

**Wyoming Game and Fish Commission
Meeting Minutes
Cheyenne, WY**

Due to COVID-19 Staff attendance was minimal. The meeting was conducted via ZOOM video conference system.

April 20, 2020

Members Present:

Peter Dube, President	Wyoming Game and Fish Commission
Patrick Crank, Vice President	Wyoming Game and Fish Commission
Ralph Brokaw, Member	Wyoming Game and Fish Commission
Richard Ladwig, Member	Wyoming Game and Fish Commission
David Rael, Member	Wyoming Game and Fish Commission
Mike Schmid, Member	Wyoming Game and Fish Commission
Brian R. Nesvik, Director	Wyoming Game and Fish Department

Staff Present:

John Kennedy, Angi Bruce (via telephone), Rick King, Doug Brimeyer, Scott Edberg (via telephone), Dee Dee Hawk, Sean Bibbey, Alan Osterland, Dirk Miller, Greg Phipps, Meredith Wood, Rebekah Fitzgerald (via telephone), Meghan Lockwood, Justin Joiner, and Sheridan Todd

Legal Representation:

David DeWald, Senior Assistant Attorney General

Guests Present:

None

Open Session began at 10:01 a.m.

President Dube began the meeting with the Pledge of Allegiance.

1. Presenter: Commission President. Approval of Commission Meeting Minutes.

It was moved by Commissioner Schmid to approve the March 2020 Commission meeting minutes. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

2. Presenter: Brian R. Nesvik, Director. Director's Report.

Director Nesvik provided the Commission with an overview on the Covid-19 pandemic in relation to Department activities. The Department continues to provide service to the public in a

modified manner. He explained the status of office managers, employees teleworking from home, and the significant work being completed in the field. Two emergency regulations were implemented: bear bait registration and suspension of selling nonresident one and five day fishing licenses. He asked the Commission for guidance regarding changing/extending dates for bear hunting seasons, turkey seasons and shed antler hunting seasons. The Commission supported extending the turkey season by nine days. The Commission did not support changes to the bear hunting season or shed antler season.

To address revenue shortfalls the Governor has directed state agencies to impose a hiring freeze and not approve contracts over \$100,000. Director Nesvik said the Commission will be presented with preliminary approval of the budget during this meeting. He recommended the Commission move forward with preliminary approval of the budget. Final approval of the budget will be requested at the July Commission meeting and we can adjust the budget, if needed.

There was also discussion regarding the Expo and the possibility of changing locations. This year's Expo was canceled due to the Covid-19 pandemic. The Department is proposing to hold the 2021 Expo in Casper and then look at different locations where we may have better opportunities to reach out to youth. The Commission supported this idea.

Director Nesvik thanked the Commission for their support and flexibility in conducting the meeting over the ZOOM video conference system. He said public involvement is very important to the Commission and we will do our best to engage the public. He explained the various opportunities for the public to provide comments during the meeting.

3. Presenter: Doug Brimeyer, Deputy Chief, Wildlife Division. General Hunting Regulation, Big Game, Wild Bison, Wild Turkey, Upland Game Bird, Small Game and Migratory Game Bird Hunting Seasons and Light Goose Conservation Order.

Deputy Chief Brimeyer explained that following federal and state guidance on public meetings due to the Covid-19 pandemic, all scheduled public season setting meetings were canceled. In place of public meetings, the Department posted online presentations covering the proposed 2020 hunting season regulations. From March 23-April 3 there were 2,763 public online page views for the eight regions. The Department received a total of 217 online comments and 6 written comments.

Chapter 2, General Hunting Regulation

Mr. Brimeyer explained that Chapter 2 outlines general hunting definitions, license types, shooting hours, bag limits, validation of carcass coupons and other general hunting information. He explained the proposed regulation.

Section 2. Edits to provide better clarification to definitions.

Section 12. No person shall use any aircraft to spot, locate and aid in the taking of trophy game.

Section 20. Language added to prohibit: Use of thermal or infrared image attached to a firearm with the intent to spot, locate and aid in the taking of any big game animal, trophy game animal or wild bison. Real-time video or thermal infrared imaging capable of transmitting images to spot, locate and aid in taking of big or trophy game or wild bison. Sell or barter geographic location information to aid in taking. Regulation does allow the use of trail cameras that do not transmit images in real-time.

Public Comments:

None

It was moved by Commissioner Brokaw to approve Chapter 2, General Hunting Regulations as proposed by the Department. The motion was seconded by Commissioner Schmid. A roll call vote was taken. Motion carried unanimously.

Chapter 5, Antelope Hunting Seasons

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public engagement as it pertained to each region.

Public Comments:

Steve Martin, Bowhunters of Wyoming (via telephone)

Mr. Martin said he supports the regulation as proposed by the Department pertaining to the archery opening dates. He also supports the regulation as proposed for Chapters 6, 7, 8, and 9.

Commissioner Crank questioned the population surveys and quotas. He noticed there were some areas where the population increased; however, the Department did not increase quotas. Raising quotas in those areas would increase hunter opportunity. Commissioners Rael and Brokaw agreed.

