

## RECORDING OF PROCEEDINGS

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Wyoming Board of Agriculture  
September 9, 2009  
Wyoming Game and Fish Office  
Casper, WY

### Board of Agriculture Members

Present: Juan Reyes  
Jim Hodder  
Jim Bennage, President  
Joe Thomas  
Bryan Brost  
Jim Price, Jr.  
John Hansen  
Bridget Williams  
Dalin Winters  
Jason Fearneyhough

### Game and Fish Commission Members

Present: Ed Mignery, President  
Fred Lindzey, Vice President  
Clark Allan  
Aaron Clark  
Jerry Galles  
Mike Healy  
Clifford Kirk  
Steve Ferrell, Director

Absent: Shaun Sims, Vice President  
Patrick Zimmerer  
Frank Galey, Dean of the UW College of  
Ag and Natural Resources  
Ryan Lance, Representing the  
Governor's Office

The two boards agreed earlier to discuss the following issues hoping to find common ground.

### Private Land Access

With the exception on game wardens, President Mignery said the Game and Fish personnel need to contact the landowner.

President Bennage wanted to know what the Game and Fish policy was in accessing private lands. Jay Lawson said their policy is to maintain a good working relationship with the landowners. When collecting data, they need specific permission and inform the landowner the nature of their visit. With regards to law enforcement, they stress the need to have permission. He said they pride themselves on having good relations with the landowners. President Mignery said several game wardens stay in one place more than they used to and this allows them the opportunity to get to know the landowners. Jay said they do try to fit the best possible candidate with the area they are applying for. Juan Reyes wanted to know what probable cause was. Jay said that if a hunter is in an open field setting, they have the right to enter the property if they see a hunter and suspect there may some illegal activity. If the general public wants to hunt or fish, they must have the landowner's permission. The law says landowners must also have their land posted – no trespassing. Jim Price said that if G&F finds a hunter on private property, they must have probable cause. That doesn't mean that in itself is probable cause. Game and Fish personnel do not have the right to cut locks or fencing. Steve Wills with Game and Fish said a warden must have something real in order to use probable cause to enter property. When checking licenses in the field they use 23-1-102-5.2. They do have the authority to cross the fence to check a license. Juan asked if a game warden could come on to private property to check licenses if the warden actually sees a hunter engaged in hunting or fishing. Juan asked for clarity of the policies to get out to the public. Access personal, wardens are considered peace officers. Steve Ferrell further clarified that biologists are not considered peace officers and therefore must have permission. Jim Bennage asked if the biologist getting permission to enter private

property would be willing to share any data collected. The answer was – yes. Steve said all Game and Fish personnel have identification. Anytime someone shows up claiming to be with Game and Fish, ask for identification.

### **Joint Statement on the importance of Private Land Access for Wildlife Management**

Jim Bennage said he feels the Board of Agriculture has not had an opportunity to talk about the wording differences. He's hoping the two entities can get this letter sign by both parties. Juan asked if the commission has a problem with the word "incentives". He thinks they may have assumed that incentives mean only extra licenses. President Mignery said they felt they didn't understand what the intent was. Juan asked how the commission feels about extra licenses for landowners. Clark Allan said he feels the commission would be generally opposed to extra licenses. Jim Price said he feels the elk numbers need to be managed. They are beginning to be a big problem in his area. Aaron Clark wondered what if the word landowner was stricken. Director Ferrell said the word incentives put the commission between a rock and a hard spot because sportsmen hate landowner licenses. Steve Ferrell feels the reproductive component needs to be addressed to better manage the elk numbers. Scott Talbott said there have been attempts in the past to do incentives and they have not worked. He said they have enjoyed working with landowners to facilitate access and have appreciated the working relationship in the past. Juan asked if incentives be ties to access. Scott said it depends on how technically you want the commissioners involved. There are other opportunities for landowners to realize compensation for access. General consensus from the Game and Fish Department was that those licenses cannot just be for the rich who can pay the price. Most Wyoming folks don't want licenses to go to the person with the most money. Jerry Galles would like to have the whole sentence stricken. Jim Bennage said that licenses are not the only incentives. The consensus of the group was to leave the word incentives in the letter and note here that this will not include, at this time, transferrable licenses. Mike and Aaron both agree the word needs to be removed. Jim Bennage went back to the possibility of adding "with the exception of transferrable licenses" after incentives. Jessica will incorporate the two boards' wishes and get final approval.

