

## RECORDING OF PROCEEDINGS

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Wyoming Board of Agriculture  
February 15, 16, 17, 2011  
Cheyenne, WY

Present: Jim Bennage, President  
Shaun Sims, Vice President  
Juan Reyes (February 16 & 17 only)  
Jim Hodder  
Joe Thomas  
Bryan Brost  
Jim Price, Jr.  
Patrick Zimmerer  
John Hansen  
Bridget Williams

Absent: Dalin Winters  
Frank Galey, Dean  
Jason Fearneyhough

### February 15, 2011

Call to order at 2:30 by President Bennage

#### Approval of Minutes

**Jim Price made a motion to approve the minutes of the February 11, 2011 conference call. The motion was seconded by Shaun Sims. All voted in favor. Motion carried.**

#### Wyoming Livestock Board Update

Jim Schwartz, Rob Orchard, President, and Bob Meyer, Assistant State Vet came to talk about three issues facing the livestock producers in the state. They are Brucellosis, TB and Trich. Dr. Meyer introduced himself, explaining he joined the organization in September. He said that Park County had three cases that tested positive and confirmed more. That herd has gone through two more tests which have been negative and if after calving and they test negative, they will release that herd. They tested twelve other herds and found no other positives. A bison herd was tested and found a total of 19 reactors, which were removed from the herd. They then found an additional three heifers. No further evidence of infection was found in contact herds. Sublette County was the next one to show reactors, but no culture of brucellosis. The Billings Livestock Auction found a reactor and they are completing the testing on that herd from Park County. They will be continuing to have meetings for the producers to educate them on what to do to boost herd immunities. He indicated that as long as a state is doing everything they can, USDA does not take away the states' Brucellosis free status.

The next disease that Dr. Meyer talked about was Trichomoniasis. They are currently making changes to the rules. Three bulls were found infected with the disease; two in Crook and one in Uinta County. They have contacted the owners of the contact herds to be tested. They are also meeting with South Dakota producers and Wyoming producers in Belle Fourche in the coming weeks.

Tuberculosis is the final subject Dr. Meyer touched on. Colorado had a dairy cattle herd found with 200 reactors. This is quite extensive. Some of the yearling bulls were purchased at Centennial Livestock and brought to Wyoming. The whole herd has gone to be fed out for slaughter.

Jim Schwartz said APHIS has not come through with anything. Indemnity is the issue. The producers have to pay for everything at this point. He said that we need to hold APHIS accountable. We also need to clean up the wildlife, which is a huge contributor to the spread of disease. Elimination of the feed grounds is not the way to go. Having them is the only control we have at this point. The Park Service also needs to clean up the buffalo.

Jim Schwartz said the Brand Program is doing well with 2.5 million reserve today. He thanked all of the producers. They plan on using \$161,000 to computerize the program. He feels we need to do a better job in educating the producers that of the \$3.50 collected by the inspectors that only \$1.50 goes to the brand inspection. The other two dollars go to the predator boards and the Beef Council. Jim's concerned about the folks who have 40 acres and they are not aware of the inspections they need to do.

He said that Trichomoniasis is very serious. They need the producers to call the Board when they see there is a problem in their area. The WLB does not have the personnel to do all the surveillance necessary so he encouraged spreading the word.

He reiterated that the state needs an animal id system. He said we cannot get by with just the brand program anymore.

Jim also said that SF10 is to clarify how to protect the industry. We need to get ahead of the curve, because the animal welfare advocates are out there dictating animal husbandry to us. He asked for the support of the Board.

### **Landowner Incentives**

Shaun Sims, Jim Bennage and John Hansen attended a meeting with a few Game & Fish Commission members in December. There were three of them who agreed to donate one of their big game licenses to go to an auction and those proceeds will be available to the Board in order to recognize landowners who demonstrate a willingness to allow access for hunting or fishing on an annual basis. The BOA would be responsible for the program. Jim Bennage felt it was generous on the Commission's part to recognize the landowners who are willing to work with the hunting and fishing public. He has not heard the outcome from the Game and Fish meeting in January. Jim feels we need to

have something official to get the program started. We are talking about the 2011 hunting season, making the money available later in the year.

