

# SUMMARY *of* PROCEEDINGS



## JOINT TRAVEL, RECREATION, WILDLIFE AND CULTURAL RESOURCES COMMITTEE

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### COMMITTEE MEETING INFORMATION

October 21 & 22, 2013  
Diamondville Town Chambers  
Diamondville, Wyoming

### COMMITTEE MEMBERS PRESENT

Senator Bruce Burns, Cochairman  
Representative Kathy Davison, Cochairman  
Senator Paul Barnard  
Senator Leland Christensen  
Senator Bernadine Craft  
Senator Ogden Driskill  
Representative David Blevins  
Representative John Freeman  
Representative Marti Halverson  
Representative Lynn Hutchings  
Representative Allen Jaggi  
Representative Samuel Krone  
Representative Garry Piiparinen

### COMMITTEE MEMBERS NOT PRESENT

Representative Gerald Gay

### OTHER LEGISLATORS PRESENT

Representative Stan Blake

### LEGISLATIVE SERVICE OFFICE STAFF

Lynda Cook, Staff Attorney

### OTHERS PRESENT AT MEETING

Please refer to Appendix 1 to review the Subcommittee Sign-in Sheet for a list of other individuals who attended the meeting.

*The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at [lso@wyoleg.gov](mailto:lso@wyoleg.gov). The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at [www.wyoleg.gov](http://www.wyoleg.gov).*

## **EXECUTIVE SUMMARY**

The committee met in Diamondville to hear testimony and consider legislation regarding trails funding and state parks and cultural resources department funding. The committee also heard testimony and considered legislation regarding funding and budget cuts for the Game and Fish Department. The committee received reports on predator prey relations, endangered species updates, aquatic invasive species program updates and preference points.

## **CALL TO ORDER (OCTOBER 21, 2013)**

Co-Chair Burns called the meeting to order at 8:30 a.m. The following sections summarize the Committee proceedings by topic. Please refer to Appendix 2 to review the Committee Meeting Agenda.

## **APPROVAL OF MINUTES**

Minutes from the August 2013 Committee were approved with the note that Mr. Peter Lawton of the State Banking Board was misunderstood as not supporting the bill allowing ATM donations. The association actually does not oppose the bill as written. Representative Jaggi asked that the record show that the committee was supposed to be discussing state funding of conservation easements rather than the general topic of conservation easements. Chairman Davison suggested that the House committee will discuss the topic further at meetings during the session. Representatives Jaggi and Hutchings also noted that they were under the impression that the committee was not going to consider any more action on game and fish fee increases. The minutes were amended on page 4 change the word "user" to "Wyoming residents".

## **STATE PARKS AND CULTURAL RESOURCES**

### ***14 LSO 0146.W1 – State parks – use of fees.***

Milward Simpson, Director, explained the bill. The current statute restricts the use of funds in the enterprise fund to capital construction, major maintenance and site interpretation. This bill gives the department more flexibility to use the funds for general operations and maintenance of department facilities. It also clarifies that interest in the account shall accrue to the account. He noted that the department will then be able to deal with shortfalls where they accrue.

Rep. Halverson asked why the language was limited in the past. Bill Westerfield noted that prior to 1998 fees were not collected and the department had to go to the legislature for fund to build anything, including picnic sheds.

Mr. Simpson noted that the fund generates about 2 million dollars per year. This bill would allow the department to make difficult decisions to take care of more urgent needs than capital construction. Senator Christensen expressed concern that the money is currently being used each year. Mr. Simpson noted that they need to use the money to keep the park open rather than build something new in a park that they may need to close.

The committee discussed restricting the percentage which may be used for general operations and maintenance. The committee also discussed the approximate half million dollar shortfall the department is facing in operations and maintenance. The committee discussed whether fees should be increased. The fees were last increased in 2008 and are similar to surrounding states.

The committee discussed the inventory review several years back which transferred lands to the department from state land board. The committee also discussed whether the appropriations committee would offset the standard budget with funds from this account thereby not helping the department. The committee noted that is not the intent. Rep. Hutchings suggested that the department try to get private donors who want something built to pay for ongoing maintenance similar to endowments. The committee further discussed the department's need to increase its general fund budget request.

The bill was moved and seconded. Senator Christensen offered an amendment to limit only 25% of the funds to the operations and maintenance. Passed. Senator Driskill offered an amendment allowing the funds to be used for O&M for only two fiscal years. Passed.

