

RECORDING OF PROCEEDINGS

Wyoming Board of Agriculture
February 19, 2013
Wyoming Department of Agriculture
Cheyenne, Wyoming

Present: John Hansen, President
Patrick Zimmerer, Vice President
Jana Ginter
Jim Hodder
Shaun Sims
John Moore
Alison Lass
Bryan Brost
Jim Price, Jr.
Cameron Smith
Jason Fearneyhough, Director

Absent: Governor Matt Mead's Office
Dr. Frank Galey, Dean
Richard Schlenker

Guests: See attached attendance sheet

Staff: Muff Parker, Recording Secretary
Chris Wichman
Justin Caudill
Mandy Gershmel
Dean Finkenbinder
Slade Franklin

The meeting was called to order by President Hansen, roll call was taken and a quorum was established.

Minutes

Jim Price, Jr. made a motion to approve the December 11, 2012 conference call minutes. The motion was seconded by Patrick Zimmerer. All voted in favor. Motion carried.

Seed Lab Update

Gil Waibel told the members that his lab did not have any recommended price changes for 2013. **Shaun Sims made a motion to approve the addition of the attached listing of new species as presented effective May 15, 2013. The motion was seconded by Alison Lass. All voted in favor. Motion carried.** Tim Anderson was elected as the Vice-Chair for the SLAG. SLAG approved the changes to the regulations as approved last year by this board.

New Water Quality Grant Requests

There had been questions on spending RHAP funds or Water Quality funds on out-of-state projects. Justin has researched the ability of this and he found out that as long as it benefits the state it is allowed.

Jim Cochran , representing the district, introduced Matt Lea – the new water specialist. He gave some background on the continuation of the project. **Jana Ginter made a motion to approve the Laramie County Upper Crow Creek application for \$27,807.00 with an interim report due December 30, 2013 and a final report and the return of unused funds by January 31, 2015. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.**

Tori Dietz explained the monitoring won't be done again for a few years. **Cameron Smith made a motion to approve the Washakie County Bighorn River-Slick application for \$30,000.00 with an interim report due November 30, 2013 and a final report and return of unused funds by July 30, 2014. The motion was seconded by Alison Lass. All voted in favor. Motion carried.**

Carrie Raogaczewski, with the district, said they had requested funds from partners in hopes they would have some ownership in the project. **Jim Price Jr. made a motion to approve the Sheridan County Tongue River and Goose Creek application for \$30,000.00 with an interim report due November 30, 2013 and a final report and return of unused funds by August 31, 2014. The motion was seconded by Cameron Smith. All voted in favor. Motion carried.**

Lisa Ogden, representing the district, explained the cost requested for speakers is due to a local expert who would charge and others who have requested mileage and possibly hotel rooms. **Alison Lass made a motion to approve the Natrona County Small Acreage application for \$20,000.00 with an interim report due November 30, 2013 and a final report and return of unused funds by November 30, 2014. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.**

Justin Caudill and Shaun Sims explained why the cost-share of \$100 for pumping the tanks. They said they can't view the system until it is pumped. Shaun also explained there is no follow-up on this project, if there is a faulty system, but he thinks they will be applying for some 319 grant funds to fix the problems, if found. **Patrick Zimmerer made a motion to approve the Star Valley Septic System Education application for \$14,100.00 with an interim report due September 30, 2013 and a final report and return of unused funds by April 31, 2014. The motion was seconded by Alison Lass. All voted in favor. Motion carried.**

Cathy Meyer, representing the district explained the project and said they intend on working with the Wyoming Game & Fish, as well as Ducks Unlimited to engineer some wetland to decrease sediment entering the lake. **Shaun Sims made a motion to approve the Lower Wind River Ocean Lake Wetlands application for**

\$7,276.52 with an interim report due September 30, 2013 and a final report and return of unused funds by April 31, 2014. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.

