

**Amendments to the *Wildlife Act* (the “*Act*”) related to
Guide Outfitting: Questions and Answers
Prepared for Guide Outfitters and Certificate Holders
June 10, 2009**

A. GUIDE OUTFITTER LICENCES

Question: *Can a guide outfitter guide in more than one territory?*

Answer:

- Under the current *Wildlife Act*, a licensed guide outfitter can only guide in the guiding area specified in his or her guide outfitter licence.
- After June 15th, 2009, a licensed guide outfitter can guide in more than one guiding territory, subject to consent of both the Regional Manager and the holder(s) of a Guiding Territory Certificate for all the Guiding Territories concerned.

Question: *If a guide is operating in more than one territory during the year, will the guide require a separate licence for each territory?*

Answer:

- Yes, a guide will require a separate Guide Outfitter licence for each territory in which (s)he guides.
- A guide may hold a Guide Outfitter licence for more than one area at a time, provided they can reasonably be in each area 51% or more of the time that their assistant guides are with clients. For example, a guide could lead a spring bear hunt in the Kootenay Region and a fall elk hunt on Vancouver Island.
- Before issuing a guide license, the Regional Manager may ask how a guide outfitter intends to meet this requirement.
- In addition, the Regional Manager will need to ensure that the holder(s) of a Guiding Territory Certificate for the territory have consented to the guides guiding in the territory.

B. GUIDE OUTFITTER QUALIFICATIONS

Question: *What are the changes to guide qualifications?*

Answer:

- Effective immediately, we have repealed the requirement that assistant guides actively guide and hold licences for 24 months, in order to qualify for a guide outfitter licence.
- Regional Managers should ensure that the applicant has passed the guide outfitter examination prior to issuing a guide licence.

- In the coming year we will also be updating the guide outfitter exam.

Question: *What criteria must be met to proceed with an application for a Guide Outfitter Licence?*

Answer:

- Must be a Canadian citizen or a permanent resident of Canada (i.e. a landed immigrant).
- Must satisfy the Regional Fish and Wildlife Manager that you have a working knowledge of the *Wildlife Act* and the Commercial Activities Regulation, B.C. Reg. 338/82, Division 1, Guides. This is done through the successful completion of the Guide Outfitter exam.
- Must have permission of the certificate holder(s).

Question: *What are the fees associated with a Guide Outfitter Licence?*

Answer: Fees are as follows:

- \$500 licence fee
- \$25 application fee (for new applications only.)
- \$25 late fee for renewal applications received after May 31st.
- If you are both the territory certificate holder and the guide outfitter, you may need to pay a territory transfer fee (\$500.)
- All fees are required at the time of application.

C. ASSISTANT GUIDES

Question: *What criteria must be met to proceed with an application for an Assistant Guide Outfitter Licence?*

Answer:

- Must be nineteen (19) years of age or older.
- Must be a Canadian citizen or a permanent resident of Canada (i.e. a landed immigrant).
- Must have a guide outfitter willing to employ you to guide hunters in his or her area and under his or her jurisdiction.

Question: *What is the fee associated with an Assistant Guide Outfitter Licence?*

Answer: The fee is \$150.

D. GUIDE OUTFITTERS: PRESENCE IN THE FIELD

Question: *What are the changes regarding guide outfitters being present in their territory?*

Answer:

- Presently, guide outfitters have to be present in their guiding area “substantially all of the [time]”.
- After June 15th, 2009, guide outfitters will have to be present in their guiding area “a majority of the time” rather than “substantially all of the [time]” that their assistant guides are guiding for game. This more flexible requirement will enable guide outfitters to supervise guided hunts in more than one territory.

Question: *Can a guide operate a hunt in two places at once?*

Answer:

- It depends on the operation. A guide must be in their guiding area a majority of the time assistant guides are guiding for game.

E. GUIDING AREAS VERSUS GUIDING TERRITORIES

Question: *As of June 15, 2009, what is the difference between a guiding area and a guiding territory?*

Answer:

- The guiding area relates to a Guide Outfitter licence only. “Guiding Area” is defined in the *Wildlife Act* and states that a guiding area in relation to a guide outfitter, means “the area described in the guide outfitter’s licence issued under section 51” of the Act.
- The guiding territory is an area described in a Guiding Territory Certificate or an area designated under section 65 (1) of the Act as a guiding territory.

F. GUIDING TERRITORY CERTIFICATES

Question: *What is a Guiding Territory Certificate?*

Answer:

- As of June 15, 2009, a Guiding Territory Certificate grants a person(s) exclusive control over guiding privileges (the privilege to commercially guide for game) within a specified Guiding Territory.
- This means that a holder of a Certificate must consent to guiding in their specified Guiding Territory.
- The Certificate is good for ten years and can be renewed after five years.

Question: *Who will be eligible for a Guiding Territory Certificate after June 15th, 2009?*

Answer:

- Any person who is a Canadian citizen or a permanent resident of Canada, is 19 years of age or older, and has other qualifications prescribed in regulation.

Question: *Who can hold Guiding Territory Certificates?*

Answer:

- Any person or group of people aged 19 or over and who are Canadians or permanent residents of Canada can hold one or more guiding territory certificates.
- Certificates can only be held by “natural” persons, not corporations.
- Transfer of certificates or an interest in a certificate is subject to approval by a Regional Manager.

Question: *What are the other changes around Guiding Territory Certificates?*

Answer:

- In the past, a Guide Outfitter Certificate, which provides the guide with exclusive guiding privileges over a defined area, could only be held by a person who is licensed as a guide outfitter.
- After June 15, 2009, anyone can hold a Guiding Territory Certificate - they don't necessarily have to be a guide.

