

RECORDING OF PROCEEDINGS

Wyoming Board of Agriculture
February 21 and 22, 2012
Cheyenne, WY

Present: Jana Ginter
Jim Hodder
Shaun Sims, President
John Moore (via phone)
Alison Lass
Bryan Brost
Patrick Zimmerer
John Hansen, Vice President
Jason Fearneyhough, Director

Absent: Jim Price, Jr.
Frank Galey, Dean UW College of Agriculture and Natural Resources
Governor Mead's Office

The meeting was called to order at 2 p.m. by Vice President Hansen. Roll was taken and a quorum was established.

Minutes

Jana Ginter made a motion to approve the minutes from the January 10, 2012 conference call. The motion was seconded by Bryan Brost. All voted in favor. Motion carried.

Conservation District Business

Jana Ginter made a motion to accept Washakie County Conservation District's Watershed Implementation Program III Project as amended with an original contract due date of July 31, 2012. The motion was seconded by Alison Lass. All voted in favor. Motion carried.

Alison Lass made a motion to approve the petition to change district names from Laramie Rivers Soil and Water Conservation District to the Laramie Rivers Conservation District, in accordance with Wyoming State Statute 11-16-155 (c). The motion was seconded by Patrick Zimmerer. All voted in favor. Motion carried.

Alison Lass made a motion to approve the interim report by the Lower Wind River Conservation District due December 30, 2011 and received January 24, 2012. The motion was seconded by Bryan Brost. All voted in favor. Motion carried.

Shaun Sims made a motion to accept the resignation of Scott Herold as the urban supervisor to the Little Snake River Conservation District and to appoint Shaun M. Mowery to that position until the next general election. The motion was seconded by Jana Ginter. All voted in favor. Motion carried.

Jana Ginter made a motion to accept the interim report by the Campbell County Conservation District due January 31, 2012 and received January 27, 2012. The motion was seconded by Patrick Zimmerer. All voted in favor. Motion carried.

Justin Caudill said that in even years, WACD and the board are supposed to review templates for water quality. Supposed to be reviewed in January, but the board will review at a later date. Bobbie Frank said her board was fine with the templates.

Ag issues

Bark Beetle – The governor received a declaration from Crook County Commissioners right before Christmas of 2011. Doug said he started looking into the possibility of this being a declaration. USDA says they do not qualify because of there not being a 30% loss of crops and trees are not considered a crop. FEMA said they have received several, but a disaster declaration has never been done and they would not do it now. If the President asked for such a declaration, FEMA would recommend that it not be granted. After meeting with Crook and Weston Counties, Doug asked what they would do with the money if there was a declaration and funding available.

Nieman Industries has been working on a strategy to address bark beetles. Representative Simleck and Hunt along with Senator Driscoll were in attendance at the meetings. The Governor requested 1 million dollars from the department for work in the Black Hills. There is some money in the Grasshopper program, due to the success of the grasshopper program. There is 1 million left in the fund if the legislature chooses to repurpose that money from grasshoppers to grasshoppers and bark beetles, with an extension possible. The funding would flow through EIMG if so chosen by the legislature. The governor can just move the money, but those funds would have to be used by the end of the fiscal year.

Addressing bark beetles in the Black Hills would be possible because there is an existing timber industry and the bark beetle is not as bad up there. South Dakota's Lawrence County Weed & Pest has a program in place already. They take private donations that match their 3 million to do work on the pine beetle. Wyoming would use their strategy of hitting the hot spots hoping that would stop the beetle. Some of the terrain is going to make it somewhat difficult.

EPA – From the Region 7 & 8 meeting attended by Jason and Doug, they are getting aggressive in taking inventory of CAFO and AFO operations. The reporting rules ask for voluntary reporting and did ask the department for help in contacting the AFO and CAFO operations. It appears EPA is looking at knowing the non-point sources which they do not regulate. This is noted in all the new rules coming out. They are telling folks that if those producers follow the BPM's EPA lines out, then EPA will give them a certainty agreement for 10 years. Question is; are they even supposed to regulate?

