

PROCEDURE TITLE: Allocation of Hunting Licences to Licenced
Resource Tourism Operators

BRANCH/DIVISION: Wildlife and Ecosystem Protection

Procedure Number: PR-10/13/001

Effective Date: November 4, 2010

Approved By:

Date Reviewed:

Date Revised:

INTENT:

To establish procedures for the administration of the *Allocation of Hunting Licences Regulation* MR 77/06, pertaining to the allocation of foreign resident deer, black bear, moose and non-resident and foreign resident barren-ground caribou hunting licences to licensed tourism operators

PROCEDURE:

A. ALLOCATION OF HUNTING LICENCES

A.1. General

1. The department shall establish the total allowable harvest and the number of foreign resident and/or non-resident (for barren-ground caribou) hunting licences for deer, black bear, moose and barren-ground caribou for each Game Hunting Area (GHA). An operator can use his/her licences only in the GHA to which they are assigned except as specified in A.1.1(a).
 - a) In remote areas with no road access – if an allocation holder in one GHA operates on a watercourse or lake which lies on the boundary of 2 GHAs, the allocation can be assigned for use in both GHAs if this assignment does not impact the operations of other outfitters in those GHAs.
2. The recommendations of the Beverly Qamanirjuaq Caribou Management Board (the Board) shall be a main consideration when the department establishes the total allowable harvest for the Qamanirjuaq caribou herd.
3. In addition to the eligibility criteria prescribed by Section 2 of MR 77/06, the allocation of foreign resident/non-resident caribou hunting licences, will be made only to:

- a) Northlands Denesuline First Nation (Lac Brochet) and Sayisi Dene First Nation (Tadoule Lake), or
 - b) the owner of a major lodge with capital assets of at least \$350,000, that is located on the fall barren-ground caribou range.
- 4. Allocations of hunting licences for deer, black bear, moose and barren-ground caribou shall be established by the Regional Wildlife Manager (or designate) in consultation with the Wildlife & Ecosystem Protection Branch as set out in Schedule II.
- 5. The number of foreign resident/non-resident hunting licences for the Qamanirjuaq caribou herd shall be determined by the department and the Board, through consultation with the other three jurisdictions (Saskatchewan, Nunavut, North West Territories) hunting the herd.
- 6. Allocations for deer may be comprised of licences for use in any of the foreign resident deer seasons that are open in the GHA. In GHAs which offer a foreign resident muzzleloader season, the proportion of an outfitter's individual species allocation for deer in a GHA that may be used during the muzzleloader season shall not exceed 65% of the species allocation of licences for that GHA.
- 7. Except for barren-ground caribou, a new allocation for a species shall normally be six (6) licences (Total Individual Species Allocation). A new allocation may be greater than six (6) licences when licences are available and the new operator can demonstrate that additional licences can be sold.
- 8. The total allocation of barren-ground caribou licences to a lodge will equal 50 licences, and may be comprised of any combination of regular (first) and Second Caribou Licences. A new lodge, which is eligible for an allocation of barren-ground caribou licences, will receive the same allocation.

The total allocation of barren-ground caribou licences to a community will equal 70 licences, and may be comprised of any combination of regular (first) and Second Caribou Licences.
- 9. Barren-ground caribou licences which are allocated to a lodge shall not be eligible for reallocation to another lodge or operator, and must remain with the lodge.
- 10. Licences allocated to a First Nation community shall not be eligible for reallocation.

A.2. Sources of Available Licences for Allocation

1. Licences may be available where there are unallocated foreign resident licences within a GHA.
2. Licences may become available after a GHA quota review when the total GHA quota for an allocated species is raised due to factors which may include an increase in the population, a decrease in the harvest by priority users or a change in land use.
3. Licences may become available through individual species quota adjustments due to non-utilization.
4. Licences may become available for reallocation through the sale or dissolution of an operation.

A.3. Allocation of Available Licences for each Allocated Species

General

For barren-ground caribou, licences have been allocated only to: a) Northlands Denesuline First Nation (Lac Brochet) and Sayisi Dene First Nation (Tadoule Lake); and, b) qualifying lodges on the fall barren-ground caribou range.

Existing or prospective new operators shall apply to the Regional Wildlife Manager (or designate) **annually in writing** for a new allocation or for additional licences in a Game Hunting Area.

