

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

**Tuesday, July 18, 2023**

**Members Present:**

Ralph Brokaw, President	Wyoming Game and Fish Commission
Richard Ladwig, Vice President	Wyoming Game and Fish Commission
Mark Jolovich, Member	Wyoming Game and Fish Commission
Ashlee Lundvall, Member	Wyoming Game and Fish Commission
Rusty Bell, Member	Wyoming Game and Fish Commission
John Masterson, Member	Wyoming Game and Fish Commission
Kenneth Roberts, Member	Wyoming Game and Fish Commission
Brian Nesvik, Member	Wyoming Game and Fish Department

**Staff Present:**

John Kennedy, Angi Bruce, Tod Larson, Nish Goicolea, Richard King, Doug Brimeyer, Craig Smith, Greg Phipps, Meredith Wood, Jennifer Doering, Eric Wiltanger, Sean Bibbey, Roy Weber, Dirk Miller, Roy Bredehoft, Breanna Ball, Corey Johnson, Dan Thompson, Adam Novak, Lee Knox, Shelley Hood, Christina Malessa, Kenneth Mills, Ray Bredehoft, Guy Campbell, Brian Olsen, Martin Hicks, Jesse Niemeir, Ian Tator, Keaton Weber, Kris Holmes, Mike Choma, Stephanie Cralley, Caroline Rosinski, Kevin Spence, Bart Kroger, Dan Smith, Connor Worthen, Matt Withroder, David Ellsworth, Breanna Ball, Roy Weber, Jerry Cowles, Bobby Compton, Steve Gale, Chance Kirkeeng, Nick Edwards, Levi Wood, Hank Edwards, Ryan Amundson, Dave Zafft, Sam Allen, Wayne Cotton, Samuel Jackson, Toni Bell.

**Guests Present:**

Chris McBarnes, WYldlife Fund; Buzz Hettick; Jeff Muratore; Richard Edwards; Angie and Scott Dewey, TMO Hunts; Terry Brant, rancher; Michelle Connel, rancher; Steve Gili; Vince Martinazzi, rancher; Tyler Willis, TCR; Jerry Johnson, Wyoming Department of Agriculture; Alex Volk, outfitter; Shawn Blajszczak, Mule Deer Foundation; Steve Martin, BOW; Jenny DeSarro, WU; Fred Meyer, White Tail Ranch; Meghan Riley, Wyoming Outdoor Council; Representative Jeremy Haroldson, HD 04 Wyoming Legislature; Juan D. Reyes; Jon Keil; Rodger Schroeder; Phil Lorenz, LWD Advisory; Dennis Magnusson; Sam Meade; Ann Meade; Jim Freeburn; Tom Hushbeck; Steve Mitchell.

**Open session began at 9:32 a.m.**

President Brokaw began with the Pledge of Allegiance. He conducted a roll-call attendance to establish a quorum. He provided information on how to participate in the meeting via zoom. Deputy Director Kennedy went through some changes to the agenda.

President Brokaw informed the Commission he needs to leave at 3:00 p.m.

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

**It was moved by Commissioner Bell to approve minutes from the April, May, and June 2023 Commission meetings. The motion was seconded by Commissioner Ladwig. The motion carried unanimously.**

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

Director Nesvik mentioned the Commission tour of the Laramie Peak Area from the previous day and thanked the Laramie Region Game and Fish employees for a well-executed and organized tour.

Director Nesvik reported on the recent Western Association of Fish and Wildlife Agencies (WAFWA) Summer Meeting that he attended along with Commissioners Brokaw and Ladwig and several Game and Fish employees. One of WAFWA's key new initiatives includes elevating WAFWA's involvement with migration corridors, wildlife crossings, and all projects associated with wildlife movement.

Director Nesvik stated that the draft for the elk feedground management has been put out to the public. He encouraged the public to provide feedback to the Department.

Director Nesvik reported on the Sage Grouse Core Area Mapping updates with BLM. The Department's draft map includes changes to the core areas in the state. There have been several public meetings happening statewide.

Director Nesvik said there is a lot of field work going on this summer, collecting data, having extensive interaction with the public, and protecting our waters and resources.

Director Nesvik addressed the BLM Conservation Rule and said that many constituents and the Department have concerns with this rule. Comments were submitted and the Department is tracking this.

Director Nesvik gave an update on the WYldlife Fund. Along with the significant amount of fundraising, the WYldlife Fund has focused on "Inspire a Kid" with Maury Brown Kids' Fishing Day and two camps in Bondurant at Little Jennie Ranch. Little Jennie Ranch sponsors the staff, counselors, and teachers and supplies food. They put on a great program so kids from all over Wyoming and other states have the opportunity to learn about wildlife conservation, camping, etc. Director Nesvik attended both the boys and the girls camps. Governor Gordon attended the boys camp with Director Nesvik. The WYldlife Fund is doing great work.

Commissioner Brokaw commented that his trip to the WAFWA Summer Meeting in Santa Fe was a worthwhile and rewarding experience. He offered Director Nesvik congratulations on being voted the President of that association. Commissioner Ladwig found the meeting to be an interesting experience and stated that people wanted to know what the State of Wyoming's plans are regarding migration corridors.

**3. Presenter: Eric Wiltanger, Chief, Services Division. Employee Housing Project in Jackson.**

Chief Wiltanger provided a brief update on the Employee Housing Project in Jackson. He discussed the budget and GMP (Guaranteed Maximum Price). The overall budget is short by \$231,000. The Department will request \$400,000, which will cover all of the GMP and construction services. \$169,000 will be allocated toward permitting fees. This brings the total overall project budget to \$13.4 million. That amount will be included in the Commission's FY24 budget.

**4. Presenter: Meredith Wood, Chief Financial Officer, Fiscal Division. Final Approval of the Commission's FY 2024 Budget.**

Ms. Wood explained that in March 2023 the Commission provided preliminary approval of the FY 24 budget in the amount of \$98,224,874. She explained there are two components of the budget: 1) The standard budget component and 2) the one-time budget component. She provided a summary of the adjustments (+ \$998,387) since the March meeting and asked for approval of the final FY 24 budget in the amount of \$99,223,261.

