

Governor Lombardo,

Please consider the following as the Nevada Department of Wildlife's (NDOW) response to your Executive Order 2023-004, related to occupational and professional licensing boards.

NDOW does not govern any occupations or professions. However, the Nevada Wildlife Commission has responsibility to oversee the conduct of Nevada's guides and outfitters. Reviewing the Order, as a whole, it appears the Order was not likely intended to include guides and outfitters in Nevada. However, guiding is an occupation. Thus, this correspondence will provide a report on behalf of the Nevada Department of Wildlife and the Nevada Board of Wildlife Commissioners.

First, in response to the Order, and Executive Order 2023-003, this correspondence shall confirm that the Nevada Wildlife Commission has not enacted any new regulations related to guide licensing since the issuance of Executive Order 2023-004.

The following constitutes a report as to guides in Nevada:

Response to Section 1 – Regulations, Fees, Costs and Examinations

All regulations governing guides and outfitters in Nevada are found in NRS 504.390–398, and NAC 504.600–711.

Guides in Nevada are identified as master guides and sub-guides. A sub-guide serves under a master guide's supervision.

A one-time application fee to apply and obtain certification as a master guide in Nevada is \$1,500. The application fee to obtain certification as a sub-guide (who is in essence a subcontractor and employee of the master guide) is \$50.

Before becoming a guide in Nevada, fishing and/or hunting guides must take a test which evaluates their competency and understanding of Nevada wildlife laws. Tests to apply to become a guide in Nevada are administered at any time, at the request of the applicant and constitute approximately 25 questions. The testing process takes approximately 45 minutes. There is no ongoing examination requirement. The test generally evaluates a potential guide's species identification skills, knowledge of Nevada's wildlife laws, and the guide's ability to work with clients. Guides must also have passed a hunter's safety course, which provides substantial information and knowledge of firearms safety, and demonstrate they are certified in first aid. A master guide must provide four letters of recommendation from clients they served as a subguide. They must also have a letter of recommendation from a master guide under whom they worked, or demonstrate they worked 15 days in the field guiding

clients within the previous 5 years. Master guides also must have liability insurance, or a self insurance bond.

Annual fees to maintain master guide status in Nevada are \$750 for residents. Nonresident master guide annual fees are \$1,500. Resident subguide annual fees are \$125. Nonresident subguide annual fees are \$250. These costs account for multiple administrative obligations imposed on the Department for the supervision of guides in Nevada. This includes investigation of civil and criminal complaints against guides, processing of applications and determination of compliance with guide legal requirements. For example, the fees offset time spent by NDOW criminal division employees who respond to and investigate calls related to guide misconduct. To be clear, the NDOW law enforcement division receives no funding from the State budget. All operational funds for the Department are paid by hunters in licensing fees and through Pittman Robertson and Dingell Johnson taxes on guns and firearms and fishing tackle and related items.

Response to Section 2

The costs for initial application to become a master guide offsets costs in providing a background check for applicants, administration of the test, and associated administrative costs. Upon becoming a Guide in Nevada, individuals receive multiple benefits and increased access to Nevada residents who seek to hunt. Guides are given preferential treatment in the Nevada hunt process, through the 'non-resident guided deer hunt,' allowing them an opportunity to advertise to nonresidents that the opportunities for tag draw if they utilize a guide for a Nevada big game are almost four times higher than the general public in a lottery specifically set aside for guided hunts.

NDOW also operates and maintains a page on the NDOW website that includes a list of authorized Master Guides for the public to access and find a guide. NDOW refers those who contact the Department to their maintained list of authorized guides.

The annual fees account for multiple administrative obligations imposed on the Department for the annual supervision of guides in Nevada. This includes investigation of complaints against guides, processing of applications and determination of compliance with guide requirements.

The application and annual fees paid by guides contribute to pay approximately 87% of the salary for an administrative assistant position at NDOW that handles all the processing of guide related administrative work, and approximately 25% of a second administrative assistant position.

