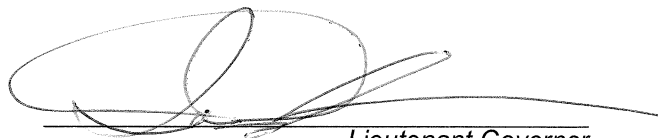


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

63 , Approved and Ordered JAN 27 2005



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Park and Recreation Area Regulation, B.C. Reg.180/90, is amended as set out in sections 1 and 2 of the attached Schedule,
- (b) effective April 1, 2005, the Wildlife Act Commercial Activities Regulation, B.C. Reg. 338/82, is amended as set out in section 3 of the attached Schedule,
- (c) the Wildlife Act Commercial Activities Regulation, B.C. Reg. 338/82, is amended as set out in sections 4 to 7 of the attached Schedule, and
- (d) the Wildlife Act General Regulation, B.C. Reg. 340/82, is amended as set out in sections 8 and 9 of the attached Schedule.



Minister of Water, Land and Air Protection



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section:- Wildlife Act, R.S.B.C. 1996, c. 488, s. 108 (2) (c), (d), (e), (g), (k) and (u) and (3) (1);

Park Act, R.S.B.C. 1996, c. 344, s. 29

Other (specify):- oic 867/90, 1489/82 and 1491/82

## SCHEDULE

### PARK AND RECREATION AREA REGULATION

**1** *Section 4 (b) of the Park and Recreation Area Regulation, B.C. Reg. 180/90, is repealed and the following substituted:*

(b) a licence or permit to guide if required by or under the *Wildlife Act*.

**2** *Item 10 of Part 4 of Schedule K is amended*

(a) *by striking out “Guide outfitters” and substituting “Guide outfitters, transporters”, and*

(b) *in paragraphs (a) and (b) by striking out “guide outfitter” wherever it appears and substituting “guide outfitter, transporter”.*

### WILDLIFE ACT COMMERCIAL ACTIVITIES REGULATION

**3** *Section 1.01 of the Wildlife Act Commercial Activities Regulation, B.C. Reg. 338/82, is amended by striking out “\$1 000 000” and substituting “\$2 000 000”.*

**4** *The following section is added:*

#### **Guide outfitter licence term and condition**

**1.041** It is a term and condition of every guide outfitter licence that the holder must not block or damage a road, trail, airstrip or watercourse or other real or personal property while providing services under a guide outfitter licence.

**5** *The following Division is added:*

### **Division 5 – Transporters**

#### **Definitions**

**5.01** In this Division:

“**licence activity report**” means the form prescribed in Appendix 2;

“**transporter**” means a person who, for money or other compensation, transports a hunter to, from or between locations so that the hunter can hunt but does not include a person who operates a scheduled commercial flight or a chartered aircraft unless the person also provides ground transportation, accommodation or other ground services to the hunter.

### **Transporter licence**

- 5.02** (1) A person must not act as a transporter unless the person holds a transporter licence issued under section 15 of the *Wildlife Act*.
- (2) A person who contravenes subsection (1) commits an offence.
- (3) Subsection (1) does not apply to a person who is licenced as a guide outfitter.

### **Eligibility for transporter licence**

- 5.03** (1) A person is eligible for a transporter licence only if
- (a) the person
- (i) is a citizen or permanent resident of Canada,
  - (ii) carries public liability insurance in an amount of not less than \$2 million that is
    - (A) applicable to the person's transporting business,
    - (B) in effect at the time of the application for a transporter licence,and
    - (C) effective for the term of the transporter licence,
  - (iii) satisfies the director that the person has a good working knowledge of the *Wildlife Act* and regulations by achieving a passing grade on an examination set by the director for that purpose, and
  - (iv) submits to the director a transporter licence application and management plan, in the form and with the information required by the instructions set out in Appendix 1, along with the application fee under Schedule 5.05 (2), and
- (b) based on the applicant's application and management plan, the director is satisfied that the person's transporter activities are unlikely to have a significant negative impact on wildlife.
- (2) An applicant for a transporter licence must submit the application fee, and the transporter licence application and management plan, required under subsection (1) (a) (iv) at least 3 months before the date the licence is required.
- (3) The director need not make a decision on an application submitted under this section for 3 months after the date on which the director is in receipt of the application fee, application and management plan.

### **Transporter licence conditions**

- 5.04** (1) The following are terms and conditions of every transporter licence:
- (a) a holder of a transporter licence must not block or damage a road, trail, airstrip or watercourse or other real or personal property while providing transporter services under a transporter licence;
  - (b) a holder of a transporter licence must file with the regional manager indicated on the transporter licence, by December 31 of each year, a completed licence activity report setting out the information required by that report form in relation to the holder's transporting activities for the year;

- (c) a holder of a transporter licence must maintain the public liability insurance required under section 5.03 for the term of the licence.
- (2) The director may make anything set out in the transporter licence application or management plan submitted under section 5.03 a term or condition of the licence issued on the basis of that application and management plan.

