



JIM GIBBONS  
Governor

STATE OF NEVADA

## DEPARTMENT OF WILDLIFE

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KENNETH E. MAYER  
Director

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### MEMORANDUM

DATE: September 26, 2008

TO: Board of Wildlife Commissioners; Governor's Office; County Advisory Boards to Manage Wildlife Members; Department of Wildlife Employees; and Director Allen Biaggi

FROM: Kenneth E. Mayer, Director *Kenneth E. Mayer*

SUBJECT: Department Activities Report  
Sept. 22, 2008

Attendance: Director Ken Mayer, Deputy Director Doug Hunt, Chief of Wildlife Diversity Laura Richards, Chief of Habitat Dave Pulliam, Chief of Operations Bob Haughian, Chief of Fisheries Rich Haskins, Chief of Conservation Education Kelly Clark, Management Analyst Kim Jolly, and Executive Assistant Suzanne Scourby.

#### Director's Office

Director Mayer said at the Cabinet meetings they were told the 2008 projections and to date they are right on target. He said in 2009 the state will be \$10.4 million below projected gaming tax; however, nothing has been sent at this time saying we need to cut. Medicaid/Medicare is taking a \$90 million hit, and more benefits will be cut. Director Mayer said the Cabinet was told that the Internal Revenue Service has changed the rule for PERS to make retirement age 62 in 2009. Director Mayer said the Department of Public Safety is getting six to nine new canine officers and half have been donated. Public Safety will have a bomb sniffing dog, and NDOW has been invited to the ceremony. Nevada is a pilot project for air interdiction for Homeland Security and Chief Game Warden Rob Buonamici will be participating. Still have acting director at Personnel – Shelley Blotter – and she told the group that changes are coming to the American's with Disability Act and performance evaluation changes.

U.S. Forest Service Nevada Director Ed Monning has discussed with Director Mayer hiring a state liaison to work between the Forest Service and State Agencies for fire coordination. He asked the Leadership Team to let him know their feelings on where the liaison should be stationed for the benefit of coordination – perhaps Department of Conservation Natural Resources or Wildlife office, rather than Agriculture.

The White House Conference on North American Wildlife Policy is next week, and Director Mayer has read through white papers and there is a push for legislation clarifying that the state's to manage wildlife, and that would be great for Congress to clarify on Wilderness and Parks, etc...We are sending more names and invitations, and last thing he heard that there will be four concurrent sessions with two of the white papers discussed in each session.

Deputy Director Hunt said it was a wild fiscal week last year prior to the budget hearing on Friday, and Legislative Counsel Bureau asked why we were not asking for equipment which was all cut, and the agency's answer was to keep our reserve account healthy. We will assess later and if necessary go to Interim Finance Committee. He told the Leadership Team to hang onto their requests.

Fiscal Staff are at a conference in Boise, and Friday was Daralyn Dobson's last day and she is now at Department of Environmental Protection in Carson City.

The NDOW Lands Committee meeting is scheduled for next Tuesday at 10 a.m. There is a Capitol Improvement Project meeting and we are on the agenda for fixes at the Elko Office for parking and conference room defects.

As mentioned previously, three out of four of NDOW's Bill Draft Requests were approved to be submitted by the governor, so far two have been filed. Additional legislative proposals that would be good for the agency were discussed. Over 500 Bill Draft Requests have been filed sponsored by others (legislators and other entities) and NDOW has been tracking those that appear that might affect the agency. We will continue to reach out to those legislators who filed questionable bills to offer to work with them prior to the session.

In reference to the questions that have arisen about private landowner liability, last Legislative Sessions' Senate Bill 132 took care of that (see below). SB 132 changed the following statutes NRS 41.510 & 502.145. Also related, signage requirements from in last sessions' Assembly Bill 227 changed NRS 207.200:

SB132 – Makes various changes concerning the liability of landowners, lessees and occupants of land to persons using premises for recreational activities. (BDR 3-212). Signed by Governor, Effective 10-1-07. This bill revised the definition of a recreational activity for the purposes of the provision governing liability to persons using premises for recreational activities; adding that riding a road or mountain bicycle, cross-county skiing and snowshoeing are recreational activities. The owner of that property does not have duty to keep that premises safe for those who recreate including those hunting, fishing or trapping, nor have liability for any injury even if the owner has given permission to use the property.

