

# SUMMARY *of* PROCEEDINGS



## JOINT AGRICULTURE, STATE AND PUBLIC LANDS & WATER RESOURCES COMMITTEE

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### COMMITTEE MEETING INFORMATION

September 10-11, 2024 | 8:30 AM  
Bomber Mountain Civic Center  
63 N. Burritt Avenue  
Buffalo, Wyoming

### COMMITTEE MEMBERS PRESENT

Senator Cheri Steinmetz, Co-chairman  
Representative John Eklund, Co-chairman  
Senator Tim French  
Senator Larry Hicks  
Senator Bob Ide  
Senator John Kolb  
Senator Dan Laursen  
Representative Bill Allemand  
Representative Lane Allred  
Representative Dalton Banks  
Representative Barry Crago  
Representative Bob Davis  
Representative Allen Slagle  
Representative John Winter

### COMMITTEE MEMBERS NOT PRESENT

Representative Jon Conrad

### LEGISLATIVE SERVICE OFFICE STAFF

Anna Johnson, Staff Attorney  
Clayton Caldwell, Research Analyst  
Katie Talbott, Legislative Editor/House Chief Clerk

### OTHERS PRESENT AT MEETING

Please refer to [Appendix 1-02](#) to review the Committee 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 Joint Agriculture, State and Public Lands & Water Resources Interim Committee met for two days in Buffalo to continue its interim work. The Committee considered bill drafts regarding eminent domain-energy collector systems, temporary water use agreements, and federal land use plans.

The Committee voted to move the following bill drafts forward to the Committee's next meeting for further consideration:

- 25LSO-0101, Eminent domain-energy collector systems.
- 25LSO-0099, Temporary water used agreements amendments.

The Committee voted to sponsor the following bill drafts for the 2025 General Session:

- 25LSO-0102, Eminent domain energy collector systems amendments.
- 25LSO-0113, Federal acts-legal actions authorized, as amended.

The meeting can be viewed on YouTube – Joint Agriculture, State and Public Lands & Water Resources Interim Committee, September 10, 2024 [AM](#); and September 11, 2024, [AM](#), [PM](#). The Committee experienced technical difficulties on September 10, and the recording quality was poor.

## CALL TO ORDER (TUESDAY, SEPTEMBER 10, 2024)

Co-chairman Eklund called the meeting to order at 8:30 AM. The following sections summarize the Committee proceedings by topic. Please refer to [Appendix 1-01](#) to review the Committee Meeting Agenda.

## APPROVAL OF MINUTES

Minutes from the June 10-11, 2024, Joint Agriculture, State and Public Lands & Water Resources Interim Committee meeting were approved.

## WILD HORSE WORKING GROUP

Anna Johnson, Attorney, Legislative Service Office (LSO) reviewed 2022 HB0005 Wild horse and burro management, [Appendix 2-01](#), a bill that was enacted in 2022. The bill relates to land management and requires notice to the federal land management agencies of the costs of wild horse grazing on state and private lands and requests reimbursement and removal of wild horses from nonfederal lands. The bill has never been utilized.

Kris Kirby, Associate State Director, Bureau of Land Management (BLM), summarized the BLM's horse management programs, efforts for 2024, and described the reduction in the population of wild horses in targeted areas. Ms. Kirby indicated the BLM would like to perform routine wild horse gathers, but cited funding and holding facilities as barriers to doing so.

Brad Purdy, Deputy State Director of Communications, BLM, reported there are 16 herd management areas across the state. Mr. Purdy also indicated the BLM intends to perform two gathers in 2025.

## Public Comment

Jim Magagna, Wyoming Stock Growers Association (WSGA), provided public comment.

**Committee Action**

Co-chairman Steinmetz requested an update from the Office of State Lands and Investments (OSLI), during the Committee's next meeting. Ms. Johnson, LSO, explained that no action can be taken absent the Governor's direction. The Committee voted to draft a letter to the Governor and OSLI regarding 2022 HB2005 to further understand why no action has been taken or if there are limitations in statute for the Governor and OSLI to act. The motion passed with a voice vote.