Question: *Can a person or group of persons, hold more than one Guiding Territory Certificate?*

Answer:

- Yes. A person or a group will be able to hold more than one guiding territory certificate and each certificate can be held by more than one person. This recognises that there may be other partners in a guiding business who may wish to be named on a Guiding Territory Certificate. This provides greater certainty for investors and recognizes business relationships that already exist in the guide industry.
- The Guiding Territory Certificate must specify the interest held in the certificate by each holder of the certificate.

Question: *How will these changes to the Guiding Territory Certificate help the guiding industry?*

Answer:

- It will enable guide outfitters to develop transparent business partnerships with other guides and with those not active in the guiding industry.
- It is anticipated that changes will inject new capital and attract new investors into the guide outfitting industry.

Question: Can more than one guide operate under a Guiding Territory Certificate?

Answer:

- No. Only one guide can operate under a certificate. There will still be one guide per area. For example, one guide leading a spring bear hunt cannot operate under the same certificate in the same area as another guide leading a fall elk hunt.

Question: Who approves the transfer of a Guiding Territory Certificate?

Answer:

- Transfer of a certificate or transfer of an interest in a certificate, is subject to approval by a Regional Manager.

Question: What is the effect of these changes to Guiding Territory Certificates upon hunters from British Columbia?

Answer:

- Hunters from British Columbia can hunt within a guiding territory as long as they follow all the rules set out in the hunting regulations.
- Certificates only give a control over guiding in the area, and do not impact recreational hunters from British Columbia.

Question: What is government's role?

Answer:

- Government retains broad oversight over the guide industry, which is consistent with wildlife being a public resource.
- Oversight is retained in relation to allocation of quotas, approval of Guiding Territory Certificate transfers (i.e transfers in ownership), renewal of Guiding Territory Certificates, and the issuance of guide outfitter and assistant guide outfitter licences.
- Government retains its broad powers to consider administrative action against guides, assistant guides and certificate holders under section 61 of the Act.
- Lieutenant Governor in Council is authorised to make regulations in respect of applications and applicants for Guiding Territory Certificates.
- Section 61 of the Act enables a Regional Manager to conduct a hearing and suspend, cancel, amend, limit, impose other conditions, refuse to

issue or renew a licence or certificate if conditions of a licence or certificate are not followed.

Question: *If there are multiple holders of a guiding territory certificate, will the regional manager communicate with all of the certificate holders?*

Answer:

- No. If there are multiple owners of a Guiding Territory Certificate, the owners will designate one person – an agent – who will be able to communicate and act on behalf of all the owners. The agent does not need to be one of the certificate holders.
- Similarly, the Regional Manager will deem that communication coming from the agent will form communication from all interest holders.

Question: *What happens if one of the holders of a guiding territory certificate dies?*

Answer:

- In the event that a holder of a Certificate dies, his or her interest in the Certificate will still form part of his or her estate. If the interest in the Certificate has not been transferred to a new person within two years of the owner's death, the interest will revert to the government.

Question: *Will there be any changes in licence fees or Guiding Territory Certificate fees on June 15th, 2009?*

Answer:

- No, there will be no increases in licence or certificate fees on June 15th, 2009. There is no fee for a new guiding territory certificate or to renew a guiding territory certificate. The guiding territory transfer fee is \$500. This fee refers to the transfer of guiding territory or transfer of interest in the guiding territory.

G. NON-USE OF TERRITORY

Question: *Are there any changes around non-use of guiding territory?*

Answer:

- The general intent of “non-use of guiding territory” is not changing.
- Holders of Guiding Territory Certificates can apply to a Regional Manager for a temporary or partial discontinuance of the privileges granted by a Guiding Territory Certificate.

- The Regional Manager can review the operation of a holder of a Guiding Territory Certificate and suspend, cancel or refuse to renew the Guiding Territory Certificate if there has been no guiding in a year in the guiding territory described in the Certificate.

Question: What is the authority of Regional Managers in relation to designating unassigned areas or reassigning guiding privileges?

Answer:

- A Regional Manager can designate an unassigned area to a Guiding Territory Certificate as a Guiding Territory.
- The Regional Manager has the authority to advertise and sell the “exclusive control over the guiding privileges” whenever designating a new Guiding Territory or reassigning exclusive control of guiding privileges in an existing or new territory.
- The Regional Manager will be able to amend existing Certificates to add new Guiding Territories after payment.
- The Regional Manager can advertise and sell by tender, any interests in a Guiding Territory Certificate that have been forfeited to the government. Only an eligible person will be able to purchase the forfeited interest in the Certificate.

H. AMENDED DOCUMENTS

Question: What documents are changing on June 15th?

Answer:

Several documents are changing on June 15th, including:

- The application for guide outfitter licence;
- The guide outfitter licence;
- The guiding territory certificate application;
- The guiding territory certificate; and
- The relinquishment form/ transfer form.

I. CONTACTS

If you have a question regarding obtaining a licence or certificate, please see the Permit and Authorization Service Bureau website <http://www.env.gov.bc.ca/pasb/> or contact the Permit and Authorization Service Bureau:

Victoria: 250-952-0932

Toll Free in B.C.: 1-866-433-7272 (1-866-433-PASB)

Outside of B.C.: 1-250-952-0932 Fax: 250-952-4344

If you have a question related to the amendments to *the Wildlife Act*, please contact the Ministry of Environment's Fish and Wildlife Branch:
Phone: 250 387-9771 Fax: 250 387-0239