Shaun said the licenses should bring in between \$20,000 to \$30,000. It may be a monetary award or something to improve the habitat or the ranch. It came to light that a cash award may be misconstrued by some as a payoff. It may be better to help the producer develop some stock ponds, etc. to enhance the wildlife. There will be a subcommittee of the BOA and the Commissioners. Jim Bennage thinks the Commission was looking at the BOA to come up with the guidelines for the program. Jim Price thinks the concept is great and there needs to be some way to reach all of the state. This will not solve all the problems, but it was quite generous of the Commission to offer tags. Shaun said they had three committed at this point and there may be more that will get on board.

Joe Thomas would rather see the money spent on a habitat improvement on the producers' land. John Hansen said the commission also had said they would rather see something like improvements rather than a cash donation.

Jim Bennage suggested the BOA adopt a resolution of some sort to accept their offer and identify a couple of our members to work with the commission. **Jim Price made a motion to accept the offer from the Game and Fish and put together a committee to work with them to enhance this program. The motion was seconded by Joe Thomas. All voted in favor. Motion carried.** Shaun Sims, Jim Price and John Hansen volunteered to represent the BOA on the Committee. One Suggestion was to help the producers with improvements to enhance wildlife. Another suggestion was to use the money to leverage for additional funding. NRCS had indicated to Joe they have a program for improvements of this type. Jim Bennage would like the members to think about the venue to award the money.

Jim Schwartz encouraged this board to invite Colorado to come and talk about their Ranching for Wildlife Program. He said wildlife has value and he encouraged the Board to continue to work on this with Game and Fish.

### **Conservation District**

**Shaun Sims made a motion to accept the base funding report as presented. The motion was seconded by John Hansen. All voted in favor. Motion carried.**

**Jim Price made a motion to accept the staff recommendations from Justin Williams for the Lower Wind River Conservation District's final report due on January 31, 2011, which fulfills their contract requirement for Ocean Lake Watershed Planning and Use Attainability for Muddy Creek and Poison Creek Water Quality Grant Project. The motion was seconded by Joe Thomas. All voted in favor. Motion carried.**

**Patrick Zimmerer made a motion to accept the staff recommendations from Justin Williams for Campbell County Conservation District's final report due on January**

**31, 2011, which fulfills their contract requirement for Belle Fourche River & Powder River Drainages Watershed Project. The motion was seconded by Jim Hodder. All voted in favor. Motion carried.**

**Jim Price made a motion to appoint Andy Anderson to the Natrona County Conservation District. Mr. Tom Walters did not run for re-election in 2010, which created a vacancy for the rural supervisor position. Joe Thomas seconded the motion. All voted in favor. Motion carried.**

### **Other Issues**

Shaun Sims said that on Dec. 22 Wild Land Order #3310 was issued by Secretary Salazar. He would like to see the Board send a letter in opposition of the order. The designation of wildness as being brought through Congress will restrict permittees, and has oil and gas ramifications, etc. Another concern is that they don't have the data necessary to make this determination. This will also limit developments. Shaun said they are not using science to make the determination and the BLM has told their field staff to use "how they feel" about the lands to make their determinations.

BLM is also using maps that are outdated. The conservation districts and the counties are inventorying the lands and the BLM says it does not have to have the characteristics for proposed wild lands. Nobody knows exactly how these designations will truly affect oil and gas development, grazing, water development, etc. Shaun said he would like to work with Patrick and Leanne on a letter similar to the draft one the WDA is working on. They will have the letter ready before the board leaves town.

Bobbie Frank said the board may also want to weigh-in on the issue of the changes proposed by NRCS's Rangeland Management Plan. Utah is proposing no grazing on snow covered ground. The deadline for comment is February 22. She is going to bring in the WACD draft comments tomorrow for the board to review. The Board did prepare comments to NRCS and the letter was sent to them.

### **Liaison Appointment Review**

The members reviewed the current liaison appointments in preparation of making the changes at the April meeting.

### **Public Comment**

None

### **February 16, 2011**

Call to order

### **Strategic Planning**

Karen Everett suggested the WDA Public Information Officer meet with the BOA to see what the media plan is for the Department and see if there are items they can synch up on

achieving the objectives. She added #5 of Goal 1 Meet with the PIO. She was also directed to add the Wyoming Business Council to the partial list. Basically the plan is good for 2011. It will be revisited again in April 2012.

