

Wildlife

Wildlife in Humboldt County is an integral part of the natural environment and plays an important role in culturally and economically significant activities like recreational hunting, fishing, and wildlife viewing. Humboldt County strongly supports locally-driven, collaborative conservation and management of wildlife and habitat with a view to maintaining healthy and diverse wildlife populations for the enjoyment of present and future generations. Humboldt County also recognizes that wildlife can present management challenges, including predation of sensitive species, predation of domestic animals, nuisance animals, and imbalanced populations. Therefore, appropriate wildlife management must balance the protection of fish and wildlife with protection of public health, safety, and the welfare of natural and human environments.

Goals:

- ❖ Healthy and realistic wildlife populations are maintained over the long term throughout the County.
- ❖ Hunting, fishing, and trapping are maintained at a minimum at current limits and locations, and, as appropriate, expanded.
- ❖ Wildlife species and habitat conservation efforts are led by local and state-based efforts, with an emphasis on voluntary conservation of landowners and permittees.
- ❖ Productive and transparent consultation on wildlife conservation and management is ongoing between the County, State, and federal agencies.

Objectives:

- ❖ Reestablish bi-annual meetings between the Humboldt County Wildlife Advisory Board (“HCW Advisory Board”) and regional NDOW personnel for briefings on fish and wildlife work program, emergent issues, and special status species updates.
- ❖ Maintain productive and ongoing communication between HCW Advisory Board and the State Wildlife Commission to provide Commission with recommendations on all wildlife issues of concern to the County.
- ❖ Establish annual meetings in which the HCW Advisory Board will brief the Board of County Commissioners on all wildlife-related issues and be advised by the Board on future direction.
- ❖ Ensure local conservation efforts for special status species are ongoing, and their work is recognized by federal and state agencies and incorporated into federal and state planning documents.

Positions and Policies:

State Jurisdiction Over Fish and Wildlife:

Humboldt County understands that, with the exception of species listed under the Endangered Species Act or protected under the Migratory Bird Treaty Act, fish and wildlife in the State of Nevada are under the primary jurisdiction of the Nevada Department of Wildlife (NDOW). This position is affirmed by 43 CFR §24.1 *et seq.*, which states that “[i]n general the States possess broad trustee and police powers over fish and wildlife within their borders, including fish and wildlife found on Federal lands within a State,” and further, that “...despite the existence of constitutional power respecting fish and wildlife on Federally owned lands, Congress has, in fact, reaffirmed the basic responsibility and authority of the States to manage fish and resident wildlife on Federal lands.”

Congress has similarly affirmed in the Wilderness Act (16 U.S.C. §1133 (d) (7) ongoing State jurisdiction over fish and wildlife on Wilderness Areas.¹

Coordination, Cooperation, and Consultation:

State Wildlife Commission and NDOW

The Humboldt County Wildlife Advisory Board (“HCW Advisory Board”) is organized and maintained pursuant to NRS 501.206. The HCW Advisory Board is the primary vehicle for communicating the County’s needs and views on *all matters* pertaining to fish and wildlife management to the State Wildlife Commission and NDOW, including, *but not limited to*, fishing, hunting, and trapping seasons and harvest levels. According to the NRS:

- ❖ “The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife.” NRS 501.297.
- ❖ “The boards shall submit recommendations for the management of wildlife and setting seasons for fishing, hunting and trapping, which *must be considered* by the Commission in its deliberation on and establishment of regulations.” NRS 501.303 (emphasis added).

Humboldt County expects that the State Wildlife Commission will carefully consider the HCW Advisory Board’s input on *all* fish or wildlife-related matters, and to affirmatively

¹ “Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.”

maintain productive and transparent communication with the HCW Advisory Board on matters on which the Board has requested to be informed. If the HCW Advisory Board finds that its recommendations are not being carefully considered, that its recommendations are being rejected arbitrarily, or that its requests for communication or participation are being ignored, the County may seek legal or administrative remedy as appropriate.