It was moved by Commissioner Crank to approve Chapter 5, Antelope Hunting Seasons as proposed by the Department with the following changes: Hunt Area 61, Type 1; increase quota from 50 to 150. The motion was seconded by Commissioner Rael. A roll call vote was taken. Motion carried unanimously.

Chapter 6, Deer Hunting Season

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public

engagement as it pertained to each region. He also summarized proposed changes to the draft regulation regarding Hunt Areas 121 and 122.

Public Comments:
None

It was moved by Commissioner Rael to approve Chapter 6, Deer Hunting Season and the amendments as proposed by the Department. The motion was seconded by Commissioner Byrd.

Discussion:
There was general discussion between the Commission and the Department regarding the seasons. Justin Binfet helped field questions.

Call for the question. A roll call vote was taken. Motion carried unanimously.

Chapter 7, Elk Hunting Seasons

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public engagement as it pertained to each region. He also summarized proposed changes to the draft regulation.

Public Comments:
John Burd (via telephone)
Mr. Burd suggested specialized elk hunts on the National Elk Refuge for disabled individuals and veterans. He also suggested hunting wolves on the refuge.

It was moved by Commissioner Crank to approve Chapter 7, Elk Hunting Regulations with amendments as proposed by the Department and with the following changes: Hunt Area 24, Type 1, 175 quota; Hunt Area 24, Type 4, 75 quota; Hunt Area 24, Type 5, 175 quota; Hunt Area 66, Type 6, 175 quota; and Hunt Area 66, Type 6, 350 quota. The motion was seconded by Commissioner Brokaw. Commissioner Brokaw suggested modifying the ending season date for Hunt Area 114, Type 1 from November 30 to December 31. Commissioner Crank accepted the amendment. A roll call vote was taken. Motion carried unanimously.

Chapter 8, Moose Hunting Seasons

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public engagement as it pertained to each region.

Public Comments:

Mary Rumsey (via telephone)

Ms. Rumsey thanked the Commission for their hard work in maintaining moose populations. She supports the Department's recommendation of keeping the quota of 3 for Hunt Area 9.

It was moved by Commissioner Schmid to approve Chapter 8, Moose Hunting Seasons as proposed by the Department. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

Chapter 9, Bighorn Sheep and Mountain Goats

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public engagement as it pertained to each region. He also summarized proposed changes to the draft regulation.

Public Comments:

John Burd (via telephone)

Mr. Burd asked about aerial hunting of mountain goats in the Grand Teton National Park. Director Nesvik explained the culling was completed by the National Park Service. The Commission and Department vehemently opposed the action.

It was moved by Commissioner Brokaw to approve Chapter 9, Bighorn Sheep and Mountain Goats as proposed by the Department. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

Chapter 11, Upland Game Bird, Small Game Hunting Seasons

Mr. Brimeyer explained this regulation establishes hunting season dates, bag and possession limits and specific shooting hours for all upland game bird and small game species. The Springer permit pheasant and Glendo permit pheasant seasons are also included as part of this regulation.

Commissioner Crank suggested extending the application period for the special Springer/Glendo hunt. Scott Edberg thought this was a good suggestion and said they will consider this next year. There was also discussion regarding chukar season dates.

Public Comments:

None

It was moved by Commissioner Byrd to approve Chapter 11, Upland Game Bird, Small Game Hunting Seasons as proposed by the Department. The motion was seconded by Commissioner Rael. A roll call vote was taken. Motion carried unanimously.

Chapter 14, Migratory Game Bird Hunting Season

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public engagement as it pertained to each region.

Public Comments:
None

It was moved by Commissioner Crank to approve Chapter 14, Migratory Game Bird Hunting Seasons as proposed by the Department. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

Chapter 15, Wild Bison Recreational Hunting Season

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public engagement as it pertained to each region.

Public Comments:
None

It was moved by Commissioner Byrd to approve Chapter 15, Wild Bison Season as proposed by the Department. The motion was seconded by Commissioner Rael. A roll call vote was taken. Motion carried unanimously.

Chapter 20, Wild Turkey Fall 2020/Spring 2021 Hunting Seasons

Mr. Brimeyer provided a map that detailed the various hunting regions. He explained the general management direction, proposed season changes, and the various issues raised during public engagement as it pertained to each region.

Public Comments:
Jeff Smith, Wyoming Outfitters and Guides Association (via telephone)
Mr. Smith supports extending the spring turkey hunting season.

It was moved by Commissioner Rael to approve Chapter 20, Wild Turkey Fall 2020/Spring 2021 Hunting Seasons as proposed by the Department. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

4. Call to the public.

Gary Koltiska (via telephone)

Mr. Koltiska operates a pumpkin patch outside of Sheridan. He has experienced damage to fields by deer for several years. He has worked with the Department on numerous techniques to deter deer with no success. He would like to have his fields fenced off. He estimated the fields to be 30-40 acres. He would construct the fence if the Commission provided fencing materials. The Commission directed the Department to contact Mr. Koltiska.

5. Presenter: Sean Bibbey, Lands Branch Chief, Services Division. Authorization to Proceed with Negotiations for Acquiring Less than Fee Title Property Rights.