**ROCK SPRINGS RESOURCE MANAGEMENT PLAN (RS RMP)**

Ms. Kirby, BLM, presented talking points to the Committee, see [Appendix 2-02](#). Ms. Kirby summarized the contents of the final RS RMP. Ms. Kirby reported the proportions of the area which are open to certain uses such as grazing, coal and other economic uses, and she will share a matrix of how the land will now be used under the new RMP. Ms. Kirby will provide a comparison document of the new RMP to the previous RMP.

**Public Comment**

No public comment was provided.

**WYOMING STATE VETERINARY LABORATORY (WSVL)**

Kelly Crane, Interim Dean, University of Wyoming College of Agriculture, Life Sciences, & Natural Resources, provided a staffing update for the Wyoming State Veterinary Laboratory (WSVL), the number of cases handled, as well as the improvements made to the diagnostic turnaround for producers and veterinarians. ([Appendix 3-01](#))

Dr. Alexandra Brower, Director, WSVL, introduced herself to the Committee and provided background information on her career and path to Wyoming. The Committee questioned Dr. Brower about the recent discovery of anthrax in cattle and wildlife in southeastern Wyoming. Dr. Brower described the circumstances surrounding the cases and the steps taken to diagnose and effectively mitigate the situation.

Steve True, Director, Wyoming Livestock Board (WLSB), reported that anthrax is not uncommon in other parts of the world and Wyoming's response to the outbreak followed standard response strategy used in other states. Director True indicated there was great cooperation among agencies including the WSVL, WLSB and the Wyoming Game and Fish Department during the outbreak.

**EMINENT DOMAIN**

Ms. Johnson, LSO, reviewed 25LSO-0101.5, Eminent domain-energy collector systems, which would limit the exercise of the power of condemnation for energy collector systems, provide compensation, require proof of compliance and notice of condemnation. ([Appendix 4-01](#)).

Ms. Johnson summarized the changes made to 25LSO-0102.5, Eminent domain energy collector systems amendments, which would repeal the ability of entities who are not public utilities to use the right of condemnation for electric generation collector systems and require condemners to give notice to local governing bodies before beginning condemnation. ([Appendix 4-02](#)).

Karen Budd-Falen, Attorney, Cheyenne, explained she has worked predominantly with landowners to protect their private property rights. Ms. Budd-Falen supports the legislative efforts regarding eminent domain. Ms. Budd-Falen believes 25LSO-0101.5, [Appendix 4-01](#), would be the preferred draft that provides compromise for those interested in negotiating on a fair basis. It would require at least 85% of the

people affected by the collector lines to agree to the construction. Ms. Budd-Falen is not as supportive of 25LSO-0102.5, [Appendix 4-02](#), as it may not be favored by the Legislature or the Governor.

**Public Comment**

Mr. Magagna, WSGA, and Brett Moline, Wyoming Farm Bureau (WyFB), provided public comment.

**Committee Action**

The Committee voted to move 25LSO-0101.5, Eminent domain-energy collector systems, forward to their next meeting and to incorporate the amendments Ms. Budd-Falen suggested for their consideration.

The Committee moved to sponsor 25LSO-0102, Eminent domain energy collector systems amendments. The motion passed by a roll call vote with all members voting in favor except Representative Conrad who was excused.

**STATE FORESTER - KELLY NORRIS**

Kelly Norris, State Forester, provided an overview of the afternoon tour for the Committee. Ms. Norris will provide additional information during her agency update on day 2 of the meeting.

**MEETING RECESS**

The Committee recessed at 12:36 PM.

**CALL TO ORDER (WEDNESDAY, SEPTEMBER 11, 2024)**

Co-Chairman Steinmetz called the meeting to order at 8:30 AM.

**TEMPORARY WATER USE**

Anna Johnson, LSO, summarized 25LSO-0099.5, Temporary water use agreements amendments, which would extend the number of years for which temporary water rights may be granted and amends and protects senior owners of permanent water rights. ([Appendix 9-01](#)).

Brandon Gebhart, Wyoming State Engineer, referred to a memo previously provided to the Committee, see [Appendix 9-02](#). Mr. Gebhart pointed out the differences between the current bill draft and the bill that was considered during the 2024 Budget Session.

Chris Brown, Senior Assistant Attorney General, supports the suggested changes, including terminology surrounding senior water rights and diversions. Mr. Brown clarified parts of Wyoming water law regarding consumptive use, diversions, and abandonment.