The committee voted unanimously to sponsor the bill as amended. (Appendix 3)

#### ***14 LSO 0145.W2 – Snowmobile permit and registration fees.***

Mr. Simpson explained the bill. The bill is the same as that presented at the August meeting with only amendments limiting registration requirements to snowmobiles using department maintained trails.

Bert Miller, Wyoming Snowmobile Association, testified that his association supports the bill only if the amendment is removed. The revenue shortfall with the amendment would be tremendous. They support the fee increases in order to provide better grooming. He suggested that the amendment will cause snowmobilers to use wilderness areas and jump trails in order to avoid paying fees. It was noted that even people who do not use the groomed trails still get services from these funds through trails being marked, restrooms, parking lots and emergency shelters.

The committee discussed a new ruling coming out that limits snowmobile use to trails on forest service land. It was also noted that if the trails grooming goes down tourism dollars will be affected.

George Preach, Pinedale Sports, testified in support of the bill only if the amendment is removed. The committee discussed whether reciprocity is available with other states.

Ron McKinney, trails coordinator, testified that reciprocity would kill the Wyoming program. He also testified in support of the bill only if the amendment is removed. He testified that they are spending too much of the federal grant monies to float the snowmobile program.

The committee discussed the enforcement of the sticker requirements. Mr. McKinney noted that it is both state and federal law enforcement. 98% of the trails are on federal land. The committee discussed how the state pays the federal government for their enforcement. The total expense is \$118,000 this next year. The committee discussed how the fee increase should generate \$400,000 which is still below the shortfall. If the federal grant monies continue it should allow for more grooming. There was also discussion about where the fines go. Usually the Forest service does not fine, but rather asks the violator to get their registration from the state and mail a copy of the receipt to have the citation dropped. He noted that without enforcement people will not buy the decal. That results in loss of income for the permit, but also loss of income from the gas tax because it is dependent on the number of decals sold.

Mr. Preach noted that if the department did not have the agreement with the feds to provide enforcement, the federal agencies could not allow the trails to be used. The committee asked the department to provide a copy of the report on how many violations occur each year. The committee discussed whether a penalty should be assessed and collected on behalf of the state.

Rep. Piiparinen discussed the possibility of selling permits based on areas. Mr. Bravo reiterated that grooming is only a part of the services offered throughout the state.

Mary Crosby, testified in support of increasing the fees. As an occasional snowmobiler she recognizes the tourism aspect of having groomed trails.

Taylor Jones, Rock Springs, testified in support of the fee increase without the amendment.

Jonathan Teichert, testified that he stopped buying registration because trails have not been maintained. He testified in support of the language in the bill with the amendment retained.

The bill was moved and seconded. The bill was amended to remove the language limiting licensing requirements to snowmobiles used on trails maintained by the department. Rep. Jaggi offered an amendment to the bill to remove the second increases after 2016. (failed) The committee also amended the bill to make selling agent fees one dollar no matter what the fee. An amendment was offered to increase the replacement of lost decals to the full cost of the registration. (failed) Another amendment to make the mutilated decal replacement fee \$20 passed.

The committee voted to sponsor the bill as amended (Jaggi, Hutchings and Piiparinen opposed). (Appendix 4)

Rep. Jaggi discussed bringing a separate bill to require the agency to not contract with federal agencies for law enforcement which he will bring on his own.

#### ***14 LSO 0009.W2 – State parks-ATM donations.***

Milward Simpson explained the bill. The bill allows banks to enter into voluntary agreements to collect donations at ATM machines. LSO Staff read a statement from Mike Geesey, Wyoming Bankers Association, stating that they have no problem with the bill in its voluntary form but have concerns about what the process could be used for in the future.

The bill was amended to clarify that the maximum a ATM owner can retain is a per transaction figure.

The committee voted unanimously to sponsor the bill as amended. (Appendix 5).

### **MEETING RECESS**

Co-chair Burns recessed the Committee at 2:00 p.m. for the Committee to tour the Fossil Butte Park.

### **CALL TO ORDER (OCTOBER 22, 2013)**

Co-Chair Davison called the meeting to order at 8:30 a.m.

### **GAME AND FISH DEPARTMENT**

#### ***Department Funding and Revenues***

Scott Talbott, Director, introduced three commissioners and former commissioners who were at the meeting. John Kennedy, Chief of Wildlife, provided a presentation regarding the department's fiscal overview. (Appendix 6). License fees make up 56% of funding and federal aid makes up 19%. Of license sales, 74% comes from nonresident hunters and anglers.