Note: This agenda item was originally planned to be presented on April 21.

Line Item A: Begley Ranch Conservation Easement, Natrona County

The Begley Ranch is located in northwestern Natrona County adjacent to the Flying 'A' Public Access Area and near the Badwater Ranch (PAA), which provide hunting opportunities to the public for big game, trophy game and game bird species. The Begley family is interested in selling a conservation easement to the Commission that would include public access for hunting and fishing to their deeded property adjacent to BLM and Office of State Land and Investments property along Sanchez Creek.

The Begley Ranch contains approximately 1,280 acres of deeded property that would directly connect and create contiguity to the Flying 'A' PAA. The property is legally accessible through the Flying 'A' PAA from the Bighorn Mountain Road (County Road 109) and Buffalo Creek Road (County Road 105).

The Department plans to conduct habitat improvement projects on the Begley Ranch as well as adjacent public and private land. Project components include installing riparian protection fencing, improving riparian habitat with low-tech stream restoration methods, and addressing conifer encroachment. Total project costs are estimated at \$540,000. The Department received substantial in-kind contributions including steel for jack fencing from Tuboscope in Casper. The Department recently secured \$50,000 from the WGFD Trust Fund, \$10,000 from RMEF, \$100,000 from NRCS VPA-HIP, and have funding requests pending with WWNRT, MFF, BLM, and Bates Hole/Shirley Basin SGLWG. Implementation will begin in the summer of 2020 with completion in 2023.

Public Comments:

None

It was moved by Commissioner Brokaw to authorize the Department to proceed with negotiations on the Begley Ranch Conservation Easement in Natrona County. The motion was seconded by Commissioner Rael. A roll call vote was taken. Motion carried unanimously.

Line Item B: Ogalalla Land & Cattle Public Access Easement, Converse County

Josh Moore, owner of Ogalalla Land & Cattle, is proposing to donate a permanent public access easement for hunting to his deeded land adjacent to BLM and Office of State Land and Investments property along the Ross Road (Converse County Road 31).

The property is located in the northwestern corner of Converse County and would consist of approximately 3,700 acres included in the proposed easement. Mr. Moore is currently in negotiations with Converse County to voluntarily abandon and re-route a portion of Ross Road in order to eliminate heavy truck traffic in front of the family home. The approval of this easement is contingent upon the Converse County Commission approving the abandonment. Commissioner Byrd advised she is familiar with this property and supports the acquisition.

It was moved by Commissioner Rael for the Department to proceed with negotiations with Mr. Moore for the proposed public access easement. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

6. Presenter: Sean Bibbey, Lands Branch Chief, Services Division. Approval to Acquire Less than Fee Title Property Rights.

Note: This agenda item was originally planned to be presented on April 21.

Line Item A: Bump Sullivan Water Rights Acquisition, Goshen County

The Department is proposing to acquire 69 shares of water rights associated with the Bump Sullivan Reservoir within the Springer/Bump Sullivan Wildlife Habitat Management Area (WHMA) from the Howard family. The acquisition consists of 69 shares of water with priority dates of 5/4/1911 (49 acres) and 1/11/1919 (20 acres). Each share equals 3.01 acre-feet of water with the reservoir holding a storage capacity for 641 total shares or 1929 acre-feet. The Howard family is asking \$103,500 for the water rights or \$1,500 per share.

The Commission acquired the rights to 64 shares, or ten percent of the storage capacity in 2016, and will acquire an additional 223 shares of water upon the transfer of the Schamel property from Ducks Unlimited to the Commission. With the purchase of 69 shares from the Howard family, the Commission would control approximately 55.5% of the allocated storage capacity for Bump Sullivan.

Acquiring a significant interest in the Bump Sullivan Reservoir would provide the Department the ability to irrigate additional crop land within the WHMA and maintain water levels in the reservoir for waterfowl and fishery. Hunting on the WHMA is increasing each year with sufficient water. It is estimated that over 36,000 Canada and snow geese utilized the WHMA over the winter months. Bump Sullivan Reservoir also provides an opportunity for warm water fish species including crappie, channel catfish and perch. Fisheries personnel estimate the reservoir is receiving an average of 500 angler days per year. The purchase price of the water rights is \$1,500 per share or \$103,500.

It was moved by Commissioner Crank to approve the acquisition of water rights at Bump Sullivan in Goshen County. The motion was seconded by Commissioner Rael. A roll call vote was taken. Motion carried unanimously.

Item B: Carolyn Orr Conservation Easement Donation, Fremont County

Carolyn Orr is a Fremont County landowner that approached the Department to discuss the donation of a conservation easement on property she owns along the Lander Front. The property consists of two adjacent parcels totaling 84.79+/- acres within the Popo Agie Crucial Habitat Area and provides high value ungulate habitat, including crucial winter range for mule deer, elk, and summer range for mule deer. Mrs. Orr will donate a conservation easement restricting future development of the 84.79+/- acres and allowing one building envelope for the existing residential dwelling and associated outbuildings. The property adjoins the conservation easement donated by Carl Asbell in 2018. These proposed conservation easements will further add to the protection of these natural areas from poorly planned residential growth for future generations.

