



April 14, 2015

File: 78420-20/MAC

Scott Mackenzie  
s.22

Dear Mr. Mackenzie;

Re: Application for guiding in an area outside your Guiding Certificate territory

I have denied your application for a 70 1(b) Permit because of recent changes to the Harvest Allocation Policy and a lack of supporting documentation in regards to the continued issuance of this permit. The challenges with this type of permit in unallocated areas are equitable availability of permits to all guides, fairness to resident hunters, fair return to the Crown, and compliance with First Nations consultation requirements. There was no consultation with First Nations, resident hunters or other guide outfitters with this permit when it was previously issued. Furthermore the February 6<sup>th</sup>, 2015 revised decision on the Harvest Allocation Policy specifically states "vacant areas and areas not currently allocated to guides will continue to be maintained as unguided areas and available for resident hunting". The new Harvest Allocation Policy made targeted increased shares of allocation for guide outfitters to help ensure the guide outfitter industry remains economically viable. These increased shares will be reflected in the increased number of moose and grizzly bear assigned to your quota.

The provision of access to unallocated areas, offered through the issuance of a 70 1(b), simply to provide a guide with additional hunting opportunity does not fit with the original intent of section 70 1(b). This was originally established to provide a guide outfitter certificate holder the ability to take nonresident hunters in another certificated area other than their own because the existing certificate holder could not as a result of health or personal reasons or to facilitate a business arrangement between two guides. The additional hunting opportunity provided by a 70 1(b) permit was not intended for unallocated lands.

You have the right to appeal this decision to the Environmental Appeal Board within 30 days. For more information on the EAB appeal process, see Appendix 1, attached to this letter, and the following website: [www.eab.gov.bc.ca](http://www.eab.gov.bc.ca).

If you have any questions regarding this decision, please feel free to call me at 250 371-6269 or Andrew Walker at 250-490-2217.

Yours truly,

A handwritten signature in black ink, appearing to read 'MB', with a stylized flourish at the end.

Michael Burwash  
Regional Manager  
Recreational Fisheries & Wildlife Programs

AW/MB/cl

Cc: Cheryl Doll, Front Counter BC, 2-441 Columbia Street, Kamloops, B.C. V2C 2T3

## APPENDIX 1

### **Right to Appeal (notice required by Ministry policy)**

You may appeal this decision to the Environmental Appeal Board under section 101.1 of the *Wildlife Act*. To do this, you must give written notice of appeal to the Environmental Appeal Board not later than (a) 30 days from the date you actually receive this notice, or (b) 44 days from the date, this decision is deposited in Canada Post, registered mail, whichever is earlier.

A notice of appeal must comply with the Environmental Appeal Board procedure regulation (BC Reg. 1/82) under the *Environmental Management Act*. It may be provided by mailing it by registered mail to the chair of the Environmental Appeal Board at PO Box 9425 Stn. Prov. Govt., Victoria, B.C., V8W 9V1, or by leaving it for the chair during business hours at the 4<sup>th</sup> floor, 747 Fort Street, Victoria, B.C.

You, your counsel, or a representative must sign the notice of appeal and contain:

- your name and mailing address,
- the name of your counsel or representative, if any,
- the reasons for the appeal,
- particulars relative to the appeal, and
- a statement of the nature of the order requested.

Your notice of appeal must be accompanied by a fee of \$25.00, payable to the Minister of Finance and Corporate Relations.