Rules and Procedures for the Allocation and Use of Non-Resident Black Bear Licences

2015 to 2017 Allocation Period

Department of Natural Resources
Jan. 1, 2015
This document describes the rules and procedures by which non-resident black bear licences are allocated to qualifying applicants by the Department of Natural Resources (DNR) for the allocation period from Jan. 1, 2015 to Dec. 31, 2017. These rules are established by the Minister of Natural Resources in consultation with the Minister’s Industry Committee on the Allocation and Utilization of Non-resident Black Bear Licences.

Further information regarding non-resident black bear allocation rules and procedures is available by contacting:

Allocation and Education Program  
Fish and Wildlife Branch  
Dept. of Natural Resources  
PO Box 6000  
Fredericton NB  
E3B 5H1  
Phone: (506) 453 3826  
Fax: (506) 453 6699

1. Eligibility requirements for first time applicants

To be eligible for an allocation of non-resident bear licences, first-time applicants must meet the definition of an “outfitter” that has been developed for this purpose. This definition includes “any individual, partnership or corporation who provides the services of evaluated accommodations, professional guiding, food and beverage and expertise and knowledge of the wildlife and/or fish species being promoted for financial consideration.”

Two types of businesses are eligible to receive an allocation of non-resident black bear licences:

(1) Outfitting businesses that operate a New Brunswick Approved accommodation.
(2) Guides who hold a current New Brunswick Class I (Professional) Guide Licence and who have a formal written agreement with a New Brunswick Approved accommodation to host their non-resident black bear hunting clients.

Interested businesses must submit an Application for non-resident black bear licence allocation form to receive a licence allocation. This form is available:

- at any local Department of Natural Resources office.
- from the Department of Natural Resources web site at www.gnb.ca keyword Natural Resources.
- by contacting the Fish and Wildlife Branch at the address noted above.

Applications will be assessed according to the availability of licences in the Wildlife Management Zone (WMZ) for which the application was made. A map of Wildlife Management Zones is provided in Appendix A. All applications for non-resident bear licence allocation must be approved by the Minister of Natural Resources.
New businesses may apply for up to a maximum of 6 licences per zone and are eligible for additional licences when need occurs during that year or in the future. Once an applicant has purchased allocated licences for the first time they may request additional licences as an existing allocation holder.

2. Minimum licence purchase requirements

To maintain their current allocation of licences, allocation holders must purchase an average of 70% of their allocation over the 3 year period.

Allocation holders are evaluated annually, after the end of the fall bear season. If it is determined by their purchase records that they will be unable to meet the 70% purchase requirement over the 3 year allocation period, their allocation will be reduced at that time. The adjustment is calculated based on the assumption that 100% of their allocated licences will be purchased in the following year(s) of the allocation period. Refer to Appendices B, C, and D for examples of licence purchase histories and sample allocation reductions.

Licences that become available through this process are redistributed to other allocation holders and new applicants prior to the start of the following bear season according to procedures described in Section 5 Allocation Process.

Minimum purchase requirements are applied on a Wildlife Management Zone basis. Allocation holders with licence allocations in multiple zones must meet the minimum licence purchase requirement of 70% for each zone they hold allocation in. Purchase of allocated licences in one zone does not count towards the minimum purchase requirements of other zones.

3. Accommodation requirements

In addition to purchasing a minimum number of allocated licences, allocation holders must also annually renew their status as a NB Approved accommodation. This designation means that the accommodation provider is registered under one of two systems: (1) Canada Select or (2) the New Brunswick Eligible Accommodations program. Either system is acceptable with respect to meeting the accommodation requirements for licence allocation purposes.

In the case of guides who do not operate their own accommodations, they must provide to DNR on an annual basis written proof that they have an agreement with a NB Approved accommodation to host their non-resident bear hunting clients. This agreement letter must state that the accommodation provider will host the bear hunting clients of the licence allocation holder for the upcoming year and be signed by the accommodation provider. Refer to Appendix E for an example of an acceptable accommodation agreement letter.

