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INSTRUCTIONS/REQUIREMENTS - Master Guide's License

License Fees: **Resident \$250**
 Nonresident \$500

***Application Processing Fee (nonrefundable): \$500**

REF: NRS 504.390
 NAC 504.600 through 504.701, inclusive.

Minimum Age. 21 years old.

License Requirement. "Guide" means to assist another person in hunting wild animals or wild birds and fishing and includes the transporting of another person or his equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

Every person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, shall obtain a master guide license from the Division.

Each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity shall obtain a subguide license from the Division.

Any person who desires a master guide license must make application for the license on a form prescribed and furnished by the Division. The application must contain such information as the commission may require by regulation. *Application Processing Fee. If that person was not licensed as a master guide during the previous licensing year, his application must be accompanied by a processing fee of \$500, which is not refundable.

If the holder of a master guide license operates with pack or riding animals, he shall also have a grazing or special use permit if he operates in any area where such a permit is required.

Resident: "Resident" means a person who is a citizen of the United States, who has actually been physically present in the State of Nevada for at least 6 months immediately preceding his application for a license, tag or permit, and who intends to make Nevada his permanent home.

Nonresident: "Nonresident" means a person who is not a resident of Nevada.

Application - Where to Obtain. An application for a master guide's license may be obtained from any regional office or the headquarters of the Division of Wildlife. *Any master guide who was not licensed during the previous licensing year must accompany his application with a processing fee of \$500, which is not refundable.

Application Deadline. The deadline for receipt of applications for renewals or new licenses is on or before June 1 of the current calendar year. The license year begins July 1.

Denial of License. Whenever an application is denied for a reason listed in NAC 504.671, the Division will notify the applicant, in writing, of the reason for denial. The applicant may appeal such a denial to the commission.

Acting as guide without license. 1. Any person who acts as a master guide or as a subguide without first obtaining a license pursuant to NRS 504.390 is guilty of a gross misdemeanor.

2. Any vessel, vehicle, aircraft, pack or riding animal or other equipment used by a person operating in violation of subsection 1 is subject to forfeiture upon the conviction of that person of a gross misdemeanor if that person knew or should have known that the vessel, vehicle, aircraft, animal or equipment would be used in violation of subsection 1.

SUBCOMMITTEE Asm Nat Res AB 272
DATE: 4/1/03 EXHIBIT J 1-6
SUBMITTED BY: Terry Crawford

APPLICATION and LICENSEE REQUIREMENTS; CONDITIONS

1. **General requirements for license.** An applicant for a license as a master guide must:
 - a.) Be a competent person of good moral character.
 - b.) Be 21 years of age or older.
 - c.) Know the wildlife and boating laws and regulations of the state relevant to the license for which the applicant is applying.
 - d.) Have a minimum of three full seasons of experience in the use of equipment and livestock used by licensees of the particular class for which he has made application or have an employee so qualified in charge of all hunting and fishing parties. A season of experience may not be less than 3 months. The applicant must describe his experience in detail on the application.
 - e.) Provide proof of certification in a Red Cross Standard First Aid course or an equivalent course approved by the Division with his original application for a license.
 - f.) Provide proof of his United States Coast Guard license, if applicable. If a boat will be used to provide a service to a client and a United States Coast Guard license is not required, the applicant must provide proof that he has successfully obtained a minimum score of 80 percent on the boating safety examination in the Navigating Nevada booklet, which may be obtained free of charge from the Nevada Division of Wildlife, 1100 Valley Road, Reno, Nevada 89512.
 - g.) Provide proof of insurance (see Section 7 below).
2. **Adequate equipment and animals.** An applicant must possess adequate equipment and animals to accomplish the purpose of the class of license for which he applies. An applicant or his employee in charge must, upon request, produce his equipment and animals for inspection and show proficiency in the use of the animals and equipment upon application for a license or renewal thereof.
3. **Financial responsibility.** An applicant must be financially responsible and have sufficient capital, as determined by the Administrator, to conduct an operation of the size and type for which he has applied.
4. **Physical condition.** An applicant and his employees must be of sound mind, free from infectious or communicable diseases and not addicted to the use of alcohol or drugs. An applicant or his employee in charge of hunting and fishing parties must be in good physical condition with no disability which would interfere with the performance of his duties or endanger the safety of his patrons.
5. **Sanitary standards.** A master guide must maintain at least minimum acceptable sanitary standards at all facilities used by his guests and employees including:
 - a.) Sufficient clean, fresh drinking water.
 - b.) Adequate protection against the contamination of goods.
 - c.) Adequate disposal of garbage and debris.
 - d.) Satisfactory disposition of human waste.
 - e.) Satisfactory measures for the separation of livestock facilities and camp facilities.
6. **Action by Division on applications.** The Division will make such additional investigation of an applicant for a license as a master guide and his qualifications as it deems necessary. The final decision of the Division:
 - a.) Upon an application for renewal of an existing license, will be made not later than 30 days after the date of receipt of the complete application; and
 - b.) Upon an initial application for a license, will be made not later than 90 days after the date of receipt of the complete application.

