

PANEL: "THE ROLE OF ENFORCEMENT IN MODERN FISH AND WILDLIFE MANAGEMENT"

Frank W. Groves
Nevada Department of Fish and Game
Reno, Nevada

In accordance with the Nevada Revised Statutes, Fish and Game Wardens are authorized and required to enforce the Fish and Game Laws which include provisions pertaining to licenses, tags and permits; hunting, fishing and trapping regulations; miscellaneous wildlife protective measures; and wildlife management and propagation. In addition, every game warden shall enforce the provisions of the Nevada Boat Act and the statute relating to the disposal of litter. Further, all Fish and Game Wardens are empowered and directed to pursue, apprehend and arrest whenever or wherever, any person who shall feloniously steal or remove certain domestic livestock from the control of the owner.

In addition to the primary obligations specifically provided by statute, Fish and Game Wardens have been designated as Citizen-Wardens with the police power to enforce the forestry and fire laws of the State.

For many years, the game warden in Nevada was primarily concerned with the enforcement of the laws and regulations involving seasons, bag limits, and manner of taking game species. This singular emphasis was justified as the monies in the Fish and Game Fund for the management of wildlife were derived from the sale of hunting, fishing and trapping licenses and permits. Management of the habitat received minimal attention as this appeared to be a function of the land management agencies. There were several successful attempts to control stream pollution; however, the existing laws were relatively weak.

In 1965, the Fish and Game Wardens were empowered and directed to enforce the provisions of the Nevada Boat Act, and Act designed to provide for the safety of persons and property associated with watercraft. Funds for this purpose were derived from the sale of registrations and an annual appropriation from the marine fuel tax fund. In addition to safety patrols and inspections, wardens participated in training session for boaters using the major waters, and engaged in search and rescue missions as necessary.

In 1969, the legislature enacted extensive amendments to the Fish and Game Laws. For the first time, the Department was assigned the responsibility for the administration of the laws for the protection, preservation, restoration and management of all wildlife. Under regulatory authority, the State Board of Fish and Game Commissioners could classify various species of wildlife as protected with the added designation as rare or endangered if appropriate. The birds of prey, including the hawks, owls and eagles and the nongame birds listed under the Migratory Bird Treaty Act were afforded positive protection. Laws were enacted making it unlawful to carry a loaded rifle or shotgun in a vehicle along a public way or to discharge a firearm from or over a Federal or State highway. Unfortunately, the legislature failed to provide the funds to administer and enforce the new laws over and above those supplied by license sales; consequently, it was necessary to establish priorities of enforcement as it wasn't possible to enforce all of the laws against all of the offenders.

The Fish and Game Warden's task has become increasingly complex as enforcement procedures significantly change based on court decisions; as hunters, fishermen and other recreational demands increase and as the human population is able to travel into the more remote areas of the State with potential damage to the resource.

Presently the enforcement efforts of the thirteen man warden force is supplemented by twenty-four Fish and Game Agents who are assigned from one to five months on enforcement. These part-time wardens, or more aptly generalists, are assigned to specific areas of the State to carry out all phases of the Fish and Game program. The degree of each activity is

dependent on the assigned duty station. This method of staffing was adopted after determining that it wasn't economically feasible to hire an individual to implement each of the major phases of wildlife management. It enables the administrator to mobilize a relatively large field force when needed for enforcement and other assignments particularly during game seasons. The generalist concept, however, results in some disadvantages. In particular the agent is assigned a multiplicity of duties and cannot concentrate his efforts in a single direction for extended periods; enforcement activities can be suspended in a given area for several months due to other priorities. By necessity, the agent assigned usually directs his major enforcement efforts to the checking of licenses, tags or permits and daily and possession limits. In the main, limited availability of enforcement time precludes intensive long-range investigations. Occasionally, the agent is assigned jobs in all management programs during the same period with the result that he is forced to exercise discretionary judgment in the implementation of programs.

A comprehensive environmental program has been prepared for submission to the 1971 State Legislature that if successful, will provide for the protection, preservation, restoration and management of the wildlife habitat. Included will be measures for the control of stream siltation and thermal pollution; retention of public access to public lands and waters; control of off-highway vehicle use where needed, and the adoption of penalties describing acts of vandalism to public and private property by persons engaged in hunting or fishing to be violations of the Fish and Game Laws. In addition, a hunter safety program will be recommended.

The success of the modern fish and game program, including the environmental approach, will be largely dependent on the effective enforcement of the laws and regulations. A well-trained staff should be available throughout the year to insure a reasonable degree of compliance with the new statutes. Frequent in-service training sessions emphasizing investigative techniques will be necessary.