To receive their licence allocation, allocation holders must have their business registered as a NB Approved accommodation or provide proof to DNR of having an agreement with a NB Approved accommodation by March 31 each year.

Allocation holders are reminded that Canada Select and the NB Eligible Accommodations programs have their own annual accommodation fee deadline. Although not mandatory from a licence allocation perspective, outfitters are encouraged to meet this deadline to ensure they receive full program benefits, such as web site and touring guide listings.
Non-resident clients must be kept at the outfitter’s rated accommodation or, in the case of guides, the rated accommodation which the guide has an agreement with in order for the outfitter or guide to obtain their licence allocation. Ineligible accommodations include non-rated “satellite camps” and accommodations located outside of New Brunswick.

Allocation holders who keep their guests at an ineligible accommodation or who misrepresent their accommodation status are subject to loss of their licence allocation privileges.

4. Change in WMZ quotas

Quotas refer to the total number of non-resident black bear licences available annually for each Wildlife Management Zone as determined by DNR staff using scientifically based wildlife population estimate methods. Quotas are set at the start of each 3 year allocation period.

Quota reductions and increases are applied proportionately to all allocations within fully allocated Wildlife Management Zones. For example, if the quota in a fully allocated zone is reduced by 5%, all licence allocations in that zone are reduced by that amount. If the quota increases by 5%, all licence allocations are increased by 5%.

In non-fully allocated zones quota reductions or increases are applied to that zone’s pool of available unallocated licences. The number of licences assigned to allocation holders is not adjusted unless it is absolutely necessary to do so in order to implement the zone’s quota change. When this is necessary, the adjustment is applied to all allocation holders proportionately.

5. Allocation process

Non-resident black bear licences are allocated on a Wildlife Management Zone basis. Non-resident black bear licences are allocated for zones 1 through 25 in New Brunswick. There is no allocation of licences for zones 26 and 27.

Non-fully allocated zones
Non-fully allocated zones refer to those Wildlife Management Zones where non-resident black bear licence allocation is available. In such zones, allocation is granted to applicants on a first come first served basis.

Fully allocated zones
Fully allocated zones are those zones where DNR determines that the demand for licence allocation exceeds available supply. The number of fully allocated zones varies from year to year with changes in demand for non-resident black bear licence allocation.

In fully allocated zones, when licences become available as a result of allocation holders not purchasing the minimum required percentage of licences, business closures, or any other means, they will be allocated in the following sequential order:

Category 1
Allocation holders who, in the last year, have purchased 100% of their allocated licences in the fully allocated zone will be offered 1 additional licence each or 10% (whichever is greater) of the licences that have become available.
Category 2
Allocation holders who, in the last year, have:

(a) purchased 85% of their allocated licences in the fully allocated zone, and
(b) allocation holders who have at least a 5 year allocation history in another zone, but whose principal lodge is physically located in the zone where licences have become available and who have never held allocation in that zone, will be offered 1 licence each or 10% (whichever is greater) of the licences that are available.

Note: In the first year of a new allocation agreement period, the purchase average of the previous 3 year allocation period will be used to determine whether the allocation holder met the 100% or 85% purchase level.

Category 3
Existing allocation holders who have submitted a request for additional allocation in the fully allocated zone will be offered 1 additional licence each or 10% (whichever is greater) of the licences that have become available.

Category 4
New businesses who have submitted an application for allocation in the fully allocated zone will be offered 1 additional licence each or 10% (whichever is greater) of the licences that have become available.

Where it deems appropriate, DNR will conduct a random draw to facilitate the process by which it offers licence allocation in fully allocated zones. For example, if the number of eligible applicants in Categories 1 through 4 described above exceeds the number of licences available for redistribution in that category, a random draw would be conducted to determine who would be offered allocated licences.

