

Assessment of Current Wildlife Issues in Nevada County

Supplement to the Report by the Nevada County Fish & Wildlife Commission to the Board of Supervisors October 9, 2018

Although a primary duty of the Commission is to recommend expenditures from the Fish and Wildlife Propagation Account [solely derived from wildlife fines and account investment interest] to the Board, we would be remiss not briefing you on reoccurring issues that consistently challenge us as well as on emerging issues that will have significant impacts on fish and wildlife resources in Nevada County. Solving these issues can be problematic for a number of reasons as wildlife policy is determined by both state and federal legislatures and implemented by their respective agencies. Goals and missions of the agencies do not necessarily fit together. California's initiative process adds additional complexities wherein voters can determine wildlife policy regardless of scientific records and research.

The Consistent Challenges

Commission Revenues: Wildlife fines continue to show long-term, declining trends with annual grant requests typically exceeding annual income by 400%. To put this in perspective annual revenues have been approximately \$2000 while grant requests generally range from \$8000 to 12,000. The Commission has decided that a target of \$5000 in annual grants is reasonable with the difference made up from the corpus of the F&W Propagation Account.

The Commission has addressed the revenue declines by undertaking a complete review of how wildlife citations are handled by the District Attorney's Office and the County Courts. Following an audit of fines from the Courts to county finance and then to the F&W Propagation Account, we found several problems. Some funds went into wrong accounts [mainly from confusion and coding problems] largely due to key personnel transfers, promotions and retirements. Skill sets to meet state fund audit requirements were being lost. We feel confident that County staff now recognizes problems although compliance monitoring from time to time will be required. The Commission has also continued to buy specialized equipment for our wardens in order to improve evidence collection and increase efficiency catching wildlife violators. Hopefully this will generate more citations.

In summary, we believe that the county is collectively doing what it can to increase revenues. However, It is important to realize that unless revenue trends increase, the need to continue an active F&W Commission will require evaluation. This could occur within 5 - 7 years.

The Criminal Justice System: The County and Commission have little control over how wildlife cases are handled by the District Attorney's Office and the judges. Decisions to prosecute or not are complex and judges decisions are independently made. We firmly believe that improved communication between law enforcement, DA, and the courts is essential and we have worked diligently with all parties to insure this will happen.

Land Use Planning: Land use planning decisions are recognized as a major impact to wildlife populations and habitat. The Commission and/or individual members have generally avoided commenting on land use planning projects. We feel that stated goals and policies in the various general plans of jurisdictions in Nevada County suffice to address most issues to non-significance, if reasonably followed. If we comment you can be assured we are concerned. Considering that many wildlife-impacting projects occurred before CEQA and the National Environmental Policy Act [NEPA] such as railroads, roads and freeways, water works, and human settlement areas, many opportunities to avoid impacts have been

circumscribed. At this point our best advice is to support policies and projects that avoid “skip development” away from urban cores, protect riparian areas, and avoid animal movement corridors.

Emerging Issues Impacting Wildlife

These issues were selected because they are currently developing or changing in importance. They are either now or soon will become major public policy issues. Elected legislatures will be pressed to offer solutions. Each has a direct relationship to fish and wildlife resources.

Wildland Fire: Wildlife biologists and ecologists have traditionally viewed fire as a “natural” disturbance that “reset” the system and generally having positive impacts over time. This linear system modeled vegetative succession categorized as early, mid, and late, each of which was populated by specific suites of terrestrial, aquatic and avian animal species. This decades-old model is no longer applicable in many instances. California’s wildfire experience in the last several years have many different authorities claiming that we are in a ‘new era’, that the scale and destruction is unprecedented. We agree. Species resilience to recover has been severely compromised. Besides the loss of huge swaths of habitat, the burned areas are typically overwhelmed by early-germinating invasive weeds such as cheatgrass. The weeds not only suck up soil nutrients but also add “fine” fuel when they dry and become highly combustible. This enables fire to return to the site more frequently, carry further, and impair the establishment of the more permanent shrubs and tree species that previously occupied the site. Not only is habitat lost for longer periods of time but may be lost entirely. We are seeing vegetation ‘type’ conversion such as forest to grassland dominated by invasive species. Eastern Nevada County and the Great Basin are undergoing this post-fire conversion on some sites. Our observations suggest lands generally below elevation 4500 feet on the west slope and below 5000 feet on the east slope are especially vulnerable

In summary, if current forest and weather conditions persist there will be increased risk for Nevada County wildlife, residents, jobs, agriculture and recreational opportunities. Ramifications for the local economy and tax base are obvious.

Water: Obviously essential to all living organisms. The main emerging issue is illegal diversion of streams for marijuana plantations on both private and public lands. We regularly hear reports of black irrigation pipe syphoning water from streams, ponds and canals. A related issue is that outlets (emitters) on irrigation pipes attract small rodents, birds, and other wildlife. Plantation operators respond to these disturbances of their watering system with heavy applications of pesticides, some already illegal in California, which often times makes its way into waterways and through the entire natural food chain. Plantation sites are also frequent dumping grounds for thousands of butane containers used in honey oil manufacture. All contribute to serious pollution of waterways and destruction of wildlife up to the size of black bears.

We applaud Nevada County’s effort to craft a reasonable marijuana laws complying with state guidelines. We would recommend upon adoption that a review period at five years would be appropriate to make sure the ordinance is being complied with and subsequent amendments made if necessary. We also applaud Nevada County’s active participation with Nevada Irrigation District and the Truckee River Basin Water Group to help determine water policy.