Federal Land Use Planning and Management:

It is the policy of Humboldt County to coordinate and consult with all relevant federal agencies on wildlife planning and management actions. Humboldt County will coordinate its planning and policies for wildlife conservation and management with BLM land use planning and management [consistent with 43 U.S.C § 1712(c)(9) and 43 CFR § 1601.0-5(c)] and with Forest Service land use planning [consistent with 16 U.S.C. § 1604(a), 36 CFR § 219.4, and 36 CFR § 212.53] to seek maximum consistency. Humboldt County expects that all such requirements for intergovernmental coordination will be affirmatively met by federal agencies, consistent with the applicable authority. (See Section XX Framework, Coordination).

NEPA:

Humboldt County expects early notification by all federal agencies to participate in NEPA project teams as a cooperating agency. Humboldt County shall participate as a cooperating agency on all federal agency NEPA analyses for land use plans or other projects pertinent to wildlife and/or habitat conservation and expects that EISs shall include a consistency review with this and other relevant elements of the Humboldt County Master Plan pursuant to 40 CFR § 1502.16(a)(5) and 40 CFR § 1506.2(d). (See Section XX Framework, NEPA).

Wildlife Management and Conservation:

Humboldt County strongly supports practical and effective wildlife conservation, habitat improvement, and habitat management consistent with a multiple use-sustained yield approach and based on scientific data that is sound, current, and locally relevant. State and federal agencies should ensure that wildlife and habitat conservation planning and management efforts are undertaken in direct consultation with the County and local affected parties.

- ❖ State and federal agencies should coordinate with the HCW Advisory Board in developing comprehensive management approaches for upland and waterfowl species, big game species, predators, and special status species. To the greatest extent practicable, state and federal wildlife management plans should incorporate County management plans for elk, mule deer, antelope, bighorn sheep, wolves, and mountain lion as well as incorporating the Lahontan Cutthroat Trout Plan for Humboldt County and the plans of local Sage Grouse Working Groups.

- ❖ Consistent with Secretarial Order 3336 and Department of Interior Manual 604 DM 2 (“Conservation and Restoration of the Sagebrush Biome”) Humboldt County recognizes that “[h]abitat loss due to wildfire, development, and fragmentation are the most significant threats to the greater sage-grouse and the more than 350 other plant and animal species in the sagebrush biome,” (604 DM 2, p. 1). Humboldt County further agrees with S.O. 3336 that:

“targeted actions to reduce the likelihood and severity of fire, to stem the spread of invasive species, and to restore the health and resilience of the landscape are necessary to preserve, protect, and restore greater sage-grouse habitat in the sagebrush steppe ecosystem.” (Secretarial Order 3336.)

Consequently, landscape treatments—including targeted or prescribed grazing, fire breaks, etc.—that increase fire resistance and resilience and decrease the spread of invasive weeds and excess fine fuels should be recognized by federal and state agencies as first-line conservation actions that protect all sagebrush steppe wildlife and their habitat from the primary threat of catastrophic wildfire. Such conservation treatments should be supported in state and federal planning and implemented wherever appropriate.

- ❖ Habitat improvements such as guzzlers and reseeding should be authorized where appropriate and compatible with other uses. Wildlife-friendly fencing and fence flagging should be encouraged and funded when landowners and/or permittees voluntarily agree to their use.
- ❖ State and federally designated habitat protection areas should not include: 1) previously disturbed areas having little or no suitable wildlife habitat or; 2) land that is incapable of providing the long term requirements of the species in question.
- ❖ When assessing impacts to wildlife habitat, federal agencies should differentiate impacts caused by wildlife, wild horses, and other impact sources as distinct from impacts caused by livestock. Authorized cattle stocking rates should not be reduced to correct for impacts caused by other influences. (See Section XX Livestock Grazing; Section XX Wild Horses).
- ❖ Where unacceptable impacts to wildlife or habitat are positively identified, adaptive management should be preferred to use restrictions, closures and/or withdrawals (see section XX Livestock Grazing and Section XX Rangeland Health). Closures and/or withdrawals should be restricted to the smallest area and for the shortest period of time necessary to achieve desired outcomes, and should involve direct consultation with affected parties.
- ❖ Transportation routes that are positively determined to be impacting wildlife or habitat (including aquatic resources and riparian values) should be rerouted if possible, not closed, in order to maintain equitable accessibility to public lands.