--A licensee who is in good standing and whose application for renewal is received on or before June 1 is entitled to a new license for the ensuing license year upon complying with the guide regulations.

--If an applicant fails to include proof of certification in first aid or proof of liability insurance with his application as required in NAC 504.600 or has failed to submit timely client report pursuant to NAC 504.667, the division will formally notify the applicant of the deficiency. The applicant must submit the required documents to the division within 30 days after he receives the formal notification. If the division does not receive the requisite documentation within the 30 day period, the division will consider the application to be

incomplete, will return the application, and will take no further action on the application.

NOTE: *If you intend to guide on lands administered by a federal agency such as the U.S. Forest Service, National Park Service or Bureau of Land Management, special-use permits may be or are required from that agency. Please check with the appropriate agency.*

7. Insurance - An application for a license to be a master guide must provide proof that he carries liability insurance or a self-insurance bond in the following amounts:
- At least \$100,000 for each person with a claim.
 - At least \$300,000 for each occurrence.
 - At least \$25,000 for property damage.

The division must be named as a holder of the certificate for the policy of insurance or self-insurance bond. The policy for liability insurance or the bond must remain in effect during the entire time the master guide is licensed to guide.

NOTE: First-time applicants need not submit proof of insurance until they have been notified that their application has been tentatively approved; you will have 30 days after receipt of notification to submit proof of insurance. Also, if your guiding activities fall under the jurisdiction of the U.S. Forest Service, BLM, National Park Service, etc., be sure to check their insurance coverage limits before obtaining a policy which satisfies our requirements. You will have to obtain a policy which satisfies the higher coverage limits.

8. Contracts. Before providing a service to a client, a licensed master guide must furnish the client with a contract which states:
- The type of service to be provided, including food, lodging, transportation, caping, field dressing services, and the packing out of harvested wildlife.
 - The dates on which guide services are to be provided.
 - The fee schedule for the guide's services.
 - The maximum number of clients which may accompany a guide on any one occasion.
 - The master guide's policy regarding the cancellation and amendment of a contract for guide services.
 - The master guide's policy regarding the return of a deposit if the contract is canceled.
 - Whether the client can expect to be guided by a person other than the master guide.

- A contract must be provided to every client whether or not the master guide does the actual guiding.

- Only the master guide may enter into a contract with a client.

- Both the master guide and the client must sign and date the contract before any services are rendered. A copy of the contract must be provided to the client. The master guide shall retain the original signed contract for not less than 2 years.

-If requested, the master guide shall provide any contracts to an agent of the Division authorized to enforce the guide regulations.

9. Records - Licensed master guides shall keep and have available complete, current, and accurate records regarding their clients. Records regarding clients must be written on forms furnished by the Division to all licensed master guides. These forms will include spaces for:
- The client's name.
 - The client's hunting or fishing license number, whichever is applicable.
 - The client's big game or swan tag number.
 - The dates on which the client was guided.
 - The date each species of wildlife was harvested, the species harvested, and the number of the species harvested.
 - The point class of the animal harvested if the animal is a deer or elk.
 - The management unit where each animal was harvested.

h.) The name of each of the guides who guided the client.

