



NEW YORK STATE LICENSED GUIDES  
ENVIRONMENTAL CONSERVATION LAW  
LICENSING OF GUIDES

**SECTION 11-0533**

1. As used in this section, the term "guide" shall mean a person who offers services for hire part or all of which includes directing, instructing or aiding another in fishing, hunting, camping, hiking, whitewater canoeing, rafting or rock and ice climbing.
2. All guides engaging in the business of guiding on all lands and waters of the state shall possess a license issued by the department, except for any persons operating or assisting upon a public vessel for hire (passenger carrying vessels), licensed by the United States Coast Guard or New York State, upon the Atlantic Ocean and all other marine and coastal waters, tidal waters including the Hudson River up to the Troy Barrier dam, St. Lawrence River, Great Lakes and the navigable portion of their tributaries, and other navigable waters, as determined by the department.
3. Except while guiding for the purposes of hunting and/or fishing, no license as defined in section 11-0701 is required for such acts.
4. Employees of children's camps as defined in subdivision one of section one thousand four hundred of the public health law shall be exempt from the provisions of subdivisions one and two of this section, provided such activities are carried out within the scope of said employment.
5. A license as required under subdivision two of this section shall be issued for a period of five calendar years and the fee therefore shall be established by the department, not to exceed two hundred dollars.
6. Every licensed guide while engaging in guiding shall wear in plain sight identification furnished by the department. Licensed guides shall be at least eighteen years of age. They shall be skilled in the use of boats and canoes whenever use of these crafts is required and shall be persons competent to guide one or more of the following: camping, hunting, fishing, hiking, whitewater canoeing/rafting, rock or ice climbing or other similar activities. The department shall by regulation establish standards and procedures for testing and licensing of guides.
7. Any licensed guide who violates any provision of this chapter or who makes any false statement in his application for a license shall in addition to any other penalties, immediately surrender his license to the department which may be revoked by the department for up to one year following the date of such surrender.
8. The department shall publish a list of guides annually.



NEW YORK STATE LICENSED GUIDES  
TITLE 6 NYCRR PART 197  
RULES AND REGULATIONS

**SECTION 197.1 Applicability**

This Part implements Environmental Conservation Law, section 11-0533, requiring the licensing of guides.

**Section 197.2 Definitions**

- (a) *Hiking* means traversing lands within the State by foot or snowshoe for the purpose of pleasure or exercise, except traversing conducted totally within the limits of any incorporated city or village or traversing in connection with any other activity regulated by this Part.
- (b) *Camping* means the overnight occupancy of lands, utilizing temporary shelter, such as a tent, or leanto, or occupancy without structural shelter.
- (c) *Fishing* means the taking, killing, netting, capturing or withdrawal of fish from the waters of the State by any means, including every attempt to take and every act of assistance to any other person in taking or attempting to take fish.
- (d) *Hunting* means pursuing, shooting, killing or capturing (other than trapping) wildlife, except wildlife which has been lawfully trapped or otherwise reduced to possession, and includes all lesser acts such as disturbing, harrying or worrying, whether they result in taking or not, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife.
- (e) *For hire* means providing or offering to provide services to the public at large for which compensation is demanded or received, directly or indirectly. Compensation does not include reimbursement of actual expenses for travel, meals and lodging.
- (f) *Guide* is a person who offers services for hire, part or all of which includes directing, instructing or aiding another in fishing, hunting, camping, hiking, whitewater canoeing, whitewater rafting, or rock and ice climbing.
- (g) *Guiding* and the *business of guiding* means providing services for hire whereby a guide directs, instructs or aids another person in fishing, hunting, camping, hiking, whitewater canoeing and rafting, or rock and ice climbing. Secondary assistance such as carrying and cooking are not considered guiding when carried out to assist a licensed guide.
- (h) *Rock and ice climbing* means the sport of ascending or descending rock faces and those covered or partially covered with ice of such vertical angle that the climber must use technical climbing techniques to safely negotiate the climb. This includes all free, aided, friction and ice climbing where ropes, pitons, nuts, chocks, ice screws, or other similar climbing equipment is used. No guide license for rock and ice climbing will be required when climbing gear is used as a safety measure while negotiating foot trails or cross-country travel in connection with another guided activity.