**Transporter licence fees**

- 5.05** (1) The fee and surcharge payable for a transporter licence are those set out in Schedule 5.05 (1).
- (2) A transporter licence fee and surcharge must be paid on or before April 1.
  - (3) If an applicant for a transporter licence fails to pay the fee and surcharge in the time specified under subsection (2), the holder must pay the late payment fee set out in Schedule 5.05 (3) with the amount required under subsection (2).
  - (4) A duplicate copy of a transporter licence may be issued if the licence holder
    - (a) signs a declaration affirming that the licence has been lost, stolen or destroyed, and
    - (b) pays the fees under Schedule 5.05 (4) and (5) for a duplicate transporter licence and declaration.

**Schedule 5.05**

	<b>FEE</b>	<b>SURCHARGE</b>
(1) transporter licence – April 1 to March 31 or any portion of that period	\$450	\$50
(2) transporter licence application fee	\$25	-----
(3) transporter licence late payment fee	\$25	-----
(4) duplicate transporter licence fee	\$10	-----
(5) declaration for s. 5.05 (4) (a)	\$10	-----

**Non-renewal of licence: non-use of area**

- 5.06** If the holder of a transporter licence has not applied for a new licence by the expiry date of the licence, the director
- (a) must review the transporter’s operation, and
  - (b) after affording the transporter an opportunity to be heard, may advise that the person is not eligible for a transporter licence for the new licence year, and, if the director so advises, the person is not eligible for a transporter licence for that year whether or not they satisfy the requirements in section 5.03 (1).

**6** *The Transporting Licence Application and Management Plan form, attached, is added as Appendix 1.*

- 7 *The Guide/Transporter Licence Activity Report form, attached, is added as Appendix 2.*

## **WILDLIFE ACT GENERAL REGULATION**

- 8 *Section 16.01 of the Wildlife Act General Regulation, B.C. Reg. 340/82, is amended by striking out “or” at the end of paragraph (k), adding “, or” at the end of paragraph (l) and adding the following paragraph:*

(m) a transporter licence.

- 9 *Section 18.02 is amended*

*(a) by renumbering it as section 18.02 (1),*

*(b) by repealing subsection (1) (a) and substituting the following:*

(a) the following sections of B.C. Reg. 338/82, the Wildlife Act Commercial Activities Regulation:

(i) section 1.05 (2) or (3);

(ii) section 2.08 (1) or (2);

(iii) section 2.09 (1);

(iv) section 3.04 (3) (c);

(v) section 5.02 (2). , **and**

*(c) by adding the following subsection:*

(2) The following offences are prescribed for the purposes of section 84 (1) (b) (ii) of the *Wildlife Act*:

(a) an offence under section 16.01 (i) of this regulation of failing to comply with the term or condition in section 1.041 of the Wildlife Act Commercial Activities Regulation, B.C. Reg. 338/82;

(b) an offence under section 16.01 (m) of this regulation of failing to comply with a term or condition under section 5.04 (1) (a) or imposed under section 5.04 (2) of the Wildlife Act Commercial Activities Regulation, B.C. Reg. 338/82.

## Wildlife Act Commercial Activities Regulation

### Appendix 1

#### Transporting Licence Application and Management Plan Form

*[section 5.03 (1) (a) (iv)]*

#### Transporting Application

Transporting services may be provided only in defined Transport Areas and when authorized by a valid Transporter Licence issued by the Ministry of Water, Land and Air Protection.

Please complete this application and prepare a detailed management plan in the form attached and submit them to the WLAP regional office for the area to which your application relates:

Vancouver Island Region  
2080 A Labieux Road  
Nanaimo BC V6T 6J9

Lower Mainland Region  
2 - 10470 - 152nd Street  
Surrey BC V3R 0Y3

Thompson Region  
1259 Dalhousie Drive  
Kamloops BC V2C 5Z5

Kootenay Region  
205 Industrial Road G  
Cranbrook BC V1C 7G5

Cariboo Region  
400 - 640 Borland Street  
Williams Lake BC V2G 4T1

Skeena Region  
3726 Alfred Avenue  
Bag 5000 Smithers BC V0J 2N0

Omineca Region  
4051 18th Avenue  
Prince George BC V2N 1B3

Peace Region  
400-10003-110<sup>th</sup> Avenue  
Fort St. John, BC V1J 6M7

Okanagan Region  
102 Industrial Place  
Penticton BC V2A 7C8

Supplying insufficient information will delay evaluation.

#### Note:

1. Submission of the application does not entitle the applicant to any rights and is not permission to provide transporting services.
2. More information may be requested from the applicant during the review of this application.
3. WLAP reserves the right to refuse any application.