6. Request for an increase in allocation

Existing allocation holders may request an increase in their allocation at any time by completing and submitting to DNR a Request to increase or decrease a non-resident black bear licence allocation form. This form is available:

- at any local Department of Natural Resources office.
- the Department of Natural Resources web site at www.gnb.ca keyword Natural Resources.
- by contacting the Fish and Wildlife Branch at the address noted on page 1.

Existing allocation holders may request an increase of no more than 12 licences in any given Wildlife Management Zone at any one time. Requests for allocation increases may be made throughout the year and are valid until the last day of the fall bear season in the year they were submitted, or until the request is filled, whichever comes first. Requests for allocation increases received after the fall bear season are applied to the following year.

It is recommended that allocation holders provide DNR a minimum of 5 business days to process requests for increases to allocation amounts to ensure they will receive the additional licences by the date they require them.
7. Request for a decrease in allocation

Any allocation holder that wishes to reduce their allocation, such that their minimum licence purchase requirement for that year will be based on the new smaller amount, must do so no later than **August 1** in any year. Such requests must be made by completing and submitting to DNR a *Request to increase or decrease a non-resident black bear licence allocation* form.

8. Resale of allocated licences

Allocation holders are permitted to resell unused allocated licences to other allocation holders who have a current allocation in the same Wildlife Management Zone. Allocation holders who make their licences available to another allocation holder are not permitted to increase the value of the licence. The price charged shall be the face value price of the original non-resident bear licence. The outfitter actually using the licence as well as the guide who will accompany the hunter must be indicated in the appropriate space provided on the licence.

All resold licences must be reported to the District DNR office where the licences were originally purchased. Resold licences remain the responsibility of the original allocation holder with respect to being returned to the District office after the end of the fall bear season. Refer to *Section 14 Purchase and use of allocated licences* for further information on licensing practices.

Allocated licences resold by one allocation holder to another do not count against the minimum allocation purchase requirements of the second allocation holder. Such licences are considered by DNR to be licences allocated and purchased by the original allocation holder with respect to the calculation of minimum licence purchase requirements.

9. Permanent trades

Allocation holders may negotiate permanent trades of allocated licences between zones, subject to the following conditions:

- Each allocation holder must already have allocation in the zones where the trade is to occur.
- The trade must be of an equal number of licences.
- The trade is permanent.

Applications must be made in writing to the Minister of Natural Resources and are required from both participants. Request for permanent trades will be considered by DNR and the applicants will be notified of the decision.
10. Access to information

Allocation holders have the option to the release their allocation information to the public at the start of each three year allocation period or whenever a new business is issued a licence allocation. This information is listed on the DNR web site and is limited to the allocation holder’s business name, business phone number, the city or municipality where their business is located, and the zone or zones where they hold a licence allocation. Licence allocation amounts are not included as part of this listing. If they choose, allocation holders may opt out of being included in the allocation holder listing on the DNR web site.

11. Sale of an outfitting or guide business

When an allocation holder sells their outfitting or guiding business their licence allocation agreement ceases to exist and their allocation of non-resident bear licences returns to the Minister of Natural Resources. If the business wishes to have an allocation of bear licences equal to the amount they held at the time of the sale made available to the purchaser they must make a written request to the Minister within 90 days of when the sales transaction was completed or the licences will be redistributed.

Requests must include:

- The names of the businesses involved in the sale and the signatures of the business owners.
- The number of allocated licences involved and the Wildlife Management Zones which they are assigned.
- Legal documentation acceptable to the Department of Natural Resources verifying that the sale of the outfitting business has actually occurred.

Requests for the transfer of allocated licences to the purchaser of an outfitting business can be for the full or partial licence allocation amount held by the seller at the time of the request. If the request is completed after the end of the fall bear season but before the start of the preceding spring season, it will be based on the licence allocation amount applicable to the new year.

Upon review of the request, the businesses involved in the transaction will be notified in writing as to the decision made by the Minister. A minimum of 3 to 4 weeks is required to process such requests.

