Wyoming
Department of Agriculture

Dave Freudenthal, Governor

John Etchepare, Director

2219 Carey Ave., Cheyenne, WY 82002 ■ Phone: 307-777-7321 ■ Fax: 307-777-6593
E-mail: wda1@state.wy.us ■ Website: wyagric.state.wy.us

Board Members
District 1
Lee Otto
District 2
Vacant
District 3
James S. Mickelson
District 4
Helen Jones
District 5
Spencer Ellis
District 6
David J. Graham
District 7
Glenn "Gene" Hardy

July 14, 2005

Scott Talbott, Assistant Chief
Wyoming Game and Fish Department
Wildlife Divisions
Attn: Regulations
3030 Energy Lane, Suite 100
Casper, WY 82604

Dear Mr. Talbott,

Following are the comments from the Wyoming Department of Agriculture (WDA) on the Chapter 40 Regulation Governing Commercial Game Bird Farms.

Our comments are specific to our mission within state government: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life of our citizens. We believe it's important we are kept informed of proposed actions and decisions, and continue to be provided the opportunity to express pertinent issues and concerns.

The WDA supports the Wyoming Game and Fish Department (WGFD) for their efforts on regulating game bird farms. Game bird farms are an avenue for Wyoming agricultural producers to diversify their operations, while increasing wild bird populations and enhancing the state's hunting opportunities. The regulations ensure consistency between farms, proper housing for the birds, and procedures for the hunters. We do ask for you to consider the following comments from the WDA to keep Chapter 40 from being revised in the near future.

Hobby Versus Commercial
We believe the WGFD needs to add a definition for a hobby game bird farm. As an example, we offer the following information. The document "Wyoming Apiary Law & Packaging, Labeling and Advertising of Honey," defines what makes an apiary commercial or hobby. Wyoming State Statute 11-7-131(a) (xi) defines a hobbyist apiary as an apiary owned by a hobbyist beekeeper. A hobbyist beekeeper means a person who owns a total of not more than five (5) hives. The WGFD needs to have a definition for a hobby versus a commercial game bird farm.

Hobby game bird farmers may be interested in raising birds to train their own dogs, for consumption, or simply to release. Hobby farms should still be required to maintain a disease free operation, but not required to be regulated as a commercial farm. The regulations such as application, identification, and inspection simply do not apply to the hobbyist. If the hobbyist did choose to sell live birds for breeding, release, etc., the farm should be inspected for diseases prior to game birds being sold on the open market.

Alternative Sales
Most game bird farms are presumably for hunting purposes. However, we believe Chapter 40 should look to the future. Many producers are seeking alternative crops and livestock to raise and sell, with some having an organic approach. If a game bird farmer were to contract with restaurants interested in selling quail, pheasant, or other game birds, a U.S.D.A. inspection will need to occur. We suggest the WGFD consider including statutes 35-7-110 through 35-7-127, Wyoming Food, Drug and Cosmetic Safety Act. The Act guides people and business to comply with labeling, packaging, and other standards.

Section 11. Release of Birds
Section 11 is unclear. The rule states "each licensee shall release a minimum of one-hundred (100) game birds of the species approved by the Department each year on the licensed premises." We suggest the WGFD clarifies the reason for the release, whether it is for hunting, live release without hunting to increase wild populations, or other reasons. We also believe the rule is under the assumption that all farms will have hunting. If a farm chose to do only restaurant contracting, the 100 bird release should not apply.

Section 14. Disposal of Game Birds
We strongly disagree with the "disposal" of birds being a mandatory requirement if a game bird farmer should fail to renew their license. This statement is under the assumption the farm has enough birds to meet commercial standards. This is another reason to provide definitions for both hobby and commercial game bird farms. If the commercial game bird farm has a small number of birds, but chooses not to renew its license, or chooses to become a "hobbyist," there should not be a mandate to "remove all birds held in captivity."

Guidance Document
We would like to see all those interested in raising game birds be given guidance to succeed. We believe the Wyoming Apiary Law guidance document, included, is an excellent tool for those interested in raising bees and could be used as an example for commercial game bird farms. All specifics from the purchase of eggs to the sale of adult birds could be included in this document.

We thank you for the opportunity to comment. The WDA is willing to work with the WGFD to include the proper language for food safety, inspection, or other wording to assist game bird farmers.

Sincerely,

John Etchepare
Director

JE/jw

Cc: Governor's Planning Office
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Rocky Mountain Farmers Union
Wyoming Association of Conservation Districts
Wyoming Farm Bureau Federation
Wyoming State Grazing Board