

RECORDING OF PROCEEDINGS

Wyoming Board of Agriculture
Conference Call
May 12, 2010

Present: Jim Bennage
Joe Thomas
Shaun Sims
Juan Reyes
Jim Hodder
Bryan Brost
Patrick Zimmerer
John Hansen
Dalin Winters
Jason Fearneyhough

Absent: Jim Price, Jr.
Bridget Kukowski

Staff: Muff Parker
Hank Uhden
Leanne Stevenson
Chris Wichmann
Dean Finkenbinder

Guests: Jim Magagna
Matt Mead
Cindy Garretson -Weibel

Sublette County Conservation District s Satisfaction of Contract Letter

Shaun Sims made a motion to approve the letter to close the Water Quality Gran to be sent to the Sublette County Conservation District. The motion was seconded by Dalin Winters. All voted in favor. Motion carried.

Update on Living Legacy Program

Patrick told the members that he, Bryan Brost and Muff Parker all met in Douglas last week to review the mapping of the trees and check on the damage to the plaques. They discovered 30+ plaques that need to be replaced before State Fair week. Jim Bennage asked for further updates at the June meeting.

Predator Refunds

Hank said some of the districts have to refund such a large portion of the predator fees they collect it is in creating a deficit in their budget. Hank said the issue is more prevalent than ever. They are going to review the statutes and also see if some of questions on the refunds can be addressed by regulation rather than statute changes. With the predator charges, 5% is for administration and they don't know if they need to also refund that when a refund is requested. There is also a ten cent voluntary fee and they are in need of finding out if that also has to be refunded if a request is received. They plan on talking to the Livestock Board. They are also in the process of preparing new rules and regs to address

some of the issues and if our Attorney General and Maxine Weaver think they can be done, they will proceed with the 180 day process. Trailing livestock is an additional concern because out-of-state sheep producers are being charged for predator fees and then they immediately request a refund. Shaun Sims said those out-of-state producers are receiving the benefit of grazing their herd in Wyoming for the winter, and are receiving the benefit, but don't contribute to the predator control. The statute says no producer shall be charged a predator fee for trailing. Hank thinks that was meant for residents, but he doesn't know for sure.

Food Freedom Act

Dean Finkenbinder said the Joint Ag Committee is looking at breaking the bill into three. One would be labeling of food products; the second would be raw milk sales; and the third would be the preparation of potentially hazardous foods in home kitchens without inspections. Jason has several concerns. He's sure when dealing with raw milk, we should have some regulations. If folks are allowed to butcher their own meat which is for sale, the state could lose its status with USDA and that would shut down twenty-three meat plants in Wyoming. The time personnel are spending on this issue is becoming a real concern of Jason's.

Fencing

Leanne said the Joint Ag Committee asked Bryce Reece to bring back a new draft of the fencing bill in October that addresses the concerns voiced by realtors and subdivisions of the state.

Weed and Pest Law Changes

Hank said the draft presented to the committee was received well. They are moving it forward and the final is to be presented to the Joint Ag Committee in Buffalo in October.

Livestock Remedies

Hank said they are looking at updating the 1929 statutes. The question being asked now is whether the law is needed if the FDA products are removed. Hank said there are three proposals drafted for review with the Wyoming Livestock Board and then back to the Joint Ag Committee in October.

Game and Fish Vote of the BMP Wind Energy Recommendations

At the Game and Fish meeting, the Commission appointed Jim Magagna to head up a landowner group to review private property rights. Jason feels we need to define our role (WDA) when it comes to standing with the Industrial Siting Council. We need to continue to communicate. The group will work with Game and Fish staff in how landowners would be involved on the BMP recommendations on a case by case basis. The Commission asked that his group come back with recommendations to their September meeting. He is going to get started soon, but is going to take it slow and make sure they address all landowner concerns. Juan feels the BOA should have standing on the Industrial Siting Council. Shaun feels as strongly that Game and Fish has no rights telling private landowners what they do on their own property. Juan said the Wheatland Irrigation District is going to take this issue to court. Jim Bennage has volunteered to be a part of Jim Magagna's group. Juan and Jim Price's names also came up. Juan said he would visit with Jim Magagna after the call and will get back with Jim Bennage. Jason will find out what level of standing the Department has with the Council. Jim Magagna said that each proposal will go before the Council. Litigation by landowners will probably be the only way to address the recommendations by Game and Fish since the Council accepts their recommendations. Wildlife experts are the Game and Fish.

Joint Letter by Game and Fish and the Board of Agriculture

The joint letter that was approved by the Board at the last meeting has been rejected by the Game and Fish Commission because they don't like the word incentives. They will discuss the letter with the Board at their Joint meeting in September.

Matt Mead feels that the recommendations by the Game and Fish Commission are more being treated as more than just recommendations and he feels anything the Board and the Department can do to protect private property rights is warranted.

Jason let everyone know he would be meeting with EPA in Denver later this month and AFOs and CAFOs are on that agenda. He also reminded everyone that Stock Growers will be meeting in Casper June 3, 4, and 5th.

There being no additional business, the meeting was adjourned.

Respectfully submitted,

Jim Bennage, President

Date