12. Death of an allocation holder

In the event of the death of an allocation holder their licence agreement ceases to exist and their allocation of non-resident bear licences returns to the Minister of Natural Resources.

If the business is sold or offered as an inheritance, the new business owner has a 90 day period from the date they took possession of the business to make a written request to the Minister of Natural Resources to obtain the allocated licences formerly held by the deceased allocation holder. If such a request is not received during this period, or if the business is discontinued, the licences will be redistributed.
Allocation requests made as a result of the death of a current allocation holder must be in writing and include:

- The name of the deceased licence allocation holder and their business name.
- The number of allocated licences and the Wildlife Management Zones which they were formerly assigned.
- Legal documentation acceptable to the Department of Natural Resources verifying that the request for allocation is coming from the new owner of the outfitting business.
- Signature of the new business owner and the business name under which they plan to operate.

### 13. Business name change

Allocation holders are asked to notify the Fish and Wildlife Branch, Department of Natural Resources with respect to any change to their business name or contact information.

### 14. Purchase and use of allocated licences

#### Licence distribution

Allocated licences will be forwarded by the Fish and Wildlife Branch to the District DNR office of the allocation holder’s choice for purchase at least 1 week prior to the start of the spring bear season.

#### Licence purchaser

Allocated non-resident bear licences may be purchased by the allocation holder or a person whom they have designated. If the allocation holder is having the licences purchased on their behalf they must notify the District DNR office in question of this arrangement prior to the licence purchase.

#### Purchase period

Allocation holders may purchase their licences throughout the year in amounts of their choice until the last Friday of the fall bear hunting season in any year. Licences must be paid for in full at the time of pick-up. No licences may be purchased after the end of the fall bear hunting season.

#### Unused licences

All unused licences and carbon copies of used licences must be returned by allocation holders to the District DNR office where they were originally issued no later than the first Friday following the end of the fall bear hunting season. Unused allocated licences are fully refundable if returned by this date. Licence refund requests require 6 to 8 weeks to process.

#### Voided licences

Allocated non-resident black bear licences may be voided by DNR District staff and a replacement licence issued at the request of the allocation holder. A voided and replaced licence is considered a single licence purchase with respect to allocation calculations.

PLEASE NOTE: Allocation agreements are between the Minister of Natural Resources and the current allocation holder. Failure to comply with the rules and procedures identified within this document may result in your licence allocation agreement being revoked.
Appendix A

New Brunswick Wildlife Management Zones

Zones d’aménagement de la faune du Nouveau-Brunswick
Appendix B

Sample allocation calculation - licence reduction not required¹

<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licences allocated</td>
<td>Licences allocated</td>
<td>Licences allocated</td>
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<tr>
<td>20</td>
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<td>Licences purchased</td>
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<tr>
<td>14</td>
<td>10</td>
<td>To be determined</td>
</tr>
</tbody>
</table>

¹ Based on a minimum purchase requirement of 70% of allocated licences.

Step 1: Determine the maximum percentage of licences that can still be purchased over the 3 year allocation agreement period.

Maximum number of licences that could now be purchased over 3 year allocation agreement, assuming 100% are purchased in year 3:

Year 1: 14 licences
Year 2: 10 licences
Year 3: 20 licences
44 licences

Total possible allocation over the 3 year allocation period:
Year 1: 20 licences
Year 2: 20 licences
Year 3: 20 licences
60 licences

The maximum percentage of allocated licences that could now be purchased over the 3 year allocation agreement period is: \( 44 / 60 = 73.3\% \)

Step 2: Compare the maximum percentage of licences that could be purchased to the minimum purchase requirement to determine if a reduction is required.