### **FSA Update**

Gregor Goertz gave the Board a handout outlining their programs. The BOA would like to meet with the state committee at future meeting.

### **NASS Update**

Todd Ballard said the numbers for 2010 were recently released. Winter wheat was down 7% and planting down 15%. The survey they will be doing in March will be targeted towards other crops. Barley production and oats were down 10%. Dry bean and sugar beet production were both up last year. Hay was down 3%. Cattle inventory was 1.3 million head which was down 2% and the calf crop for 2009 was down 10%. Replacement heifers were also down 5%. Sheep and lambs were down 3% and the lamb crop was down by 10%.

They will be releasing the small grain county estimates and sheep losses on February 18<sup>th</sup>. The on-farm renewable energy production release will come out on February 25<sup>th</sup> and the row crop county estimates on February 28<sup>th</sup>.

They are wrapping up a few other surveys with those results being released following their completion. They are also doing a couple of additional surveys for outside groups.

### **Beef Checkoff**

Ann Wittmann reviewed the background of HB 16 as explained at a previous meeting. Wyoming Stock Growers Association (WSGA) is the entity that drafted the bill. There was an amendment that included a referendum which passed but the bill did not go any further in being made into law. She felt there is a lot of misinformation out there. The WSGA wants the option to implement a state program in addition to the national program if producers want it. She feels the Beef Council is very transparent, but feels they need to make it clearer to producers they are being very responsible. She did say she is willing to visit with groups or individuals or possibly a creating a focus group to see where the gaps in communication and accountability lie.

She said Wyoming has great representation on the national leadership groups.

Break – Recognition of outgoing board members

### **Meeting with the Wyoming Business Council**

The meeting is scheduled to be on May 25<sup>th</sup> in Buffalo. Jim Bennage gave a little background to those who were not in attendance at last year's meeting. Jim Hodder suggested the members think about the issues they would like to see discussed in May. They would like to have those topics identified at the April meeting. Juan Reyes suggested mobile slaughter and horses. Joe Thomas would like to see them talk about a

slaughter facility in Riverton. Maybe wildlife would also be included in the slaughter facility. He said there isn't a good place in Wyoming for the cull cattle to go. Work also needs to be done on making it a federally inspected facility so the meat can be sold out of state. Cindy said the WBC looks at least 10 proposals wanting the same thing. She suggested partnering with the horse slaughter facility. Ted said there has been discussion of this issue for at least 10 years. Joe thinks there is a market for small facility. Juan suggested Cindy, Ted and Joe get together on making a presentation to the WBC in May.

### **Review of Administrative Procedures**

The Board made a few additions to the procedures and will review it again in April, 2012.

### **Review of Board Policies**

The Board would like to finalize the changes made today at the April, 2011 meeting.

### **State Wildlife Plan Overview**

Glenn Pauley made a power point presentation on the major points of the plan the Commission adopted in January, 2011.

### **Ag Issues**

Leanne shared the notification from the Game and Fish of some proposed hunting and fishing season dates. She said Game and Fish told her that they never get any comments, so they approve the seasons as a blanket approval. April 1 is the deadline for comments. She suggested the BOA look at these season recommendations and comment on them to achieve herd management objectives. Jim Bennage said the Game and Fish will take comments until April 1 and those dates will be confirmed by the commission on April 27, 2011.

Leanne wondered how we get the information on the issue out to the producers. Juan suggested Leanne check out the facts from Nebraska on their slaughter reduction of whit-tailed deer. It was suggested that the BOA have an editorial in the Wyoming Livestock Roundup. The BOA suggested the WDA staff write an editorial and work with the WLR to get the information out to the producers. Leanne will work on that. A copy of the notification was given to the members so they can try to attend those state-wide meetings.