**It was moved by Commissioner Ladwig to approve the FY 24 budget in the amount of \$99,223,261. The motion was seconded by Commissioner Jolovich. The motion carried unanimously.**

Ms. Wood provided a summary of the FY 24 one-time projects which totaled \$20,147,956.

President Brokaw asked about the legislation for the State Shooting Complex. Ms. Wood informed President Brokaw that Deputy Director Kennedy was going to speak regarding this. The Commission talked about a combined motion for the total budget then a stand-alone motion to transfer those dollars into the Shooting Complex fund.

Ms. Wood asked the Commission to approve the final FY 24 Commission Budget in the amount of \$99,223,261 and the one-time projects budget in the amount of \$20,147,956 for a grand total of \$119,371,217.

**It was moved by Commissioner Ladwig to approve the revised FY 24 Commission standard budget and one-time budget. The motion was seconded by Commissioner Jolovich. The motion carried unanimously.**

**It was moved by Commissioner Roberts to authorize approval of the transfer of funds in the amount of \$2.5 million to the State Shooting Complex fund. The motion was seconded by Commissioner Bell. The motion carried unanimously.**

Deputy Director John Kennedy thanked the Commission for the approval and work on this budget. He also thanked Ms. Wood and Department employees for their work on the budget. Commission President Brokaw echoed that sentiment.

**5. Presenter: Roy Weber, Lands Branch Chief. Acquisition and/or Disposal of Fee Title and/or Less than Fee Title Property Rights.**

Roy provided the Commission an in-depth presentation on the Dave Johnston Power Plant Public Access Area (PAA) near Glenrock, Converse County. The Commission was asked to vote and provide direction to the Department on this project.

**It was moved by Commissioner Roberts to approve the PacifiCorp 10-year renewal of the Dave Johnston Power Plant near Glenrock, Converse County, Public Access Agreement. The motion was seconded by Commissioner Bell. The motion carried unanimously.**

Roy provided the Commission an in-depth presentation on the new public access area on the North Platte River for a boat launch, parking area, and pedestrian fishing near Glenrock, Converse County. The Department reached out to Converse County about using HB 122 access funds. They reviewed that and supported the project, which allows the Department to use those funds. The Department is requesting approval to spend \$175,000 for the permanent access easement. The Commission was asked to vote and provide direction to the Department on this project.

There was discussion on the public access area north of Glenrock. Commissioner Roberts asked for clarification on the name of the access area. President Brokaw asked if Roy could go through all the access points again in order to show exactly where the proposed Danaher PAA is located. President Brokaw then asked if either the Rabbit Hill or Muddy Bridge are reoccurring easements or permanent access easements. Roy stated they are permanent access easements. President Brokaw stated if the Commission secures the Danaher access then all interests on the Platte River for Glenrock would be secured. Roy confirmed that.

**It was moved by Commissioner Masterson to approve the expenditure of \$175,000 for permanent access easement as described as the Danaher Public Access Area. It was seconded by Commissioner Lundvall. The motion carried unanimously. Commissioner Masterson also stated that any time there is an opportunity to secure permanent access to our rivers, streams, and lands it is important for the Commission to take a hard look at that and take advantage of the opportunities. He thanked the Danaher family for bringing it to them.**

Roy provided the Commission an in-depth presentation on the new public access road and parking area on property owned by Sims Land & Livestock, Inc., near McFadden, Carbon County. The Commission was asked to vote and provide direction to the Department on this project.

President Brokaw asked if there could be access where the abandoned county road and State Highway meet. He also noted that when the county abandoned, the road the bridge was removed, giving some access but it is limited and the highway is unsafe, so this proposed parking area would provide more opportunity to sportsmen.

The Department recommends this public access area for the 5-year term near McFadden.

**It was moved by Commissioner Bell to acquire the 5-year easement from Sims Land and Livestock Company with an estimated construction cost of \$10,000 and ongoing maintenance costs of \$2,000 per year. It was seconded by Commissioner Roberts.**

Discussion:

President Brokaw asked for clarification on the \$10,000 start-up cost for the parking area, fence, and signage with no comfort area. Roy confirmed that is the plan.

**The motion carried unanimously.**

Roy Weber provided the Commission with a summary on the FY 2023 HB 122 Access Funds. The Ellis Ranch Acquisition (now known as Ellis Wildlife Habitat Management Area [WHMA]) totaled \$3,450,000, with \$1,000,000 to be transferred from the HB 122 Access Account. The Pitcher-Brokaw Access Easement totaled \$375,549.14; \$225,549.14 will be transferred from the HB 122 Access Account to be spent on the project. The Commission supported the Department's plan for using the Access Account for these projects.

## **6. Awards, Recognition, Donations.**

Department Awards:

Sarah Reichart was presented with the Service Division Employee of the Year Award.

Ian Tator was presented with the Wildlife Division Employee of the Year Award.

Christina Malissa was presented with the Fiscal Division Employee of the Year Award

Deputy Chief Dirk Miller announced that Josh Leonard was selected as the Fish Division Employee of the Year. Josh was not present at the meeting but will receive his award at a future meeting.

Chief Goicolea announced that Chris Martin was selected as the Communications and Education Division Employee of the Year but was not present at the meeting.

The Saratoga Lake Team (Breanna Ball, Gary Compton, Jerry Cowles, Nick Edwards, Steve Gale, Robin Kepell, Chance Kirking, Matt Withroder, and Levi Wood) was presented with the Team of the Year Award.

Kris Holmes was presented with the Valor Award. This nomination is for his selfless and heroic action that took place on September 15, 2022.

Dan Smith was presented the Outstanding Leadership Award.

Hank Edwards and Bart Kroger were each presented with the Lifetime Achievement Award.

