



# Environmental Appeal Board

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**DECISION NOS. 2010-WIL-003(a); 2010-WIL-004(a); 2010-WIL-007(a);  
2010-WIL-012(a); 2010-WIL-015(a)**

In the matter of an appeal under section 101.1 of the *Wildlife Act*, R.S.B.C., 1996, c. 488.

**BETWEEN:** Ron Fitch  
Robert Cork  
Sonny Perkinson  
Gary Blackwell  
Mark Ranniger **APPELLANTS**

**AND:** Acting Regional Manager **RESPONDENT**

**AND:** BC Wildlife Federation **PARTICIPANTS**  
North West Guides Association

**BEFORE:** A Panel of the Environmental Appeal Board  
David H. Searle, CM, QC, Panel Chair

**DATE:** November 29 and 30, 2010

**PLACE:** Smithers, BC

**APPEARING:** For Ron Fitch: Ron Fitch  
For Robert Cork: Robert Cork  
For Sonny Perkinson: Sonny Perkinson  
For Gary Blackwell: Gary Blackwell  
For Mark Ranniger: Did not appear  
For the Respondent: Joseph McBride, Counsel  
For the BC Wildlife Federation: Wilf Pfleiderer  
For the North West Guides Association George Leven, Counsel

## APPEAL

[1] Each Appellant appealed a decision of Larry Boudreau, Acting Regional Manager, Environmental Stewardship Division, Skeena Region, Ministry of Environment (the "Ministry"). The decisions under appeal were issued by letters dated April 12, 2010, as to the Appellant Ron Fitch; April 12, 2010, as to the Appellant Mark Ranniger; April 6, 2010, as to the Appellant Gary Blackwell; May 18, 2010, as to the Appellant Robert Cork; and, May 6, 2010, as to the Appellant Sonny Perkinson. Each letter set quotas for various animals for the 2010/2011 year, which runs from April 1, 2010 until March 31, 2011, in each case. It is only the moose hunting quotas that are the subject of each of these appeals. The letters

also set moose hunt allocations for the 2-year allocation period April 1, 2010 to March 31, 2012. Each of the Appellants is a guide outfitter operating in this region.

[2] The Appellant Mark Ranniger did not appear, either directly or by an agent. Having satisfied itself that Mr. Ranniger had been properly apprised of the time, date and place of his appeal hearing, the Panel dismissed his appeal.

[3] The Environmental Appeal Board has the authority to hear these appeals under section 101.1 of the *Wildlife Act* (the "*Act*"), which provides that the Board may:

- (a) send that matter back to the regional manager or director, with directions,
- (b) confirm, reverse or vary the decision being appealed, or
- (c) make any decision that the person whose decision is appealed could have made, and that the board considers appropriate in the circumstances.

[4] The Appellants each ask the Board "for a reversal of the Regional Manager's decision and return to my previous quota and administrative guidelines." Additionally, the Appellant Gary Blackwell asks for a delay in the implementation of the new harvest policy until 2017 or until an independent review can be undertaken of its economic impact on his business.

## **BACKGROUND**

### **Licenses, Quotas and Allocations**

[5] The province regulates hunting for big game species, such as moose, through legislation, regulation and policy. It regulates non-resident hunters by requiring that they hunt for big game only with a licensed guide outfitter. Each guide outfitter has exclusive rights to guide non-resident hunters within his or her guiding territory. Resident hunters holding limited entry hunting authorizations may hunt, without a guide, in a guide outfitter's territory.

[6] Guide outfitters must obtain annual guide outfitter licenses from the Ministry. Regional managers specify annual quotas as conditions of those annual licenses. The quotas limit the species and number of game that may be harvested by the guide outfitter's clients within the guide's territory during the period specified in the license. It is section 60 of the *Act* which gives a regional manager discretion to allocate wildlife to non-resident hunters. That discretion, however, is exercised within a framework that includes applicable provincial policies, population estimates for the particular game species, and other considerations including species conservation, traditional First Nation uses, and resident hunters' interests.