Rock and ice climbing is divided into two categories: Tier I and Tier II.

- (i) *Tier I climbing* means the unrestricted sport as described in Part 197.2(h).
- (j) *Tier II* means the sport as described in 197.2(h) restricted to single pitch, not more than 150 feet in height, top rope climbing only. *Top rope climbing* is defined as climbing when the belay stance, anchor, or protection point for the climber's safety rope is placed, by means of an alternate route where technical climbing is not required, directly above the climber.
- (k) *Whitewater canoeing or rafting* means the navigation using rafts, either inflatable or solid, or canoes, including open canoes, covered canoes and kayaks, of the following rivers between the points specified:
  - (1) The Cattaraugus Creek between the Main Street bridge in the village of Gowanda and the dam at Springville;
  - (2) The south branch of Cattaraugus Creek between its confluence with Cattaraugus Creek and the Forty Road bridge;
  - (3) The Moose River between the New York State Route 28 bridge in the hamlet of McKeever and its confluence with the Black River at the village of Lyons Falls;
  - (4) The Black River between the western bounds of the village of Deferiet and the eastern bounds of the village of Dexter.
  - (5) The Raquette River between the New York State Route 3 bridge near the hamlet of Piercefield and the point where it enters Carry Falls Reservoir;
  - (6) The Salmon River between the long bridge in the village of Pulaski and the public boat launching facility located approximately two miles downstream;
  - (7) The Indian River between Lake Abanakee and its confluence with the Hudson River;
  - (8) The Hudson River between its confluence with the Indian River and the confluence of Gilead Brook near the hamlet of North River;
  - (9) The Schroon River between Starbuckville Dam and the Warren County Route 11 bridge; and
  - (10) The Boreas River between Bruce Dam and its confluence with the Hudson River.
- (l) *Public vessel for hire* for the purposes of this regulation means all passenger-carrying vessels and includes charter fishing boats which operate on the Atlantic Ocean and all other marine and coastal waters, tidal waters including the Hudson River up to the Troy Barrier Dam, the St. Lawrence River, Great Lakes, Lake Champlain, Cayuga Lake, Seneca Lake, and the navigable portions of their tributaries.



- (m) *Navigable portion of a tributary* means that part of any inland body of water from its connection with any of the named bodies of water in section 11-0533 of the Environmental Conservation Law or section 197.2(k) of this Part to the point upstream therefrom where any barrier, natural or artificial, necessitates the interruption of operating any vessel thereon.

### **Section 197.3 License to Guide**

- (a) A license to guide, valid for five (5) years, will be issued by the Department to a person who:
- (1) submits a complete application, using the form provided by the department;
  - (2) submits proof of identity;
  - (3) submits proof of age;
  - (4) submits proof of residence;
  - (5) submits a twenty-five dollar (\$25) nonrefundable application fee;
  - (6) submits a completed physician's statement of physical condition which was signed and dated no more than thirty days before submission with the application;
  - (7) submits satisfactory proof of possessing current certification in the following<sup>1</sup>:
    - (i) American Red Cross Standard First Aid or equivalent;
    - (ii) American Red Cross Cardiopulmonary Resuscitation (CPR) or equivalent;
    - (iii) American Red Cross Basic Water Safety or equivalent. Whitewater guides may substitute equivalent whitewater guides' training, approved by the department, in place of Basic Water Safety, but must submit acceptable documentation of that training, along with a course description.
  - (8) passes the written examination for a license to guide; and
  - (9) upon meeting all other requirements submits the remaining license fee as specified in section 197.5 of this Part.
- (b) Applicants for a license to guide for whitewater canoeing or rafting must also provide the department with applicable documentation of at least five whitewater trips on the river for which a license is being sought. At least two of those trips must have been in the type of craft for which the license is being sought. On these trips, the applicant must have been either the person in charge of the craft or a person enrolled in a whitewater guide training program approved by the department. A license to guide for whitewater canoeing or rafting will be issued for the specific river or rivers on which the applicant has received the required experience or training, and guides are prohibited from guiding any river not specified on their license.