### **Sage Grouse**

Jason feels that it may be beneficial for the members of the board to hear some of the points of what has happened in the last year. John Emmerich said the Sage Grouse Implementation team put together and a core area strategy. They did revise the area slightly and only a small portion of any mining is now in the core area. Agriculture was impacted some with the increase of the core area.

They are also working on a CCAA with assurances. The benefit of a landowner signing a CCAA, they won't have to change their ranching or farming practices if a species is listed.

Leanne Stevenson added as an agricultural prospective that with 40 – 50 % of the core area is private property and the participation of the landowners has been great. There is also on-going research with UW, USF&WS and G&F regarding predators. President Bennage asked how this would affect permittees. She further stated that with the large amount of monitory that must be completed by biologist and the landowners, some landowners have opted to not participate.

Jim Hodder feels that predation is still a major cause of sage grouse decline. Jerry Galles advised that the ADMB is conducting a raven and fox study on the effects those animals have on the species.

### **Collaborative Process for Implementing the Wildlife Protection Recommendations for Wind Energy Development in Wyoming**

Jim Magagna reviewed the process and recommendations his group made to the commission. They felt it was a good process to allow landowners to be at the table when talks regarding wind energy.

### **Wild Horses**

Steve Ferrell said this is probably one issue where the Game and Fish and Board of Agriculture are on the same side. Jim Bennage asked if there was something the BOA could do to help the cause. Jason said he didn't know if another joint statement on the issue would be appropriate, but it is clear that both departments are in agreement on the issue. President Bennage wondered if there was any data showing the impacts of wild horses on wildlife. They have noted some social impacts, but habitat is their primary concern. Leanne Stevenson said she was only able to pull the 2009 data from the BLM website. This data showed BLM is about 35 % over AMLs. They will be removing horses from both Salt Wells and Adobe town. Jason said there are horses outside of the HMAs and they will also be collecting those horses. John Emmerich said the horses BLM gathers are moved to adoption centers. The BLM spends so much of their budget goes to those holding facilities. This leaves a very small amount to go to the management of the remaining horses on BLM lands.

Juan wanted to know at what point are extra measures taken to reduce the elk numbers. Steve said he is hoping the hunter coordinator program they are rolling out this year, will help to reduce those numbers. If it works well, they are hoping to have more landowners participate in the program.

Steve Ferrell also expressed his concern about the USFS in Region 2 contemplating large landscape closure of pine beetle killed forests to public entry. The Department is very concerned that this will compound the problem of elk, if hunters are unable to get the elk harvested on public land before the elk migrate to transition winter range. Scott Talbott will represent the Department at a meeting in Denver to convey our concerns with this approach.

Jerry Galles asked if the two groups should have a subcommittee to define landowner incentives. Jim Bennage thinks that is a pretty good idea. Jason asked if there would be advantage to have staff from the departments on the subcommittee. Jerry would be glad to participate on the committee but noted that he was going off the commission in March. Jim Bennage said he would also be leaving the board in March, but would be willing to participate. Jim Bennage asked if the letter would be finalized in a month. President Mignery said yes.

Jim Bennage asked for a time to have the joint statement signed. It was agreed that the letter would be signed in one month.

### **The AgriFuture Summit**

**Jim Bennage explained that he would like to have a meeting in Evanston in conjunction with the summit and asked if there was a motion to change the October 13 conference call to a face-to-face meeting. Jim Price so moved. It was seconded by Dalin Winters to have a meeting October 13 in Evanston rather than a conference call.**

There being no additional business, the meeting was adjourned.

Respectfully submitted,

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Jim Bennage, President

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Date