Prior to making a new allocation, the Regional Wildlife Manager (or designate) shall ensure that the prospective new operator consults with First Nations and Community Councils in areas where there are existing agreements (cooperative management), Treaty Land Entitlement areas, Northern Flood Agreement Communities and in accordance with the policy for Consultation with Northern First Nations and Communities on Resource Allocation for Lodges and Outfitters.

Regional Wildlife Managers (or designate) shall consider Resource Management Agreements with northern communities prior to making allocations.

Order of priority

Supply exceeds demand – Except for barren-ground caribou licences, the first 6 licences available shall be allocated to a First Nation or First Nation persons, who are residents of Manitoba, Licensed Tourism Operators, prospective new operators and have expressed an interest, **in writing**, in outfitting foreign resident hunters, and are from a First Nation community which has traditionally used that GHA for resource harvest.

Remaining unallocated licences in a GHA, may be allocated at the discretion of the department in accordance with Section 5 of the Allocation of Hunting Licences Regulation, MR 77/06. Discretion will be guided by the following:

- Existing operators with fewer than 6 licences may receive the number of licences required to raise their allocation to 6 licences.
- Existing operators with 6 or more licences and new operators requesting more than 6 licences with a demonstrated ability to market the additional requested licences.
- New operators may receive an initial allocation of 6 licences.

Demand exceeds supply - When several **written** applications are received for a limited number of unallocated licences for a GHA (demand exceeds supply), the following order of priority shall be followed:

1. When licences become available from sources listed in subsections A.2.1. to A.2.3., an operator in the GHA, that was subjected to a previous individual species quota reduction, as set out in subsection C.1.2., and has utilized licences as set out in subsection B.4., shall be given first priority to receive the number of licences that were withdrawn from his individual species quota. If only a portion of the withdrawn licences is available, the licences shall be allocated to the original quota holder as follows:

Individual Species Quota Increase =

(Original Individual Species Quota) / (GHA Quota) X (Available Licences)

2. When licences become available after a GHA quota review (subsection A.2.2.), licences shall be allocated as follows:
 - a) Except for barren-ground caribou licences, the first 6 licences available for each species in a GHA, shall be allocated to a First Nation or First Nation persons, who are residents of Manitoba, Licensed Tourism Operators, are prospective new operators and have expressed a **written interest**, in outfitting foreign resident hunters, and are from a First Nations Community which has traditionally used that GHA for resource harvest.
 - b) For available barren-ground caribou licences, the Regional Wildlife Manager (or designate) shall ensure that existing lodges and communities receive an equal share of available licences and, that

prospective new lodges receive an allocation of licences equal to the existing lodges.

- c) Remaining licences shall be allocated to **existing** operators in the GHA who have utilized licences as set out in subsection B.4. Each qualifying operator, who has submitted a **written request** for additional licences, shall be allocated a share of the available licences from a quota review, up to a maximum of 6 licences.

Licences remaining after distribution set forth above [a) and b)] will be pooled with licences available from non-utilization (C.1.1.) and other sources (A.2.1), and made available for allocation according to subsection A.3.3. **Caribou licences shall be allocated to existing operators only, or purchasers of lodges qualifying for allocations.**

- 3. When licences become available, they shall be allocated to a First Nation or First Nation persons who are prospective new operators, existing operators, and other prospective new operators according to the following priority:
 - a) Except for barren-ground caribou licences, the first 6 licences available for each species in a GHA shall be allocated to a First Nation or First Nation persons, who are residents of Manitoba, Licensed Tourism Operators, prospective new operators and have expressed an interest **in writing**, in outfitting foreign resident hunters, and is from a First Nations Community which has traditionally used that GHA for resource harvest.
 - b) Operators in the GHA or adjacent to the GHA where licences are available, with a total individual species quota of **from 1 to 5 licences**, who have utilized at least 90% of their individual species quota the previous year (see note), or with a demonstrated ability to market additional licences, shall receive priority consideration for available licences;
 - c) Operators in the GHA or adjacent to the GHA where licences are available, with a total individual species quota of **from 6 to 11 licences**, who have utilized at least 90% of their individual species quota the previous year (see note), or with a demonstrated ability to market additional licences, shall receive priority consideration for available licences. Note: Or have utilized at least 90% of the sum of their individual species quotas (to ten licences) for the year immediately preceding the review.