Bobbie Frank drafted a letter for the BOA regarding the NRCS 590 Nutrient management Standards. **Shaun Sims made a motion to sign the letter to Mr. Bogovich. John Hansen seconded the motion. All voted in favor. Motion carried.**

### **Legislative Update**

Bobbie Frank said the wild lands bill is in appropriations. The next two bills affect special districts. HB120 refers to open meetings. In the bill it states that notice has to be given 12 hours in advance of the meeting and you will require a record your executive sessions. It also amends the statute that anyone can go into the recordings through the courts. It also requires that

only authorized reasons are sufficient for executive sessions. HB 121 was in committee earlier this week. It talks to the public record act; the time and the amount charged for copies of requested records. A date and hour has to be set for records that are not readily available. Time is presumed to be within three days. It can be extended, but shall not exceed 7 days. There are some circumstances that with the agreement of both parties, can be extended. Charges can only be the actual charges of duplication. She feels the bill is too open for interpretation but thinks both bills will pass.

Scott Zimmerman covered Game and Fish BMP on wind farms bill. Producers will now be noticed under the industrial sighting permits. Another bill will make wind rights inseparable. The bill requiring wind leases to be recorded at the county clerks and has been signed by Governor. The bill on taxation allows for a generation tax of \$2 per megawatt hour died in the house and the reconsideration vote did, as well.

Brett Moline said that of the food bills introduced, HB 8 is the only one going forward. Those counties that have a county inspector can create their own rules.

HB 57 will allow the state to go back to the owner of the animal and charge them for expenses. This is going forward. HB 79 clarifies the process of getting a private road across another's property giving a timeframe. HB152 is about designations made to land. The EQC cannot do any more designations. This came from the designation of Adobe Town. The last one is HB153 Gas Tax Refund. It allows for a 70% exemption of dollars in ag production. It changes the burden from the supplier to the producer. It's up on general file. The diesel program will not change. It also allows for a bulk deliver (35 gal or more).

State Land has two bills this year. One changed the law from \$2000 per improvement rather than \$20,000 per year. The second one allows lease users to register their improvements. If they are not registered and the lease is not renewed, the one who leases the land cannot get reimbursement for those improvements.

Keith Kennedy talked about the quarantine of animal's bill in conference committee. There is also a bill allowing it to be legal to exceed the speed limit by 10 mph when passing on a 2-lane road. There is another bill on general file regarding fence repairs on railroad. The railroad won't pay for repair, but you are not liable for any animals. The Economic Analysis bill may make it through this year. There is another one for aquatic species regarding reciprocity. The Weed and Pest bill has passed and is waiting the Governor's signature. There is one to give an additional \$250,000 to the

natural resource and policy account until the legislature can address it next year.

Leanne Stevenson said there is \$200,000 rangeland health supplemental budget. She suggested getting in touch with House members to encourage them to support both the bill for giving notification to landowners on the MBP from the Industrial Sighting Council.

### **Water Issues in Montana**

Pat Tyrell and Pete Michael, the residing legal counsel, gave some background on the litigation stemming from four years ago. The drought conditions started the letter writing campaign. A of request of leave has been filed. Montana's major complaint is that Wyoming is improperly using our reservoirs. Montana feels the groundwater usage is diminishing the water they should get. The Supreme Court did accept the case. Wyoming did file request to dismiss. The Court appointed a special master who knows western water law. Mr. Michael testified in January in DC. The only federal presence is the tribes and the Powder and Tongue rivers are the only ones involved. Montana has not even had to show loss. Mr. Michael said the critical issue was sprinkler systems. If Wyoming has new water rights on the two rivers (after 1950) and Montana water users have pre 1950 rights they can call for water. The Special Master will take the recommendations to the court. He asked court to make ruling in our favor on when someone who has pre 1950 rights, but has changed the way they use the water. Under language of compact, Wyoming can do a better job with their methods of watering, and then Montana has no cause to complain. He thinks Wyoming has a strong case and common sense is behind it. Our point is that once the water hits the head gate and those molecules of water become the property of the water right holder and how they choose to use the water, whether sprinklers or flood, it's their right. He feels the way the case is laid out for litigation is favorable to Wyoming and he's very optimistic. He expects an opinion before June.

### **NPDES Update**

Leah Kraft from DEQ gave a power point presentation on the upcoming NPDES rules.

### **Public Comment**

None

### **February 17, 201**

The Board chose to move some of the agenda times around to accommodate those present.