It was moved by Commissioner Rael to approve the Carolyn Orr Conservation Easement Donation in Fremont County. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

18. Presenter: Greg Phipps, Chief, Fiscal Division. License Selling Agent Appointments.

Note: This agenda item was originally planned to be presented on April 21.

All Around Hardware is a sporting goods store in Hulett, WY. Temporary approval has been received by the local Game Warden, Regional Wildlife Supervisor and Commissioner Ladwig. There is one agent located in Hulett. Hulett's 2018 license sales totaled \$81,900.50.

The following application was received from non-sporting goods stores:

Frontier Supply is a non-sporting goods store in Newcastle, WY. The Game Warden's evaluation is included in this packet. There are two agents located in Newcastle. Newcastle's 2018 license sales totaled \$95,114.00.

The following application was received from a license selling agent requesting approval for ownership transfer:

Joe's Food Center in Upton, WY. Temporary approval of the transfer has been received by the local Game Warden, Regional Wildlife Supervisor and Commissioner Ladwig. This store's 2018 license sales totaled approximately \$51,070.50.

It was moved by Commissioner Ladwig to approve All Around Hardware in Hulett and Frontier Supply in Newcastle and the transfer of ownership for Joe's Food Center in Upton. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

Mr. Phipps also provided an update on Off-the-Grid Sports in Sundance, who is in arrears of \$22,008.

The meeting adjourned for the day.

April 21, 2020

Members Present:

Peter Dube, President	Wyoming Game and Fish Commission
Patrick Crank, Vice President	Wyoming Game and Fish Commission
Ralph Brokaw, Member	Wyoming Game and Fish Commission
Richard Ladwig, Member	Wyoming Game and Fish Commission
David Rael, Member	Wyoming Game and Fish Commission
Mike Schmid, Member	Wyoming Game and Fish Commission
Brian R. Nesvik, Director	Wyoming Game and Fish Department

Staff Present:

John Kennedy, Angi Bruce, Rick King, Doug Brimeyer, Scott Edberg (via telephone), Dee Dee Hawk, Sean Bibbey, Alan Osterland, Dirk Miller, Greg Phipps, Meredith Wood, Rebekah Fitzgerald (via telephone), Millissa Raner (via telephone), Meghan Lockwood, Justin Joiner, and Sheridan Todd, Ian Tator

Legal Representation:

David DeWald, Senior Assistant Attorney General

Guests Present:

Dr. Kevin Montieth, Assistant Professor, University of Wyoming

President Dube began the meeting with the Pledge of Allegiance.

7. Presenter: Ian Tator, Statewide Terrestrial Habitat Manager, Wildlife Division. Mule Deer Initiative.

Mr. Tator provided the Commission with information on the statewide Mule Deer Initiative a(MDI) accomplishments and expenditures. The Department has initiated 45 projects to benefit mule deer since 2016. These projects come in two forms: habitat projects and studies that form future habitat work. Of the 45 projects, 15 projects are complete, 15 projects are scheduled to be completed summer/fall 2020 and 15 projects have reserved partial funding for winter 2020 / field season and 2021 implementation costs (recapture costs, collar data fees, herbicide retreatments). Commission money has been leveraged 5.5/1. To date we've spent \$1.2M of the \$2.5M awarded (48% spent). We have also developed plans and executed contracts/grant agreements to utilize an additional \$1.1M of Commission MDI funds this summer (92% of total). This results in a projected balance of \$200K for planned expenditures in 2021. Commissioner Schmid thanked the team for their hard work in completing projects. President Dube said he would like to see the two objectives continue to meld together.

8. Presenters: Doug Brimeyer, Deputy Chief, Wildlife Division and Dr. Kevin Montieth, Assistant Professor, University of Wyoming. Mule Deer and Pronghorn Research in Wyoming.

Dr. Montieth provided information on mule deer and pronghorn research in Wyoming. He provided details of buck/doe ratio, age and size of bucks, and the effects of hunting. The presentation included current research on ungulate migration including the Rose Petal Hypothesis. Researchers are trying to determine whether migration is learned from mothers, and what the ramifications are of learning to migrate from mothers. He also briefed the Commission on the affect of climate change and drought in regard to moose.

Commissioner Crank said he knows the Wyoming Range Mule Deer Study in coming to a close and asked if there was value in continuing the study. Dr. Montieth felt researchers are at the cusp of understanding the ecology of mule deer. A lot of time, effort and money has been expended in the project and he would like it to come to fruition. The best studies are those over long periods of time, unfortunately that is not always possible. Commissioner Crank also asked about the possibility of conducting a study similar to the Wyoming Range Mule Deer Study in eastern Wyoming. Commissioner Schmid found this presentation very interesting. He thought it would be helpful if Dr. Montieth could present this information at an informal meeting so the public can better understand.

9. Presenters: Doug Brimeyer, Deputy Chief, Wildlife Division and Hall Sawyer, Research Biologist/Project Manager, Western EcoSystems Technology. Migratory Disturbance Thresholds with Mule Deer and Energy Development.