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<sup>1</sup>The American Red Cross has recently reconfigured and renamed its courses. Standard First Aid now includes Adult CPR; Community First Aid which also includes child CPR is recommended for activities where children are included. Basic Water Safety has been renamed to Community Water Safety.



- (c) In order to add river designations to an existing license, the license holder must submit his or her license and the appropriate documentation of the experience or training to the department. The department will then amend the license. There will be no fee charged for this amendment.
- (d) Applicants for a whitewater canoe guide license must also provide the department with acceptable documentation of having completed American Red Cross courses or their equivalents which certify the holder to be a Basic River Canoeing or Basic River Kayaking Instructor, whichever is appropriate to the type of watercraft used.
- (e) Applicants for Tier I license to guide for rock and ice climbing must also provide the department with acceptable documentation of the applicants climbing experience for the three years immediately preceding the date of application. Such experience must include:
  - (1) an average of 30 days climbing per year;
  - (2) at least ten days of climbing within the twelve calendar months immediately preceding the date of application;
  - (3) the safe leading of at least ten (10) multipitched climbs necessitating the use of rope and protection points between the climber and the stationary belayer within the three years immediately preceding the date of application.
- (f) Applicants for a Tier II license to guide for rock and ice climbing must also provide the department with acceptable documentation of the applicants climbing experience. Such experience must include:
  - (1) at least 60 days of top rope climbing;
  - (2) at least ten days of top rope climbing within twelve calendar months immediately preceding the date of the application;
  - (3) acceptable documentation of having completed a climbing course recognized by the department or acceptable documentation of having provided top rope climbing instruction for a period of three years.

#### **Section 197.4 License renewal application.**

In order to renew a license to guide, the holder must submit to the department:

- (a) A completed renewal application, which will be supplied by the department;
- (b) A completed physician's statement of physical condition, which was signed and dated no more than thirty days prior to submission with the application;



- (c) Current American Red Cross Standard First Aid certificate, or equivalent<sup>2</sup>;
- (d) Current American Red Cross CPR Certificate or equivalent;
- (e) The appropriate license renewal fee.

#### **Section 197.5 Licensing fees.**

- (a) A licensing fee of twenty-five dollars (\$25) must accompany the application. This licensing fee is nonrefundable and must be in the form of a check or money order, payable to the order of the Department of Environmental Conservation.
- (b) Upon successful completion of a written examination and submission of all required certificates, proofs and statements, as described in this Part, the following additional fee(s) will be due before the license will be issued:
  - (1) For a license in a single category, the remaining licensing fee will be seventy-five dollars (\$75).
  - (2) For each additional activity, an additional fee of twenty dollars (\$20) must be paid.
  - (3) The maximum total for guide licenses in all six activities will be two hundred dollars (\$200).
- (c) The fee for all guide license renewals will be one hundred dollars (\$100) for a single activity and twenty dollars (\$20) for each additional activity to be licensed.

#### **Section 197.6 Guide license examination.**

- (a) In addition to the requirements in Section 197.4 of this Part, each person applying for a new license must pass a guide licensing examination administered by the department. This examination will test separately each of the designated guiding activities plus general knowledge of subjects applicable to all guiding in New York State.
- (b) The general knowledge portion of the exam will test the following subjects: laws and regulations and environmental considerations pertaining to guiding and outdoor recreation, trip planning and preparation, land navigation, basic meteorology, survival and outdoor safety.
- (c) The six specific guiding activities are hunting, fishing, camping, hiking, whitewater rafting and canoeing, and rock and ice climbing. The following, by activity, are the subject areas to be tested:
  - (1) Hunting. Laws and regulations pertaining to hunting, meat and trophy care, game identification, hunter safety, and hunting techniques.