- ❖ In general, state and federal agencies should not seek to acquire private lands within Humboldt County for conservation purposes. (See Sect. XX Land Acquisition and Disposition). Humboldt County supports voluntary agricultural conservation easements on private lands as an alternative to federal or state conservation purchases. Humboldt County will coordinate with federal or state agencies to ensure easement partners and terms are supportive of economically sustainable agricultural use, and to ensure easements are consistent with Humboldt County land use planning.
 - “Conservation easements can provide a tool for resource protection midway between outright public ownership of the land and the resource protections provided by State/local land use and zoning laws and regulations. **In areas where the erosion of tax base (no net loss) is a concern, this may be particularly attractive.**” BLM H-2100-1 Acquisition Handbook, p. I-2, (emphasis added).
- ❖ Humboldt County strongly supports voluntary conservation initiatives including CCAs, CCAAs, safe harbor agreements, and public / private partnerships. To the extent practical and appropriate, Humboldt County will help seek funding for and facilitate voluntary conservation efforts.

Introduction or Reintroduction of Wildlife Species:

Introduction or reintroduction of any wildlife species in Humboldt County—or on lands adjacent to Humboldt County—by a state or federal agency should be carefully coordinated with the HCW Advisory Board to ensure that such action does not impair public health, safety, or welfare. It is the County’s policy to oppose species introduction or reintroduction in locations where doing so would noticeably impact economically important activities (including livestock grazing, mining, and hunting), ongoing conservation efforts, or recreational opportunities. Species introduction or reintroduction should also not negatively impact the health or welfare of livestock or wildlife herds. Species introduction or reintroduction are generally subject to land use planning and NEPA review, and appropriate coordination and cooperating agency involvement for local government bodies is expected.

- ❖ U.S. Fish and Wildlife Service:

Humboldt County is aware that Department of Interior guidance (516 DM 8) requires the FWS to coordinate with Humboldt County regarding certain categorically excluded resource management actions, including “Reintroduction of native, formerly native, or established species.” (“Prior to carrying out these actions, the Service should coordinate with affected Federal agencies and State, tribal, and local governments.”) It is the policy of Humboldt County to coordinate with the FWS on all such categorically excluded reintroductions. Humboldt County expects that the FWS will timely notify the County of all proposed species reintroductions and affirmatively seek coordination with the County consistent with 516 DM 8.

Collaborative Approach:

Wildlife and habitat conservation should be grounded in local, regional, and state conservation efforts; local managers and stakeholders are in a better position to make decisions that are effective within Humboldt County and responsive to specific on-the ground conditions. Federal land management agencies should coordinate their wildlife conservation planning and management actions with local agencies and stakeholders including: Humboldt County Board of Commissioners, HCW Advisory Board, Quinn River and Paradise-Sonoma Conservation Districts, the USDA Natural Resources Conservation Service (NRCS) Sage Grouse Initiative, University of Nevada Cooperative Extension, N-2 State Grazing Board, Humboldt Watershed Cooperative Weed Management Area, and private landowners. The County's collaborative approach is consistent with the following guidance and planning:

- ❖ “It is the policy of the Department to work with other federal, state, tribal, local, and private partners to apply the landscape-level approaches specified in 604 DM 1 to the sagebrush biome,” (604 DM 2 “Conservation and Restoration of the Sagebrush Biome,” p. 2).
- ❖ “To the extent possible or appropriate, support plans developed by the local sage-grouse working groups. Develop or update site-specific sage-grouse habitat management objectives and implementation plans with local area planning groups, NDOW and other interest publics. Use Western Association of Fish and Wildlife Agencies’ national sage-grouse conservation strategy and other applicable guidance to develop plans,” (Winnemucca District RMP, p. 2-26).

Hunting and Fishing:

Hunting and fishing are primary drivers of Humboldt County's outdoor recreation economic sector and integral to the County's traditionally rural custom and culture. Hunting and fishing are also proven conservation practices that improve the wildlife resource and provide funding for wildlife management. It is the County's policy to seek to ensure that areas of the public lands remain open to hunting and fishing activities, and that access routes are maintained to ensure equitable opportunities for all members of the public to enjoy hunting and fishing.

