



PROCEDURE MANUAL

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SUBJECT			
Disabled hunting – to discharge a firearm from a vehicle and/or access areas closed to motor vehicles			

This Procedure Replaces:

Procedure Manual 4-7-01.09 “Disabled hunting – to discharge a firearm from a vehicle and/or access areas closed to motor vehicles,” September 4, 2015.

Staff, Organizations Directly Affected:

Director of Wildlife and Habitat Branch / Victoria
 Deputy Director of Wildlife and Habitat Branch / Victoria
 Manager, FrontCounter BC
 FrontCounter BC Staff
 Regional Fish and Wildlife Managers
 Regional Fish and Wildlife Staff
 Conservation Officer Service

Purpose:

The Ministry has established this procedure to set out steps and guidelines for considering applications from, and issuing disabled hunting permits to, hunters with physical disabilities. There are 11 sections to this procedure:

1. Roles
2. Receiving Applications
3. Applications Not Requiring Medical Assessment
4. Applications Requiring Medical Assessment
5. Medical Assessment Advisor Review
6. Director’s Review
7. Director Only Permits
8. Regional Manager Only Permits
9. Combined Director and Regional Manager Permits
10. Criteria, Terms and Advisories
11. Record Keeping

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			DATE EFFECTIVE
			February 17, 2021



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Procedure:

1. Roles

- 1.1 The Director of Wildlife and Habitat Branch is responsible for specifying the manner and form of applications for disabled hunting permits under section 20(1) of the *Wildlife Act*.
- 1.2 FrontCounter BC (FCBC) is a service provider of BC hunting programs including disabled hunting permit issuance.
- 1.3 Fish and Wildlife Permit Administrators, FCBC, are responsible for receiving, assisting with, logging and tracking applications for individuals seeking disabled hunting permits.
- 1.4 The Director's medical assessment advisor is responsible for receiving application packages from administrators, preparing a written evaluation for the Director on eligibility of the applicant, and returning to administrators the decision regarding eligibility of individual applicants and approval of permits.
- 1.5 The Director or Director's delegate is responsible for reviewing the written evaluation from the Director's advisor, making decisions on eligibility of the applicant for the permit requested, and issuing permits under section 19 of the *Wildlife Act* and sections 2(aa), 2(bb) and 3.1(1)(a) of the *Permit Regulation*.
- 1.6 Regional Managers are authorized to issue permits under section 19 of the *Wildlife Act* and sections 2(aa) and 3(2) of the *Permit Regulation*.

2. Receiving Applications

- 2.1. Permit applications and completed medical assessment forms are received by regional FrontCounter BC staff.
- 2.2. If a Medical Assessment Form (MAF) is not included, check for a 2007 or later version on file. If one is not available, inform the applicant that he or she must submit one and hold the application until it is received.

3. Applications Not Requiring Medical Assessment

- 3.1. Applications to renew a previous permit do not require the applicant to submit a new MAF if a 2007 or newer version of the MAF is on file, if their disability is permanent, there is no requirement for reassessment on file, and if the permit type they are requesting has not changed.
- 3.2. In such cases the application and MAF can be forwarded to the decision maker directly (i.e., no further medical assessment by the director's advisor is required).



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4. Applications Requiring Medical Assessment

- 4.1. New applications and renewals that have changed the permit type being requested or for which reassessments have been previously noted as being required, require a medical assessment.
- 4.2. The administrator forwards each complete application package to the Director's medical assessment advisor.

5. Medical Assessment Advisor Review

- 5.1 The Director's medical assessment advisor reviews the application and the medical assessment form to evaluate whether the applicant has a physical disability that may require accommodation for the purposes of the disabled permit requested.
- 5.2 If the applicant does not clearly meet the criteria for a permit applied for, the advisor contacts the applicant, discusses the issues, and attempts to come to an understanding with the applicant regarding their eligibility for the permit in question. If the advisor requires further clarification, especially of a medical nature, the advisor may contact the applicant's doctor. If the advisor is not persuaded that the applicant needs accommodation, the advisor should offer the applicant the opportunity to discuss the issue with the Director.
- 5.3 Following the advisor's review, the advisor drafts a written evaluation of the need to accommodate the applicant, including a summary of any additional discussion and arguments in the applicant's favour that arise during communication between the advisor and the applicant or their doctor, and forwards this, along with the application package, to the Director.

6. Director's Review

- 6.1 The Director reviews the information provided, contacts the applicant if requested, and makes a decision regarding the need to accommodate the applicant. In cases of doubt about whether a person has a physical disability that requires accommodation, the director should seek legal counsel.
- 6.2 The Director returns the application package to the Director's advisor who forwards the complete application package to the administrator for transmittal to the appropriate decision maker.
- 6.3 If the Director has decided that any part of the application does not warrant accommodation, the advisor prepares a draft permit denial letter for the part that is being denied, and includes it with the material to be returned to the administrator.

7. Director Only Permits

- 7.1 These permits are issued province-wide for areas without access restrictions.



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- 7.2 If the applicant is seeking an exemption from section 27(1) of the *Wildlife Act* and the Director concludes that the applicant has a physical disability and decides that the applicant requires accommodation for that purpose, the Director authorizes the issuance of a permit under section 3.1(1)(a) of the Permit Regulation.
- 7.3 If the Director concludes that the applicant has a physical disability and decides that the applicant requires accommodation through assistance from a hunting companion to help track, kill, and retrieve an animal the disabled hunter wounds in an area without access restrictions, the director authorizes the issuance of a permit under section 2 (aa) of the Permit Regulation.
- 7.4 If the applicant is seeking authorization to have a designated “proxy” hunter kill big game on his or her behalf and the Director concludes that the applicant has a physical disability and decides that the applicant requires accommodation for that purpose, the Director authorizes the issuance of a permit under section 2(bb) of the Permit Regulation. If a 2(bb) permit is granted it must include the name(s) of the designated “proxy” hunter(s).