[7] As part of the quota assignment, regional managers also issue each guide outfitter a 2-year harvest allocation that is the maximum number of animals each guide's clients may take over the designated 2-year period. These 2-year allocations and annual quotas also are managed by administrative guidelines that are distinct from the license, but are delivered to guides with their licenses. Guides have the option to sign a written agreement indicating that they agree to the administrative guidelines. The administrative guidelines allow a guide outfitter to exceed the designated annual quota by a set number, but that number then counts

against the total 2-year allocation. The guidelines give guide outfitters some flexibility in the numbers harvested each year, and are used for harvest planning purposes.

[8] In 2007, the province adopted a new harvest allocation policy. That policy was approved by the Ministry's Director of Fish and Wildlife (the "Director"), not the Regional Manager. The new policy indicates that resident hunters are to be given priority in the harvest of big game species. For category A species (i.e. big game species for which guided hunters' harvest is limited by quota in any portion of a region), the policy indicates that the Director should assign an initial allocation of 75% of the allowable harvest of the species to resident hunters, and 25% to guided hunters, in each region. The Director may alter the initial 75/25 allocation in each region according to the relative importance of that species to each hunter group in the region. Once the Director sets the resident/guided hunter allocation for each region, regional managers apply that ratio to determine the quotas for each guide, based on further policy guidelines. The Regional Manager decided to apply the new policy in his decision-making process for moose harvest starting with the 2010-2011 allocation period. It was, in part, the application of that new policy to guide outfitters by the Regional Manager in January 2009 that triggered the changes to the Appellants' moose quotas for 2010 and their allocations for 2010-2012, and led to these appeals. The Ministry revised its estimate of the moose annual available harvest ("AAH") in the region, and adopted a new process for allocating the portion of the AAH available to non-resident hunters among individual guide outfitters in the region.

[9] To ease the transition to the new policies and procedures for calculating guide quotas and allocations, and to limit the immediate impacts on individual guide outfitters, the Regional Manager made a policy decision to limit the reductions in the 2010 quotas and the 2010-2012 allocations to approximately 20% compared to the previous period. However, in some cases, the actual reductions exceeded 20%.

### **The Appeals**

[10] Because the appeals involved the same type of decision, and the Appellants stated similar grounds for appeal and requested similar remedies, the Board decided to hear the appeals jointly at one hearing, and to consider each of the Appellants as Third Parties in each other's appeals.

[11] The BC Wildlife Federation (the "BCWF") was granted participant status to represent the interests of BC resident hunters, and it supported the Respondent's position.

[12] The North West Guides Association (the "Association") was given participant status to support the Appellants' positions.

[13] Each of the Appellants gave oral testimony except for Mark Ranniger, who did not appear.

### **ISSUES**

[14] For the four Appellants remaining as part of this Appeal, they each ask that the Regional Manager's decision be reversed and that, in each case, there be a return to their previous quotas, as those quotas pertain to moose. Additionally,

Gary Blackwell asks for a delay in the implementation of the new harvest policy until 2017 or until an independent review can be undertaken of the economic impact on his business.

[15] Dealing with the second issue first, the jurisdiction of this Panel and that of the Board is limited to the consideration of whether the Regional Manager properly set hunting quotas, in these appeals, in respect only of moose for the year in question, being the licence period April 1, 2010 to March 31, 2011. The Board's jurisdiction does not extend to a review of the "new harvesting policy".

[16] However, the Board's jurisdiction does extend to a consideration of whether, in the circumstances of each of the four Appellants, the decision of the Regional Manager should be reversed, confirmed or varied. Also, there are other options set out in paragraph 3 hereof.

### **RELEVANT LEGISLATION**

[17] The relevant sections of the *Wildlife Act* are as follows:

#### **Issuance of guide outfitter license**

**51** (1) A regional manager may issue a guide outfitter license to a person who

(a) is a citizen of Canada or a permanent resident of Canada,

(b) has held assistant guide licenses for 24 months and actively guided during that time,

and

(c) has public liability insurance and other qualifications prescribed by regulation.

(2) A guide outfitter license authorizes the holder to guide persons to hunt only for those species of game and in the area described in the license.

#### **Quotas**

**60** (1) If a regional manager issues a guide outfitter license, the regional manager may attach a quota as a condition of the license and may vary the quota for a subsequent license year.

(2) If a guide outfitter has a quota assigned as a condition of his or her guide outfitter license and allows his or her clients to kill game to the extent that the number killed exceeds the quota assigned to the guide outfitter, the regional manager may reduce or take away his or her quota for a period or may take action under section 61.