Mr. Sawyer (via telephone) provided the Commission with information on migration distribution thresholds with mule deer and energy development. This study was intended to help the Department better understand the relationship between development and mule deer migration and how much development can migratory corridors withstand. By using GPS-collar data researchers can identify the footprint of the corridor and stopover habitat. Results of the data show that mule deer have rigid migratory behaviors and migratory use sharply declined when surface disturbance exceeded 3%. Future research will concentrate on seasons, species and disturbance types.

10. Presenters: Doug Brimeyer, Deputy Chief, Wildlife Division and Dr. Jarod Merkle, Assistant Professor, University of Wyoming. Analysis of Pronghorn Distribution and Development.

Dr. Merkle (via telephone) provided the Commission with information on how surface disturbance affects pronghorn migration. The purpose of the study is to have a broader understanding of development thresholds. The presentation included information on distribution during winter on the mesa, during migration and in relation to the development of wells. The next steps of the study will be to examine winter migration, different types of development, and how development affects other species. Commissioner Brokaw asked if there was a study in relation to residential areas. Dr. Merkle said studies have been centered around energy development.

It was moved by Commissioner Crank for the budget team to include \$50,000 in the Commission's FY 21 budget to fund research on pronghorn and mule deer distribution and development. The motion was seconded by Commissioner Ladwig. A roll call vote was taken. Motion carried unanimously.

11. Presenter: Ian Tator, Statewide Terrestrial Habitat Manager, Wildlife Division. Aerial Imagery of Cheatgrass.

Mr. Tator provided the Commission with a history of invasive grasses (cheatgrass, medusahead, ventenata) in Wyoming and the devastating effects it has on habitat, livestock, and wildlife. The Department works closely with partners to provide information regarding invasive grasses. Imagery is a very useful tool to map grasses to help in making better decisions for on the ground projects. The goal is to map the entire state using Lidar combined with Color Infrared Imagery data from a project that FEMA completed. The cost of the project is ~\$600,000 and the Commission was asked to provide \$250,000 to get started. WLCI has committed \$40,000 per year for five years. Other funds will come from state, federal and private sources. There was considerable discussion between the Commission and the Department regarding the project, expected outcomes of the project and funding. Commissioner Crank said he was not comfortable supporting this project at this time. There are too many unknowns right now; the Commission needs more information before investing this amount of money.

Public Comments:

Linda Baker (via telephone)

Ms. Baker asked what maps are available for the public. Mr. Tator said we have an assortment of maps but they are not very accurate for mapping invasive annual grasses.

12. Presenters: Dirk Miller, Deputy Chief, Fish Division and Guy Campbell, Culture Section Supervisor, Fish Division. Options for Addressing Problems with Water at the Dubois Hatchery.

Mr. Campbell briefed the Commission on the history water system at the Dubois Fish Hatchery. He also provided information on the current water problems associated with the hatchery. The Department has been in consultation with engineering firms who propose drilling a deeper production well into the Madison formation. Estimates for this project are: hydrology report \$15,000; well drilling \$240,000 (cemented all the way down); and construction management \$35,000 for a total cost of \$295,000. He also discussed filter and UV applications. The Department recommends hiring a hydrologist to develop a hydrology report to evaluate the well and water treatment alternatives. After the report is finalized the Department will be able to present a refined proposal.

It was moved by Commissioner Schmid to approve the Department to hire a hydrologist to complete a hydrology report for the Dubois Hatchery. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Commissioner Rael was not in attendance during the presentation of the agenda item and did not vote. Motion carried unanimously.

13. Presenters: Dirk Miller, Deputy Chief, Fish Division and Guy Campbell, Culture Section Supervisor, Fish Division. Boulder Rearing Station Project.

Mr. Miller briefed the Commission on bids received to complete the Boulder Rearing Station flood mitigation project. The project is intended to address the high biosecurity risks associated with the brood facility and settling pond when water levels are high. This project is included in the approved Commissions FY 2020 budget so no action was needed on the presentation.

14. Presenter: Millissa Raner, General Accounting Manager, Fiscal Division. Preliminary Approval of Specific Projects for the Commission's FY 2021 Budget.

Deputy Director Kennedy presented information on the Commission's FY 2021 budget regarding Department housing. The house at the Auburn Fish Hatchery was built in 1941. The estimate for new construction is \$395,000. There are two warden stations that are in need of being replaced. The Buffalo game warden station was built in 1959. The estimate to buy a new house is \$350,000. The north Gillette game warden station is also in poor condition. Factors involved when identifying houses that need replaced are employee/family health and safety, energy efficiencies, and customer service. Director Nesvik explained the Department has gone decades,

in some cases, without addressing some of the housing issues. There are over 50 game warden stations and close to 50 other housing units across the state. On average a typical house lasts 60-70 years. In order to keep up with housing demands you have to replace a house in each region every year. In 2009, the Commission authorized the Department to include funding each year designated to housing.

Millissa Raner (via telephone) provided a recap of the Commission's FY 2021 budget.

Mule Deer Initiative

Funding for this project was approved in March. No action needed today.

Mule deer and pronghorn research in Wyoming

Funding for this project was approved by the Commission yesterday.