Director Nesvik also announced that Hank Edwards received the WAFWA Philip Schneider Lifetime Achievement Award, which is that association's highest award. Kevin Spence was presented with the Director's Award.

President Brokaw congratulated all the award recipients and asked them to stay for pictures and lunch.

**7. Presenters: Hank Edwards, Wildlife Laboratory Supervisor; Dr. Samantha Allen, Martin Hicks, Wildlife Management Coordinator, Laramie Region, Wildlife Division. Chronic Wasting Disease.**

Hank Edwards provided the Commission with the 2022 surveillance update on chronic wasting disease and information on adaptive management options.

Dr. Sam Allen presented the Commission with information regarding CWD research and provided an update on RT-QuIC (Reverse Transcriptase Quaking-Induced Conversion), a molecular test. She explained the process of RT-QuIC testing and the importance of using it as well as the challenges associated with it. Dr. Allen updated the Commission on the prion shedding dynamics, the ante mortem testing, and the bobcat scavenging projects. She informed the Commission that people are always welcome to call, email, or come visit and talk to our employees.

Martin Hicks, Wildlife Management Coordinator, Laramie Region, updated the Commission on the work that the regional staff and public have done regarding CWD in the Laramie Mountains Mule Deer Herd unit in hunt areas 59, 60, and 64. Martin participated with a local working group made up of 11 people from diverse backgrounds (agriculture community, hunters, taxidermist, outfitters, and sportspersons). Members of the local working group are Dr. Willard Woods, Jim Freeburn, Ron Nelson, Sam and Anne Meads, Tom Rohushbeck, Kyle Wilson, Phil Lorenz, Tad Marshall, Frank Miller, and Michelle Connell. The group was charged with providing recommendations to implement components of the CWD plan to the Department. The goal is to identify ways to reduce prevalence in this herd by getting input from local participants. Mr. Hicks explained that the local working group put in a lot of time and dedication to work with the Department on this process. Department employees Keaton Weber, David Ellsworth, Robin Keppel, and Breanna Ball also assisted with guiding and facilitating this process with the working group. Mr. Hicks outlined the management strategies. Education and outreach had full support. The group supported the Commission funding more research in this herd. The group fully supported working with agencies to reduce the sources of concentration. The group didn't feel comfortable recommending management strategies to address hot spots (places where there is higher prevalence of CWD). The Department wants to be sensitive to that. Hunter management strategies consumed most of the discussion time with this group and not everyone supported adopting season setting strategies to reduce prevalence. The group decided to take a late season hunting proposal for the Laramie Mountain region and will work with the regional managers and public to come up with that proposal to address older age class deer.

President Brokaw commended Martin Hicks for working with stakeholders on this difficult situation.

Commissioner Masterson stated he appreciates the professional work that Hank and Dr. Allen have been doing. He asked what the Commission could do with this data for the Department. Hank responded that the Commission could bring awareness to these herds and bring in a management plan. The Department could identify “hot spots” and work with landowners to find solutions. The Commission could try to implement some of these things with the season setting structure.

Commissioner Bell asked if they would recommend more surveillance or a management plan being done in areas of low prevalence of CWD. Dr. Allen replied setting up management plans now so the Department is ready to act can be successful. Hank Edwards stated that CWD management has multiple options. Commissioner Brokaw agrees with Hank but asked if we remove the older age class population of the herd, how is that going to reduce infection within the herd because there will still be infected yearlings and other deer that aren’t harvested that will be exposed to other females. Hank responded that we aren’t solving the problem but are doing what we can to reduce the prevalence; we are limiting transmission.

Commissioner Ladwig asked what can be done about disinfecting the earth since prions can live up to 16 years. Hank answered there’s nothing that can be done. This is where working with landowners could be beneficial. We need to brainstorm with the landowners and identify some of the hot spots to try and minimize environmental transmission.

Commissioner Roberts stated it will be a “tough sell” for him when it comes to issuing late season tags for hunting mature bucks.

#### Public Comments:

Representative Jeremy Haroldson

Representative Haroldson stated that he doesn’t support a late season hunt for mule deer. CWD in this area is significant. He believes the Department should stop selling doe deer licenses and manage the predators.

John Keil, Outfitter

Mr. Keil agrees with Representative Haroldson. He questioned some of the research on CWD. Hank Edwards clarified that they find “hot spots” in various places.

Richard Edwards

Mr. Edwards stated that he has experience with CWD. He wanted to be on the task force but wasn’t selected.

Jim Freeburn, Fort Laramie

Mr. Freeburn stated that he does not support a late hunting season for mule deer bucks. He doesn’t believe there is complete information from the working group and would like more data.

Juan D. Reyes

Mr. Reyes would like to wait until all the data comes in before making a decision. He thinks the Department should get rid of the excess elk and that it would be a mistake to increase the length of the season.

Jeff Muratore

Mr. Muratore stated that he doesn't support a late season hunt in the Laramie Range and places where CWD is prevalent. He appreciates the process and the fact the Commission listens to public comments.

Buzz Hettick

Mr. Hettick agreed with Mr. Freeburn. He believes the Department should work on things that the public supports and asked that more time be taken before we negatively impact mule deer. The Department should work on the things that can be done and leave the hunting seasons as they are.

Rodger Schroeder

Mr. Schroeder agreed with Mr. Freeburn and said he is opposed to a late season and harvesting bucks and believes the focus should be on predators.

**8. Presenter: Lee Knox, Wildlife Biologist, Wildlife Division. Pronghorn History and Management.**

Doug Brimeyer, Deputy Chief, Wildlife Division, acknowledged Rich Genzel, a former manager, who has helped enhance Wyoming's monitoring techniques. He stated that a couple members of the Pronghorn Working Group were in the audience. Lee Knox is the chairman of the working group. Kevin Spence and Bart Kroger are also part of that group and are available for questions.

Mr. Knox provided a presentation on pronghorn history and management in Wyoming.