8. Regional Manager Only Permits

- 8.1 These permits are restricted to areas the Regional Manager is responsible for.
- 8.2 If the applicant is seeking an exemption from a specific prohibition in the Motor Vehicle Prohibition Regulation or the Public Access Prohibition Regulation as well as a hunting companion permit for access restricted areas under section 2(aa) of the Permit Regulation and the Director concludes the applicant has a physical disability and decides that the applicant requires accommodation for that purpose, the following steps apply:
 - 8.2.1 The administrator forwards the access exemption application and a draft permit to the appropriate regional manager(s) for consideration. Some regions will have previously created lists of areas for which they will readily issue permits. If the areas requested are on the list, that fact should be noted and a draft permit including those areas can be created. The administrator may also, for convenience sake, include on the draft permit all areas applied for, but should highlight this fact to the region.
 - 8.2.2 Each Regional Manager considers whether an access exemption permit should be issued for each of the areas applied for within the region or whether instead it would be an undue hardship to issue a permit for any or all of the areas.
 - 8.2.3 Each Regional Manager considers whether to restrict the number of companions or hunting companions the applicant may have accompany them in the vehicle depending on the type of access restrictions for the area (usually only one companion or hunting companion for motor vehicle closed areas and up to two hunting companions for motor vehicle hunting closed areas as per policy).

9. Combined Director and Regional Manager Permits

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- 9.1. These permits combine province-wide and regional authorizations.
- 9.2. If the applicant is seeking authorization for a combination of activities described in both sections 7 and 8 above, and the director has decided that the applicant should be issued a permit described in section 7 and that the applicant has a physical disability that requires accommodation and warrants consideration of the issuance of a permit described in section 8, the following steps apply.
 - 9.2.1. The administrator forwards the combined application to the appropriate regional manager for consideration.
 - 9.2.2. The Regional Manager follows the same considerations for access permits as described in section 8 above.
 - 9.2.3. The Regional Manager, on the Director’s behalf, issues the permit that the Director decided should be issued for the activity described in section 7, and combines it with any permit that the Regional Manager decides to issue for any activities described in section 8.
 - 9.2.4. The term for the combined permit is set by the Regional Manager. It should reflect the term for a Regional Manager access permit as described in sections 10.6 and 10.7 below.

10. Criteria, Terms and Advisories

- 10.1. The criteria used for different types of permits varies, as such, applicants may be eligible for only one type of permit, more than one type, or none.
- 10.2. Each type of permit must be specifically applied for and assessed independently as per policy.
- 10.3. The decision maker must send a letter to each applicant who is refused a permit in part or in whole, explaining the reason for refusal. Denial letters should include notification of the right to appeal.
- 10.4. The permit conditions and advisories listed in the permit template are not exhaustive or universal. The administrator must change, add, or remove conditions and advisories at the direction of the decision maker.
- 10.5. The term for Director’s permits should be for up to five years.
- 10.6. The term for Regional Manager’s permits should normally be for up to one year as restricted areas requested often change from year to year. In some cases where applicants repeatedly request the same restricted access areas every year, the Regional Manager can consider issuing multi-year permits up to a maximum of five years.



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10.7. If an application is received for a combined director’s permit and regional access permit, the term for the access permit should be applied to both. Regardless of the approximate length of term of a permit, it should terminate at the end of a hunting licence year, i.e., March 31.

10.8. Once the permit terms are settled, the administrator prepares the permit for signature, arranges signature, and forwards it to the applicant once signed.

11. Record Keeping

11.1 The administrator must keep a record of:

- a) each section 27(1) exemption granted,
- b) each designated “proxy” hunter permit granted,
- c) each Director’s confirmation that an applicant has a physical disability for the purpose of, or should otherwise be considered for a permit granting, an exemption from the Motor Vehicle Prohibition Regulation or the Public Access Prohibition Regulation, and
- d) each hunting companion permit that is not associated with any other disabled hunting permit,

so that decision makers can take existing authorizations into consideration when considering additional applications for exemptions.

11.2 A Regional Manager must keep a record of each exemption granted from the Motor Vehicle Prohibition Regulation or the Public Access Prohibition Regulation for areas in their region so that decision makers can take existing authorizations into consideration when considering additional applications for exemptions.

Definitions:

“**administrator**” – means the FrontCounter Wildlife Permit Administrator.

“**Director**” – means the Director of Wildlife. A reference to the Director includes a reference to an authorized delegate and to a Deputy Director.

“**Director’s advisor**” – means the Director’s medical assessment advisor of the Wildlife and Habitat Branch.

“**Regional Manager**” – means the Regional Manager of the recreational fisheries and wildlife programs and includes

- (a) the Director exercising the powers of a Regional Manager under section 100 of the *Wildlife Act*, and
- (b) an authorized delegate, as the context requires.



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Policy Cross-Reference:

Ministry Policy Manual, Volume 4, Section 7

Subsection:

— 01.09 Disabled Hunting

Other Cross-References:

Wildlife Act, R.S.B.C. 1996, c. 488, sections 19, 20, 27(1) and 100(1)

Wildlife Act: Permit Regulation, B.C. Reg. 253/2000, sections 2(aa), 2(bb), 3(2) and 3.1(1)(a)

Wildlife Act: Motor Vehicle Prohibition Regulation, B.C. Reg. 196/99

Wildlife Act: Public Access Prohibition Regulation, B.C. Reg. 187/2003, sections 2, 3, 6, 7, 9 and 10