Deer, Black Bear and Moose Allocations Only

The intent is to allocate available licences to increase each existing operator's quota – first to 6 licences and then to 12.

- d) Operators in the GHA or adjacent to the GHA where licences are available, with **12 or more licences** and who utilized at least 90% of their total individual species quota in the previous year, or with a demonstrated ability to market additional licences, and prospective new operators, who are resident Licensed Tourism Operators, and who are residents of the area where the licences are available and who have been involved in work experience related to outfitting or guiding foreign residents for i) the allocated species or ii) other species.
 - e) Operators not in the GHA, or adjacent GHA where licences are available, have an existing allocation in the region and have utilized at least 90% of their total individual species quota in the previous year.
 - f) Operators who do not have an existing allocation in the region where the licences are available and have utilized at least 90% of their total individual species quota in the previous year.
 - g) Prospective new operators, who meet the eligibility requirements prescribed by Section 2 of the Allocation of Hunting Licences Regulation, MR 77/06, and who are residents of the area where the licences are available and who have expressed an interest in writing, in outfitting foreign resident hunters for the allocated species and who have no big game outfitting experience.
 - h) Prospective new operators, who have expressed an interest in writing, and who meet the eligibility requirements prescribed by Section 2 of MR77/06, and who are not residents of the area where the licences are available and who have been involved in work experience related to outfitting or guiding foreign residents for i) the allocated species or ii) other species.
4. In addition to the above priority list (subsection A.3.3.), the following criteria, listed in order of priority, are important considerations when making allocations:
- a) Operators who have waited the longest to receive a quota and who indicate each year in writing, that they wish to remain on the waiting list.
 - b) Operators with a high capital investment.

- c) Where additional allocations are required to make an existing capital investment viable.
- d) The number of years the applicant has been involved in work experience related to outfitting or guiding i) foreign resident/non-resident, or ii) resident hunters for deer, black bear, moose and caribou.
- e) Past performance in adhering to laws, regulations and program conditions of the licences.
- f) Expected revenue to the local area and Manitoba economy.

B. ALLOCATION AGREEMENTS

B.1. Term of the Allocation Agreement

1. An Allocation Agreement between Manitoba Conservation and the outfitter shall normally be entered into for a three year term to coincide with the three year allocation cycle.
2. Allocations shall normally be made on a three year cycle (2004, 2007, 2010, 2013 etc), and shall be subject to all provisions of this Procedure Directive on an annual basis with the following exception. Utilization of individual allocations as set out in section B.4 shall be undertaken in the third year of each cycle.

B.2. Areas of Operation

1. Operators shall be allocated licences for use in a specific GHA(s) usually with area assignments for black bear and moose allocations, but generally without area assignments for deer allocations.
2. Area assignments in an entire GHA may be made (including for deer) to resolve conflicts, or when requested by the majority of operators in the GHA, and when approved by the Regional Director.
3. An assigned area may be allocated either to a single operator or to two or more operators, when agreed to in writing by all parties.
4. The size of an assigned area shall normally be based on the productivity of the land base, the number of sustainable licences allocated for that area, and other relevant factors.

5. Within an assigned area, only provincial Crown land shall be allocated.
6. Private land shall not be allocated. Outfitters will be allowed to seek access to private lands **only** in their assigned areas. *In some cases*, outfitters may use their allocated licences on private lands in the GHA specified on the licences provided that this private land is not in another outfitter's assigned area.
7. Lands mutually agreed by the Government of Manitoba and First Nations for negotiation for Treaty Land Entitlement shall not be allocated except with the agreement of the First Nations.
8. An assigned area may be reduced in size or altered, if there is a general decline in the population of the allocated species, an adjustment is required to accommodate a new operator or, to resolve conflicts with other operators or other persons in the area. Before a reduction or alteration is undertaken, consultation will occur with all affected operators.

B.3. Areas of Operation for Barren-Ground Caribou

1. Operators shall be allocated foreign resident/non-resident caribou licences for use only in GHA 1.
2. No area assignments shall be made to operators with GHA 1 caribou licences.
3. Lands mutually agreed by the Government of Manitoba and First Nations for negotiation for Treaty Land Entitlement shall not be allocated except with the agreement of the First Nation.