Mr. Kennedy described the accomplishments the department has made over the last two years. In fiscal year 2013, the department cut 2 million dollars from their budget. In fiscal year 2014, they cut an additional 4.6 million dollars from the budget. The department reorganized for internal efficiency and made some personnel cuts by freezing 18 positions and eliminating 7 supervisor positions. The department made significant cuts and efficiencies in the motor fleet. They eliminated the Hunting and Fishing Expo, several publications and support of several youth conservation education programs. They have made significant reductions in access, fish stocking and habitat projects.

The department projects that expenditures will exceed revenues in 2015 even after the cuts. The committee noted an additional 45 positions that have been added for generally funded programs over the last 10 years.

There was discussion about the effect of reduced fish stocking on license sales. The department saved \$80,000 but fishing license sales are still strong.

The department noted that revenues in 2013 and 2014 increased due to increased gun sales, creating more Pittman Robinson federal funds, and an unexplained increase in fishing license sales.

Senator Burns noted that there is a one to two year delay in the department receiving increased revenues from license fee increases. Therefore any delay in passing an increase may result in cash flow issues in the near future. Mr. Talbott discussed the difficulty in projecting revenues.

Mr. Talbott discussed the difficulty caused by the cuts they have already made and the public outcry from reduced services due to the cuts. Representative Jaggi argued that the cuts were not difficult for the department.

The department is looking at programs for further reductions. They are evaluating housing, fisheries, bird farms and feed grounds. It was noted that the department has no control over the costs related to employee benefits.

### **Public comment**

Colden Sasser, testified about the importance of hunting opportunities and access in Wyoming. He testified in support of increasing license fees.

Ron Nating, Cody, testified about the importance of hunting opportunities. He testified in support of increased fees. He noted that the license fees are small compared to all the tools hunters use. He also noted that hunting brings much more to the economy than just license fees.

Shawna Ridgeway, Kemmerer, questioned the costs of fish hatcheries. She noted that warden housing is subpar and wardens have to use their own trailers. She suggested access is very important. She testified in support of any funding increase.

Susan Hunzie, Kemmerer, testified regarding the importance of outdoor skill education.

Kent Connelly, Lincoln County Commissioner, testified in opposition to any increased fees because they have seen a correlation between decreased license sales and tourism with resulting effects on county budgets.

Mike Hunzie, testified in support of the fee increases. He stated that we need to keep the access programs.

Tim Hissong, Mountain View resident and fly fisherman, expressed concern about throwing the baby out with the bathwater. He suggested having a program where youth can do community service with the department in exchange for a license. He also suggested free licenses for veterans.

Alana Williams, Wyoming Outdoor Council, testified in support of the fee increase. They are concerned that habitat programs and conservation programs need to be funded. She also suggested the committee look at non-consumptive fees.

Richard Garrett, Wyoming Outdoor Council, testified in support of the fee increases, noting that the department is charged with managing sage grouse and that is important to the overall economy of the state. He also suggested that more people need to be aware of the opportunity to purchase a conservation stamp even for non-consumptive uses.

Paul Ulrich, Encana, testified in support of keeping the department funded. The work they do on sage grouse is critical to the industry. The department needs to be highly trained and well versed and involved in every step of the NEPA process.

Mike Jensen, Evanston, testified in support of funding the game and fish. Hunting and fishing brings a great deal of money to the local communities.

TJay Kelso, testified in support of the fee increases, they only reflect increased prices we pay for everything.

Patrick Newell, Green River, testified in support of fee increases. He especially wants the children's education programs to be funded. He suggested that federal funds and fishing license revenues are going to go down in the future. He also noted that the AIS program is important.

Calvin Hazlewood, testified in support of full funding for the department. He noted that license fees are the least expensive of the items needed to hunt and fish. The cost is trivial compared to other forms of entertainment. He noted that housing for wardens is not unique and it is an incentive to keep them in remote areas.

Kim Floyd, AFL-CIO and Federation of Union Sportsman, testified that hunting and angling bring large amounts of money to the economy. Some programs individually don't generate money but in the aggregate, the department needs to be funded. He testified that warden housing is important to the community because people know where they are. He noted that 100% of his Federation representing 17,000 union members supported a fee increase. He also testified in support of the second bill which transfers some programs and health insurance costs to the general fund budget.

Joshua Corsi, Muley Fanatic Foundation, testified in support of funding the youth programs.