#### **Definitions**

**1** (1) In this Act;

...

"**quota**" means

(a) total number of a game species, or

(b) the total number of a type of game species

specified by the regional manager that the clients or a class of client of a guide outfitter may kill in the guide outfitter's guiding area, or part of it, during a license year, or part of it, but does not include an angler day quota.

## **POLICY CONSIDERATIONS**

[18] The Policy Manual filed in these proceedings speaks to the guide outfitters' commercial interests as follows:

It is the policy of the Ministry:

That guide outfitters' commercial interests in the harvest of big game species will be addressed by:

- 1) requiring non-resident hunters to hire a guide outfitter to hunt big game in the province, except when permits to accompany have been issued;
- 2) providing guided hunters with predictable, fair shares of the allocations of category A species in certificated areas;
- 3) supporting the viability of the guide outfitting industry by committing to:
  - a. the timely application of decision making processes regarding the transfer and disposition of guide territories;
  - b. the timely review of the status of uncertified areas;
  - c. creating and maintaining a regulatory framework that maximizes guided hunters' success, enjoyment, and participation;
  - d. the maintenance of exclusive guided hunting rights for guide outfitters; and
- 4) removing unnecessary barriers to achievement of allocation prior to reducing allocation.

## **DISCUSSION AND ANALYSIS**

[19] By legislation, the Regional Manager is mandated to issue guide outfitters licences to those persons who qualify under section 51 of the *Act*, as well as to set game species quotas, as a condition of such licences pursuant to section 60 of the *Act*.

[20] From the Policy Statement above-referred to, it is clearly government policy that guide outfitters' commercial interests are to be protected and encouraged by providing them with a predictable fair share of the allocation of category A species in their areas. The provincial government is also committed to supporting the viability of the guide outfitting industry through, among other measures, "creating and

maintaining a regulatory framework that maximizes guided hunters' success, enjoyment and participation".

[21] The issue, as defined by the Appellants, is whether the decision of the Regional Manager in respect of the quotas set for moose for the licence year April 1, 2010 to March 31, 2011, should be reversed and the prior quotas restored.

[22] Unlike this Board's decision in *Hoessl et al. v. Regional Wildlife Manager* (Decision Nos. 2009-WIL-003(a) to 017(a), and 2009-WIL-019(a) to 020(a), August 3, 2010) (unreported), this Panel cannot deal with the four Appellants as if they were one because the circumstances of each Appellant are different from their co-Appellants. The similarity is that their appeals each deal with moose quotas for the same licence year and that each are licensed guide outfitters. But there the similarity ends, causing this Panel herein to deal with each of the four appeals separately, notwithstanding that the evidence of the Respondent's witnesses was given only once and by agreement, was applied to each of the appeals.

[23] The evidence common to all four appeals, on behalf of the Respondent, was given by Richard Marshall, the senior wildlife biologist in the Skeena Region. He explained that he first heard of the new Allocation Policy in 2006 and that a component of government policy was to ensure that the moose population does not decline. One way to achieve that goal is to maintain the bull to cow ratio of 3.5 bulls to 100 cows. Mr. Marshall then explained how he defined a moose population unit ("PU") and how in South Skeena he set up 3 such units which are involved in these appeals. One of these is the Bulkley Valley Lake District ("BVLD") where moose surveys are done every five years. He explained how he first looks at historical information to aid in establishing a total moose population, and then deducts the first nation harvest, railway mortality and wounding loss. He then collects current data on the bull/cow and calf ratio and, using a model, inputs licensing data to predict moose populations.

[24] Mr. Marshall explained that the next stage is to apply the 70/30 allocation between resident hunters and non-resident hunters, respectively, which has grown to a 77/23 split. The last stage is to set quotas.

[25] For the resident portion of the allocation, there are three types of resident hunts each year: up to three limited entry hunts (by lottery), a general open season and an archery hunt. Mr. Marshall explained that few moose are taken by archers, that there is good information about moose kill by limited entry hunts because those people are known. With respect to the general open season, a questionnaire goes out to everyone who had a hunting licence. To determine the first nations moose kill, the Ministry goes to those communities and also speaks to conservation officers.