B.4. Utilization of Individual Species Allocations

1. The annual use of allocations shall be monitored every three years on the same cycle.
2. An operator with an existing allocation shall be assessed in November/December in the third year of the three year cycle (2004, 2007, 2010, 2013 etc.).
3. All operators shall retain the individual species quota in a GHA if utilized at the 65% level (average use) over the previous three year cycle, or a level determined by the Minister of Conservation.

4. Operators receiving their initial allocation, or purchasers receiving reallocated licences within a three year cycle (after Jan.1 in Year 1: prior to Dec. 31 in Year 3), will not be assessed until the end of the next three year cycle.
5. New operators receiving their first allocation, or purchasers who receive reallocated licences prior to December 31st in the year immediately preceding the three year review period, will be assessed in the next review period.
6. Unless authorized by the Regional Wildlife Manager (or designate) in writing, licences utilized by another operator or person shall be deemed to be non-use.
7. Where the Regional Wildlife Manager (or designate) permits a licence exchange where the licences of one outfitter (the lender) are used by another outfitter (the borrower), the following conditions must apply:
 - a) The licence exchange must not be a planned, ongoing part of the business of the lender or the borrower.
 - b) Not more than 4 licences may be exchanged.
 - c) The borrower must be in possession of written authorization from the Regional Wildlife Manager (or designate) before the licences can be used.
 - d) The licences must be for the same species and season.
 - e) The licences must be valid for the same GHA as the borrower's licences and must be used in the borrower's assigned area.
 - f) Neither the lender nor borrower may claim utilization for exchanged licences.
 - g) A lender or borrower may be involved in only one licence exchange during a three year period.

B.5. Monitoring

1. Guidelines regarding monitoring activities shall be current, and operators shall be provided clear instructions in the Allocation Agreement for each foreign resident big game outfitter.

C. REDUCTIONS, CHANGES AND TERMINATION OF ALLOCATIONS

C.1. Quota Reductions

Reductions in individual species quotas for an allocated species shall occur as follows:

1. For failing to meet sales expectations for allocated licences under an Allocation Agreement (in accordance with s. 12 of the Allocation of Hunting Licences Regulation, M.R. 77/2006), the following are to guide the discretion of the Department:

- a) Subject to d), if an operator does not meet utilization criteria as set out in Section B.4, the loss of allocation for new and existing operators shall amount to 50% of the unused portion of the individual species quota, based on an average of the three previous years in the cycle. Such reductions can occur in two successive three year cycles.
- b) Subject to d), for new operators, an individual species quota not used in two successive years, excluding the first year of operation, shall result in an immediate 100% withdrawal of the quota.

For existing operators, an individual species quota not used in two successive years, shall result in an immediate 100% withdrawal of the quota.

- c) In GHAs with individual assigned areas, a portion of the assigned area shall normally be withdrawn from the allocation, when an individual species quota is reduced. The reduction in size of the area shall be in proportion to the number of licences withdrawn. The exact area withdrawn shall be determined in consultation with the operator.
- d) Prior to any decision by the Department to reduce or terminate an allocation, the operator shall be formally notified by the Regional Wildlife Manager (or designate) of the possible reduction, and the operator is to be given an opportunity to provide a satisfactory explanation of the reasons for underutilizing the allocation (failing to meet sales expectations under the allocation agreement). The Regional Wildlife Manager (or designate) should also review with the operator the operator's effort and future operational plans. The Department will not reduce an allocation where the operator provides a satisfactory explanation of the underutilization, which should include documentation to support the explanation. Examples of circumstances that could constitute satisfactory explanations

includes, but is not limited to: cancellations by the client, outfitter illness, natural disasters, severe weather conditions, or separation or dissolution of a business partnership or corporation. The specific circumstances of each case must be considered. The Regional Wildlife Manager (or designate) must be notified of these circumstances by the 10th of the month following the close of the season for that particular species.