Commissioner Roberts asked if Mr. Knox could expand his explanation on the twinning of Pronghorn. Lee stated that it depends on how good the conditions are on the landscape in order to get them to the six-month period. He found that 94-98% of Pronghorn births are twins. He stated since conditions have been good this year, fawn survival should increase so the population will recover quickly.

President Brokaw asked if there are habitat projects that can be done to increase Pronghorn habitat. Mr. Knox said the habitat projects done for mule deer and sage grouse work well for Pronghorn. Distance to water, especially during the fawning period, is critical to their survival. Pronghorn can jump fences but prefer not to, so smooth wire fences would be helpful.

**9. Presenter: Craig Smith, Deputy Chief, Wildlife Division. Chapter 22.**

Deputy Chief Smith gave a quick summary of the changes in the regulation, most of which are based on U.S. Coast Guard rule changes, definitions, and the like. These are basically



administrative changes to be consistent with other states and will not affect boating in Wyoming lakes.

**It was moved by Commissioner Roberts to accept the revised Chapter 22, Watercraft Regulation. It was seconded by Commissioner Bell. The motion carried unanimously, with Commissioner Masterson voting aye via Zoom.**

Since President Brokaw was leaving early, he turned the meeting over to Commissioner Ladwig for due diligence and time.

**10. Presenters: Jennifer Doering, License Section Manager, Fiscal Division and Doug Brimeyer, Deputy Chief, Wildlife Division. Chapter 44.**

Jennifer Doering presented the Commission with the background on Nonresident Elk License Allocation and explained the Chapter 44 Regulation changes. Ms. Doering turned over the remaining presentation to Doug Brimeyer. Deputy Chief Brimeyer briefly explained the public process and summarized the comments received and the Department's response.

Commissioner Bell asked if this only relates to the super tag draw. The Commission had a previous discussion about black bear and mountain lion still having an open quota so it's not "super" because it can't be used statewide. Commissioner Bell stated that he is conflicted on this regarding taxidermists being issued a license by electronic license system (ELS) and that it is rare to get that before the first of the year. Commissioner Bell is wondering how taxidermist licenses are obtained electronically. Ms. Doering responded that once the taxidermist submits the paperwork to the Department, the license is issued through the electronic license system. A taxidermist cannot renew online or at a local licensed selling agent. Commissioner Bell asked if there was any way to correct that issue. Ms. Doering stated that the Department could mail renewal applications out earlier but cautioned that as people might think they are getting their license for the current year. Director Nesvik clarified that there are some taxidermists that are operating without a license, through no fault of their own, because the system doesn't give them a license by January 1<sup>st</sup>. That issue needs to be resolved. Commissioner Bell agreed and said it would be easier for a licensed taxidermist to be able to take the renewal form to any ELS so they would have it before January 1<sup>st</sup>. He stated that this is something that the Department should be able to remedy. Ms. Doering explained that the Department will make note of how to better streamline the process.

Commissioner Masterson asked about the three regions. They seem drastically different. He questioned whether the 13 regions made more sense. Doug responded that the Department wanted to maintain some management flexibility while being sensitive to the demand from non-residents. Smaller regions would increase demand and the number of preference points for regions in Western Wyoming would likely increase significantly. The Department felt the general license could be maintained on a larger scale and that is why three non-resident elk regions were recommended. Director Nesvik reiterated the more regions you have the more complex it is. The Department thought starting more simple would be better with an opportunity to make modifications in the future.

Public Comments:

Steve Gili

Mr. Gili stated that he is not in favor of removing the cap. He stated this proposal will generate more non-resident general elk tags.

Buzz Hettick, Laramie

Mr. Hettick agreed with Mr. Gili and stated that the Commission shouldn't move away from 7250 cap and thinks 13 regions would be better.

Jeff Muratore

Mr. Muratore agreed with Mr. Hettick and Mr. Gili.

**It was moved by Commissioner Roberts to approve the revised Chapter 44, Regulation for Issuance of Licenses, Permits, Stamps, Tags, Preference Points and Competitive Raffle Chances. It was seconded by Commissioner Bell.**

Commissioner Masterson stated that he is struggling with this because of the amount of public comments against this. He wanted to express his concerns with changing to three non-resident regions for elk and wanted some input from the other Commissioners before he votes.

Commissioner Bell responded saying that he doesn't think there is a perfect way to resolve this issue but it gives us a platform to get better. He supports this.

Commissioner Jolovich stated the Commission should try it. It was recommended by the Task Force. If it doesn't work, the Commission can change it.

Commissioner Masterson responded that he will vote in favor of it because it is a recommendation from the Task Force with the knowledge that this will be an ongoing process.

**The motion carried (Commissioner Brokaw absent).**

**11. Presenters: Dan Thompson, Large Carnivore Supervisor and Ken Mills, Large Carnivore Biologist/Gray Wolf Specialist, Wildlife Division. Chapter 47, Gray Wolf Hunting Seasons. .**

Ken Mills presented the Commission with data and a summary presentation of the proposed edits to Chapter 47. All of the specific edits to these regulations are outlined in the Statement of Reasons and draft regulation documents. The Commission was asked to vote to approve the revised Chapter 47, Gray Wolf Hunting Seasons.

Commissioner Bell asked if in the 27 packs there is a breeding pair in each of those packs. Mr. Mills responded that a "breeding pair" requires two pups to be born and survive.

Director Nesvik pointed out that it is not normal to have a particular species managed so tightly and that Ken has been able to calculate this within a couple wolves and has met the objective every year. He stated this is a model of what wildlife management looks like on a delisted population. Ken and his team do a phenomenal job on this and their work is very much appreciated.