### **Seed Lab Update**

Gil Waibel gave a power point presentation and presented a list of additions to the price list.

**Jim Price made a motion that the list presented be added to price list. The motion was seconded by Juan Reyes. All voted in favor. Motion carried.**

Gil also wanted to talk about the appointment of a board member to SLAG. It will be brought up at the April meeting.

The lab operates on \$420,000 to \$440,000 per year. They return about half of what they operate on. He asked about the board's opinion on whether they should be asking for the additional money they will need for retirement and medical benefits, or should they raise prices to cover a portion and then ask for about the \$60,000 to cover additional expenses. Juan suggested he could look at about 10% from the business standpoint. Gil said that surrounding states have to reduce staff to accommodate. South Dakota raised theirs 25% and Utah charges very little. Colorado lost their Director and they are not replacing him and they don't have plans to raise prices. Wyoming is in the top 30% of pricing in the nation. The operating expenses at the lab are up about \$46,000. Gil said they could not get by with laying anyone off. This would mean losing customers and that will be the end of the lab. Juan feels that if he needs more than 10% from the legislature, we should support him. Jim Bennage said that what he's hearing from the members is that they will support him in his endeavors to make up the budget deficit because of increased charges. If he is in need of raising prices, they support him. Hank said this is the first year that in appropriations, those members have not asked to see the flow charts from the lab. Some of Gil's results have been challenged by some companies. Hank has sent the sample in question to the federal lab and those results are found to be right on with that of the Wyoming lab.

### **JIO/PAPO Update**

Windy Kelley gave some background on the formation of the JIO/PAPO office and her role in the mitigation efforts of the area. She is responsible for the reclamation of the projects. She monitors 5% of reclamation on the Anticline for PAPO. She is also involved in mitigation work and ranking the projects. She helps to monitor the existing mitigation of the projects. JIO was funded by a one-time donation from Encana. They are in the process of adjusting the funding for the JIO office. She said that at some point the JIO will go away. There is also a cap on the PAPO budget.

Jim Hodder asked her to explain what they are doing to reduce the traffic. They are using a closed loop system to reduce the number of trucks on the road.

### **Weed and Pest Resolutions**

**Shaun accepted the declaration lists from Natrona (2), Niobrara, Park County (3), Crook, Teton, Laramie, Sheridan Counties Resolutions as noted by Resolution for the Weed and Pest Council. The motion was seconded by Joe. The motion was amended that the Sheridan County Resolution is to remove the Plains Prickly pear. That motion was also seconded by Joe Thomas. All voted in favor. Motion carried.**

### **Letter from William R. Taliaferro**

Shaun Sims read the letter to the members. The members continued with discussion.

Slade gave some background on the listing of the Raven by Sweetwater County Weed and Pest Control District. The issue went before the joint ag committee and they said they would come up with funding for the ADMB. Their intention was to keep Weed and Pest Declarations and Designations and predators separate. The legislature appears to be okay with the Raven not being a declared pest. By statute, the resolution is a joint one with the Weed and Pest Council and the Board of Agriculture.

Kent Drake talked about the predatory side. The Raven is under control of USF&W Service because it is considered a migratory bird. He clarified some points Bill Taliaferro made in the letter regarding the ADMB. He did say he has to sympathize with Bill, as he is aware that the positions on the board are voluntary and it can be very frustrating. The Governor cut funding by a large amount. \$113,000 is all that was given to Sweetwater County. The two studies were mule deer and raven. The mule deer study is abandoned, but of the \$181,000 submitted this last year by Sweetwater County Predatory Animal Board, they received \$140,000 due to an excess amount requested for Aerial hunting. The ADMB is continuing to do the study for the raven. The product, 1339 can only be used by USF&WS, which is the chemical used to control the raven.

Joe Thomas said the channels are very clear and he's not sure what Bill would like the BOA to do regarding this issue. Shaun Sims said only get 95% goes back to the predator boards from the collection of predator fees by the Wyoming Livestock Board. He thinks not having enough money may be a concern of his. It is still unclear to the BOA as to what Bill is expecting the board to do. Jim Bennage suggested the Board send a letter to Bill explaining the channels and they do sympathize with his concerns. The Joint Powers Board can be formed within the counties to share funding and resources. Joe agreed to send the letter.