- e) Licences allocated to a First Nation, or First Nation operator, that are lost due to non-utilization will be held for allocation to another resident First Nation, or First Nation persons, who are Licensed Tourism Operators, prospective new operators, have expressed an interest in outfitting foreign resident hunters, and is from a First Nations Community which has traditionally used that GHA for resource harvest (community interest zone, resource management area).
 - f) Caribou licences that are lost by operators due to non-utilization are not available for reallocation to other operators.
2. Due to a reduction, for an indefinite time period, in the species allocation (licences) when there is a general population decline of the allocated species, a major change in land use, or an overall increase in harvest by priority users.
- a) All individual species allocations in the GHA shall be subject to the same percentage reduction to accommodate the total GHA quota reduction.
 - b) A 100% reduction of the total GHA quota may be necessary under extreme environmental conditions.
 - c) Portions of a GHA may be closed to foreign resident hunting due to a localized conflict with priority users or a major change in land use.
3. In all instances, when the calculated reduction results in a fraction, the number shall be rounded up (e.g., a calculated reduction of 2 1/4 becomes 3)

C.2. Termination of Allocation

- 1. An operator, who no longer meets the eligibility requirements prescribed in Section 2 of MR 77/06, can either forfeit the allocation, or sell the operation within one year from the date of residency change, to another resident or foreign resident if the capital assets exceed \$350,000.

2. An operator who contravenes the conditions of his or her Allocation Agreement, this Procedure Directive, or *The Wildlife Act* or any of its regulations, may permanently or temporarily lose all or part of their big game licence allocation (see Schedule III).

D. TRANSFER

1. Allocations may be transferred to the purchaser(s) of an operation, or a partial operation as follows, in each instance the licences remain the property of the crown.
 - a) Entire allocations may be reallocated to the purchaser(s) of an entire operation. A written request to transfer the entire allocation must be submitted to the Regional Wildlife Manager (or designate) for review.
 - b) The Total Individual Species Allocation (for a species) may also be re-allocated to a purchaser. In this instance, documentation in the form of a letter of agreement between an operator (the seller), and a prospective purchaser requesting the re-allocation of a Total Individual Species Allocation (for a species), must be submitted to the Regional Wildlife Manager (or designate) for review.
 - c) A GHA portion of an Individual Species Allocation may also be re-allocated to a purchaser. In this instance, documentation in the form of a letter of agreement between an operator (the seller), and a prospective purchaser requesting the re-allocation of a Total Individual Species Allocation (for a species), must be submitted to the Regional Wildlife Manager (or designate) for review.
 - d) All transfers will require a minimum of 21 days to be processed.

Allocated licences are the property of the Crown and can not be included in the sale of a business, or partial sale of a business.

2. The prospective purchaser must meet the eligibility criteria set forth in section 2 of the Allocation of Hunting Licences Regulation MR 77/06.
3. A new or existing operator must have held an allocation for three full years before it is eligible for reallocation to a purchaser. After the third year of an allocation, section 4 will apply. *Calculating utilization over 3 years when an operation is sold, may involve using years from 2 three year cycles.*

4. The Regional Wildlife Manager (or designate) shall determine if *an existing* allocation will be reallocated to a purchaser. Allocations may be reduced prior to re-allocation for the following reasons when:
 - a) the *existing* operator has not met utilization criteria as set out in section B.4.;
 - b) the prospective buyer voluntarily surrenders a portion of the individual species allocation; and
 - c) a reduction in total GHA quota is being undertaken.
5. If an existing operator receives an increase in a total individual species allocation, the following must occur before this quota increase is eligible for reallocation with the sale of an operation. The licences (increase) must be marketed for one year, and the licence increase must be utilized at the 65 percent level. That is, the operator's original allocation in that GHA before the increase must be 100 percent utilized.
6. The Regional Director shall ensure that:
 - a) the Wildlife & Ecosystem Protection Branch and the Coordinator of the Licensing Advisory Committee are consulted prior to approving a reallocation to a purchaser, and that the Coordinator of the Licensing Advisory Committee is advised of any re-allocations; and
 - b) the operator and prospective purchaser are advised of the decision regarding the re-allocation.
7. The allocation shall then be placed in the name of the purchaser. A "Transfer of Operating Authority" shall be executed in any circumstance where a sale of an outfitting business involving a change in ownership occurs, whether permanent infrastructure is involved or not. However, something tangible must be involved in the transfer i.e. client list, equipment, vehicles, buildings etc. Any sale of a business that requires the transfer of an existing Resource Tourism Operators Licence and/or permit requires an Application for Transfer of Operating Authority.
8. The purchaser shall be advised of the conditions set out in the Allocation Agreement.