– Records must be updated by the master guide or the subguide who was responsible for the client for as long as service is provided to the client.

– The master guide shall submit all original record forms for his clients, including the record forms of any subguides employed by the master guide, no later than June 1 of the year for which the guide is currently licensed.

– The master guide shall present his clients' records for inspection at any reasonable hour or place to any agent of the Division authorized to enforce guide regulations.

10. Area of operation. An applicant for a license as a guide must describe in his application the area within a specific management area or a designated county or on a particular body of water in a region where he has experience as a guide and intends to operate. He must describe the area by boundaries that allow easy identification of the area. Each license issued to a guide will limit his operations to the area in which he, in the opinion of the administrator of the division, has had adequate experience.

Except as otherwise provided in this subsection, a guide will not be authorized to operate for the same big game species in more than one administrative region. The Administrator or his designee, may authorize a guide to operate in more than one administrative region if:

- a.) The guide's services are for hunting mountain lions and the extension of the area is necessary for proper management of mountain lions;
- b.) The guide will provide services with respect to different subspecies of bighorn sheep in each additional region; or
- c.) The management area or unit for which the guide is licensed crosses regional boundaries.

– The division may authorize a master guide to provide services for all species of fish and game birds on a statewide basis.

11. Big game guiding. If a license is issued for big game guiding, it must specify in terms of a game management area, or portions thereof, the exact territorial limits of the guide's big game operations. The Division may consider the following factors in issuing a license:

- a.) The length of time the guide has operated in the area;
- b.) The extent to which the guide is qualified by reasons of experience, equipment and resources to operate in the area;
- c.) The guide's prior safety record; and
- d.) The accessibility and terrain of the area and the weather conditions normal to the area during the big game hunting season.

– Only one person may act as a master guide under one license.

– Except as provided immediately below, a licensee may operate only in the big game hunting area indicated on his license.

– The Division may adjust the territorial limits within which a master guide may operate for reasons of game harvest, to resolve territorial conflicts between master guides or for the safety of persons who utilize the services of the guide.

12. Grounds for denial, revocation or suspension. The application of a person for a guide's license may be denied and a guide's license may be revoked or suspended:

- a.) For fraud or deception in procuring a license.
- b.) For fraudulent, untruthful or misleading advertising.
- c.) For a conviction of any felony.
- d.) For a conviction of having violated a regulation of the United States Forest Service, United States Bureau of Land Management, United States Fish and Wildlife Service or National Park Service.
- e.) For immoral, unethical or dishonorable conduct in the licensee's relation to his guest or patron.
- f.) For a conviction of having violated a provision of the Watercraft or Wildlife Laws of Nevada or an equivalent provision in the law of any other state or the federal government.

- g.) For a guide's substantial breach of any contract with any person utilizing his services.
- h.) For operation by a guide in an area other than that for which he is licensed or specifically authorized.
- i.) For the employment of an unlicensed subguide by a master guide.
- j.) For two or more convictions of any provision of Chapter 484 or 488 of NRS or an equivalent provision of law of any other state or the federal government relating to driving a motor vehicle or operating a boat while under the influence of an intoxicating liquor or a controlled substance within the 7 years immediately preceding the application for a license to be a guide.
- k.) For a conviction of any provision of Chapter 453 of NRS or an equivalent provision of law of any other state or the federal government related to controlled substances within the 5 years immediately preceding the application for a license to be a guide.
- l.) For failing to report any violation of the wildlife laws or regulations of which the guide has knowledge.
- m.) For shooting, killing or taking a client's wildlife.
- n.) For failing to comply with the requirements of insurance, contracts, or records.

—If any person licensed as a guide or person served by a guide, is convicted of a violation of any provision of this Title or chapter 488 of NRS, the commission may revoke the license of the licensee and may refuse issuance of another license to the licensee for a period of 5 years after the date of conviction.