Stan Blake testified that the vast majority of his constituents are in support of this bill and he will do all he can to get the bill passed.

Bob Wharff, Sportsmen for Fish and Wildlife, testified that he wants the department fully funded.

Steve Kilpatrick, Wyoming Wildlife Federation, testified in support of the youth programs. He testified in support of a fee increase. He noted that the cuts have stifled morale of the employees of the department. He also reiterated the importance of the department to the mineral industry.

Monte Morlock, United Steelworkers, testified in support of both bills. The fee increase merely reflects cost of living increases.

### **Committee testimony**

Representative Jaggi stated that the committee members are not opposed to game and fish and they do want them to succeed. He suggested that the graphs showing gloom and doom in the future are just a worst case scenario guess.

Senator Craft stated that the committee needs to see worst case scenarios to properly analyze the situation. She wishes the committee was able to more than just put a band aid on the problems.

Senator Burns agreed that the committee needs to look at the worst case scenario because any given season could end with a collapse in some very important species. The committee needs to give the department all the tools necessary to do their job.

Chairman Davison expressed appreciation for the department's efforts to work with the legislature. The relationship is better than it has ever been.

Senator Christensen stated that he appreciates the people coming and testifying. However, the bills before the committee only maintain the status quo rather than giving the department better tools.

Senator Barnard testified that the fee increase bill will only bring about 3.4 million dollars. Because the department won't even see the increase for two years it won't even keep pace with inflation. He suggests that the increase should be more than ten percent.

### ***14 LSO 0162.W1 – Game and fish Department – general fund budget requests.***

Senator Burns explained that the bill transfers several programs and costs to the general fund for funding. Those include the grizzly bear management program and elk winter feed ground programs, as well as transferring the costs of participation in the state health care program. Every other agency in the state pays that participation for their employees through the general fund. His thinking is that if the legislature is going to impose these additional requirements on the department then the general fund should fund them.

Scott Talbott testified that the health care costs are about 4.7 million dollars per year, grizzly management is about 2 million dollars per year and feed grounds are about 2 million dollars per year, but feed ground costs fluctuate each year.

Mr. Talbott testified that Game and Fish is the only agency where all the employees' health care is paid for through other than general fund. He noted that the grizzly bear program is appropriate because grizzly are endangered species and cannot be hunted. As for the elk feed grounds, those do help sportsmen and probably should continue to be funded through license fees. He suggested that discontinuing the feed grounds would be a disaster for northwestern Wyoming.

Senator Burns noted that the feed ground program is actually fairly self-sufficient.

The committee discussed whether grizzly bears will be delisted anytime soon. When they are delisted, there will be a five year monitoring period where the department will spend no less than they are right now, and the sale of grizzly bear hunting licenses will not pay for the program.

Charles Price, Game and Fish Commissioner, testified regarding the necessity for feed grounds. He believes feed grounds should continue to be funded with license fees.

Bob Wharff, Sportsmen for Fish and Wildlife, testified in support of having the health care costs paid by the general funds. He believes his group would support the bill if the feed grounds are removed from the bill. He suggested damage claims could be added.

Mike Hunzie testified in support of the bill. He suggested that maintenance of the feed ground is a political issue and should be paid by all.

Mathew Copeland, Wyoming Wildlife Federation, testified in support of the bill, primarily the health care and grizzly bear programs. They see this as an important piece of what they hope is a larger solution.

Steve Kilpatrick testified in support of the bill. If the feed grounds provision is left in the bill he hopes the legislature would continue to deal with the program in a hands off manner.

Kim Floyd testified in support of the bill and noted that hay prices are continuing to increase.

Mr. Talbott testified that if the bill passes they will not reinstate the cut positions, but there are some programs that may be reinstated if they have the money because of demand. The agency would continue to be introspective in looking for efficiencies. The commission and department will continue to be diligent in cutting costs.

Rep. Hutchings suggested the department is going beyond its means to funds wants.

The bill was moved and seconded. The committee amended the bill to remove the elk winter feed grounds program.

The committee voted to sponsor the bill as amended. (Halverson and Hutchings opposed). (Appendix 7).

#### ***14 LSO 0078.L1 – Game and fish – fees.***

Senator Burns explained that the bill increases license fees across the board by approximately 10%.