Cheetgrass – Doug said that out of the last Sub-Cabinet meeting they were directing the agencies to do a collaborative effort similar to the bark beetle.

Adjourned for the day.

February 22, 2012

Todd Ballard

Todd talked about the reports they have produced and the numbers on the commodities. He encouraged the members to remind others that everything is keep in confidence and thanked them for responding to the surveys.

Invasive Species

Jason said there is legislation going through now that would expand the Aquatic Invasive Program to the borders, whereas it has been focused at lakes within the border. This would mean the inspections would be focused on the entry points to the state. Doug feels through this program with Game & Fish and State Parks and Transportation will help the department's presence in also checking nursery stock at the ports.

Child Labor Law

Jason said it would include those 16 years and older or your direct descendants. One of the biggest concerns is having nieces and nephews and grandchildren doing any work on the property. Jason thinks the whole law is quite concerning. The secretary of labor has the ability to decide what is dangerous, which leaves it all up to interruption. Jason would feel a little more comfortable if it were the secretary of agriculture and not labor.

Jason is currently the chair for NASDA and will be co-chair for HyproNicopsia. Question is what happens when the water gets to our headwaters and that guy has not put in any nitrates.

The wolf bill is rolling through and we are waiting for it to be passed so USFW has some direction. Our concern has always been having some funding to take care of the 85% of the state that is under the direction of the state. WDA asked for funding for taking care of the wolves, but no indemnity payments.

NR&P Update

Chris Wichman said the land policy management ongoing.

Jessica Crowder covers the north and the eastern portion of the state. She is working on the Lander BLM RMP was closed recently and their final should be out soon. The states, along with several permittees, are in litigation regarding the Green Mountain.

Big Horn Basin Cooperators Management plan should be out this summer and it looks like they have done several things the permittees wanted.

The Buffalo Management plan is having trouble with air quality should be out this summer.

Bill Bass is the FS supervisors in that forest and the state may intervene to get renewals processed.

The Shoshone is working on their plan and it is moving quickly. She suggested the make comments if any member hears about a meeting, as this is going so fast. Jason suggested the members make comments on any plan and offered the WDA's help in making those comments. Doug also asked if any members had something to bring to the attention of WDA, to call.

The Forest Service has issued their planning rule with no formal comment period and the governor will probably comment for all state agencies.

She said there are reviewing several permit renewals and working with BLM offices.

Shaun arrived at 9:17

Justin Williams covers the west and north including Bridger Teton National Forest. He talked about treatment of the prairie dogs and their translocation on the grasslands. He said USFW designated all grasslands for prairie dog habitat in the Thunderbasin Prairie Dog Program. After the prairie dog population grows to a certain number in a large area, the Black Footed Ferret will be re-introduced. There is going to be no control in these areas. If there is a problem, i.e. health issue, they will translocate the prairie dogs. Game & Fish issues the translocation permits and they have increased the bar on the project.

The Rock Springs RMP started late last fall and they are working on the alternatives.

The Rawlins gas field group hasn't met for about a year and a half, so they are revisiting the work that had been done.

Air quality monitoring should be done this summer on some of the projects and the rest will follow. Air quality has been holding the oil and gas development projects up.

Chris said BLM has three wind projects that should be on the fast-track to be completed. He said as new projects come up, they will continue to work either with the permittees on public land and protect private property rights on deeded land.

He also said there are three Uranium proposals on BLM land and there should be 3-5 new proposals in the next 5 years.

Kelly Griffith - Mountain Plains Agricultural Service

The H2A Program is the one to bring in foreign labor. In the last three years the regulations and the cost have tripled. USDIS and State Department are who they deal with. Labor is operating under special procedures that allow herders to enter into a month wage vs. an hourly wage. They are subject to change by the certifying officer. Labor is also going through applications with a fine-toothed comb. She said it is almost impossible to get in a shearer in to the country because of the requirements of the surety bond. The bond needs to be for two years and most companies have the bonds be continuing. Three herders have filed a lawsuit because they can't get a job. She is an intervener on behalf of the Department of Labor. Since June, 12% of membership has been audited which is also problematic, with heavy fines. They are more than ten times more likely to be audited if a member of H2A Program. These issues are causing employers big problems.