Maximum percent that could be purchased: 73.3%
Minimum percent purchase requirement: 70%

Since the maximum percentage of licences that the allocation holder can purchase is greater than the minimum purchase requirement, they are not subject to an allocation reduction. Their allocation amount would remain the same for year 3 of the allocation agreement period.
Appendix C

Sample allocation calculation – licence reduction required after Year 2

<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
<tbody>
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<tr>
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<tr>
<td>10</td>
<td>8</td>
<td>To be determined</td>
</tr>
</tbody>
</table>

1 Based on a minimum purchase requirement of 70% of allocated licences.

Step 1: Determine the maximum percentage of licences that can still be purchased over the 3 year allocation agreement period.

Maximum number of licences that could now be purchased over 3 year allocation agreement, assuming 100% are purchased in year 3:

- Year 1: 10 licences
- Year 2: 8 licences
- Year 3: 20 licences

38 licences

Total possible licence allocation over the 3 year allocation period:

- Year 1: 20 licences
- Year 2: 20 licences
- Year 3: 20 licences

60 licences

The maximum percentage of allocated licences that could now be purchased over 3 year allocation agreement is: 38 / 60 = 63.3%

Step 2: Compare the maximum percentage of licences that could be purchased to the minimum purchase requirement to determine if a reduction is required.

Maximum percentage that could be purchased: 63.3%
Minimum percentage purchase requirement: 70%

Since the maximum percentage of licences that the allocation holder can purchase is now less than the minimum purchase requirement, they are subject to an allocation reduction.

Step 3: Determine the new reduced allocation amount.

The new allocation level is determined by multiplying the maximum percentage of allocated licences that could be purchased by the current annual allocation amount. In this case: 63.3% X 20 licences = 12.7 or 13 licences.

The allocation holder would thus be reduced from 20 to 13 licences in year 3 of the allocation agreement period.
Appendix D

Sample allocation calculation – licence reduction required after Year 3

<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
<tbody>
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<td>Licences allocated</td>
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<td>40</td>
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<td>Licences purchased</td>
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<td>Licences purchased</td>
</tr>
<tr>
<td>12</td>
<td>11</td>
<td>10</td>
</tr>
</tbody>
</table>

1 Based on a minimum purchase requirement of 70% of allocated licences.
2 Year 3 licence allocation was reduced to 21 since the allocation holder had failed to meet the 70% purchase requirement after year 2.

Step 1: Determine the percentage of licences that were actually purchased over the 3 year allocation agreement period.

Percentage of licences that were purchased over the 3 year allocation agreement:

- Year 1: 12 / 40 licences
- Year 2: 11 / 40 licences
- Year 3: 10 / 21 licences
  
  33 / 101 licences or 32.7%

Step 2: Compare the percentage of licences that were purchased to the minimum purchase requirement to determine if a reduction is required.

Percentage of allocated licences that were purchased: 32.7%
Minimum percentage purchase requirement: 70%

Since the percentage of licences that the allocation holder purchased over the 3 year agreement period is less than the minimum purchase requirement, they are subject to an allocation reduction.

Step 3: Determine the new allocation amount.
The new allocation level is determined by obtaining an average of the number of allocated licences purchased over the 3 year agreement period.

- Year 1: 12 licences
- Year 2: 11 licences
- Year 3: 10 licences
  
  33 licences / 3 years = 11 licences per year.

The allocation holder would be reduced from 21 to 11 licences to start the next 3 year allocation agreement period.
Appendix E

Northside Motel
Fredericton NB
(506) 222 1234

Jan. 1, 2015

Fish and Wildlife Branch
Dept. of Natural Resources
PO Box 6000
Fredericton NB
E3B 5H1

To whom it may concern:

This is to inform you that Mr. Paul Williams of Pack Bear Hunts will be keeping his bear hunting clients at our hotel for the upcoming hunting season. The Northside Hotel is rated with Canadian standards and is a 3 star accommodation.

Mr. William’s use of our accommodation is greatly appreciated and we support his endeavour to bring people to the province.

Sincerely,

John Smith
Manager
Northside Motel