In Section 2, the Order also seeks clarification as to the justification for examination of occupations. NDOW examines guides to determine their knowledge of big game

laws in the State of Nevada. NDOW and the Wildlife Commission are obligated to provide for the protection, propagation and management of wildlife in the State of Nevada. Guides assist NDOW and the Wildlife Commission in carrying out those functions. Guides effectively operate as ombudsmen for NDOW and wildlife in the State of Nevada. Their conduct, in assisting the novice or inexperienced hunter, or experienced hunter alike, leaves an impression regarding the ethical pursuit (or lack thereof) of wildlife, both on the hunting and general public.

Assurance that guides are aware of Nevada's wildlife laws, and values which align with the Department's mission, is paramount, and is evaluated as part of the examination process.

Moreover, background checks verify that guides, who handle firearms, and assist others in the use of firearms, are capable of responsibly carrying out those functions. Background checks screen out individuals who serve as public safety threats, such as violent offenders. The State of Nevada is fortunate in that there are large and open tracts of public land. The need for competent and professional guides is further heightened in view of that fact—wardens in Nevada are required to monitor, protect and serve more area than any other State in the nation. Guides must prevent their own clients, and advise NDOW wardens when others engage in conduct that disserves Nevada wildlife, whether it be poaching, or misconduct that impugns the reputation of hunters in general.

The Order also seeks an analysis of the states that currently carry out licensing for guides. To be clear, all the western states in the United States have guide programs similar to Nevada. States which have large tracts of public land, and accompanying wildlife, and hunting programs, whether fishing, upland bird or big game hunting, administer guide programs with accompanying regulations. This includes all the western states, including California, Arizona, New Mexico, Colorado, Wyoming, Oregon, Washington, and Montana. As public land diminishes, and the further east one travels, guides, and accompanying regulations, are less likely to be found. Again, this is likely due to the distribution of private and public land in the United States.

Response to Section 3

Guides in Nevada are modestly regulated. The failure rate for those that apply for guide status is extremely low. There is an 80% minimum passing score rate for the examination. Individuals may test again twice within the year. Further, regulation requires quick turnaround for processing of guide applications: 60 days for existing licensed guides and 90 days for new applicants. One of NDOW's recommendations to the Governor as it relates to Executive Order 2023-003 is to allow for unlimited test taking for applicants for guide licensing. NDOW does not recommend any further revisions to guide licensing at present.

Response to Section 4

There is limited reciprocity for guides and outfitters with other states in Nevada. Under NAC 504.600, a guide that has had a valid subguide license in any other state in the United States, or a license in Canada, will be given the same credit recognized as a Nevada licensed subguide in the application process to become a license master guide.

Hunting laws and regulations are unique to each state, and vary widely from state to state. There is no plan to create a multi-state compact, in view of the variance of regulation and the potential for misunderstanding/mis-application/conflict to occur. Also, we are not aware of any state in the nation that has any reciprocity or compact for licensing of guides. Nevada is part of the Interstate Wildlife Violator Compact (IWVC). Members provide reciprocal sharing of information regarding sportsman fishing, hunting, and trapping violations and allows for recognition of suspension or revocation of hunting, fishing, and trapping licenses and permits in other member states resulting from violations concerning hunting, fishing and trapping laws in order to prevent poaching across state lines. Illegal activities in one state can thus affect a person's hunting or fishing privileges in all member states. The IWVC obligates members to report wildlife violation convictions to Compact members, gives the members the capability to honor each other's suspensions based upon similar laws in their state, and provides the method to exchange violator data between member states. A conviction in one Compact member state may cause them to be barred from participating in hunting, fishing, and trapping in all member states, at the discretion of each state.

Nevada's membership enhances NDOW's ability to assure hunting guides meet the heightened expectations NDOW has for their conduct.

Thank you for the opportunity to report on the Nevada guide process. Please feel free to call if you have any questions or concerns.