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

2018 to 2020 Allocation Period

Department of Energy and Resource Development
Jan. 1, 2019
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Introduction

This document describes the rules and procedures by which non-resident black bear licences are allocated to qualifying applicants by the Department of Energy and Resource Development (ERD) for the allocation period from Jan. 1, 2018 to Dec. 31, 2020. These rules are established by the Minister of Energy and Resource Development in consultation with the Minister’s Industry Committee on the Allocation and Utilization of Non-resident Black Bear Licences.

1. Eligible businesses

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 provide their clients a complete range of services including rated accommodations, meals, and guiding services.
(2) Guides who hold a current New Brunswick Guide I (Professional) Licence and who rely on a rated accommodation provider to host their non-resident 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 Energy and Resource Development office,
- from the Department of Energy and Resource Development web site at https://www2.gnb.ca/content/gnb/en/departments/erd/natural_resources.html keyword Bear allocation, or
- by contacting the Fish and Wildlife Branch at the address noted on page 10.

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 Energy and Resource Development.

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. Eligibility requirements

Applicants must meet the following eligibility criteria to apply for or hold an allocation of non-resident bear licences:

(1) Rated accommodations
Outfitters must operate accommodations rated annually by a quality assurance program recognized by the Minister of Energy and Resource Development. The accommodation rating system currently recognized by this Department for outfitting businesses is the Canada Select Program administered by the New Brunswick Tourism Grading Authority.

Guide I licence holders who wish to obtain a bear licence allocation must annually provide the Department of Energy and Resource Development written proof of having an agreement with a rated accommodation provider to host their bear hunting clients. Acceptable accommodations include hotels, motels, bed and breakfasts, and inns that are rated by a quality assurance program recognized by the Minister of Energy and Resource Development. The rating systems currently recognized by this Department as acceptable for a Guide I to enter into an accommodation agreement with are the Canada Select or CAA/AAA (Canadian / American Automobile Association) Programs.

The agreement letter must state that the rated accommodation provider will host the bear hunting clients of the Guide I licence allocation holder for the upcoming year and be signed by the owner or manager of the rated accommodations. Refer to Appendix B for an example of an acceptable accommodation agreement letter.

To receive a licence allocation, outfitters and Guide Is must have their accommodations rated, or provide proof to the Department of Energy and Resource Development of having an agreement with a rated accommodation provider by March 31 of each year.

Allocation holders are reminded that accommodation rating programs have their own annual accommodation fee deadline. Although not mandatory from a bear licence allocation perspective, outfitters are encouraged to meet this deadline to ensure they receive their full program benefits.

Non-resident clients must be kept at the outfitter’s rated accommodation or, in the case of Guide Is, 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.

(2) Licence privilege cancellations
Outfitters or Guide I licence holders whose name appears on the Department of Justice and Public Safety’s Licence Restriction List will not be eligible to apply for or hold an allocation of non-resident bear licences until such time as their licence privilege restriction period ends.
The Licence Restriction List includes the names of persons whose licence privileges have been cancelled as a result of a conviction under natural resource related legislation including the *Fish and Wildlife Act*, *Crown Lands and Forest Act*, *Protected Natural Areas Act* and federal *Fisheries Act*. This list also includes persons who have an outstanding fine levied by the Department of Energy and Resource Development as described by *An Act Respecting Unpaid Fines*.

In the event of a licence privilege cancellation to an existing allocation holder, the redistribution of the affected licences will be at the discretion of the Minister of Energy and Resource Development.

(3) Outstanding debts to the Department of Energy and Resource Development

Outfitters or Guide I licence holders whose accounts are not in good standing with the Department of Energy and Resource Development, according to provincial Acts and Regulations, are not eligible to apply for or hold an allocation of non-resident black bear licences until such time as their debt to the Department has been resolved. Examples of outstanding debts include, but are not limited to, unpaid Crown Land leases, harvesting permits and any other sales or services invoiced by the Department.

In the event that an existing allocation holder incurs an outstanding debt to the Department they would be advised in writing of their requirement for repayment and provided a reasonable deadline to do so. If the allocation holder has not made payment by the stated deadline the redistribution of the affected licences will be at the discretion of the Minister of Energy and Resource Development.

3. 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 Appendix C 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.

4. Change in Wildlife Management Zone quotas

**Quotas** refer to the total number of non-resident black bear licences available annually for each Wildlife Management Zone as determined by ERD 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 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 2 additional licences each or 20% (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, ERD 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 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 ERD a Request to increase or decrease a non-resident black bear licence allocation form. This form is available:

- at any local Department of Energy and Resource Development office,
- from the Department of Energy and Resource Development web site at https://www2.gnb.ca/content/gnb/en/departments/erd/natural_resources.html keyword Bear allocation, or
- by contacting the Fish and Wildlife Branch at the address noted on page 10.

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 ERD 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 who 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 ERD a Request to increase or decrease a non-resident black bear licence allocation form.
8. Use of licences allocated to another allocation holder

In wildlife management zones where the availability of non-resident bear licences is limited an allocation holder may use non-resident bear licences allocated to another allocation holder if that allocation holder is willing to provide them the licences required.

To do so the allocation holder to whom the non-resident bear licences were originally issued must provide the allocation holder who is requesting licences a licence code for each licence they require. The allocation holder to whom the licence codes were originally assigned is given credit towards their minimum licence purchase requirement, not the allocation holder who used the licence codes to buy licences.