Steve Brill talked about the Weed and Pest Councils' concerns about allowing a predator on the designated list because they are afraid it would open up the door for all the predators be added thus reducing the amount of funding the district's would have to be able to work on the weeds and pests currently listed.

Jim Bennage would like to help him find the resources that may be available to help him. Slade feels he may have some ideas. He thinks that maybe if he were to take a proposal to other counties to have them understand the need to list the raven there may be others interested in buying in on the proposal. Kent said the ADMB may have funding for a proposal to take care of the problem of the ravens. Bill Taliaferro can submit a proposal to the ADMB and it will be up to the ADMB board to fund.

Hank said the letter from Bill Taliaferro was also given to the Governor yesterday. He suggested that the board work with Kent and Slade to prepare a joint letter from Jason and the Governor. **Shaun Sims made a motion to work with Kent and Slade to prepare a joint letter from Jason to the Governor. The motion was seconded by Jim Price. All voted in favor. Motion carried.**

### **State Fair Advisory Update**

James Goodrich and Kim Cullen gave an update from the Advisory Board. James said the 2011 State Fair will be August 13 -20. The 100<sup>th</sup> State Fair is coming up in 2012 and there is a special planning committee in place and has been meeting in preparation. He welcomed the Board of Agriculture's participation in that planning.

For 2011 they are dropping the Equine Extravaganza due to declining participation. They are having a 1-day ranch sorting and Mustang activities will continue. The Appaloosa Show is hoping to move to Douglas. They are planning a Monster Truck show this year. They are still working on the contract for the entertainer at the concert. The strolling and free-stage entertainment has been successful and will continue for 2011. They are planning on building more activities around ranch rodeo and ranch horse because he feels this will fill a niche. Bryan asked about chariot racing. James thinks that racing in general is on the decline but he had not thought about that race.

They are finishing up the major maintenance and construction. They are going to finish upgrading the campground this spring which will give them over 400 full-service dedicated spaces. There are also plans to replace the roof on Ft. Reno roof this spring. There will be a face-lift on the Ag & Natural Resources building. The island is part of the pathways to water quality project and they still are trying to find out if it is owned by State Fair.

Kim Cullen talked about some of the concerns voiced from the 2010 fair. She's seeing more and more people liking the idea of blow and go. It was mandatory in some of the shows and of them; they were not allowed to use any product on the animal.

James talked about weight limit on hogs. They are eliminating the upper limit on hogs for 2011 because of managing the size at state fair. The judge will take care of those too large for marketing. On the lower end, they will continue to have that lower weight limit in place.

James said there is interest in having an Alpaca show and they are looking at that for 2012. He said that he believes 5 counties have an Alpaca shows now. He's not sure how in-depth those shows are, but they are seeing an increase in activity.

Roger Schoeder is recommend by Juan to take his place on the board and recommended to Kim that she should be talking to him.

The final figures for 2010 are not in, but it looks like the financials are in line with last year's figures.

Attendance was down a little from 2009 45,040 compared to this year of around 40,360. There was a large amount of loss in the concert and a little down at the gate.

**Shaun Sims made a motion to approve to put the letter on Board of Agriculture letterhead and mail it to Secretary Salazar regarding the wild land issue. The motion was second by Joe Thomas. All voted in favor. Motion carried.**

**Board Reports**

Shaun gave a short report on the ADMB.

Bryan said the deer harvest in Nebraska was 88,400 for white-tailed and 37,967 antlered. Bryan said they did extend some seasons and reduce the youth license fees and an early season. The email for the outcomes are available at:  
<http://outdoornebraska.ne.gov/hunting/guides/biggame/deer/BGdeer.asp>

Public Comment

None

**Action Items**

Remind Jason to give the BOA a list of items for the upcoming budget.

Invite the FSA State Committee to a future meeting.

Shawn, Kent and Slade work on a letter to Bill Taliaferro.

Cindy Garretson-Weibel, Ted and Joe Thomas to put together a proposal on a slaughter facility for presentation at the May 25 meeting with the Business Council.

There being no additional business, the meeting was adjourned.

Respectfully submitted,

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Shaun Sims, Vice President

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Date