- 13. Habitual violators. An application for a license as a master guide or a subguide may be permanently denied if the applicant is a habitual violator. "Habitual violator" means a person who has been previously convicted of three or more violations of the wildlife laws of Nevada or the equivalent provisions of the law of any other state or federal law.
- 14. Guiding a hunt for mountain lion. A master guide or subguide who is hired to hunt a mountain lion shall ensure that his client physically accompanies him in the pursuit and killing of the mountain lion.
- 15. Transportation of big game mammal. A licensed master guide or subguide may transport a big game mammal taken by his client from the location where the mammal was harvested without first obtaining a transportation permit in accordance with NRS 503.040 if:

(a) The big game mammal has been tagged in accordance with NAC 502.400 and the tag has been properly validated in accordance with NAC 502.390; and

(b) The master guide or subguide transports the big game mammal in accordance with the conditions established on his master guide license only to a commercial or private preservation facility within the state, including any cold storage locker, trailer or walk-in facility offered as a service to its customers.

— During any reasonable hour, upon the request of an agent of the division authorized to enforce the provisions of Title 45 of NRS, a guide shall present any big game mammal which he is transporting or has transported.

(This provision does not exempt a hunter from personally presenting bighorn, mt. lion, swan or mt. goat for inspection!)

- 16. NAC 503.148. Use of aircraft, hot air balloons, satellites or other devices.
 - 1. Except as otherwise provided in this section, a person shall not, for the purpose of hunting, locate or observe, or assist a person in locating or observing, any big game mammal in a management unit described in NAC 504.210 during the period beginning 48 hours before a big game hunting season opens until the close of the season in that management unit with the use of:
 - (a) An aircraft, including, without limitation, any device that is used for navigation of, or flight in, the air;
 - (b) A hot air balloon or any other device that is lighter than air; or
 - (c) A satellite or any other device that orbits the earth and is equipped to produce images.
 - 2. For the purposes of subsection 1, the season for hunting a mountain lion which is open in a management unit shall be deemed not to be a big game hunting season during the period beginning after the big game hunting season for all other species of big game has closed in that management unit until the period beginning 48 hours before the opening of a big game hunting season established for hunting any other species of big game in that management unit.

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NAC 503.148. Use of aircraft, hot air balloons, satellites or other devices. (con't)

3. Evidence of an act constituting a violation of subsection 1 includes, without limitation:

- (a) Flying slowly at low altitudes;
- (b) Hovering;
- (c) Circling; or
- (d) Repeatedly flying,

over a forest, marsh, field, woodland or rangeland where a big game mammal is likely to be found.

4. The provisions of this section do not apply to a person who:

(a) Is acting within the scope of his official duties and who is:

- (1) An employee or authorized agent of this state;
- (2) An employee of a municipal or county government of this state; or
- (3) An employee of the Federal Government;

(b) Holds a scientific permit issued by the division for the collection of wildlife and who is acting in compliance with the terms and conditions of the permit; or

(c) Holds a permit issued by the division which authorizes the control of bobcats, coyotes or ravens from an aircraft and who is acting in compliance with the terms and conditions of the permit.

5. The provisions of this section do not authorize any act that is prohibited by NRS 503.010.

Where to Send the Application. An application with the required fee(s) must be submitted to the NDOW Regional Office of the administrative region where the guide service will be provided. If you have questions, please contact the appropriate region.

Region Addresses:

Western Region:

Nevada Division of Wildlife
380 West "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region:

Nevada Division of Wildlife
1375 Mountain City Highway
Elko, NV 89801
(775) 738-5332

Southern Region:

Nevada Division of Wildlife
4747 Vegas Dr.
Las Vegas, NV 89158
(702) 486-5127

Primary Counties of Jurisdiction & Associated Management Areas

Carson City, Churchill, Douglas, Humboldt, Lyon, Mineral,
Pershing, Storey, Washoe
Areas: 1, 2, 3, 4, 5, 6, 15, 18, 19, 20, 29

Elko, Eureka, Lander, White Pine
Areas: 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, & 23

Clark, Esmeralda, Lincoln, Nye
Areas: 11, 13, 14, 16, 17, 21, 22, 23, 24, 25, 26, 27, & 28

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