E.

E.1 OPERATOR GUIDING RESTRICTIONS

An operator who has an allocation of hunting licences may guide for another operator who has an allocation of hunting licences under the following conditions:

1. The operator must hold a valid Manitoba Guides Licence.
2. To guide in a GHA that the operator does not hold a species specific allocation of hunting licences for:
 - a. the operator must notify the Regional Wildlife Manager (or designate) by phone, email or written submission of the request to guide.
3. To guide in the same GHA that the operator holds a species specific allocation of hunting licences for:
 - a) the operator must receive prior written authorization from the Regional Wildlife Manager (or designate) permitting the operator to provide guiding services to clients of the other operator.

F. APPEAL PROCEDURE

F.1. Matters Subject to Appeal

1. The Appeal Procedure provides a mechanism for outfitters, or applicants wishing to become outfitters, to appeal decisions made by Manitoba Conservation on matters pertaining to the administration of the Allocation of Hunting Licences Regulation, Manitoba Regulation 77/06. Specifically, the application of:
 - a) subsection 7(2), terms and conditions of the allocation agreement,
 - b) subsection 9(1), termination of an operator,
 - c) subsection 12(2), exception to a reduction for failing to meet sales target,
 - d) subsection 13, alteration of an authorized area,
 - e) subsection 15(1), no transfer of allocations without approval, and
 - f) any compliance actions taken under Schedule III.

F.2. Notice of Appeal

1. An appeal of a decision referred to in section F.1 must be made by giving the Director of Wildlife and Ecosystem Protection Branch (WEPB) written notice of the appeal no later than 30 days after the person receives notice of the decision.

F.3. Appeal Procedure

1. Each appeal will be chaired by the Director of the Wildlife & Ecosystem Protection Branch. The Appeal Committee (the Committee) shall consist of a Regional Director from a region other than the region in which the issue originates, the Assistant Deputy Minister of Programs, a designate from the Manitoba Lodge & Outfitters Association, a designate from the Manitoba Wildlife Federation and a designate from Travel Manitoba.
2. The chair will set up the Committee and provide notification of an agreed to hearing date within 30 days of receiving notification of an appeal. The appeal committee shall provide the appellant with at least 14 days' notice of the date, time and place of the appeal hearing.
3. An appellant may continue to operate in accordance with the terms and conditions of his or her Allocation Agreement as if the decision under appeal had not been made, until a decision on the appeal has been made. The Committee may refuse to allow an appellant to continue to operate if the chair is satisfied that continued operation would pose a risk to the health or safety of others or to the state of the natural resources of the area.
4. Applicants may choose to have someone represent them or assist them in making their submission. The Committee reserves the right to, after conducting their deliberations, request either further submissions providing additional information or a personal presentation.

Committee decisions are considered final. The outcome of the review is communicated to the Appellant by the Chair within fifteen (15) working days of the meeting date.

Schedule I: Definitions

1. **Allocated species** means deer, black bear, moose or barren-ground caribou.
2. **Allocation** means a quota of foreign resident licences for each allocated species (deer, black bear, moose or barren-ground caribou) and may include a defined geographic area of operation (see assigned area).
3. Allocations for each allocated species are considered as **new or existing**.
 - a) A **new allocation** is the first initial allocation of an individual species quota to an operator; and
 - b) An **existing allocation** is an individual species quota that has been allocated for more than one year.
4. **Allocation term** means the term prescribed in the Allocation Agreement.
5. **Assigned area** for an allocated species means a geographic area within **one or more GHAs** within which the operator must confine foreign resident hunting activities for that species (private land does not form a part of the assigned area). The priority right of access to, and use of the wildlife resource by, residents of Manitoba is not diminished in these assigned areas.
6. **Game Hunting Area (GHA)** as defined in regulations under The Wildlife Act or a defined grouping of GHAs.
7. **Individual species allocation** means the number of foreign resident hunting licences for a species (i.e. deer, black bear, moose or barren-ground caribou) allocated to an operator in a GHA or unique grouping of GHAs.
8. **Total Individual species allocation** means the sum of individual species allocations for a species (i.e. deer, black bear, moose or barren-ground caribou).
9. **Landowner** means any person who owns at least a quarter section of land.
10. **Foreign resident** has the same meaning as in The Wildlife Act.
11. **Operator** means a person that is a Licensed Tourism Operator (outfitting service or lodge) that furnishes supplies and services to foreign residents for the purpose of hunting an allocated species.
12. **Priority users** means residents of Manitoba including First Nations and resident licensed hunters as set out in the General Wildlife Policy PO | 10/01.
13. **Quota holder** means an operator who has been allocated an individual species allocation of foreign resident hunting licences.