**Public Comment**

Brett Moline, WyFB, and Keith Kennedy, Wyoming Association of Irrigation Districts, provided public comment.

**Committee Action**

The Committee voted to move 25LSO-0099, Temporary water use agreements amendments, forward to the next meeting, with the following amendments:

Page 3-line 5                      Delete "senior" and insert "other".

Page 3-line 11           After "years" insert "and shall be for the same purpose and at the same place of use as the previously granted temporary transfer".

Adopt State Engineer's Office language at the end of the draft:

"(b) The owner of any permanent water right that is junior in priority to a temporary water right acquired by any person under this act whose junior right is injured by a temporary user diverting under its temporary water right may request in writing that the appropriate state water commissioner cause such temporary diversion to be shut off. The water commissioner shall not shut off diversion under the temporary right if it is not injuring the junior right."

## **WYOMING DEPARTMENT OF AGRICULTURE**

### ***Meat inspection issues - Update***

Doug Miyamoto, Director, Wyoming Department of Agriculture (WDA), introduced members of his staff, Justin Latham and Chris Wichmann. Together, Director Miyamoto and Mr. Latham addressed concerns regarding communications pertaining to labeling requirements with meat processing plants in Wyoming. Mr. Latham provided slides explaining the process and issues with the labeling regulations. (**Appendix 10-01**). Director Miyamoto stressed that the WDA would continue to work with meat processors to facilitate communications.

### ***Public Comment***

Alex Spring, Chug Springs Butchery, and John Butler, 307 Processing and Sausage, spoke on behalf of multiple meat processors and expressed frustration regarding the inspection process, information regarding labeling requirements, and communication with the WDA.

### ***Rangeland Health Assessment Program***

Director Miyamoto introduced the topic and indicated that data is very important in the Rangeland Health Assessment Program (RHAP), which was created to work with the University of Wyoming to develop educational materials and facilitate rangeland projects. Chris Wichmann, WDA, explained that the RHAP began in 2010 and since then they have completed 76 rangeland health projects and provided monitoring for more than nine million acres of land in Wyoming. (**Appendix 10-02**). The RHAP has also provided information regarding the foraging habits of wild horses and supports the data indicating competition between wildlife and wild horses for rangeland resources and water.

### ***Public Comment***

No public comment was received.

## **FIRE RESPONSE AND RECOVERY**

### ***State Forester***

Kelly Norris, Wyoming State Forester, summarized the services and resources provided by Wyoming State Forestry for wildfire response and recovery. Those services include training of professional and volunteer firefighters, coordination and resource allocation duties, tracking county and local resources, sustaining the Federal Excess Personal Property (FEPP) program, and maintaining a master cooperative wildfire management agreement between all major wildland fire protection agencies.

Forester Norris reported that the State has experienced a devastating wildfire year and that it's not over yet. Approximately 75% of acres burned have been private lands with an estimated firefighting cost of \$30 million dollars. Ms. Norris emphasized the importance of rehabilitation efforts, which begin immediately after a fire. ([Appendix 5-01](#)), ([Appendix 5-02](#)).

#### ***Wyoming Wildlife & Natural Resource Trust (WNRT)***

Director Bob Budd focused his testimony on the importance of controlling invasive species of grass and weeds when the landscape begins to recover. Director Budd discussed the importance of cooperative partnerships with agencies and how best to leverage funds. Director Budd iterated the need for funding to be allocated in a manner that permits flexibility when necessary.

#### ***Wyoming Department of Agriculture, Weed and Pest***

Lindsey Woodward, WDA Weed and Pest Program Coordinator, reported that based on the current fires, estimated response and recovery could take 5-6 years, with long term recovery taking 25-30 years.

Reese Irvine, Carbon County Weed & Pest, described some of the tools available to address wildfire recovery concerning weed and pest prevention and mitigation. It is beneficial for Weed and Pest Districts to be able to collaborate and maximize funding for projects.

#### ***Office of Homeland Security***

Lynn Budd, Director, Wyoming Office of Homeland Security (WOHS), discussed the relationship between their agency and State Forestry. WOHS manages mitigation funds through the Federal Emergency Management Agency (FEMA) that assist with wildfire recovery. FEMA funds require a 25% local funding match.