Those testifying in support of the bill: Mathew Copeland, Wyoming Wildlife Federation; Mike Hunzie; Steve Kilpatrick, Wyoming Wildlife Federation; Kim Floyd, AFL-CIO; Graham McGaffin, Nature

Conservancy; Scott Christy, Trout Unlimited; Josh Corsi, Muley Fanatic Foundation (they are pleased with what the department is doing with mule deer and they have stepped up to fund a project).

Dave Bear asked the committee to add a lifetime resident archery license.

Bob Wharff, Sportsmen for Fish and Wildlife, testified that his membership is all over the place between supporting and opposing the bill. They want to see priorities in the department toward game management rather than habitat.

The bill was moved and seconded.

The bill was amended to remove all youth licenses from the increase. The bill was amended to include the nonresident daily fishing license which was left out. The bill was amended to change the effective date to January 1, 2015.

Rep. Jaggi suggested that the bill should not be a committee bill. It has been discussed over the last two years. The department should live within their budget for a few years.

Senator Craft suggested that they need to move this bill forward in order to give the entire legislature a choice.

Senator Burns stated that the department is doing more now than they were 10 years ago, especially access and youth programs, which need to be reinstated. He suggested that giving the department less money is not going to help the quality and quantity of the herds.

Rep. Davison stated that the committee needs to continue to look at the department and ensure that they are still being efficient. She also agrees that they need to let the legislature have a choice.

The committee voted to sponsor the bill as amended. (Halverson, Hutchings, Jaggi and Piiparinen opposed). (Appendix 8).

### **Preference points**

Mike Gilmore provided a presentation regarding the need for preference points for resident elk, deer and antelope licenses. (Appendix 9). Joe Scott explained how the system would work. The presentation used statistics to show the benefits of a preference point system. His proposal would also allow parents or legal guardians to let a youth hunt off the parents tag.

### **White paper on predator prey relations.**

Brian Nesvik, Chief Game Warden, provided a presentation on impact to wild ungulates from large carnivores in North America (Appendix 10). Wolf to ungulate ration can predict impacts on predation on health – less than 5 wolves per 1000 elk maintain a stable to increasing elk herd. Any more and reduced survival of young elk can occur. Most elk herds have not been reduced by wolves. Increased mountain lion harvest can benefit big game when ungulate populations are suppressed and optimal habitat is available, harvest efforts are localized and predation is a limiting factor. Black and grizzly bears only opportunistically prey on big game and have little or no effect on mule deer. Effects are higher when multiple predator communities exist. Other environmental factors such as good habitat can further affect predation rates.

Mr. Nesvik also provided a white paper on the issue. (Appendix 11).

### **Endangered Species Update**

Mr. Talbott provided an endangered species update (Appendix 12). The department is monitoring 14 petitions. Wolverines are the most worrisome because the petition includes areas that are not even potential wolverine habitat. As for grizzly bears, they have documented sharply more females with cubs of the year in Wyoming this year. The department is very optimistic about the potential to get them delisted.

### **Aquatic Invasive Species Update**

Mark Fowden provided a presentation regarding the program to date. (Appendix 13). The latest regulations require inspections at ports of entry and inspections became mandatory. In 2012, 32 employees worked on the program. In 2013, there are 50 employees. The department has one permanent employee running the program. Now the program is generally funded. At this time they are only finding about 5% of the boats inspected that have not been drained, cleaned and dried. In 2013, the program did 543 decontaminations and found 14 boats with mussels. The focus now is on searching for conveyances with the planktonic form of the mussels. Mr. Fowden noted how cooperative the highway patrol and port of entry crews were in this last year.

It was noted that Great Lakes states spend about a billion dollars a year trying to fight the AIS in their waters.

Other business – Rep. Jaggi asked the department to look into updating the restitution schedule.

### **MEETING ADJOURNMENT**

There being no further business, Co-Chair Burns adjourned the meeting at 3:00 p.m.

Respectfully submitted,

Senator Burns, Co-Chair

Representative Davison, Co-Chair

# Committee Meeting Materials Index

Appendix	Agenda Item	Appendix Description	Appendix Provider
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4	State Parks	14 LSO 0145.W2 – Snowmobile permit and registration fees.	Legislative Service Office
5	State Parks	14 LSO 0009.W2 – State Parks-ATM donations.	Legislative Service Office
6	Game and Fish	Presentation	Game and Fish Department
7	Game and Fish	14 LSO 0162.W1 – Game and fish department – general fund budget requests	Legislative Service Office
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9	Game and Fish	Preference Point presentation	Mike Gilmore
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