- ❖ Humboldt County supports, and Federal Agencies shall adhere to, Executive Order 20070817: “Facilitation of Hunting Heritage and Wildlife Conservation,” which directs federal land management agencies ‘to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat’ by accomplishing the following:
 - Evaluate the effect of agency actions on trends in hunting participation and, where appropriate to address declining trends, implement actions that expand and enhance hunting opportunities for the public;
 - Consider the economic and recreational values of hunting in agency actions, as appropriate;

- Manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning;
 - Work collaboratively with State governments to manage and conserve game species and their habitats in a manner that respects private property rights and State management authority over wildlife resources.
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- ❖ In setting game species population goals, harvest limits, and hunting seasons, NDOW should coordinate with the HCW Advisory Board and be responsive to County plans for game species management.
 - ❖ Humboldt County supports, and Federal Agencies shall adhere to, Executive Order 12962: “Recreational Fisheries,” which mandates federal land management agencies shall “to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by:
 - Providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;
 - Implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries.”
 - ❖ It is Humboldt County’s policy to support the ongoing maintenance of existing sport fisheries and the regular restocking of sport fisheries with species that have traditionally been used for this purpose. On Wilderness Areas, “[s]pecies of fish traditionally stocked before wilderness designation may be considered indigenous if the species is likely to survive.” [Appendix B of House Report No. 101-405 to accompany H.R. 2570].
 - ❖ Humboldt County supports co-operative agreements with federal and state agency partners to facilitate the development and maintenance of sport fisheries.

Managing Wildlife Conflicts:

Predation of sensitive or endangered species, predation of domestic animals, nuisance animals, and unbalanced wildlife populations are a threat both to the natural and human environment, and may require intervention by State or federal wildlife management agencies. It is the policy of Humboldt County to seek to ensure the following management is carried out:

- ❖ An integrated approach to managing wildlife conflicts, preventing wildlife-caused damage, and managing undue predation should be employed. A full range of deterrents and solutions should be considered, including lethal removal, relocation, physical barriers, repellents, biological controls, and licensed fishing, hunting, and trapping. State and federal agencies should coordinate with private landowners, permittees, and the HCW Advisory Board to determine safe and effective remedies.

- ❖ Predators that cause depredation of livestock should be removed as necessary in order to protect agricultural businesses and the health of domestic animals.
- ❖ In approaching predator control, federal and state land management agencies should:
 - Utilize the USDA APHIS Wildlife Services and NDOW to provide expertise and conduct predator control on public land, determine livestock losses, and help develop a methodology for animal conflict management;
 - As needed, authorize any currently approved method of predator control, including aerial gunning, to ensure animal control goals are met.

Compensation for Wildlife Damages:

It is Humboldt County's policy to support compensatory mitigation of private property loss and damage caused by wildlife, including but not limited to: loss of livestock, damage to stored or standing crops, grazing reductions, damage to fencing, and damage to water sources and/or other installations. Compensation should extend to livestock and privately maintained installations (including fencing) on public lands. The HCW Advisory Board shall coordinate with NDOW and USDA Wildlife Services as necessary to determine livestock and other property losses and damages and seek compensation through State programs.

Elk Damage and Compensation

Humboldt County strongly supports the Nevada Elk Damage Compensation and Elk Conservation Incentive Programs.

- ❖ With a view to ensuring that these programs are functional and efficient, Humboldt County supports maintaining the Elk Damage and Incentive Committee on a long term, ongoing basis.
- ❖ The Elk Damage Compensation program must be functional, responsive, and timely. NDOW personnel should work closely with private property owners to ensure efficient and effective execution of programs consistent with NRS 504.165:
 - Prevent or mitigate damage to private property and privately maintained improvements, including, without limitation, fences;
 - Prevent or mitigate damage to fences on public lands;
 - Construct fences around sources of water on private lands or public lands where there has been damage to the area near such sources of water; and
 - Compensate persons for grazing reductions and the loss of stored and standing crops, caused by elk or game mammals not native to this State.

Wolf Depredation

FINAL DRAFT—APPROVED

In the event that depredation of livestock by wolves becomes a local issue, Humboldt County strongly supports the development of a State wolf depredation fund to compensate livestock operators for losses due to wolves.