#### ***Office of State Lands & Investments***

Deputy Director Jason Crowder, Office of State Lands and Investments (OSLI) indicated that approximately 10% of the acres burned are State Lands. Deputy Director Crowder discussed working in a partnership fashion with other agencies under the direction of the Governor. There are funds that can also be used for erosion and soil retention. OSLI is working to make sure their lessees are aware of what relief is available to them in terms of rate reductions and funds available for fire rehabilitation.

#### ***Public Comment***

Jake Christian, and Megan Welles, both Johnson County ranchers, reported on the losses sustained during the recent wildfires.

Senator Barlow encouraged the Committee to explore options for those affected by the devastating fires this year, while understanding fire season is not yet over.

#### ***Committee Action***

After hearing from local ranchers who were affected by wildfires, the Committee proposed a fire response working group to investigate options for assistance for those affected by the wildfires. Chairman Steinmetz, Chairman Eklund, Vice-chairman Crago and Senator Hicks will serve on the working group.

## FEDERAL LAND USE PLANS

Anna Johnson, LSO, provided an overview of 25LSO-0113.5, Federal acts-legal actions authorized, which would authorize the legislature to prosecute actions involving the proper administration and interpretation of federal acts, and create a federal land use plans litigation account. ([Appendix 13-02](#)).

### **Public Comment**

No public comment was received.

### **Committee Action**

The Committee moved to sponsor 25LSO-0113.5, Federal acts-legal actions authorized, with the following amendments:

Change the amount that can be used for each prosecuted action from \$50 million to \$75 million and have the amount come out of the Legislative Stabilization Reserve Account.

Page 3-line 1	delete "an action" and insert "actions"
Page 4-line 4	after "staff of" delete "the" and insert "an"
Page 3-line 7	change 2/3 vote of Management Council to simple majority vote

The motion passed with a roll-call vote with all members voting in favor, except Representative Conrad who was excused.

### **General Public Comment**

Representative Neiman and Sheriff Jeff Hodge, Crook County, provided public comment.

Jason Crowder, Deputy Director, OSLI, provided public comment.

### **Additional Committee Action**

The Committee considered changing the dates of their next meeting to avoid conflict with the General Election on November 5, 2024. The Committee will consider alternate dates.

## MEETING ADJOURNMENT

There being no further business, Co-chairman Steinmetz adjourned the meeting at 3:30 PM.

Respectfully submitted,

Co-chairman Senator Cheri Steinmetz

# Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	Legislative Service Office
1-02		Sign-In Sheet	Legislative Service Office
1-03	Call to Order	Meeting Minutes - June 10-11, 2024	Legislative Service Office
2-01	Wild Horse Working Group and Rock Springs Resource Management Plan Update	2022 HB0005 Wild horse and burro management.	Legislative Service Office
2-02	Wild Horse Working Group and Rock Springs Resource Management Plan Update	WY BLM Talking Points	Wyoming State Office Bureau of Land Management
3-01	Wyoming State Veterinary Laboratory (WSVL)	WSVL Update	University of Wyoming and Wyoming State Vet Lab
4-01	Eminent Domain	25LSO-0101.5 Eminent domain-energy collector systems.	Legislative Service Office
4-02	Eminent Domain	25LSO-0102.5 Eminent domain energy collector systems amendments.	Legislative Service Office
5-01	State Forester - Kelly Norris	Wyoming State Forestry Update - Slides	Wyoming State Forester
5-02	State Forester - Kelly Norris	Wyoming State Forestry Handout	Wyoming State Forester
9-01	Temporary Water Use	25LSO-0099.5 Temporary water use agreements amendments.	Legislative Service Office
9-02	Temporary Water Use	SEO Memo Temp Water Use Agreements - Water Rights	State Engineer's Office
10-01	Wyoming Department of Agriculture	WDA Meat Program Information	Wyoming Department of Agriculture
10-02	Wyoming Department of Agriculture	WDA Rangeland Health Assessment Program Information	Wyoming Department of Agriculture



13-01	Federal Land Use Plans	LSO Memo - 25LSO-0113.5 Federal acts-legal actions authorized	Legislative Service Office
13-02	Federal Land Use Plans	25LSO-0113.5 Federal acts-legal actions authorized.	Legislative Service Office