[26] As to the non-resident allocation, Mr. Marshall advised that their surveys do not "tease out" moose population by guide outfitter area. That is calculated by deducting from individual guide outfitters' areas large lakes and areas higher than 4,600 ft. elevation, to arrive at a net moose habitable area, which is a proportion of the total area of a population unit. So for example, if a guided area, based on its moose habitable area, is 10% of the larger population unit, then that guide outfitter gets 10% of the guided allocation.

[27] Mr. Marshall then explained that in setting the quotas under appeal, the Regional Manager decided that no guide outfitter would suffer more than a 20% reduction in his/her quota.

*The affect on the Appellants*

Ron Fitch

[28] Mr. Fitch, in his Notice of Appeal, claims "that the maximum number of bull moose I can harvest over the period April 1<sup>st</sup> 2010 to March 31<sup>st</sup> 2012 is 48. This is a reduction of 6 moose per year or 12 over the above two year period."

[29] In his evidence, Mr. Fitch stated that he is 59 years of age and has been an outfitter for 39 years. For three years he worked as an assistant guide and in the off season worked as a logger. In 1975, he bought out another guide outfitter, then in the 1990's he acquired a second area, which together enabled him to make a living at guiding. He invested \$200,000 in the business and paid the loan down over seven years. His guiding business is mainly moose hunting.

[30] The Respondent, in its Statement of Points, replies that Mr. Fitch's guiding area is PU BVLD only. The guided hunter share of the annual allowable harvest (AAH) of the whole of the PU BVLD is 207. Mr. Fitch's guiding area is 10.87% of the moose habitat in PU BVLD, 10.87% of 207 yields 22.5 moose annually for Mr. Fitch. His allocation for the previous period was 30 moose annually. The Regional Manager decided to limit the change to a maximum drop of 20% below the previous allocation. 20% of 30 is 6.  $30 - 6 = 24$  moose annually, or for the two-year 2010/2011 allocation period of 48. Applying an administrative guideline of 70% of the two-year allocation, the Regional Manager set the 2010 quota at 34.

[31] Mr. Fitch's hunter/harvest statistics are as follows:

<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
30/19	30/15	30/18	33/11	16/4	16/9	12/8

What these statistics show is that from 2004 to 2010, Mr. Fitch never came close to harvesting 30 moose per year. Also, he has not booked more than 16 hunts per year since 2008. This makes it difficult for this Panel to conclude that the Regional Manager's decision will cause any hardship to Mr. Fitch.

Robert Cork

[32] In his Notice of Appeal, Robert Cork says "the maximum number of Bull Moose I can harvest over the period of April 1, 2010 to March 31, 2012 is 24. This is a reduction of 3 moose per year, or 6 over the above two year period."

[33] In his evidence before the Panel, Mr. Cork described his guide outfitting area as PU 6-1,2 located in north Tweedsmuir Park. It is 1800 sq. km. in size and surrounded by water, which makes access difficult to resident hunters. He has only ever seen five resident hunters since he bought the area in 2005, for which he paid \$375,000. He said that there are 73 LEH opportunities for resident hunters, offered by lottery, but few resident hunters apply because there is no road access. He would be happy with an annual quota of 15 moose (30 over two years), which was

his allocation for the previous period, though he admitted that he has never taken more than 12 moose in one year.

[34] Mr. Cork says that in 2005, when he was considering purchasing his area, he had a conversation with Mr. Marshall about quotas and was left with the impression that since the park was managed conservatively, with conservation in mind, they could not foresee either an increase or decrease in quotas.

[35] The Respondent replies in its Statement of Points that the guided hunter share of the AAH is 41. Mr. Cork's guiding area comprises 17.37% of the moose habitat in PU 6-1,2. 17.37% of the 41 yields 7.1 moose for guided hunters in the area. The prior allocation was 15 moose annually. The Regional Manager decided to limit the change to a maximum drop of 20% below the previous allocation: 20% of 15 is 3.  $15 - 3 = 12$  moose annually. Accordingly, the Regional Manager set the notional allocation for the guiding area for the two-year 2010 and 2011 period at 24. Applying an administrative guideline of 70% of the two-year allocation, the Regional Manager decided to set the 2010 quota at 17.