An important issue to us is that there are no state funds available to clean up abandoned grow areas. These have been classified as toxic so volunteers cannot be used for clean up. The state is spending all clean up funds in north coast counties because of the impacts to endangered anadromous salmon and steelhead trout populations. Meanwhile, any fines generated from illegal NC grows go into the state pot

for use elsewhere. We think this is wrong. We respect the state priorities but think a more equitable distribution should be demanded by non-north coast counties. Our wildlife is equally important and since most of our water ultimately ends up in the state's water distribution system, supplying many more domestic users, we think a good case can be made. We urge the Board to pursue such a course to make such changes through your professional county organizations or other means used to influence state policy.

Human/Wildlife Dimensions - Bears, Lions and Wolves, Etc. The area of Human/Wildlife Dimensions has become a fast growing discipline among natural resource and land managers. It developed because resource managers realized, "Wildlife management is 10 percent working with wildlife and 90 percent working with people" [Decker, et.al. 2012]. As human populations move into rural/previously wild land areas, growing conflicts arise in social attitudes and values, economics, land use, etc. as well as direct conflicts with animals, concerns about wildlife/human diseases, etc. This describes Nevada county and it has been happening for a long time. These issues are going to intensify and are being brought before the Board for resolution. A perfect example is the current effort to develop an ordinance on the discharge of firearms [Supervisor Weston].

We would never question the expertise of the Board and county staff to respond to resident requests to develop remedies. However, our experience has impressed on us how complex the issues can be. In many cases there are current regulations in place from state and federal agencies covering the same subject. Unfortunately they may not be consistent in both content or enforcement. Human dimensions stresses a collaborative approach which has its own set of unique difficulties as exemplified by the County's marijuana ordinance efforts.

We wish we could gift you a box of silver bullets but we are convinced they don't exist.

An issue we have seen develop are the changing dynamics between humans and Mountain Lions and Black Bears - and probably soon-to-be added, Gray Wolves. A brief history first. Black bears were somewhat rare in wild land habitats a few decade ago and were mainly scavengers at open garbage dumps. When the state changed solid waste rules and required fencing around processing facilities, the bears either died or dispersed. Some dispersed bears reverted to wild status again and others became habituated to human subsidies from garbage cans and dumpsters. State biologists know the Black Bear population is stable overall and that relocation areas for habituated bears doesn't exist. We often hear of reports from animal damage control, wardens and biologists that respond to complaints and issue depredation permits, as well as the public. These reports are becoming more numerous and feel that this is an indication that our local bear populations are not only stable but actually increasing.

Mt. Lions are fully protected from hunting and by being treed by hounds by voter initiative, but individual animals can be taken if found to be a threat to humans and livestock. Some local populations in southern California are isolated by freeways and development. Although continuing to persist in small number, they will like be extirpated in the near future unless safe movement corridors are developed. Other populations are considered stable or expanding slightly. The large home ranges of individual animals makes estimates difficult as does their discrete and largely nocturnal behavior.

A Gray Wolf visited Nevada County in 2018. We have heard unconfirmed reports of three sightings in Sierra County this year also. We are not surprised as a paper presented at a 2015 Wildlife Society Research Symposium held in Reno showed the complete history of wolves sightings in California since the mid-1700s, reviewed the body of scientific work from the 1890s to present and was followed by a predictive model based on the data. It was obvious that eastern Nevada County, by our estimate, had a good chance of seeing wolves in the next 7 - 10 years. Our prediction was about 14 miles off and 3-5 years premature. Many animals have GPS collars and no known packs or dens are established in Nevada

or Sierra counties that we know about. Wolves are fully protected from take or harassment of any kind under the California Endangered Species Act. Very few exceptions exist.

So what are the potential issues with lions, bears and wolves and why are we even wading into this potentially controversial area? First of all the habitats of these animals is being disrupted by drought, wild land fire, human intrusion - especially from recreation uses, as well as regulatory and public policy changes from distant legislatures. Second, our county continues to grow with many part-time 2nd homeowners, as well as telecommuters relocating here from large urban areas. Third, Nevada County has become a major year-round recreation mecca. Fourth, lions, bears and wolves are apex predators which are defined as being at the top of the food chain with no natural predators (except humans). And finally, some recent events in western states and provinces indicate to us that problems may be forthcoming. Resort communities in the intermountain west are now issuing warnings to backcountry recreationists after a fatal attack in Washington State in 2018. A study of attacks in North America suggests runners and mountain bikers may have higher risks. Black Bear attacks on humans is also slightly rising. In a fatal attack in Alaska (2017) authorities suggest predatory behavior rather than defense (of territory or cubs) behavior was exhibited. Although only two persons have been killed in North America (Alaska 2017, Saskatchewan 2004) by wild wolves since the 1940's, an incident in the Okanogan National Forest in 2018 is concerning. A contractor was doing biological monitoring in an area with an established wolf den. Locations of dens are kept secret for a number of reasons so she was unaware of its location. A confrontation resulted and the contractor escaped harm by deploying her bear spray and climbing a tree. She spent several hours in the tree before being rescued. The delay was due to extremely poor communication, and probably competing interests, within federal and state agencies. They were simply unprepared and not in agreement on how to respond. We want Nevada County to be fully prepared if it becomes a responder in a similar incident.

The Commission's intent is absolutely not to create hysteria about our predators! We want our citizens to enjoy our open spaces and wild places, However, we want them to be prepared and educated on how to act. Many sources of accurate information exist. The Commission sees wildlife education as one of our responsibilities. The Commission is working to having a program on Human/Wildlife Dimensions at one of our 2019 meetings.

Closing Statement

We wish to thank the Board for an opportunity to present today's oral report and handout summarizing emerging issues. We would be pleased to provide the references that were used to develop this report upon request and to answer any questions you may have. We thank the Board for the opportunity to be on the Commission and serve you.

On Behalf of the Commissioners,

Jeff Jenkins
Chair