**Commissioner Bell moved to approve the revised Chapter 47, Gray Wolf Hunting Seasons. Commissioner Lundvall seconded the motion. The motion carried (Commissioner Brokaw absent).**

**12. Presenters: John Kennedy, Deputy Director and Jerry Johnson, Predator Management Coordinator, Department of Agriculture. Animal Damage Management Board Projects.**

Deputy Director Kennedy introduced Jerry Johnson to the Commission. Mr. Johnson gave a brief summary of the Animal Damage Management Board projects that are in need of funding. The Department recommends the Commission vote to approve the projects selected for funding by the Animal Damage Management Board and allocate \$200,000 to the Board to accomplish those projects.

**It was moved by Commissioner Bell to approve the projects listed for funding by the Animal Damage Management Board. It was seconded by Commissioner Lundvall. The motion carried unanimously, with Commissioner Masterson voting aye via Zoom. (Commissioner Brokaw absent).**

Director Nesvik informed the Commission that Commissioner Ladwig is on the ADMB.

**13. Presenter: Dave Zafft, Fisheries Management Coordinator, Fish Division. Chapter 46.**

Dave Zafft presented the Commission with the proposed changes to 2024 fishing regulations. The Commission was asked to approve the Chapter 46 regulations as proposed.

Commissioner Bell asked for clarification that State law is only for game fish and although bow hunting is legal, it is only allowed for non-game fish only. Mr. Zafft stated there are no regulations pertaining to bow fishing in Chapter 46. Fishing contests are regulated for a number of reasons to ensure that resources and infrastructure like boat ramps and parking areas aren't overly strained, to be prepared to conduct AIS inspections, and to enforce regulations.

Commissioner Roberts asked if the Commission would be on board to allow the Department more discernment to take action. Director Nesvik responded that the Department could look at the benefits of this. He stated the majority of public comments dealt with proper disposal of carp. Mr. Zafft stated there is no reason to regulate bow fishing. Commissioner Bell stated that he thinks the bow hunting fishing group would accept being regulated and identified as a sport. Commissioner Bell asked for clarification on the definition of brook trout and lake trout and the

creel limits. Mr. Zafft replied that there is a definition at the top of the regulation that excludes brook trout and lake trout.

Commissioner Roberts asked the Commission to direct the Department to explore an option to initiate legislative changes to place bow fishing under the guidance of the Department's regulations. Commissioner Roberts stated it would help with how these tournaments are held and provide more management tools. Commissioner Bell responded that it might not be as easy as it sounds to get it through the legislative process. Director Nesvik stated the Department could look at doing this but it would be from a perspective of what benefits and best serves the public. The Department would also look at the goals and objectives. Commissioner Bell stated that one of the benefits would be clarifying fish disposal. Mr. Zafft explained there already is a State Statute; however, Game and Fish wardens are not able to enforce this. There was more discussion on bow fishing tournaments and how they are run.

**It was moved by Commissioner Roberts to approve Chapter 46, Fishing Regulations in its revision as presented. It was seconded by Commissioner Bell. The motion passed unanimously. (Commissioner Brokaw absent).**

**14. Presenter: Jennifer Doering, License Section Manager, Fiscal Division. License Selling Agent Appointments.**

Jennifer Doering presented the following applications and asked the Commission to vote to approve a new license selling agent, Altitude Outdoors, LLC, and the transfer of Reach Cast Enterprises, LLC dba North Fork Anglers, Cody, WY. North Fork Anglers sales in 2022 were \$35,281

**It was moved by Commissioner Lundvall to approve Altitude Outdoors, LLC, Afton, WY, a new license selling agent and the transfer of Reach Cast Enterprises, LLC dba North Fork Anglers, Cody, WY. It was seconded by Commissioner Jolovich. The motion carried (Commissioner Brokaw absent).**

**15. Presenter: Ray Bredehoff, Habitat and Access Branch Chief, Services Division. Grayrocks Public Access Area.**

Ray provided information to the Commission on the Grayrocks Public Access Area and the possible transfer of management to Wyoming State Parks.

Director Nesvik explained that as of now the Department is responsible for enforcement, but wardens get overloaded with the crowded park and spend more time being a park ranger than a game warden. This is the reason why the Department started the process. The Department didn't realize this process would be lengthy.

Ray emphasized that Basin Electric has been cooperative and believes in making this area better and safer for the public.

Commissioner Ladwig asked about the delay until 2025 and if the site criteria would still be valid until that time. Ray stated it is still valid.

Commissioner Roberts would like to hear from Basin Electric.

Basin Electric explained that this will be a slow process. The past 7-8 years have been challenged with overcrowding by the public in this area. Basin Electric is supportive of this project and talked about the importance of thinking long-term when the power plant is no longer operating.

Commissioner Ladwig questioned why this is taking so long. Director Nesvik replied that this isn't a high priority for the State Parks and Cultural Resources Department, but they are at least going through the process.

**16. Presenter: Nish Goicolea, Chief, Communications and Education Division. Education Programs Update.**

Chief Goicolea provided an update on the education programs and collaborations. Because of the collaboration efforts between the Department, the State Superintendent of Public Instruction, the Wyoming Department of Education, the State Board of Education, and the Professional Teaching Standards Board, the Game and Fish programs are aligned with the educational standards. More information can be found on the Department's website about the education programs. The Department is working to launch several new pilot programs this fall with schools.

Director Nesvik confirmed to the Commission the importance of partnering with the State Board of Education and is impressed with Chief Goicolea and her division's efforts. The Commission thanked the Communications and Education Division.

Commissioner Bell stated he likes where the Department is going with this and thanked Chief Goicolea for all the work on this.

**17. Chris McBarnes, WYldlife Fund.**

Chris McBarnes reported that The WYldlife Fund held successful Inspire a Kid Camps this past June at the Little Jennie Ranch in Bondurant. Mr. McBarnes thanked the Hamlin Family, Commissioner Ashlee Lundvall, Director Nesvik, and the Department for their support in making this possible. There were 19 young men who attended the first camp. These campers were from across Wyoming, California, and New Jersey. The second camp was attended by 15 young women.