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<sup>2</sup>The American Red Cross has recently reconfigured and renamed its courses. Standard First Aid now includes Adult CPR; Community First Aid which also includes child CPR is recommended for activities where children are included. Basic Water Safety has been renamed to Community Water Safety.



- (2) Fishing. Laws and regulations pertaining to fishing, fishing safety, fish identification, fishing techniques, fish and trophy care.
- (3) Camping. Philosophy of camping, campsite consideration, waste disposal, fire building, camp cleanliness, and consideration of camping impact.
- (4) Hiking. Planning trips, equipment selection and use, timetable construction, and minimizing environmental impact.
- (5) Whitewater Rafting and Canoeing. Testing for this category will include a written exam and either a practical demonstration of the necessary skills or documentation of experience, as required by the department. The whitewater written examination will include the following subject areas: whitewater equipment, whitewater terminology, navigation, and river rescue techniques.
- (6) Rock and Ice Climbing. Testing for this category will include a written examination and either a practical demonstration of the necessary skills, or documentation of experience and training, as required by the department. The written examination will include the following subject areas: ropes, knots, belays, anchors, rappelling, climbing techniques and rescue techniques.

#### **Section 197.7 Guide identification.**

- (a) The department will provide to each licensed guide at time of licensing, a license certificate, a wallet-size license card and a metal badge to be worn while guiding.
- (b) Those licensed to guide for whitewater rafting and canoeing and rock and ice climbing will be issued appropriate identification in addition to the metal badge. Such identification must be worn while guiding.
- (c) The certifications required by section 197.3(a) and 197.3(d) of this Part must be in effect and current whenever a licensed guide is guiding.

#### **Section 197.8 License revocation.**

- (a) Whenever the department determines that any licensed guide has violated any of the provisions of the Environmental Conservation Law, or of Title 6 of the official Compilation of the Codes, Rules and Regulations of the State of New York or of any permit issued by this department, the department shall notify, by registered or certified mail, the licensed guide of its finding and of the revocation of the guide's license. Upon receiving such notification of revocation the licensee must deliver the license badge, license certificate and license card within five calendar days to Regional Ranger for the area in which the licensee resides or to the Superintendent of Forest Protection and Fire Management if there is no Regional Ranger or if the licensee resides outside the State.
- (b) The guide may request a hearing within 30 days of receipt of such notice before the commissioner or his designee in the Region in which the violation occurred to present any information or material relevant to the determination to revoke the license or to the penalty proposed by the department or both.



- (c) Failure to request a hearing within the 30-day period in writing will be deemed a waiver of the right to a hearing. The penalty proposed by the department in its notice shall take effect 31 days after the guide's receipt of the notice in section 197.8(a) of this Part unless a hearing has been requested pursuant to section 197.8(b) of this Part.
- (d) Within 30 days of the close of the hearing the commissioner or his designee shall issue a written decision which shall specify the basis for the decision upholding or reversing the revocation together with any decision on any penalty if the revocation is upheld. The revocation period will not exceed one year.
- (e) Upon completion of the revocation period provided for in the penalty imposed by the department pursuant to this Part, the department will return to the licensee the identification, certificate and card previously surrendered to the department, provided that the license has not expired and all requirements of section 197.3 are current.



## WHITEWATER RAFTING GUIDES

Due to the nature of whitewater rafting, applicants for a license to guide for this activity will be required to provide the following prior to the issuance of a license to guide:

- , Application
- , License Fee
- , Proof of identity, age and residence
- , \*Documentation , acceptable to the department, of having successfully completed the following American Red Cross courses or their equivalent<sup>3</sup>.

Standard First Aid  
CPR  
Basic Water Safety

- , Documentation, acceptable to the department, of at least five whitewater trips (dates needed) on the river for which a license is being sought. At least two of those trips must have been in the type of craft for which the license is being sought. On these trips, the applicant must have been either:

1. The person in charge of the navigation of the raft.
2. A person in a training program, approved by the department, designed to train that person to be in charge of the navigation of a raft.