- 14. Resident of the area** means an individual (operator or non-operator) who resides or operates in or near the area that is available for allocation.
- 15. Total GHA allocation** means the total number of foreign resident deer, black bear, moose or barren-ground caribou hunting licences available in a GHA.
- 16. Transfer of Operating Authority** means a document transferring ownership of an operation from one owner to another, as issued by the Licensing Advisory Committee.

Schedule II: Allocation Timetable

Annual

February:

Wildlife & Ecosystem Protection Branch provides licence sales records for previous year.

- Based on these and Outfitter Declaration Form (ODF) returns, Regional Wildlife Managers (or designate) shall identify operators who failed to use any licences in the previous two years.
- In year 1 and year 2 of each three year cycle, Regional Wildlife Managers (or designate) shall identify licences which may become available for allocation. Available licences will be allocated as prescribed in section A.

April:

Regional Wildlife Managers (or designate) shall:

- Provide operators with the information and materials to facilitate the ODF and biological sample collections, and
- Provide operators with the information collected from the analysis of biological samples.

Three Year

Pre - November/December:

- Game Hunting Area (GHA) species allocations will be reviewed and adjustments made as required.

November/December

- The Regional Wildlife Manager (or designate) shall determine each operator's utilization performance over the term of the three year cycle.
- The Regional Wildlife Manager (or designate) shall consult with each operator concerning any quota adjustment which may be required. These adjustments will be based primarily on utilization, but may also include other factors such as changes in allowable GHA harvest, increased demand by priority users and changes in land use.
- In year three of the cycle, Regional Wildlife Managers (or designate) shall also identify licences which may become available for allocation. Available licences shall be allocated as prescribed in section A.

Note: Licence utilization in the third year of the cycle will be determined by the Regional Wildlife Manager (or designate) based on ODF returns and outfitter contacts.

January

- Operators who are subject to a quota reduction, shall be advised by 15 January where possible.

March

- All Allocation Agreements should be finalized by March 15th in the first year of a new three-year term.

Schedule III: Compliance Actions

Violation of *The Wildlife Act* or any of its Regulations

Any action by an operator that is contrary to a *The Wildlife Act*, *The Resource Tourism Operators Act*, the *Migratory Birds Convention Act* (Canada) or the regulations to those Acts, or any other act or regulation relating to the use or management of resources which occurs during the operation of the lodge or outfitting business, whether charges are laid or not, may result in a temporary or permanent loss of all or part of an allocation as provided for in this Schedule:.

(In this Schedule an occurrence means each individual action contrary to the law whether it occurs separately or in conjunction with any other action at the same time. For purposes of considering a second or subsequent occurrence the five year period prior to the occurrence will be considered.)

First occurrence written warning

Second occurrence temporary suspension of the number of licence(s) involved in the offence for a one-year period

Third occurrence temporary suspension of the species allocation in the GHA in which the offence occurred for a three-year period.

Fourth occurrence permanent loss of the species allocation in the GHA in which the offence occurred.

Fifth occurrence permanent loss of the total allocation

Violation of the Allocation of Hunting Licences Regulation MR 77/2006

Without limiting the general authority above, compliance action will be taken for the following.

- Violation of an assigned operating area.
- Failure to provide guiding services.
- Allow another operator to use a portion of your allocation without authority.
- Use another operator's allocation without authority.

Violation of Procedure Directive PR10/13/001 and the Allocation Agreement

Compliance Actions provided by the Procedure Directive PR10/13/001 and Procedures prescribing enforcement actions concerning the submission of ODF's and biological samples, will be applied in the following circumstances.

- Failure to meet utilization criteria.

- Failure to submit Outfitter Declaration Forms or biological samples.
- Failure to meet eligibility criteria for receiving an allocation.

March 8, 2011