Allocation holders who make their licence codes available to another allocation holder are not permitted to charge a fee for the licence codes.

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 and
- the trade is permanent.

Applications must be made in writing to the Minister of Energy and Resource Development and are required from both participants. Request for permanent trades will be considered by ERD and the applicants will be notified of the decision.

10. Access to information

Allocation holders have the option to release their allocation information to the public at the start of each 3 year allocation period or whenever a new business is issued a licence allocation. This information is listed on the ERD 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 ERD 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 Energy and Resource Development. 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, and
- legal documentation acceptable to the Department of Energy and Resource Development verifying that the sale of the outfitting business has 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 Energy and Resource Development.

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 Energy and Resource Development 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 because 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 where they were formerly assigned,
- legal documentation acceptable to the Department of Energy and Resource Development verifying that the request for allocation is coming from the new owner of the outfitting business, and
- 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 Energy and Resource Development with respect to any change to their business name or contact information.
14. Use of bear licence allocation codes

General information
Bear licence allocation codes are required by allocation holders or their clients to purchase non-resident bear licences from the government of New Brunswick e-Licensing system. During the purchase of an allocated non-resident bear licence a licence code must be entered into the e-Licensing system to complete the licence transaction. Once a licence code is used it cannot be reused. Each licence code is unique and represents a single allocated non-resident bear licence.

Allocation holders or their clients require licence codes to purchase allocated non-resident bear licences:
(1) online at the Fish and Wildlife licensing page - http://www.snb.ca/erd-dnr/erd-dnr-e.html
(2) at a Service New Brunswick Centre, or
(3) at an authorized licence vendor location.

Distribution of licence codes
Licence codes are distributed by the Fish and Wildlife Branch beginning the first week of March once it is determined that the allocation holder has met the required eligibility criteria to hold a licence allocation. Licence codes are distributed by mail or e-mail directly to the allocation holder depending on their preference.

Licence code fees
Allocation holders do not pay a fee to be issued licence codes.

Licence code format
The format for a bear allocation licence code is:
(1) First two digits
The year for which the licence code is valid.
(2) Second two digits
The Wildlife Management Zone for which the code and hunting licence apply.
(3) Final five digits
A random unique number that is specific to that licence code.

Sharing of licence codes
Allocation holders have the option to share licence codes with other allocation holders who may require additional non-resident bear licences. The allocation holder whom the licence codes were originally issued to is given credit for licences purchased using those codes. Refer to Section 8 for further information.

Tracking the use of licence codes
Allocation holders who have met the required eligibility criteria to hold a licence allocation are provided a master list of their licence codes by ERD prior to the start of the spring bear season each year. It is the allocation holder’s responsibility to track the codes they have used to purchase allocated non-resident bear licences by manually checking off licence codes from their master list as each code is used. If an allocation holder loses track of the licence codes they have used they may visit their local Department of Energy and Resource Development office or contact the Fish and Wildlife Branch at the address provided on page 10 to request an updated list. Licence codes will not be provided to allocation holders by phone. Licence codes are randomly generated on a year to year basis and are not reusable from one year to the next.
Requesting additional licence codes
Allocation holders can request additional licence codes by contacting the Fish and Wildlife Branch. Licence code availability is determined by the non-resident bear licence quota established for each Wildlife Management Zone at the beginning of every 3 year allocation agreement period.

Replacement of a used licence code and licence refunds
In the event of a hunting trip cancellation allocation holders can request a replacement code for the purchased licence. Inquiries about replacement codes should be directed to the Fish and Wildlife Branch.

Licence refund requests for cancelled hunting trips are not guaranteed and refund requests are evaluated on a case by case basis.

15. Additional information
Additional information regarding non-resident black bear allocation rules and procedures is available:
(1) from the Department of Energy and Resource Development web site at https://www2.gnb.ca/content/gnb/en/departments/erd/natural_resources.html keyword Bear allocation, or
(2) by contacting:

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

NOTE: Allocation agreements are between the Minister of Energy and Resource Development 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 accommodation agreement letter

Northside Motel
Fredericton NB
(506) 222 1234

Jan. 1, 2018
Fish and Wildlife Branch
Dept. of Energy and Resource Development
PO Box 6000
Fredericton NB
E3B 5H1

To whom it may concern:

This is to inform you that Mr. Paul Williams of Rack Bear Hunts will be keeping his bear hunting clients at our hotel for the upcoming hunting season. The Northside Hotel is rated with Canada South 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,

[Signature]
John Smith
Manager
Northside Motel
Appendix C

Sample allocation calculation (a) - licence reduction not required\(^1\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Licences allocated</th>
<th>Year</th>
<th>Licences allocated</th>
<th>Year</th>
<th>Licences allocated</th>
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<tr>
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<td>20</td>
<td></td>
<td>20</td>
<td></td>
<td>To be determined</td>
</tr>
<tr>
<td>Licences purchased</td>
<td>14</td>
<td>Licences purchased</td>
<td>10</td>
<td>Licences purchased</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.
Sample allocation calculation (b)- licence reduction required after Year 2

<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licences allocated</td>
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<td>Licences allocated</td>
</tr>
<tr>
<td>20</td>
<td>20</td>
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<tr>
<td>Licences purchased</td>
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<td>Licences purchased</td>
</tr>
<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.
Sample allocation calculation (c) - licence reduction required after Year 3

<table>
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<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
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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.