In Jan. 2009 the breeder rule became effective. The employees have prepared for the changes, but the employers have been sending their employees home for 60 days after being here for 3 years. Immigration said no – after 3 years they must leave whether in lambing season or not, causing lost wages, transportation costs for employers, etc. This is not a change in rule, just in interpretation. They

are working with the ombudsman to clarify this. Immigration used a data base with Dunn and Bradstreet that does not have most of the workers listed.

Shaun asked if there was anything they could do to help her program. She would appreciate the board's support in helping her work through the problems of the program. Senator Enzi has a bill requiring the regulations be codified. She said they are also looking for funding sources, if the members have any ideas.

Weed and Pest Declared List

Slade reviewed the process and the background. He explained that in order for the district to spend their funds on weeds or pests, they must be on either the declared or designated lists. Because the raven is listed as a migratory bird, there is no ability to use control on them. The control falls under USFWS. Slade suggested the Sweetwater County Weed & Pest visit with the other districts about the need for them to put ravens on their declared list and they may be able to get it through next year. No changes to the designated list. Slade said there are several counties putting Black Henbane on their list and he can see it may be added to the designated list in the future. It is becoming a big problem.

Jim Hodder made a motion to approve the declared list as presented. The motion was seconded by Jana Ginter. All voted in favor. Motion carried.

Lunch

Board Issues

Living Legacy – Shaun put in a grant to the State Forestry, which is in and awaiting an answer. NRCS said they would purchase two guard protectors. He knows of two conservation districts that are going to purchase a tree and the guards.

He asked for the board to review the treasurer's report and the MOU before the 3 p.m. meeting with Dixie.

After looking at the picture of the prototype, it was noted that wasn't the design approved by the board. It will need to have additional bars added to keep the deer out.

Muff will send the information to each tree purchaser that if they want to purchase a tree guard, the cost will be an additional \$500.00

Muff will change the brochure to show the tree cost on the brochure (\$1,000). Add a picture of the guard. Remove the stone, as they will be putting a plate in the guard.

Shaun said he recalls the spacing in the guard had to be certain spacing because of a child getting their head stuck in it.

Shaun suggested looking at the guard that has been made before making a decision.

WNR Foundation will be administering the Forestry grant if it is approved.

Shaun will ask Todd if he will be able to accommodate the June 30 deadline for tree purchases.

Muff will check into the cost of having Wyoming Trophy and Engraving produce the plaque to be adhered to the guard.

Legislative Update

Dennis Hemmer said they are watching the WDA budget, public meeting legislation, the special district opts out option one.

Ken Hamilton said HB 6 failed. There will be an effort to have it as an interim bill. HB 78 is one they are watching closely. HB 90 and SF 53 have not gone anywhere. He thinks this will be one that comes up again in the future. SF 64 criminal trespass bill may have some trouble on the floor.

Keith Kennedy said that Don Richards told him that the seed labs budget is intact. Jason and Julie believe that is not true, because the cut they made would not support that it was safe. SF 85 is one he is watching. It would allow DEQ to issue general permits. SF 8 is the Ethanol tax credit bill which he is also watching.

Jim Magagna handed out the bills they are watching. SF 49 is the bill changing the BOA youth terms from six years to four. SF 65 Applied Ag Research funding and SF 18 is one they are also watching. Voluntary livestock id program is back in HB 10. HB 18 is the water right changes.

Bryce Reece said SF 41 is the wolf bill and all groups and the governor are in support of it. Bryce wants to make sure that the removal of the \$100,000 is covered in the WDA budget and the \$300,000 in the Game & Fish is sufficient to cover the predation. SF 19 is another bill on his radar. SF 20 was withdrawn because he felt there needed to be a lot of discussion before it should go forward.

Scott Zimmerman is also looking at SF 93 which would allocate funding to the city of Laramie to purchase land to protect an aquifer. He feels this would set precedence, and is concerned about the affects and not sure the state should be spending money on this.