AB227 – Revises the provisions governing the posting of warnings against trespassing. (BDR 15-702). Signed by Governor, Effective 10-1-07. Purpose was so that sportsmen will have sufficient warning not to trespass under this new law which specifies how landowners must clearly post no-trespassing notices on their buildings and land. It specifies the posting interval, size of notice, and color. Individuals still need permission from the landowner to cross their land. This bill changed the interval between posts, structures or natural objects that must be painted with fluorescent orange paint from 200 feet, to "such a distance as is necessary to ensure that a person has a clear line of vision from one such post", structure or natural object to the next, but not less than every 1,000 feet if the land is used for agricultural purposes or for herding or grazing livestock, or not less than every 200 feet if the land is used for other purposes. In addition, each corner of the land must be similarly marked. This bill also changes existing law, which requires that a post must be painted with not less than 50 square inches of paint and which requires that if the post is a metal fence post, the entire post must be painted, to provide that only the top 12 inches of any post must be painted, regardless of whether the post is made of wood, metal or other material. Furthermore, this bill requires that each side of all gates, cattle guards and openings that are designed for entry must be painted with fluorescent orange paint.

### **Conservation Education Division**

The 2008 Migratory Bird Brochures were printed and delivered to the Kietzke office to be distributed statewide; work on the 2009 Fish Regulation Book has begun; and Guzzler Atlas also in reprint stage, should be delivered mid-October.

The Trout in the Classroom website/database has had continuing problems since it was switched from SCI to DoIT. Much time was spent working with DoIT trying to correct the problems.

The beginner upland game and waterfowl workshops in Reno were conducted as part of lapsed hunter outreach. This was by invitation only via direct mail. Attendees received the presentations well.

The Boulder City Director of Public Works has officially requested that NDOW reduce the number of sheep using Hemenway Park Staff. An article about the sheep use and potential conflicts appeared in the Las Vegas Review-Journal Sept. 21.

Weeds are an ongoing battle at the Oxbow Nature Study Area and staff met with Larry Hughes and Steven Siegel about the possibility of contracting out the weed spraying next season.

Registration for the Women in the Outdoors program spiked after an item on the workshop ran in the paper over the weekend. As of this meeting, 20 women have registered for the workshop scheduled for Oct. 4 in Las Vegas.

### **Fisheries Division**

*Dreissenid veliger* plankton sample results for 12 locations sampled in 2007 were negative, meaning there is no evidence of quagga or zebra mussels was found. Substrate samplers have also proven to be negative. Sample locations are waters which received fish from Lake Mead Hatchery prior to the detection of quagga mussels at that location.

The signing ceremony for Truckee River Operating Agreement was attended. While this agreement has been in the works for almost three decades, it brings to resolution competing demands for water from the river.

The U.S. Fish and Wildlife Service announced their 12 month finding on a petition to list Bonneville cutthroat trout. The finding states after a thorough review of all available scientific and commercial information that listing the Bonneville cutthroat trout as endangered or threatened is not warranted at this time. Conservation of this species has been guided by a rangewide Conservation Agreement and Strategies and individual state agreements which have an excellent implementation record.

Southern Region fisheries staff is investigating reports of unusual numbers of dead carp in areas of upper Lake Mead. We are working with the National Park Service and Arizona Game and Fish Department to monitor and determine possible causes.

### **Law Enforcement**

Lieutenant David Pfiffner of the Southern Region Office was selected as Officer of the Year at the National Association of State Boating Law Administrators (NASBLA) during their annual conference. He was given the honor for more than 20 years of service in the Las Vegas area. He was honored for his contribution to boating safety on Lakes Mead and Mohave as the supervisor and for his role in arresting drunken boaters. The Officer of the Year award is given each year by NASBLA to an officer from the 50 states and four U.S. territories that make up NASBLA. This is the first time Nevada has taken this honor.

Wardens in the Boulder City area have been dealing with bighorn sheep near Hwy 93 almost daily. Due to the grass planted near the shoulder on Hwy 93 (heading through Boulder City and to Hoover Dam) the sheep have been grazing on the grass near the side of the highway almost daily. Besides the imminent threat of the sheep running into the highway and causing a motor vehicle accident, another hazard is the numerous motorists that illegally pull off the road to take photos of the sheep. Depending on the day, the number of bighorn sheep near the highway is up to 75.

Game wardens met with the California game wardens that patrol the state line area from Gardnerville north to Red Rock, including Lake Tahoe. The first annual meeting will lead to stronger relationships across state lines as well as allowing us to monitor violators that operate without regard to political boundaries.

Game wardens have been working with the Game Division's Wildlife Health Specialist on several reports of sick deer along the Sierra Front.

A game warden attended a week long training academy on the investigation of hunting accidents in Connecticut and assisted the Division of Wildlife Diversity with a horseback wildlife survey in the Southern Region.

A game warden is working hunting on private lands without permission case where an antelope was shot on private property without permission. The antelope has been seized at a taxidermist shop and charges will be filed.

The boating education coordinator met with boating interest groups at Lake Tahoe for a session on boating conflicts between power boaters and paddlers.