Aerial imagery of cheatgrass

It was moved by Commissioner Schmid to approve funding in the amount of \$250,000 for aerial imagery of cheatgrass. The motion was seconded by Commissioner Rael.

Discussion:

Commissioner Crank does not support this project. The Department needs to find partners for funding.

A roll call vote was taken. Commissioners Schmid, Ladwig, Brokaw, Rael and Byrd voted aye. Commissioner Crank voted nay. Motion carried.

Dubois Hatchery

The Commission approved \$15,000 for a hydrology report earlier in the day.

Department Housing

It was moved by Commissioner Brokaw to approve funding in the amount of \$395,00 for the Auburn Fish Hatchery and \$350,000 for the Buffalo or Gillette game warden station. The motion was seconded by Commissioner Rael. A roll call vote was taken. Motion carried unanimously.

Ms. Raner said she will incorporate these changes into the FY 2021 budget request. The final budget will be presented at the July Commission meeting.

15. Presenter: Meredith Wood, Chief Fiscal Officer, Fiscal Division. FY 2020 Revenue Transfers.

Ms. Wood stated, per Statute, the Commission has the authority to transfer up to 6% of the lifetime license fund balance and the net revenue earned from the sale of alternative enterprise merchandise during the fiscal year into the Commission's operating fund. This amount is estimated to be \$384,900 at the end of May. If the Commission does not transfer the money, it will stay in the lifetime license account. The Commission cannot spend money from the lifetime license account, but the money will earn interest. There was general discussion between the Commission and the Department regarding the accounts.

It was moved by Commissioner Brokaw to approve the transfer of up to 6% of the lifetime license fund balance and the net revenue earned from the sale of alternative enterprise merchandise during the fiscal year into the Commission's operating fund. The motion was seconded by Commissioner Byrd.

Discussion:

Commissioner Crank expressed his concern that money in the operating fund account may not be secure; in these uncertain times the state may need to access these funds. If the funds were left in the lifetime license account they cannot be touched but would still earn interest.

A roll call vote was taken. Commissioner Rael was not in attendance during discussion of this agenda item and did not vote. Commissioners Schmid, Ladwig, Brokaw and Byrd voted aye. Commissioner Crank voted nay. Motion carried.

16. Presenter: John Kennedy, Deputy Director. Cody Regional Office Project.

Deputy Director Kennedy provided the Commission with the cost analysis and schedule for the Cody Regional Office project. T.O. Engineering (via teleconference) helped answer questions. Several options were discussed for providing utilities to the property. Commissioner Crank said he was uncomfortable waiting on a government entity to annex the property. The Commission directed the Department to proceed with Water Option #2 - NRWD and Cistern, Sewer Option #2 - Leach Field, and Power Option #2 - Rocky Mountain Power. There was general discussion regarding the project area, a potential easement and concerns with some adjacent landowners regarding a 2-story structure. Construction is slated from 2/2021-2/2022. Deputy Director Kennedy will be travelling to Cody in May to meet with the affected landowners and other stakeholders to resolve any outstanding issues.

17. Presenter: Scott Edberg, Deputy Chief, Wildlife Division. Damage Claim Appeal #20078.

Mr. Edberg (via telephone) explained on December 5, 2019, Christian Peterson of Crandall Creek Ranch filed a damage claim (Claim #20078) for damages to 18 yearling steers by grizzly bears and gray wolves for a total amount of \$20,856.60. The Department investigated the claim and recommended payment for damages to 6 yearling steers by grizzly bear and gray wolves for a total amount of \$6,952.20. The total difference in payment between Peterson's claim amount and Department's partial payment recommendation is \$13,904.40

Mr. Peterson (via telephone) provided information on his ranching operation and how he calculated damages in the amount of \$20,856.60. He said the Department confirmed six steerlings killed by grizzly bear and gray wolves. He also said there were two additional steerlings that he believes died as a result of grizzly bears. In June they saw a grizzly bear chasing yearlings in the Lodgepole drainage. The next day they found a yearling with a broken leg as a result from being chased and the steer was put down. They also discovered a dead steer with a broken back in the brush in close proximity to a confirmed killing. There were also 10 steerlings that were unaccounted for at the end of the grazing season. Mr. Peterson feels it's unfair to producers that they cannot use the same multiplier for steers that you can use for calves.

Luke Ellsberry (via telephone) explained how the claim was investigated and payment was calculated. He said the Department verified two yearling steers as killed by wolves and four yearling steers as injured by grizzly bears during the 2019 grazing season. In addition, the claimant reported missing 12 yearling steers at the conclusion of the grazing season. The claimant used an unlawful multiplier (3X). Chapter 28 Section 3(a) only allows a multiplier to be used for missing calves and not yearlings. Based on the regulatory requirement, the Department recommended payment for six confirmed yearling steers damaged by grizzly bears and gray wolves for \$6,952.20.

Commissioner Brokaw asked why the other two dead steers were not included in the damage claim. Mr. Ellsberry said the Department was not notified of the steerling with the broken leg and he could not confirm the other steerling was attacked by grizzly bear; it was probably killed by some other sort of predator.