The WYldlife Fund also held the second successful Maury Brown Kids Fishing Day. Over 230 kids attended this fishing day at the Iron Mountain Ranch. This day would not have been possible without the support of Maury Brown, the Wyoming Game and Fish Department, and Commissioner Mark Jolovich. Every child who attended received a fully stocked tackle box and fishing pole thanks to our partners at Bass Pro Shops and Cabela's. Mr. McBarnes also thanked the First Northern Bank of Wyoming as a Corporate Sponsor of the event.

Mr. McBarnes reported that The WYldlife Fund has been very engaged in the HWY189 Wildlife Crossing grant through the federal Wildlife Crossing Pilot Program, working in tandem with the Wyoming Game and Fish Department and Wyoming Department of Transportation. He stated that The Fund had raised \$916,000 with the help of several partners across the state. A lead gift of \$600,000 was made by the Knobloch Family Foundation.

Mr. McBarnes reported that a generous donor has established the Wyoming Wildlife Heritage Fund at the amount of \$20,000. This is the start of a long term corpus for The WYldlife Fund.

Mr. McBarnes reported that The Fund and Muley Fanatic Foundation were gearing up for the 3rd Annual Golf For Wildlife Outing at the Buffalo Golf Course on August 5th. 100% of net proceeds raised will go towards wildlife crossing projects.

Mr. McBarnes updated the Commission on Inspire a Kid efforts, fundraising, and the creation of the Wyoming WYldlife Heritage Fund.

Director Nesvik commented that Mr. McBarnes and the Game and Fish red-shirt employees are an excellent example of the goal of the Inspire a Kid initiative and presented Mr. McBarnes with a Challenge Coin.

### **18. Call to the public.**

Alex Volk, Hawk Springs (Wyoming resident and ranch owner)

Mr. Volk brought up the predator control concept. He explained to the Commission that he owns a helicopter service in Texas and helps stock growers by allowing them to aerial hunt coyotes with paying customers. Mr. Volk would appreciate it if the Commission would consider this concept in Wyoming.

Director Nesvik clarified that the Commission and the Department do not have authority over coyotes or aerial hunting and believes most of this is administered by the Department of Agriculture. It is out of the scope of the Game and Fish Commission

Mr. Volk stated that the Department of Agriculture doesn't have a problem with it. He went on to explain that the Texas Game and Fish Department sells 5-day season tickets for hunters to fly in a helicopter to hunt. He would like to get everyone on the same page and look at the legality of it and explore the possibility of setting this up in Wyoming.

Director Nesvik reiterated that this Commission doesn't have the authority and we don't have interest in regulating coyotes as it falls under the Department of Agriculture.

**It was moved by Commissioner Roberts to adjourn the meeting. It was seconded by Commissioner Lundvall. The motion passed unanimously (Commissioner Brokaw being absent.)**

**The meeting ended at 5:45 p.m.**

**Wednesday, July 19, 2023**

**Members Present:**

Ralph Brokaw, President  
Richard Ladwig, Vice President  
Mark Jolovich, Member  
Ashlee Lundvall, Member  
Rusty Bell, Member  
John Masterson, Member  
Kenneth Roberts, Member  
Brian Nesvik, Member

Wyoming Game and Fish Commission  
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Wyoming Game and Fish Department

**Staff Present:**

John Kennedy, Angi Bruce, Tod Larson, Nish Goicolea, Richard King, Doug Brimeyer, Craig Smith, Greg Phipps, Sean Bibbey, Eric Wiltanger, Dirk Miller, Breanna Ball, Caroline Rosinski, Adam Novak, Martin Hicks, David Ellsworth, Keaton Weber, Jesse Niemeir, Matt Withroder, Wayne Cotton, Samuel Jackson, Toni Bell.

**Guests Present:**

Pat Crank; Myron Wakkuri; Michelle Connell and Fred Meyer, White Tail Ranch; Jim Magagna, Wyoming Stock Growers Association; Jenny DeSarro, Wyoming Untrapped; Chris McBarnes, The WYldlife Fund.

**Open Session Workshop began at 7:58 a.m.**

President Brokaw opened the meeting by talking about the public work session to discuss landowner licenses. The Commission hopes to provide direction to the Department in the near future.

Director Nesvik introduced Adam Novak, a Fellow in the Fellowship Program through the University of Wyoming. Adam is interested in the business side of the Game and Fish Department.

Director Nesvik gave a brief history of landowner licenses. He stated that there is no expectation for the Commission to make decisions today but rather to have a discussion on this topic and decide what direction the Commission wants to provide the Department. Director Nesvik noted that Commissioner Bell served on the Wildlife Task Force as did Pat Crank, who was in the audience. Mr. Jim Magagna, from the Wyoming Stock Growers Association, provided some written recommendations to the Task Force and was also in the audience.

Commissioner Bell provided his perspective as a member of the Wildlife Task Force. He explained the number of Landowner Licenses being issued in each area. Commissioner Bell acknowledged Mr. Pat Crank and Mr. Jim Magagna in the audience and thanked them for attending.

Commissioner Bell stated that the Task Force also had a sub-committee that brought information back to the Task Force. Commissioner Bell thanked the Department for putting this topic on the agenda and he also thanked Pat Crank and Jim Magagna for attending this meeting.

**19. Presenters: Fiscal Division and Wildlife Division. Landowner Licenses.**

Dan Smith, Cody Region Wildlife Supervisor, presented the Commission with landowner license issuance information. Mr. Smith explained the statutory authority, the Commission regulation, landowner definitions, and the requirements and processes to acquire and maintain a landowner license. He provided data on the Department's landowner license issuance from 2008-2023 for pronghorn, deer, and elk. He also addressed the issues and concerns of sportsmen, landowners, and the Department.

Commissioner Roberts asked why landowners have to apply for a license in their area but get to hunt the entire area rather than just their property. Dan Smith answered that some of the animals aren't there during the hunting season.

Jennifer Doering, License Section Manager, Fiscal Division, presented the Commission with additional information on landowner licenses.