Cathy Meyer wanted to know if they were to reapply for this grant again, if the board would reconsider it in the future. Shaun explained that the priority for the use of the funds is to improve the water quality of the watershed in the state and this project does not qualify. **Jana Ginter made a motion to not approve the Lower Wind River Riverton Rendezvous Ponds application for \$25,980.00 as recommended by the Wyoming Association of Conservation District and the Wyoming Department of Agriculture due to ranking and lack of funding. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.**

Water Quality Grant Reports

Cathy Meyer explained the project and the outcomes of the project. **Shaun Sims made a motion to approve the Lower Wind River Ocean Lake Drain #4 final report as recommended by the Wyoming Department of Agriculture. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.**

Carrie Rogaczewski explained the project and where it was at this point. **Alison Lass made a motion to approve the Sheridan County Urban/Residential Run-off interim report as recommended by the Wyoming Department of Agriculture. The motion was seconded by Patrick Zimmerer. All voted in favor. Motion carried.**

Justin Caudill explained the project and the outcomes. **Jim Hodder made a motion to approve the Star Valley Salt River Water Quality final report as recommended by the Wyoming Department of Agriculture. The motion was seconded by Cameron Smith. All voted in favor. Motion carried.**

Patrick Zimmerer made a motion to approve the Laramie County Crow Creek & Pole Mountain final report as recommended by the Wyoming Department of Agriculture. The motion was seconded by Bryan Brost. All voted in favor. Motion carried.

New Rangeland Health Assessment Program (RHAP) Requests

Chris Wichman explained the review of the proposals is made by a team of agencies involved and they make those recommendations to Director Fearneyhough for recommendation to the board. He said the third RFP would be out as soon as possible to be able to get the money on the ground for this grazing season.

Amy was on the phone to explain why there is no old data to be able to replace with new data. She said she is not using the Parker 3-step data, but is using the old photos and comparing it to current photos. **Jana Ginter made a motion to not approve the Lincoln County Poison Hollow & Hams Fork application for \$20,000.00, and will work with the proponent on another application for the third RFP. The motion was seconded by Jim Price. All voted in favor. Motion carried.**

Justin Caudill explained the goals of the partnership. Cathy said the permittee has been very active in the project and the partnership would like to hire a retired consultant to continue the monitoring. **Jim Price, Jr. made a motion to approve the Lower Wind River Delfelder and Shoshoni Road application for \$8,524.75 with a final report and return of unused funds on January 31, 2015. The motion was seconded by Shaun Sims. All voted in favor. Motion carried.**

Carrie Rogaczewski said the first year was a pilot project with all partners doing the monitoring, but found it was not cost-effective. The second year they hired a consultant to do the monitoring. Chris said the project has changed due to the decision on the Big 6 litigation. **Cameron Smith made a motion to approve the Sheridan County JC Ranch application for \$20,000.00 with a final report and return of unused funds on May 31, 2014. The motion was seconded by Alison Lass. All voted in favor. Motion carried.**

Justin Caudill said this is a 46,000+ area project. Loren Racich from the district further explained the project and said there are three permittees involved in the project. Jana Ginter said that due to the possibility of litigation, it should be made a priority. **Jana Ginter made a motion to approve the Sublette County Prospect Mountain application for \$18,659.06 with a final report and return of unused funds on March 31, 2015. The motion was seconded by Jim Hodder. All voted in favor. Motion carried.**

Justin Caudill explained that this project will include some out-of-state monitoring. Oakley Ingersoll further explained they will be hiring some contractors to collect data which will be included in the review of the permit for the permittee. Chris explained there were some issues in the application such as the cut and paste errors and the exclusion of State Lands. Amy clarified the monitoring will not begin until 2014. **Alison made a motion not to approve the Uinta County West Fork Smith Fork application for \$20,000.00 and will work with the partners and district to clean up the application and explain the project better. Jana Ginter feels this is a project she would like to have them re-apply, feeling it is a good project. The motion was seconded by Patrick Zimmerer. With the exception of Jim Price Jr., the rest of the board voted in favor. Motion carried.**

Shaun asked for clarification of whether RHAP funds could be used for a contiguous allotment or if a Wyoming rancher trucks to an allotment to another state if that would be considered for approval. Jason said the Uinta County application was for a contiguous permit, but trucking to an allotment in another state is another issue to take up later.

Jason Fearneyhough talked about getting some funding from Congress to work on invasive species. The bills are designed to take funds scattered to various projects and put them under the Secretary of Agriculture. 5.6 million dollars is the amount project for Wyoming. The funds will help to control the federal invasive species. Some will probably go to help with the mussel invasion. The total request is \$150 million. If there is a block

grant, it would be distributed through the Department. Jason said his hope is that BLM will allow the spraying on BLM land. Doug said it may only equate to control and not removal, because that is extremely costly.