Shaun asked if there were any hot topics the groups would like to bring to the board and if they would like help on anything. March 19 and 20 there will be a conference in Adams County which will bring in several on-line farmers markets.

Jim Magagna said that on the litigation on sage grouse will be a hearing will be April 9-11 in Boise. He said they are also concerned about the dollars per AUM fee in the President's Budget, but Secretary Salazar indicated they could impose it administratively and didn't need legislation.

Bryce talked about the ADMB projects regarding Sage Grouse that are important. One of the projects studied the grouse from nesting through when the birds could fly – about a 3 month period and found that 93% didn't survive. Everything death they saw had something to do with predation. Some could have died and then the predators moved in. He feels that with this high a percentage and something needs to be done to bring this down. The Governor is very interested in this study.

Living Legacy

Shaun said he called Dixie and asked her to come speak to the board regarding the agreement with F.A.I.R. and the budget. F.A.I.R. is designated as an education 501-C3. Living Legacy does not fit in the mission, etc. and they do not have control over the program. Dixie's counsel said that if they received a fee, they would be able to better justify keeping the program. She said they were not going to drop the program unless there is someplace for it to go. Julie feels that the best solution would be to have a group work with the Attorney General's office and F.A.I.R. to re-do the MOU.

Shaun said there are other organizations where this program could fit. The Wyoming Natural Resource Foundation (WNRF) is one he is thinking of. Tim Pexton said he thinks Julie's suggestion of a group to re-do the MOU is a good one. Bobbie Frank talked about the WNRF which is a 501-C3 education scientific and on-the-ground projects 501C-3. The WACD board is the board of directors but they are currently in the process of restructuring the board. The split will be 7/8; 7 board members and 8 others. NR, educational and natural resource aspect is the structure of their 501-C3. Tim asked if there would be an educational point to the Living Legacy Program.

Shaun said there would probably be an end for now when there is no room to plant trees. Jim Hodder said it sounds like the NRF is suited to handle the program. Patrick thanked F.A.I.R. for working with the board on the program. He thinks the WNRF is a better fit. Shaun said we need to make a decision soon to keep this program going – especially in light of this being the 100th. Julie said there would have to be a group to set up the MOU with the WNRF. Both Dixie and Tim said F.A.I.R. is not here today to give their 30 day notice; they just need the transition be a part of the MOU. The 30 day notice needs to be written. **John Hansen made a motion to move to the Living Legacy Program to the WNRF.** Discussion: Shaun is concerned about getting the tree guards and trees done between now and State Fair and as the transition is done. **All invoices are to come before the board for their approval. Jana Ginter seconded the motion. All voted in favor. Motion carried.**

Dixie feels that since this process is going to be expedited, she does not think the MOU needs to be done at this time. She suggested doing the 30 day notice in about 90 days. Bobbie said the WNFR is already in the process of acquiring funds for the program. Jason said there are many regulations on improvement to state lands and we need to ensure we are compliant. There is a concern by the Governor's office that the look is consistent throughout the park. Julie feels there needs to be an MOU in place as soon as possible. F.A.I.R. can collect and distribute funds still until the MOU is signed with WNFR. Dixie presented a bill for \$36.60 to Muff Parker for postage. **Alison Lass made a motion to pay the postage \$36.60 to Muff Parker. Jim Hodder seconded the motion. All voted in favor. Motion carried.**

Livestock & Gran Market News

Jennifer Porter from the National office and Randy Hammerstrom joined the board to discuss what they do. They collect and distribute market information in an unbiased way. Jason said that with the USDA budget cuts, WDA is using the self-tax collected to cover Dennis Widka to help with the market reporting. They cover everything but the funding of the reporting. They cover training IT equipment, etc. Both Randy and Jennifer commended Jason for the effort he has done to keep this market report going for the state of Wyoming. Jennifer said that with the budget cuts, Texas has completely removed their reporting program.

Shaun appointed Patrick, and Shaun to work with Julie and Bobbie and possibly John Hansen and Jana Ginter to work on the transition from F.A.I.R. to WNRF for the Living Legacy Program.

There being no additional business, the meeting was adjourned.

Respectfully submitted,

Shaun Sims, President

Date