\*If the applicant claims training equivalent to American Red Cross courses in Standard First Aid, CPR, and/or Basic Water Safety, a brief description of when and where the course was held, by whom it was given and a course outline or announcement must be attached to the application. The department may require further information to determine the equivalent nature of the course taken.

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<sup>3</sup>The American Red Cross has recently reconfigured and renamed its courses. Standard First Aid now includes Adult CPR; Community First Aid which also includes child CPR is recommended for activities where children are included. Basic Water Safety has been renamed to Community Water Safety.



## WHITEWATER CANOE/KAYAK GUIDES

Applicants for a license to guide for these activities will be required to provide the following prior to the issuance of a license to guide:

- , Application
- , License fee
- , Proof of identity, age and residence
- , \*Documentation, acceptable to the department, of having successfully completed the following American Red Cross courses or their equivalent<sup>4</sup>.

Standard First Aid

CPR

Basic Water Safety

Basic River Canoeing Instructor (for open canoes)

Basic River Kayaking Instructor (for kayaks and covered canoes)

- , Documentation, acceptable to the department, of at least five whitewater trips (dates needed) on the river for which a license is being sought. At least two of those trips must have been in the type of craft for which the license is being sought. On these trips, the applicant must have been either:

1. The person in charge of the navigation of the canoe/kayak.
2. A person in a training program, approved by the department, designed to train that person to be in charge of the navigation of a canoe/kayak.

\*If the applicant claims training equivalent to American Red Cross courses in Standard First Aid, CPR, Basic Water Safety, Basic River Canoeing Instructor and/or Basic River Kayaking Instructor, a brief description of when and where the course was held, by whom it was given and a course outline or announcement must be attached to the application. The department may require further information to determine the equivalent nature of the course taken.

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<sup>4</sup>The American Red Cross has recently reconfigured and renamed its courses. Standard First Aid now includes Adult CPR; Community First Aid which also includes child CPR is recommended for activities where children are included. Basic Water Safety has been renamed to Community Water Safety.



## ROCK AND ICE CLIMBING GUIDES

Applicants for a license to guide for these activities will be required to provide the following prior to the issuance of a license to guide:

- , Application
- , License fee
- , Proof of identity, age and residence
- , \*Documentation, acceptable to the department, of having successfully completed the following American Red Cross courses or their equivalents<sup>5</sup>:

Standard First Aid  
CPR  
Basic Water Safety

AND

- , Tier I

A notarized resume of climbing experience and climbing training received which includes the following minimum requirements:

1. Three years climbing experience. Resume must include the names of persons who can verify this experience.
2. An average of thirty (30) days climbing per year for the previous three years. The applicant must have climbed at least ten (10) days during the previous (12) months.
3. Having led at least ten (10) multipitched climbs which are fully described in rock or ice climbing guide books. For climbs outside New York State, the applicant must provide a copy of the description with the application for a license to guide.

- , Tier II (top rope climbing only)

\*\*A notarized resume of climbing experience and climbing training which includes the following minimum requirements:

1. At least 60 days of top rope climbing.
2. At least ten (10) days of top rope climbing within the twelve (12) calendar months immediately preceding the date of application.

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<sup>5</sup>The American Red Cross has recently reconfigured and renamed its courses. Standard First Aid now includes Adult CPR; Community First Aid which also includes child CPR is recommended for activities where children are included. Basic Water Safety has been renamed to Community Water Safety.



3. Acceptable documentation of having completed a climbing course recognized by the department or acceptable documentation of having provided top rope climbing instruction for a period of three (3) years.

\*If the applicant claims training equivalent to American Red Cross courses in Standard First Aid, CPR, and/or Basic Water Safety, a brief description of when and where the course was held, by whom it was given and a course outline or announcement must be attached to the application. The department may require further information to determine the equivalent nature of the course taken.

\*\*The notarized resume of climbing experience and training received should include the names of the climbs, dates, locations of the climb, leading experience and the names and addresses of other people with whom you have climbed in the past three (3) years.