Legislative Update

Doug said this has not been a difficult session, with the exception of the raw milk bill, the interstate shipment of meat bill and the Food Freedom bill. The raw milk bill says basically, buyer beware, but the bill has been laid back to see how it is addressed in other states. He said that it may be adopted as an interim project. Utah said they have a dedicated point of sale. Jason said Sue Wallis is very happy with the rules the Department promulgated and Jason will give the members a copy of the rules. The interstate shipment of meat bill was introduced to prepare for the USDA process. The USDA will deputize inspectors, but the guidelines and processes have to be followed. They now say a state processing plant may be established following the USDA guidelines, which allows meat to be shipped interstate. The bill that was introduced is just to study the process but does not set up for the process. This bill does not affect the 20,000 bird limit. The Food Freedom bill died in committee. It would have allowed ag producers to be exempt from inspection, which is in direct violation from federal law and would have put the Wyoming program in jeopardy. Doug said he think the department needs some outreach explaining the meat processing program.

The bill brought forth by Rep. Hicks is the interaction of Bighorn and domestic sheep. The Payette Forest in Idaho had to move all domestic sheep from within a ten mile radius. The state is saying that if this regulation comes to Wyoming, this possible bill will not allow for the removal the Big Horn Sheep. The Big Horn Sheep are not endangered. This bill has been passed out of both houses. The loss would be over 85% of domestic sheep if the Payette plan moved into all forests in Wyoming.

The 8% cut passed in the budget bill but one million was given back for beetle projects. It wasn't clear if it all comes to the department or some would go to State Forestry. The 8% cuts came from Weed & Pest Districts, Conservation Districts, and Administration. Legislators are talking about continuing the cuts. If this happens, it will hurt several programs severely.

RHAP Reports

Rex Lockman, Wildlife Range Specialist with the district, said that due to the fires in the forests, they weren't able to do much monitoring last summer. They will be setting up their monitoring sites this summer. Rex said they calibrate the Robel pole because each ecological site will have different vegetation and by doing this, they can see the amount of vegetation used in each area. They calibrate before and after grazing on the cages and compare to the vegetation outside of them. **Patrick Zimmerer made a motion to approve the Laramie County Pole Mountain Robel Pole update report. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.**

Justin Caudill reviewed the project. **Jana Ginter made a motion to approve the Popo Agie Silver Creek update report. The motion was seconded by Shaun Sims. All voted in favor. Motion carried.**

Justin Caudill explained the project. **Jim Price, Jr. made a motion to approve the Washakie County Orchard Ranchland update report. The motion was seconded by Alison Lass. All voted in favor. Motion carried.**

Carrie Rogaczewski said this is the second year report for the project. The production monitoring was not completed this past year due to the drought conditions. Zack said that because of the dry year, they weren't able to use the Robel Pole. **Cameron Smith made a motion to approve the Sheridan County JC Ranch final report. The motion was seconded by Jim Price Jr. All voted in favor. Motion carried.**

Justin Caudill explained the project. Dawn Arnell, representing the district, said they completed over 44,000 acres. They, too, had some issues with drought. The data collected did go to the BLM to help with the permit renewal process. **Shaun Sims made a motion to approve the Little Snake River LSRCD Project 1 final report. The motion was seconded by Alison Lass. All voted in favor. Motion carried.**

Justin Caudill reviewed the project. Cathy Meyer, representing the district, said the owner had been working on private property for years, but had never had monitoring done on state and federal lands. That is where the district came in to make application for RHAP funds. **Jim Hodder made a motion to approve the Lower Wind River Cameron Ranch final report. The motion was seconded by Cameron Smith. All voted in favor. Motion carried.**

Carrie Rogaczewski said they did work with State Lands, but they were not able to participate. She further explained the successes and outcomes of the project. **Alison Lass made a motion to approve the Lower Wind River Diamond X final report. The motion was seconded by Patrick Zimmerer. All voted in favor. Motion carried.**

Carrie Rogaczewski asked if these funds are for on-going or are they meant to be one-time funding. Chris Wichman said the goal is long-term monitoring. Because it is a competitive grant, they are looking at continuation of funding for additional years on the same project if needed.

Justin Caudill explained the project is a little behind and have not expended any funds to date. The three original ranches are now all owned by one rancher so they are asking for an extension. **Jana Ginter made a motion to permit the extension of the Hot Springs Hillberry Ranches project. The motion was seconded by Bryan Brost. All voted in favor. Motion carried.**

Addition Legislate Updates

Jim Magagna has been working on the property rights bills. It has been asked of the feds to provide the analysis on the checklist used by the Regulatory Takings Act.

He said the landowners are not liable for the most part for anything, except children.

In the event of eminent domain, if the value of property is determined at more than 10%, the contemnor is responsible for attorney fees of the condom née (landowner).

