter the Name of the Project Lead/Consultation Lead.

Enter the Position of the Project Lead/Consultation Lead.

Enter the Agency of the Project Lead/Consultation Lead.

Enter the Address of the Project Lead/Consultation Lead.

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## Appendix F – Letter Template for New Guiding Territory Requests

{Enter the date of the letter}

{First Nation(s)}

{First Nation(s) address}

Dear Chief { } and Council,

The purpose of this letter is to inform your First Nation that the Ministry of Forests, Land and Natural Resource Operations (FLNRO) has received an application to create a new guiding territory.

PROPOSAL:

APPLICANT:

LOCATION:

A guiding territory certificate is a certificate issued by the Regional Manager, pursuant to section 59 of the *Wildlife Act*, that gives the certificate holder exclusive control over the privilege of taking paying clients into the area defined in the guiding territory certificate to harvest wildlife. If someone wanted to pay for a guided hunt within this area, then only a licenced guide outfitter who obtained permission from the holder of the guiding territory certificate would be permitted to provide that service. It is important to note that licensed hunters and First Nations are not excluded from hunting within a guiding territory. A guiding territory certificate does not restrict or impede the {Enter the name of the First Nation} from hunting within its traditional territory pursuant to Choose an item. to hunt, where that traditional territory overlaps with the guiding territory.

A guiding territory certificate in and of itself is not sufficient for a person to take clients out on the land base to harvest wildlife. A guide outfitter is required to have a guide outfitter licence which is issued on an annual basis with the consent of the certificate holder who might be the same person. A guide outfitter may be limited by a quota of wildlife to harvest within the guiding territory through the annual guide outfitter licence, a decision which is separate from the proposed decision related to the guiding territory certificate.

In setting harvest levels for guide outfitting and general hunting, we recognize the significance of {Enter the name of the First Nation} in harvesting wildlife for food, social and ceremonial purposes within your traditional territory. Therefore, the number of animals that can be harvested annually is allocated to guide outfitters and resident hunters only **after** conservation and First Nations food, social and ceremonial needs have been accommodated. Although this allocation process is separate and independent of the proposed decision regarding the guiding territory certificate, if you have any questions or are interested in having further discussion about this allocation process, please do not hesitate to contact {enter name of contact here}.

The proposed decision at issue is in relation to an application to issue a new guiding territory certificate. A regional manager may issue a guiding territory certificate pursuant to section 59 of the *Wildlife Act*.

We understand that {Enter the name of the First Nation} has {describe the treaty rights, proven Aboriginal rights or title, or asserted aboriginal right/title that the available information suggests are relevant to the area or locations} that overlaps with the proposed guiding territory. As indicated above, the certificate will not restrict or impede the hunting by your First Nation within your traditional territory. Given the nature of the proposed decision, it appears that the potential for impacts to the Aboriginal Interests of the {Enter the name of the First Nation} is minor and consultation at the notification level is appropriate. {Delete this before sending - NOTE: If there is a known or anticipated impact to a First Nation's Aboriginal Interest(s) as a result of the proposed new guiding territory and certificate, the level of consultation should increase relative to the strength of claims and seriousness of potential impacts.}

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The Province intends to proceed with a decision on {Enter the end date of the consultation period (30 days from the date of this letter)}. If {Enter the name of the First Nation} has any further information that may inform how the proposed boundary amendment might impact Choose an item., please contact me at {Enter the Project Lead/Consultation Lead's Phone Number} or {Enter the Project Lead/Consultation Lead's Email Address} prior to {Click here to enter date} to enable the Province to consider that information in relation to its decision-making process in this matter.

If no additional information is provided by this time, our intent is to proceed with the decision with no further request for input.

Sincerely,

*(Delete this before sending – Note: advice indicates that the individual who signs the letter is not crucial. Recommend using a consistent approach within the region/district and using the same individual each time – i.e. First Nations Consultation Coordinators)*

Enter the Name of the Project Lead/Consultation Lead.

Enter the Position of the Project Lead/Consultation Lead.

Enter the Agency of the Project Lead/Consultation Lead.

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