Application Form Name(s) and Mailing Address		FOR OFFICE USE ONLY	
Surname		Given Name	Middle Name
Company Name [ ]		Date Received	
BC Incorp. No., BC Registered No.		WLAP File Number:	
GST Registration Number			
Mailing Address			
E-mail Address		Postal Code:	Your File Number:
Home Phone ( ) ( )		Business Phone ( ) ( )	Canadian Citizen or Permanent Resident Yes [ ] No [ ]
Fax Number ( ) ( )		Age: 19 or over Yes [ ] No [ ]	
Years of experience as (check one or more as applies):			
A transporter [ ] _____			
A principal of a transporter business [ ] _____			
An employee of a transporter business [ ] _____			
Applicant/Agent's Signature(s)		Fee Enclosed [ ]	Date

**PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS**

Please attach a detailed Business Management Plan that addresses the following:

Proposed activity and purpose of the service or activity;

Maps of transport area and associated structures - permanent or temporary

## Management Plan Form

The Management Plan Form, when completed, describes the proposed operation of an applicant for a transporter licence. The purpose of this form is to:

- obtain information detailing an applicant's proposed operation,
- act as a resource document to be used by the ministry to evaluate and adjudicate applications for transporter licences, and
- provide the basis for transporter licence conditions.

If a transporter licence is issued on the basis of the information provided in this form, the completed form becomes part of the transporter licence documentation and **the director may use the information to set terms and conditions in the transporter licence**. Failure of the licence holder or the licence holder's employees to comply with licence conditions may lead to administrative action or prosecution.

For further information or assistance regarding the completion of this form, please contact the nearest regional office of the Ministry of Water, Land and Air Protection.

- 1 This management plan covers the period from \_\_\_\_\_ to \_\_\_\_\_
- 2 Name of transporter licence applicant \_\_\_\_\_
- 3 Contact information (address, phone number) \_\_\_\_\_
- 4 Description of the operation and activities offered (please fill in each field below and attach separate pages as necessary):
  - (4.1) General description of operation
    - (a) describe location and setting of operation and types of services and activities offered,
    - (b) describe applicant's experience as an outdoor operator,
    - (c) describe key areas of concern respecting environmental impact, and
    - (d) describe overlap of the applicant's operation with other uses in the area.
  - (4.2) General Area of Operation Describe and attach a map, 1:250,000 or 1:50,000 scale, setting out the boundary of operations.
  - (4.3) Specific Areas and Routes of Operations Describe and attach maps, 1:20,000 or 1:50,000 scale, indicating where specific transport activities will occur. Mark all trails and routes to be used by the operation.
  - (4.4) Site Layout Plans for Intensive Sites (if applicable) Describe intensive use sites here and attach detailed maps, 1:1,000 or 1:5,000 scale, showing the position of all existing and proposed structures, facilities or other improvements to be placed on Crown land.

(Note: all maps must have a north arrow, legend and scale)

- (4.5) Facilities (if applicable)
  - (a) Describe each facility that has at least two permanent structures, excluding pit toilets, and that is the main location or one of the main locations for the applicant's operation ("base facility"). Include an overview of the facility and indicate whether the facility is on private or Crown land and whether the facility is within a



Provincial Park. Cross-reference to the attached map information with GPS locations.

- (b) Describe each facility that has only one permanent structure, excluding pit toilets, and that the applicant's operation uses for temporary accommodation, storage of supplies or fuel or as an emergency shelter or an improved helicopter landing site ("satellite facilities"). Include an overview of each satellite facility and indicate whether the facility is on private or Crown land and whether it is within a Provincial Park. Cross-reference to the attached map information with GPS locations.
- (c) Describe each site that has no permanent improvements or structures and that the applicant's operation uses on a non-exclusive basis for temporary tenting accommodation or the storage of supplies ("tent/spike camps"). Include an overview of each tent/spike camp and indicate whether the camp is on private or Crown land and whether it is within a Provincial Park. Cross-reference to the attached map information with GPS locations.

(4.6) Improvements at Base Facilities and Satellite Facilities (if applicable) List the existing improvements – including, without limiting this, trails, tent sites, cabins, docks, staging areas) Cross-reference to the attached map information with GPS locations.

(4.7) Client access Explain how your clients will access your operation, including modes of transportation and access routes.

**5** Planned Improvements (if applicable) Describe the construction, dismantling, maintenance, remediation or clean-up work that will be done at the transporter's base operation and satellite camps and whether timber must be removed for the construction or maintenance. Provide details on the dimensions, construction schedule, and if applicable, sources of potable water and method of waste and sewage disposal.