Jim said the bill having to do with load requirement of transporting hay, etc. is moving through. This bill will allow the Governor to make some exceptions.

Leanne said the Livestock Board did have some bills this year to clean up some old language. Within the clean-up bill, they had some language clarifying the renewing the brands. They will now have a full year to renew their brands and try to find the owners before allowing them to be re-used by others.

There were some revisions made to the Livestock bill such as exotic livestock language was added, and the allowance of a step process in the livestock marketing.

Another bill was to make those not taking care of their animals, responsible for disease of those animals.

Leanne said there are several cases of animal cruelty this year due to drought and the producers' ability to buy and find feed.

As far as they all know, nothing definite has been decided as far as interim studies.

Slade Franklin talked about the pesticide bill in which they are clarifying the definitions. There are also clarifications to reciprocity, but the changes will probably be done through rules. There are also some changes to the registration of pesticides. If an applicator causes any damage, it gives the department authority to do something to the applicator.

Cindy Garretson-Weibel talked about the passing of the pari-mutuel historical betting.

Update from NRCS

Astrid Martinez said they are still working on the budget. They are also working on a 5% cut and are in a hiring freeze. They currently have nine positions and of them five are critical positions. They are expecting an 8% cut for next year.

Dr. Logan talked about the APHIS rule that says beginning March 11, the traceability rule will go into effect. The comments given were listened to pretty well. He thinks Wyoming is in pretty good shape and won't be affected too much by the new rule. Due to the rules and review of Brucellosis, bulls will probably also have to be tested. He continued to talk about the acceptable tags to ensure better trace back. Any sexually intact animal over 2 years are required to have official identification. The new rule says livestock producers will be required to have records dating back five years. He also said that if there is a change of ownership and crossing state lines, the animal must have official identification with the required vaccinations and a brand will not do for this process.

Weed & Pest Resolutions

Slade Franklin gave a quick review of the resolution process to add anything to the Declared Weeds. He said Weston County asked to remove species from their lists. Sweetwater is asking to add Common Reed. Teton County is asking to add Eurasian Watermilfoil and mosquitoes and Sheridan County wants to add Poison hemlock and Western waterhemlock. Johnson County wants to add Black Henbane and Curlycup Gumweed and Hot Springs County wants to remove Russian Olive, as it is now on the Designated Pest list. **Jana Ginter made a motion to approve the ten resolutions approved by the Weed and Pest Council on November 8th, 2012 for Weston County. The motion was seconded by Shaun Sims. All voted in favor. Motion carried.**

Jim Price, Jr. made a motion to approve the resolutions approved by the Weed and Pest Council on November 8th, 2012 for Sweetwater County. The motion was seconded by Alison Lass. All voted in favor. Motion carried.

Jana Ginter made a motion to approve the two resolutions approved by the Weed and Pest Council on November 8th, 2012 for Teton County. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.

Shaun Sims made a motion to approve the two resolutions approved by the Weed and Pest Council on November 8th, 2012 for Sheridan County. The motion was seconded by Patrick Zimmerer. All voted in favor. Motion carried.

Bryan Brost made a motion to approve the two resolutions approved by the Weed and Pest Council on November 8th, 2012 for Johnson County. The motion was seconded by Alison Lass. All voted in favor. Motion carried.

Patrick Zimmerer made a motion to approve the resolutions approved by the Weed and Pest Council on November 8th, 2012 for Hot Springs County. The motion was seconded by Patrick Zimmerer. All voted in favor. Motion carried.

Liaison assignments

The members review the 2012 list and made some changes. The list for 2013 is attached to these minutes.

Conservation District Board – Supervisor Appointment

Jana Ginter made a motion to appointment of Alicia Rux to the Rural Position on the Dubois-Crowheart Conservation District Board of Supervisors, replacing Bert Tuckey, III. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.

It was decided to have the April meeting in Laramie for a half a day April 8, all day April 9 and attend the Employee Conference on April 10 at the Territorial Prison in Laramie.

Living Legacy Update

Patrick Zimmerer said there are currently have 32 applications for tree guards. The Natural Resource Foundation has applied for some educational funding, but has not heard to date.

Jim Hodder said there is an MOU on the gravel pits coming up in April and he suggested Adrian Peterson would be willing to come down and give a presentation on that and on the Certified Weed Free Forage.

Chris Wichman thanked the board for reviewing the information today.

There was no public comment.

There being no additional business, the meeting was adjourned.

Respectfully submitted,

John Hansen, President

Date