[36] Mr. Cork's hunter/harvest statistics are as follows:

<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
7/4	15/8	20/8	20/12	16/7	11/5

What these statistics show is that in the period 2005 to 2010, Mr. Cork never came close to his quota of 15 moose per year. However, in view of the isolation of his area in north Tweedsmuir Park, with very little resident hunting because access is only by water, it seems to the Panel that from the perspective of moose conservation, whether Mr. Cork's two-year allocation is 24 (12 per year) or 30 (15 per year) is of little moment. In other words, the Panel finds that allowing Mr. Cork a two year allocation of 30 (15 per year) would not adversely affect conservation objectives or resident hunters' interests.

Sonny Perkinson

[37] In his Notice of Appeal, Mr. Perkinson said that the "maximum number of bull moose I can harvest over the period April 1<sup>st</sup> 2010 to March 31<sup>st</sup> 2012 is 46. This is a reduction of 6 moose per year or 12 over the above two year period."

[38] In his evidence, Mr. Perkinson volunteered that he is 65 years of age, was originally a heavy duty mechanic and has been in the big game guiding business for 14 years. He has 6 camps, hires 14 guides and 5 cooks per season. His area, which is part of PU BVLD, has the best bull moose population with a ratio of 46 bulls per 100 cows. He described the easy access by resident hunters and said that, in his view, the biggest problem is that, due to the excellent moose population in his area, the quotas are not being achieved. Whereas other guide outfitters had said that they would never book more hunts than there were animals available in their quota (while recognizing that 100% of the hunters do not succeed), Mr. Perkinson made a point of saying that he is not as cautious.

[39] The Respondent, in its Statement of Points, replies that the guided hunter share of the AAH for the whole of PU BVLD is 207 moose. The guiding area of the Appellant comprises 8.12% of the moose habitat in PU BVLD. 8.12% of 207 yields



16.8 moose annually for guided hunters in the guiding area. The allocation for the previous period was 29 moose annually. The Regional Manager decided to limit the change to a maximum drop of 20% below previous allocation. 20% of 29 is 5.8.  $29 - 5.8 = 23.2$  moose annually. The Regional Manager set the notional allocation for the guiding area for the two-year 2010 and 2011 allocation period at 46. Applying an administrative guideline of 70% of the two-year allocation, the Regional Manager decided to set the 2010 quota at 32.

[40] Mr. Perkinson's hunter/harvest statistics are as follows:

2004	2005	2006	2007	2008	2009	2010
55/32	45/27	50/19	56/28	41/18	45/17	Not available

With relatively high numbers of hunters but low numbers of harvest, clearly Mr. Perkinson is selling the "opportunity" to harvest a moose. When asked to explain these statistics, he said that some of his guides couldn't find a moose if it were standing in front of them and some of his hunters could not hit the broad side of a barn.

[41] The statistics can be a bit deceiving in that there was clear evidence that since 2008, this industry is seeing hard times with reduced numbers of hunters. Prior to that, except for 2006, Mr. Perkinson was harvesting moose near to his then quota of 29 annually and in 2004 exceeded his quota.

[42] The Panel was impressed by Mr. Perkinson's frankness, and assessed him as one who can adapt to new realities and regimes. Consequently, the Panel sees little hardship resulting to this Appellant by virtue of reduced quotas, particularly in view of the statistics in paragraph 41.

#### Gary Blackwell

[43] Mr. Blackwell, in his Notice of Appeal, says "that the maximum number of Bull Moose I can harvest over the 2-year period April 1<sup>st</sup> 2010 to March 31<sup>st</sup> 2012 is 43. This is a reduction of 11 Bull Moose over the 2 year period."

[44] In his testimony, Mr. Blackwell indicated that his business of guide outfitting was started by his father in the 1950's and is located in PU BVLD. Since the late 1990's, his annual moose quota has been 27 moose. He has invested \$360,000 plus labour in the business. A reduction to 10 moose by 2012 will ruin his business. He is 58 years of age and has a son to whom he had hoped to leave the business. Instead, it seems that the son will have to leave guiding.

[45] The Respondent replies that the guided hunter share of the annual allowable hunt for the population unit BVLD is 207. Mr. Blackwell's guided area is 4.92% of the moose habitat in PU BVLD. 4.92% of 207 yields 10.2 moose annually for Mr. Blackwell. The allocation for the previous period was 27 moose annually. The Regional Manager decided to limit the change to a maximum drop of 20% below the previous allocation. 20% of 27 is 5.4.  $27 - 5.4 = 21.6$  moose annually. The Regional Manager set the notional allocation for the guiding area for the two-year 2010 and 2011 allocation period at 43. Applying an administrative guideline of 70% of the two-year allocation, the Regional Manager decided to set the 2010 quota at 30.