It was moved by Commissioner Crank to compensate for one additional steer for a total amount of \$8,110.90. The motion was seconded by Commissioner Byrd. Commissioner Rael was not in attendance during this agenda item and did not vote. A roll call vote was taken. Motion carried unanimously.

Mr. Peterson thanked the Commission for their consideration and said he will appeal this decision. He also said he would be in contact with the Commission regarding an opportunity in the Sunlight Basin.

18. Presenter: Greg Phipps, Chief, Fiscal Division. License Selling Agent Appointments.

Note: This agenda item was presented on April 20.

19. Presenter: Greg Phipps, Chief, Fiscal Division. License Selling Agent Cancellation.

Mr. Phipps provided the Commission with payment history on Rooch's Marina in Glendo. On September 6, 2019, the license section received approval from Commissioner Crank and Deputy Director Kennedy to suspend Rooch's Marina in Glendo as a license selling agent for failing to submit account payments and the iPOS sales terminal was deactivated. Rooch's Marina has requested a hearing before the Commission.

Ms. Bodily explained late payments were due to a clerical error. They purchased the marina in 2017 along with another partner. In 2018 their partner left the business. Since they were not familiar with the iPOS system, they sent their clerk to Cheyenne for a refresher course. The clerk ran the reports incorrectly which resulted in underpayments. As soon as they became aware of the situation they overnighted the late payments and have corrected their system.

It was moved by Commissioner Brokaw to reinstate Rooch's Marina as a license selling agent. The motion was seconded by Commissioner Ladwig.

Discussion:

Director Nesvik commented the location is very convenient for our constituents.

A roll call vote was taken. Commissioners Schmid, Ladwig, Rael, Brokaw and Byrd voted aye. Commissioner Crank voted nay. Motion carried.

20. Presenters: Dan Thompson, Supervisor, Large Carnivore Section and Brian DeBolt, Conflict Coordinator, Large Carnivore Section, Wildlife Division. Large Carnivore Update.

Note: This agenda item was postponed and will be presented at another Commission meeting.

21. Presenter: Nichole Bjornlie, Nongame Mammal Biologist, Wildlife Division. Request for Swift Fox.

Ms. Bjornlie (via telephone) provided basic information on the ecology of swift fox. Swift fox populations in Wyoming have been expanding in recent years. Swift fox have been extirpated from Fort Belknap. The intent of the translocation is for cultural significance and to connect existing populations. The five year reintroduction effort will include foxes translocated from Wyoming, Colorado, and Kansas. Fort Belknap Indian Reservation, in collaboration with the

Smithsonian Conservation Biology Institute, has developed a reintroduction plan, including a feasibility assessment, implementation protocols, and success monitoring.

Public Comments:

Chamois Andersen, Defenders of Wildlife (via telephone)

Ms. Andersen explained their organization supports the project as it will help in recovery efforts of the Swift fox. Defenders of Wildlife will donate \$20,000 toward radio collars.

Dr. Shila Shamon, Smithsonian Institution (via telephone)

Dr. Shamon provided information regarding trapping and the translocation process of the foxes.

Lisa Robertson, Wyoming Untrapped (via telephone)

Ms. Robertson questioned the type of traps that will be used. Ms. Bjornlie said Ft. Belknap and the Smithsonian Conservation Biology Institute will conduct all trapping. Best management practices will be followed.

It was moved by Commissioner Crank to approve the translocation of Swift fox to Ft. Belknap. The motion was seconded by Commissioner Byrd. A roll call vote was taken. Motion carried unanimously.

22. Presenter: Angi Bruce, Deputy Director, Director's Office. Legislative Update.

Deputy Director Bruce provided the Commission with a summary of the 2020 legislative session. She said this year was a budget session which lasted 24 days. Of the 399 bills filed the Department monitored or tracked 78 bills and 31 bills were enrolled. She briefed the Commission on potential impacts of some of the enrolled bills.

23. Presenter: Rick King, Chief, Wildlife Division. Petition to Amend Chapter 4, Furbearing Animal Trapping Regulation.

Rick King presented two petitions to the Commission regarding Chapter 4, Furbearing Animal Trapping Regulation. Trapping regulation changes are made every three years and aren't scheduled to open for review until 2022; however, Wyoming Untrapped and WY FREE-mont County request the trapping regulation be opened for review this year.

Public Comments:

Lisa Robertson, Wyoming Untrapped (via telephone)

Ms. Robertson explained their organization would like trapping regulations reviewed this year instead of 2022, to address increasing land-use conflicts, specifically in Teton and Fremont Counties. She recommended trapping closures on specific highly used recreation areas.

Karen Zoller, WY TRAP FREE-mont County (via telephone)

Ms. Zoller petitioned the state after her dog was caught and killed in a snare on BLM property. She is advocating for trap-free areas across the state, a ban on spring-loaded snares, trapping area signage, set-backs from public trails, and a 24-hour trap check rule.

Scott Johnson (via telephone)

Mr. Johnson owns a ranch in Wyoming. He recreates on public land with his family and dogs. He does not think the public is aware of trapping on public lands and the risk to children and dogs. He believes public land should be for what the vast majority want.