Ms. Doering provided data on resident and non-resident landowner licenses for antelope, deer, and elk and stated there are more landowner licenses than quota. She provided the Commissioners charts that show every hunt area and license type along with the number of licenses issued.

Commissioner Bell asked if there is a way to find out how many white tail versus mule deer landowner licenses are issued.

Commissioner Bell thanked Ms. Doering and the Department for all the work they have done in this area. He asked if there was a way to automatically lock a particular area once the landowner draw hits 100% of the quota. Ms. Doering stated that the system cannot do that because the application period for landowners is open at the same time as resident and non-resident hunters.

President Brokaw would like to focus the discussion review on the five items that the Task Force recommends, along with the Stock Growers' recommendations. Director Nesvik stated there are a couple of items that don't fit into those categories that the Task Force considered but didn't recommend and that the Stock Growers didn't recommend but there was other public comment that needs to be considered. President Brokaw agreed.

Craig Smith, Deputy Chief, Wildlife Division, presented Commission Landowner License Recommendations from the Wildlife Task Force.

Deputy Chief Smith explained statutory authority and the current Chapter 44, Section 8 Landowner Licenses regulation to the Commission. He presented the Wyoming Wildlife Task Force recommendations in detail to the Commission.



**1<sup>st</sup> Task Force Recommendation:** “Landowner Applicant” means an individual, or a member of the “Landowner Applicant’s Immediate Family” who either owns real property solely or jointly with other individuals or who holds a “Significant Interest” in a corporation, partnership, trust or limited liability company, which owns real property. “Significant Interest” means ownership of Twenty Percent (20%) or more of a corporation, partnership, or limited liability company.

Director Nesvik explained that under the existing regulation, a landowner who owns 100% of the land qualifies for two licenses as does someone who owns one share in a corporation that owns a parcel of land. One proposal from the Wyoming Wildlife Task Force is to modify existing regulation to require an applicant to own a significant interest in a qualifying parcel of land in order to qualify as a landowner applicant.. Director Nesvik said that since this is a work session and some of the key people who were involved in the Task Force are present, the Commission should hear input as the recommendations are presented.

Commissioner Bell commented that some landowners receive a lot of licenses because they have a large amount of land and it’s divided into different parts. He would like to know if there is data that shows how many of those licenses are going to landowners who own less than 1% of the company. He stated that there was a lot of discussion on the Task Force about the 20% number. The purpose of this decision was not to add additional landowner tags through a corporation inside the boundaries of a ranch.

President Brokaw agreed to include public comment as the recommendations are presented. He needs clarification on the 20% figure. The definition of landowner applicant’s immediate family includes spouse, children, genetic lineage or significant other interest to gain a percentage of a corporation. Significant interest needs to be defined to meet the 20% bar. President Brokaw invited Mr. Pat Crank to provide input as a member of the subcommittee of the Task Force.

#### Public Comments:

Pat Crank, member of the Wildlife Task Force

Mr. Crank gave the Commission more details of how this recommendation was agreed upon. He supports landowner licenses but thinks some things need to be changed so there isn’t abuse to the system. Mr. Crank provided several examples of abuse that he has seen.

Fred Meyer, landowner

Mr. Meyer stated that this landowner policy and process are wrong. He stated that LLC’s are also for family operations. He believes the process needs to be simplified by allocating landowner tags based on what they are providing. Landowner tags should go to landowners. He suggested simplifying the system by making it more like an individual-operation business.

Jim Magagna, WSGA

Mr. Magagna stated that he thinks the percentage is a little high. The challenge he sees is family vs. interest holders. He suggested adding another sentence “This significant interest requirement shall not apply to immediate family members of the current owner or to family members of the immediate preceding owner who maintain an interest in the ranch.”

**2<sup>nd</sup> Recommendation from Task Force.** Purchasing or subdividing lands for the sole purpose of taking landowner licenses. This was to make sure landowner licenses are allocated to agricultural operations and provided incentives for continuing agricultural operations and disincentivizing subdivision and depletion of wildlife habitat.

Commissioner Bell commented that the language for what real estate is used for when it is sold needs to be bolstered. The Task Force was trying to curtail this.

President Brokaw stated that in his discussions with landowners, they favor this. He agrees with this concept and believes the definition of “landowner” needs to be clear.

Director Nesvik stated the Task Force discussion focused on the “use of the land” versus the individual.

Mr. Crank said this was discussed by the Task Force to address two problems: 1) Real estate companies who market property with the lure of hunting landowner licenses. The Task Force tried to define this. Part A prohibits subdividing into parcels and is not used for agricultural operation. Part B includes lands purchased for the purpose of subdividing into parcels. The Task Force recommends adding new language to define the term “lands purchased for subdividing for the primary purpose of obtaining landowner licenses” because this definition doesn’t exist.

Commissioner Roberts asked if the land is leased to work as an agricultural unit. Mr. Crank said the landowner would still qualify.

Public Comments:

Fred Meyer

Mr. Meyer stated that the Commission is trying to form a conservation program. He thinks it could be based on the animal units and the licenses. He said the Fifth Amendment is going to be an issue on this matter.

Jim Magagna

Mr. Magagna stated that in order to qualify, the landowner furnishes a copy of their land assessment according to county assessor records.

President Brokaw agreed with Mr. Magagna. He stated that qualified applicants can be identified early on by providing a tax exempt form proving agricultural production.

**3<sup>rd</sup> Task Force Recommendation.** Instituting a 20% cap for landowner licenses within any hunt area.

President Brokaw wanted to concentrate the discussion on the intent of landowner licenses being a reward for providing good habitat not as a reward in lieu of damages. He thinks a cap is not equitable in the hunt area.

Commissioner Roberts supports a cap but wants to make sure sportsmen are part of this equation.

Commissioner Bell stated the Task Force had considerable discussion on the percentage and that's why they came up with the 20%. He thinks that landowners who didn't draw one year should get a preference the next year. Commissioner Brokaw agreed.