Work is in progress on the following boat access grant proposals: South Fork Reservoir Shore Improvements; Rye Patch Reservoir Replacement Boating Access Facilities; Fish Cleaning Station Replacement for Wild Horse Reservoir; Snow Blower for Lake Tahoe. The boat access coordinator attended Committee Meetings at the AFWA Annual 2008 Conference held in Saratoga Springs, NY. These meetings included Angler and Boating Participation and Invasive Species.

A tentative agreement with the attorneys was made in regards to the residency case against a man and his wife, living in Sandy Valley, CA. This will result in gross misdemeanor and misdemeanor convictions against each individual, almost \$17,000.00 in fines, civil penalties and court ordered donations to OGT Citizen's Board, forfeiture of animals killed with invalid tags, and revocation of hunting privileges for three years each.

The Elko County District Attorney's office was sent a case report on an alleged incident that occurred in late July concerning a local air services company providing a scouting flight to big game tag holders including a Rocky Mountain Bighorn Tag holder in the Rubies. The flight took

place on the opening day of the Heritage tag seasons in violation of a Commission regulation prohibiting such flights.

Over Labor Day summer storms caused havoc in southern Nevada waterways. Extremely high winds on Lake Mead resulted in wardens assisting NPS with rescuing boaters from sinking vessels. Wardens also assisted NPS with assisting other boaters with swamped vessels and other vessels in distress.

Game Wardens in the Las Vegas Valley seized over 70 piranha that were illegally possessed by a nightclub in Las Vegas. The investigation is ongoing at this time to determine where the prohibited species were imported from. Game Wardens also cited an individual who had possessed nine red bellied piranha and was attempting to sell them in the Las Vegas area.

The boating law administrator met with the Southern Region lieutenant and the National Park Service at Lake Mead to negotiate a revised supplemental MOU for law enforcement cooperation on various programs. The boating accident reporting protocols were added as an addendum to the supplemental. It was agreed to hold regular meetings and conduct mutual training programs because of all the new law enforcement personnel with both NDOW and National Park Service (NPS).

### **Operations Division**

Operations and FSS staff attended WAFWA Administrative Officers and Conservation Business Management Association Work Shop – Dave Prather, Maureen Hullinger and Kris Ross will attend the WAFWA-AOW / CBMA workshop in Boise, Idaho this week. Panel discussions include information technology, human resources, licensing, budgeting, procurement and accounting and auditing.

Installation of newly acquired personal computers continues –Staff recently completed the PC set up for Southern Region. Ten PC's were installed at the Las Vegas and Henderson offices. Next phase will be PC installations in the Eastern Region - Elko, Ely and Kirch WMA - during the week of October 6.

Evaluation for potential changes to the big game draw process underway – as a result of the recent early release of big game draw results, Operations staff, in coordination with other department staff and Systems Consultants, continues to evaluate potential changes to the draw process. With this issue now concluded as presented at the September Wildlife Commission meeting, Director Mayer will soon be communicating his thoughts and comments regarding this issue with all department personnel. Watch for the Director's message in an upcoming issue of the Wildside.

### **Wildlife Diversity Division**

Staff recently attended a Clark County Commission meeting to relay impacts to wildlife from a proposed ordinance that would allow feral cat proponents to trap, neuter and release feral cats throughout the County. Proponents argued it is the solution to the County's feral cat problem. The Commissioners voted unanimously and approved the ordinance at the Sept. 16 Clark County Commission Chambers. Staff expounded on the impacts from feral cats to wildlife, the disease concerns as well as concern with wording of the ordinance. Fortunately, amendments were incorporated that do not allow feral cats in any wildlands.

Staff commented to the Southern Refuge Complex, Comprehensive Conservation Plan. The Draft CCP is a much improved version from earlier versions. Staff also provided wildlife distributional data relative to a solar power application in Amargosa Valley. Staff also provided comments to the SWGAP project and recommended species for inclusion in statewide habitat modeling effort (SWGAP is a species mapping and predictive habitat modeling effort by the U.S. Geological Survey).

Staff attended the Association of Fish and Wildlife Agencies (AFWA) annual meeting in Saratoga Springs, New York and participated in the reptile and amphibian subcommittee. The committee discussed a key need to contribute more funds towards the AFWA Amphibian and Reptile Coordinator position given its critical importance for providing a herpetologist voice for states with limited or no staff for herps. The position also assists greatly in carrying out state Wildlife Action Plans (WAP) for herps. The current position is only funded through February 2009. Alternative funding has been sought; primarily competitive WAP grants. The subcommittee also discussed holding a herpetofauna regulations summit to involve all stakeholders (Law Enforcement, Collectors, etc.) to propose solutions for the various problems nationwide with herp collections.

Staff continued contract work related to peregrine falcons, short horned lizards, pocket gophers and montane voles.

Staff also provided comments to the venomous reptile regulations as part of the Partners in Amphibian and Reptile Conservation group. Staff also commented to the MOU for the Desert Tortoise Conservation Center.