**6** Environmentally Sensitive Areas (if applicable) Describe environmentally sensitive areas, including, without limiting this, riparian areas, streams, water bodies, mineral licks and hot springs and indicate their location on the attached maps. Indicate how\* impacts on the natural state of these environmentally sensitive zones will be avoided,

- (a) if they are not within 100 metres of facilities, sites or trails associated with the transporter operation, and
- (b) if they are within 100 metres of facilities, sites or trails associated with the transporter operation.

(\* For example, limits on the type of transporting activity and on the frequency, intensity and duration of activities, and limits on the number of clients per month for a given area or route.)

**7** Potential Impacts on Wildlife Describe potential adverse impacts of the operation on sensitive wildlife populations and wildlife habitat in the proposed general area of the operation and how\* these impacts will be avoided or mitigated.

(\* For example, limits on the type of transporting activity and on the frequency, intensity and duration of activities, and limits on the number of clients per month for a given area or route.)

(Review the Interim Wildlife Guidelines for Commercial Backcountry Recreation in British Columbia: <http://wlapwww.gov.bc.ca/wld/comrec/crecintro.html>. Chapter 1 describes how the Interim Wildlife Guidelines are applied to Commercial Recreation operations and provides a generalized approach for operators in addressing wildlife issues on Crown land.)

Attach the information required as outlined in the Interim Guidelines.

Ensure that any information supplied by a qualified professional is appropriately signed and sealed.

**8** Summary of First Nations Contact (You must contact each First Nation that has an interest or a potential interest in the area of your application and provide the following in relation to each contact. If there are no First Nations that have a potential interest in the application area and you have confirmed this with the Ministry of Water, Land and Air Protection, proceed to item (8.2) and then to item 10.)

- (8.1) List all of the First Nations that have a potential interest in the application area.
- (8.2) Have you confirmed the list with the Ministry of Water, Land and Air Protection? If so, when and with whom was the confirmation made?
- (8.3) Summarize all of the discussions you have undertaken with each First Nation to date, including:
  - (a) dates and the names of key contacts,
  - (b) a description of any concerns that the First Nation raised regarding potential impacts that your operation might have on their interests.
  - (c) a description of any options suggested by either you or the First Nation that would serve to resolve their concerns, and
  - (d) a description of the nature of any formal agreement reached with a First Nation.
- (8.4) Attach copies of correspondence with each First Nation and a copy of any agreement described in item (8.3) (d).

**9** Avoiding or Mitigating Impacts on Aboriginal Rights and Title (If applicable, and based on information provided in item 8 (8.3), describe the measures that will be taken to resolve concerns of First Nations relating to their asserted aboriginal rights and title.)

**10** Overlaps with existing uses and plans

- (10.1) If applicable, identify any overlaps within the proposed general area of the operation with
  - (a) mineral tenures,
  - (b) timber tenures and forest use,
  - (c) land use planning, park use planning or local or regional zoning requirements, and
  - (d) commercial recreation operations and guide outfitter territories.
- (10.2) If your operation overlaps with anything listed under item (10.1), describe how access and activities may have to be coordinated with other users and describe any agreements made with other users to achieve this.
- (10.3) If your operation overlaps with a guide outfitter territory, you are required to contact the identified guides to discuss this overlap. If there are concerns regarding the overlap you will be required to work out an agreement with the identified guide outfitters.

(A final decision will be made by the Director as to boundaries for transporter areas.)

**11** Hazards and Safety Plan You are required to have a Hazards and Safety Plan that meets or exceeds Workers Compensation Board and approved industry standards.

By signing below, I \_\_\_\_\_(print name)

- (a) certify that I have prepared a Hazards and Safety Plan which meets or exceeds Workers Compensation Board and approved industry standards,
- (b) acknowledge that my areas of use may overlap with those of existing commercial recreation operators or guide outfitting territories, and that, if so, I must contact these existing operators,

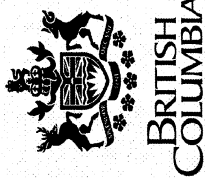
- (c) declare that my transporting operation will comply in all respects with this management plan,
- (d) declare that the information provided in this form is true and complete, and
- (e) request that the director issue a transporting licence for the year \_\_\_\_\_ in my name.

---

signature of applicant

---

date signed



**Wildlife Act Commercial Activities Regulation  
Appendix 2**

*[section 5.04 (1) (b)]*

**TRANSPORTER LICENCE ACTIVITY REPORT**

This report covers the period from \_\_\_\_\_ to \_\_\_\_\_

NAME OF LICENCEE \_\_\_\_\_ LICENCE # \_\_\_\_\_

DATE IN	DATE OUT	DROP OFF POINT	ACTIVITY # 1)accommodation 2)transported	HUNTER		HUNTER #	MODE OF TRANSPORT	# OF HORSES
				NAME	DATE OF BIRTH (D/M/Y)			

COMMENTS: \_\_\_\_\_

LICENCEE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_