Commissioner Lundvall asked how this would affect the Licensing Division. Jennifer Doering said the current license draw systems are extremely complicated. This would be an additional step and would complicate the already complex system. It is doable and the Department's programmers can do what the Commission approves.

Pat Crank

Mr. Crank suggested a cap be set. The interest has to be balanced. He stated that Tod Larson did a great job outlining the process that the Task Force took with this step.

Fred Meyer

Mr. Meyer stated that landowner licenses should be for the individual's land.

Commissioner Bell stated the Task Force had a significant discussion on that issue and he stated that the majority of landowners were against landowners getting licenses for their lands, many times, animals are impacting private lands during the times when hunting seasons are closed, such as summer and late winter.

Jim Magagna

Mr. Magagna strongly disagreed with the 20% cap. He suggested that either the Commission or Department has the ability to establish a cap of licenses given to landowners in a certain area.

Commissioner Bell said if there are new limited quota areas in the future, a cap on certain landowner licenses makes it easier.

Commissioner Lundvall asked for clarification on capping resident and non-resident licenses. Ms. Doering responded that both resident and non-resident licenses have a cap of 10% of their quota. She stated that each area would have their own quota based on 25% of resident or non-resident licenses and setting the caps before the draw could be done. Commissioner Lundvall asked how many times landowner licenses take all the antelope licenses. Ms. Doering clarified based on the data she provided to the Commission.

**4<sup>th</sup> Task Force Recommendation.** The Department will review the requirements at least every 5 years. In some places this is not needed but in others it is required. Landowners would provide proof of animal-use day.

President Brokaw agreed there should be this requirement but wanted to know how that would be accomplished.

Commissioner Bell stated that in some places this will be easy for the Department to accomplish. He stated that putting some responsibility on landowners to provide documentation would be helpful.

President Brokaw agreed there needs to be a stop check on this.

**5<sup>th</sup> Task Force Recommendation.** Make it a Department policy to review the properties every five (5) years.

President Brokaw stated it is not the Commission's intent to overwork the game wardens.

Pat Crank

Mr. Crank stated that the process used to qualify for a landowner license was not very specific. The Department needs to follow the 5-year review more seriously. Mr. Crank urged the Commission to make sure the people in the field have support to do their job accurately and avoid public perception.

Fred Meyer

Mr. Meyer said the Commission shouldn't be concerned with increasing landowner permits. He believes it should be based on what the landowner is providing. Although he realizes his opinion is not popular, he thinks the landowner licenses need to be tied directly to the land.

Jim Magagna

Mr. Magagna said he is concerned that too much burden is put on the landowner. He agrees with the 5-year review. He stated using the word "documentation" causes him concern. The landowner should work with the Department, but the Department should take on some of the responsibility of documentation. Instead of the landowner having to show proof every five (5) years, the game warden could recertify every five (5) years that the landowner qualifies. If the Department is rewarding the landowner for providing habitat to the wildlife it shouldn't be punishing them with an undue amount of documentation to prove they're providing that habitat.

Director Nesvik stated the Department needs direction on whether or not to move forward to having more formalized proposals regarding recommendations from the Task Force and secondly we need to consider the things discussed by the Task Force but not recommended.

Jim Magagna

Mr. Magagna gave a summary of his key recommendations:

- A minimum of 160 acres and have the number of landowner licenses be a reflection of that acreage.
- Encourage the Department to consider a "qualified employee" to receive one of those landowners licenses. Mr. Magagna feels strongly about this.
- Broaden the number of entities that landowners can donate a license to include a non-profit entity operating in the State of Wyoming 501(3)(c).

Commissioner Bell stated that outfitters and landowners bring in the hunters. We are trying to tighten up the landowner license issuing, issuing fewer licenses. If the amount of licenses is capped on any given area, then the expansion would happen for people to get them. A cap limits the sportsmen's issues.

Commissioner Lundvall wanted to expand upon the discussions that happened during the Task Force meetings regarding issuing licenses to full-time employees.

Commissioner Roberts asked where it would show who gets the landowner issued license. He wanted to know how we will maintain the Department's oversight of issuance. Mr. Crank responded that the Commission should check with their attorney. He issued caution in this area. Mr. Crank stated Jim's proposal is rational, thoughtful, and reasonable. He commended Mr. Magagna and the WSGA.

Commissioner Lundvall asked if the Task Force looked at how other states handled this issue. Mr. Crank responded that they did but nothing appealed to the Task Force. Commissioner Bell noted that in other Western states there is some sort of license set aside for landowners, but there wasn't anything that modeled landowner licenses that would work for the Department.

Commissioner Lundvall asked how the landowner license application works as far as proving the family line. Director Nesvik answered that it happens between the landowner and the game warden. The landowner signs an affidavit and game wardens know the landowners.

Commissioner Lundvall also asked how the transition of information happens. Director Nesvik responded that the game warden meets with the landowner. Commissioner Lundvall would like to streamline the process. Director Nesvik stated that information gathered in the field is done with a portable electronic device. President Brokaw added that it depends on the relationship with the landowner and the game warden.

Fred Meyer

Mr. Meyer thanked the Commission for letting him voice his opinion. He expressed deep concern with the Department's damage claim process

Director Nesvik asked that the Commission consider the recommendations and come back with more specific direction at the September Commission meeting.

President Brokaw talked about having a more simplified drawing process. He asked about how the Department would handle the cap set on a hunt area based on private land.

Public Comment:

Levi Jensen

Mr. Jensen cautioned the Commission on making changes to landowner license allocations as far as what type of licenses go to landowners.

The Commission further discussed the Task Force recommendations and will bring direction to the Department at the September Commission meeting.

**20. Call to the public.**

None.

**It was moved by Commissioner Jolovich to adjourn the meeting. It was seconded by Commissioner Masterson. The motion carried unanimously.**

**The meeting adjourned at 12:10pm**



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**Ralph Brokaw, President**