[46] Mr. Blackwell's hunter/harvest statistics are as follows:

<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
21/21	25/24	29/25	32/28	24/21	27/26	22/20

These statistics are interesting because they demonstrate that Mr. Blackwell's guided hunters do very well in their harvest of moose. Clearly, Mr. Blackwell works very hard at seeing that his guests succeed in their hunt.

[47] While the appeal is about the quota set for 2010, it is clear that if Mr. Blackwell's quota reduces to 10 moose in 2012, his business will be in serious jeopardy.

[48] This appeal was supported by a letter from Mike Lewis, another guide outfitter, whose 2010 quota for moose will be 11. The evidence is that Mr. Lewis does not hunt moose. As they are both within PU BVLD, the Panel finds that there may be a means by which Mr. Blackwell could share Mr. Lewis's quota.

#### Participants

[49] Both the Association and the BCWF were granted limited participant status. The Association represents guides and outfitters. The BCWF represents the interests of resident hunters. Bob Henderson spoke on behalf of the Association, outlining his and his Association's involvement in the consultation process, first in respect of the new allocation policy and then in respect of quotas on thin horn sheep and on moose. He stressed that the most important indicator of a healthy moose population are the bull/cow and cow/calf ratios.

[50] The BCWF was represented by Wilf Pfleiderer, who claims to represent 92,000 BC resident hunters. Not surprisingly, this organization supports the new allocation policy and advocates for its implementation. The BCWF also encourages the removal of barriers and wants all regions of the province to enjoy a level playing field. Fundamentally, the BCWF wants to see the policies of government followed and implemented.

#### **DECISION**

[51] Appreciating that the Board's jurisdiction is limited to a review of the decision of the Regional Manager, and that the Board may not review the new allocation policy and has applied the relevant policy considerations that guide the Regional Manager, this Panel makes the following observations.

[52] The first overarching principle when allocating moose to hunters is conservation. In the context of the setting of moose quotas, that means there must be a reasonably accurate understanding of the moose population in any PU. That includes an understanding of bull/cow and cow/calf ratios. The evidence suggests that a healthy bull/cow ratio is no less than 35 bulls per 100 cows. If the ratio of bulls drops lower than 35 per 100 cows, that means that too many bulls are being harvested because only bulls are harvested, generally speaking.

[53] Only after conservation considerations have been met and satisfied, the next priority is the harvest of moose by first nations to meet subsistence needs.

[54] The number of moose remaining is then subject to the 70/30 or 77/23, as the case may be, allocation between resident and non-resident hunters, respectively.

[55] The guide outfitters, being Appellants in these proceedings, must share the non-resident allocation of the annual allowable moose harvest, which is set by the Regional Manager by way of individual annual quotas.

[56] The Regional Manager, and now this Panel, is guided in many ways, one of which is Policy, such as that set out in paragraph 18 hereof. That policy recognizes the commercial interests of guide outfitters and speaks to supporting those commercial interests.

[57] In making these decisions, the Panel has considered all of the evidence before it, whether or not specifically reiterated herein, the observations above referred to and the submissions of the parties.

[58] For the reasons provided above, the appeal by Ron Fitch is dismissed.

[59] With respect to the appeal by Robert Cork, the Panel sends this matter back to the Regional Manager with the direction that, in view of the remoteness of PU 6-1,2 and therefore the difficulty of resident hunter access, an increase to Mr. Cork's two-year allocation and annual quota seems justified.

[60] For the reasons provided above, the appeal by Sonny Perkinson is dismissed.

[61] With respect to the appeal by Gary Blackwell, it is the Panel's observation that this is the case requiring the most urgent and serious review. Consequently, the Panel sends this matter back to the Regional Manager with the direction that he consider various ways and means to address this Appellant's concerns, one of which might be the re-allocation of moose from Mike Lewis to this Appellant.

[62] With respect to the appeal by Mark Ranniger, who failed to appear, that appeal is dismissed.

"David H. Searle"

David H. Searle, CM, QC, Panel Chair  
Environmental Appeal Board

February 16, 2011