

LCB File No. R110-05

**PROPOSED REGULATION OF THE BOARD OF
WILDLIFE COMMISSIONERS**

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for The Amendment of Regulations of The
Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on September 24, 2005 at TBD a.m., at the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada. Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation No. 334 (LCB File No. R____) pertaining to Chapters 504 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: The examination period for subguides will be changed to year-round for convenience of applicants. Record maintenance procedures have been amended and the deadline for submission has changed from December 1st to December 31st due to open big game hunts during December. Denial of a license for outstanding warrant of arrest in any state.
2. Text of the proposed regulation: **Attached**
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) Adverse effect -- **None**
 - (b) Beneficial effect -- **None**
 - (c) Immediate effect -- **None**
 - (d) Long-term effect -- **None**
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
 - (a) Adverse effect -- **None**
 - (b) Beneficial effect -- **None**
 - (c) Immediate effect -- **None**
 - (d) Long-term effect -- **None**
4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: Costs will be minimal due to minimal increases to existing workloads or processes.
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates: **None**. The duplication or overlapping is necessary because: **NA**. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: **NA**

6. If the regulation is required pursuant to federal law, a citation and description of the federal law. **Not applicable.**
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: **Not applicable**
8. The proposed regulation establishes a new fee: X No ___ Yes.

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada
(775) 688-1500

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the above locations.

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**PROPOSED REGULATION OF THE BOARD OF
WILDLIFE COMMISSIONERS**

Explanation – Matter in *italics* is new, matter in brackets ~~omitted material~~ is material to be omitted

Authority: NRS 501.105, 501.181, 504.390
Notice Of Intent: August 8, 2005
Workshop Date: September 23, 2005
Commission Approval Date: September 24, 2005

Explanation: The examination period for subguides will be changed to year-round for convenience of applicants. Record maintenance procedures have been amended and the deadline for submission has changed from December 1st to December 31st due to open big game hunts during December. Denial of a license for outstanding warrant of arrest in any state.

Section. 1. NAC 504.608 is hereby amended to read as follows:

504.608 1. Before submitting an application for a license as a master guide or subguide for:

(a) Any hunting service, a person must pass an examination related to hunting established by the Department with a minimum score of 80 percent.

(b) Any fishing service, a person must pass an examination related to fishing established by the Department with a minimum score of 80 percent.

(c) Hunting and fishing services, a person must pass the examinations described in paragraphs (a) and (b) with minimum scores of 80 percent.

2. A master guide licensed by the Department who desires to add a fishing or hunting service to his license must pass an examination established by the Department with a minimum score of 80 percent.

3. A person who fails to renew his master guide or subguide license for 3 consecutive years must pass the applicable examination required pursuant to subsection 1 before the Department will reissue his license.

4. The Department shall administer the examinations required pursuant to this section by appointment at its regional offices located in Las Vegas, Reno and Elko from April 1 to November 30 of each year, for applicants for a master guide license. *Testing dates of applicants for a subguide license will be January 1 to December 31 of each year.*

5. A person may only take the examinations required pursuant to this section twice in a calendar year.

Sec. 2. NAC 504.671 is hereby amended to read as follows.

504.671 The Department may deny an application for or revoke or suspend a guide's license for any of the following:

1. Fraud or deception in procuring a license.
2. Fraudulent, untruthful or misleading advertising.
3. A conviction of any felony.
4. A conviction of having violated a regulation of a federal land management agency.

5. Immoral, unethical or dishonorable conduct in the licensee's relation to his guest, client, patron or a member of the public while providing guide services.

6. A conviction of having violated a provision of:

(a) Chapter 488 or title 45 of NRS, or any regulation adopted pursuant thereto, or for a conviction of having violated an equivalent provision in the law or regulations of any other state or the Federal Government; or

(b) NRS 444.630 or 445A.465, or any regulation adopted pursuant thereto, relating to the conduct of the guide while providing guide services.

For the purposes of this subsection, the term "conviction" means a final conviction. A forfeiture of bail or collateral deposited to secure a defendant's appearance or a plea of nolo contendere is equivalent to a conviction.

7. A guide's substantial breach of any contract with any person utilizing his services, as determined by a court of competent jurisdiction.

8. Operation by a guide in an area other than that for which he is licensed or specifically authorized by the Department or the federal land management agency having jurisdiction.

9. The employment or use of an unlicensed subguide by a master guide.

10. 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.

11. A conviction of any provision of chapter 453 of NRS or an equivalent provision of law of any other state or the Federal Government relating to controlled substances within the 5 years immediately preceding the application for a license to be a guide.

12. Failing to report to the Law Enforcement Bureau of the Department without undue delay, any violation of the wildlife laws or regulations of which the guide has knowledge.

13. Shooting, killing or taking a client's wildlife.

14. Failing to comply with any provision of NAC 504.663, 504.685 or 504.688.

15. Providing guide services relating to hunting or fishing on public land or public waters without having the necessary special use permit issued by the federal land management agency having jurisdiction within the wildlife management area or unit.

16. Providing guide services relating to hunting or fishing on private land in violation of NRS 503.240.

17. Intimidating, threatening or intentionally interfering with a person who is lawfully hunting or fishing, or who is attempting to do so.

18. Revocation of a hunting or fishing license of the guide in any state.

19. An outstanding warrant of arrest in any state.

Sec. 3. NAC 504.688 is hereby amended to read as follows:

504.688 1. Licensed master guides and subguides shall keep and have available complete, current and accurate records regarding their clients.

2. Records regarding clients must be written on forms furnished by the Department to all licensed master guides. These forms will include spaces for:

(a) The client's name.

(b) The client's hunting or fishing license number, whichever is applicable.

(c) The client's tag or permit number, if a tag or permit is required by the Department.

(d) The dates, specifying the days, months and years, on which the client was guided.

(e) The date, specifying the day, month and year, on which each species of wildlife was harvested, the species harvested and the number of the species harvested.

(f) The point class of the animal harvested if the animal is a deer or elk.

(g) The management unit where each animal was harvested.

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

3. A guide shall:

(a) Make the initial entry in the records that are required pursuant to subsection 2 on the first day that he provides guide services to the client; *and*

(b) ~~[Update the records required pursuant to subsection 2 for as long as guide services are provided to the client; and~~

~~—(e)]~~ Make the final entry in the records required pursuant to subsection 2 on the final day guide services are provided to the client.

4. The master guide shall submit to the Department all original record forms for his clients, including the record forms of any subguides employed by the master guide, no later than December ~~[H]~~ **31** of the year for which the guide is currently licensed.

5. The master guide and subguide shall present his clients' records for inspection at any reasonable hour or place to any agent of the Department authorized to enforce the provisions of NAC 504.590 to 504.711, inclusive.