Whitney Royster (via telephone)

Ms. Royster said trapping on public lands is a safety concern; she supports the petition for review of trapping regulations.

Jack Mercer, President, Quail Creek Airgun Club (via telephone)

President Dube read a statement on behalf of Mr. Mercer who supports trapping and does not support the petition for review of trapping regulations.

Jeff Johnson (via telephone)

Mr. Johnson believes the current regulations are science based and the comments he is hearing are emotional based.

Craig Larson (via telephone)

President Dube read a statement on behalf of Mr. Larson who supports trapping and does not support the petition for review of trapping regulations.

Diana Holcomb, WY TRAP FREE-mont County (via telephone)

Ms. Holcomb said what one person believes to be a safe area to trap another person may believe it to be a safe area to recreate. Their organization is requesting specific high traffic areas in Fremont and Teton County and to be designated trap free. She also requested bans on specific types of traps.

Kenny Broadhead (via telephone)

Mr. Broadhead does not support the petition for review of trapping regulations.

Laramie Wigington (via telephone)

Mr. Wigington believes the trapping regulations are good and does not support the petition for review of trapping regulations.

Christi Chapman (via telephone)

Ms. Chapman is a professional dog trainer in the Pavillion area. She said the public would like designated areas or trap free dates where people can safely recreate without fear for their dogs.

Daniel Vuletich (via telephone)

Mr. Vuletich does not support changing trapping regulations. Trapping is a great management tool; unfortunately, sometimes there are accidents.

Tom Krause, Wyoming State Trappers Association (via telephone)

Mr. Krause does not support the petition for review of the regulation.

Commissioners Byrd and Brokaw do not support the petition for review at this time; additional information is needed.

It was moved by Commissioner Crank to deny the petition to modify trapping regulations contained in Chapter 4, Furbearing Animal Trapping Regulation at this time. He added the Commission needs more input from landowners, weed and pest control as well as the general public. The petitions contain specific recommendations. In order for the Commission to address the recommendations identified in the petitions more information is needed. In addition, the Commission needs to determine if they have statutory authority to make some of these changes. It's important for the Commission to proceed in a thoughtful, deliberate information-based process. They will revisit the issue in July or September. The motion was seconded by Commissioner Schmid.

Discussion:

Commissioner Schmid feels there are two sides to this issue. Currently, one group is regulated and the other is not. He cautions the Department not to be one-sided when making recommendations.

Call for the question. A roll call vote was taken. Motion carried unanimously.

Commissioner Crank said as we move forward through this process we need to be sure all comments and discussions are civil, thoughtful and fact-based. The Commission directed the Department to explore educational opportunities for trappers and the public, contact other parties such as landowners, weed and pest control, recreationists, pet owners and research possible set-back policies, limitations on equipment, signage, authority on public and BLM land.

24. Presenters: Angie Bruce, Deputy Director and Rebekah Fitzgerald, Communications Director, Director's Office. Wildlife Crossing Initiative.

Deputy Director Bruce briefed the Commission on the Wildlife Crossing Initiative. Ms. Fitzgerald (via telephone) provided information on the messaging and marketing of the initiative.

25. Call to the public.

Karen Zoller, WY TRAP-FREEmont County (via telephone)

Ms. Zoller was upset the Commission did not take action on trapping amendments. President Dube said the Commission did not dismiss the issue, they directed the Department to provide more information so the Commission can make an informed decision. Commissioner Crank assured her the Commission will proceed in a thoughtful, intelligent manner once they are presented with all the information.

Director Nesvik closed the meeting by providing additional information regarding the change in regulation for bear bait registration. Due to COVID-19 the Wildlife Division was tasked with implementing an emergency rule for bear bait registration. Previously, hundreds of constituents would camp overnight and stand in line waiting for the Department to open to register bear bait. This year the Wildlife Division took eight days to initiate a process to accept online registrations only. There were 865 sites registered for 496 people. The new procedure went off without a hitch.

He thanked Commissioner Schmid for all his hard work in getting the Wyldlife Fund organized. His work is coming to fruition with the hiring of the Executive Director, Chris McBarnes. Commissioner Schmid said it was a team effort and he is excited to have Mr. McBarnes make a presentation to the Commission; he is hitting the ground running.

Director Nesvik also explained this is the last Commission meeting for DeeDee Hawk as Services Division Chief. After a long and accomplished career with the Department she has announced her decision to retire. DeeDee has spent the majority of her career in Laramie supervising the lab and the team of professionals that have done incredible work for wildlife for several decades. DeeDee has served as the Services Division Chief over the past 2.5 years and has dealt with issues related to Commission-owned lands, IT, major construction projects, conservation engineering and a myriad of other important projects. DeeDee will go back to her roots in the lab and provide the Quality Assurance/Quality Control function for the new accreditation of the lab. There is no one more qualified to provide this service than DeeDee Hawk and her help with this will ensure we set the conditions for a newly accredited lab.

It was moved by Commissioner Ladwig to adjourn the meeting. The motion was seconded by Commissioner Schmid. Motion carried.

The meeting ended at 5:22 p.m.

Peter J. Dube, President