
AGENCY RESPONSE

**Wyoming Game & Fish Department: Private Lands
Public Wildlife Access Program**

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WYOMING GAME AND FISH DEPARTMENT

Jim Geringer, Governor



Dr. Tom Thorne, Acting Director

"Conserving Wildlife - Serving People"

December 4, 2002

Honorable Randall Luthi, Chairman
Management Audit Committee
Legislative Services Office
213 State Capital
Cheyenne, WY 82002

Dear Representative Luthi:

The following is the Wyoming Game & Fish Department's formal response to the management audit report recommendations for the Private Lands Public Wildlife (PLPW) Access Program prepared by the Legislative Service Office. The response was coordinated with the Wyoming Game and Fish (G&F) Commission. The G&F Commission and Department wish to thank Barbara Rogers, Paula Gordinier, Noah Miller and Katherine Collins for their professional, thorough and fair review of our Private Lands, Public Wildlife Access Program.

The G&F Commission and Department wish to advise the Legislative Management Audit Committee of several important points while they review the report and recommendations.

- Wyoming Statute 23-1-501(e) provides that funds generated through AccessYes and the conservation stamp may **only** be used to purchase easements. All other program costs must come from general G&F funds.
- The term administrative costs, used several times in the audit, means all other program costs such as signs, publications, drafting, fiscal processing, permanent field personnel and their support costs, contract law enforcement personnel and their support costs, etc.
- PLPW was an evolving pilot project until it was made a permanent Department program with dedicated staff and funding in 2001.
- Prior to the PLPW program, access to public and private land was in long-term decline and the PLPW initiative was developed to maintain or enhance access in a cooperative manner that included participation by sportsmen, landowners and the G&F. During the pilot period, habitat was identified as a major consideration. However, in December 2001, the Wyoming Game and Fish Commission adopted the Habitat Strategic Plan, which lays out a framework for the Department to address wildlife habitat issues on a very broad scale.
- The legislature currently receives an annual report on AccessYes donations and their use. Additionally, County Commissions receive information about all PLPW areas enrolled within their County. The G&F Commission receives periodic reports of AccessYes donations and expenditures, as well as number and locations of Walk-in and Hunter Management Areas.

- The identified issue of private property rights vs. the rights of the public to have access to wildlife is an issue that has been discussed since the birth of the nation. As for Wyoming, the G&F Commission and Department recognize the valuable contributions of private landowners to the preservation and management of wildlife. The Commission and Department respect private property rights and continually address landowner issues with programs and actions. Both the Commission and Department, under the direction of current laws, work on issues related to wildlife and private lands on a daily basis in a fair and responsible manner. G&F Commissioners and employees communicate regularly with the landowner community. The PLPW program was developed as part of the solution to this issue.
- In 2001 and again in 2002, the PLPW program was selected as one of the 99 semi-finalists out of nearly 1000 applicants for the *Innovations in American Government Award* at the John F. Kennedy School of Government at Harvard University. The five winning programs for 2002 will be announced in May 2003. (see attached news release).

The Legislative Service Office provided two recommendations. We feel the first recommendation made by the Legislative Service Office is valid and we are already working on a reporting mechanism. We also partially agree with the second recommendation. We believe the Institute of Environment and Natural Resources (IENR) best serves the Commission and the Department by being an independent forum for discussion relative to natural resource issues. We will, however, explore the capabilities and resources of the IENR for use in addressing specific wildlife issues. The following is our response to the two recommendations.

Recommendation No 1: PLPW should expand and improve it's reporting of program performance.

AGREE

The Department has already begun putting together its first annual PLPW Access Program report. It will encompass all information concerning Walk-in Area Fishing and Hunting, Hunter Management Areas, Access Yes, Wildlife Habitat Enhancement, and any other pertinent information about the program. This report will be available February 1 each year for the preceding calendar year. This report will be available to anyone interested in the PLPW Access Program. Specific details we are including as discussed within the LSO report include:

- Number of public acres that are accessible due to private lands being enrolled in the PLPW Access Program.
- Number of new acres enrolled in PLPW Program.
- Number of acres re-enrolled in PLPW Program.
- Maintenance of records that include landowner rationale for enrolling, re-enrolling, or discontinuing participation in the program.
- Comparisons of Walk-in and Hunter Management Area totals from each year to determine trends.
- Number, location and description of Wildlife Habitat Enhancement projects.
- Program expenditures for access and other program costs.
- Funds generated by AccessYes donations and Conservation Stamp sales.

The Department is also prepared to do a 5-year survey of sportsmen, landowners, and Department personnel to evaluate trends in satisfaction and the needs of constituents. We will be performing this survey in 2006.

Recommendation No 2: The Commission should request IENR to bring together the diverse groups and interests surrounding wildlife issues.

PARTIALLY AGREE

The discussion over Wyoming's wildlife heritage has long been diverse and robust. Wildlife issues are debated in public forums including, but not limited to, the U.S. Congress, the Wyoming legislature, state and federal courts, the Governor, the G&F Commission, the G&F Department, the University of Wyoming, other state agencies, local governments, federal agencies, landowners, agricultural organizations, sportsmen, conservation organizations, industry, business, political parties, individuals, animal rights organizations, and other special interest organizations.

Wyoming's wildlife legacy will continue to evolve and change in the future based on the values and desires of the citizens of Wyoming and the nation. If history is a guide, this change will be vigorously debated, contentious and some will not agree with the result. However, the outcome will reflect the wishes of the majority of the citizens as expressed through its elected representatives. It is truly a democratic process.

There have been a number of consultants, committees, task forces, etc., hired or formed at the request of the Governor, the legislature, the G&F Commission, the G&F Department and other groups and organizations to address specific wildlife issues. They have resulted in varying levels of success. They have contributed to the discussion in a variety of degrees, addressed specific issues and often at significant cost.

G&F has had some interaction with the Institute of Environment and Natural Resources (IENR) in the past. IENR coordinated the Wyoming Landowner/Sportsman Rendezvous held last February in Casper. Based on the PLPW Audit recommendation, G&F has contacted Dr. Harold Bergman, IENR Director to learn about the capabilities and resources of the IENR. During the discussion, Dr. Bergman advised IENR would like to have a dedicated contact in G&F to advise them on issues. Deputy Director Bill Wichers will act as the liaison between G&F and the IENR. In addition; the Commission intends to invite Dr. Bergman to a Commission meeting to present information on the IENR.

The IENR has an impressive board including prominent representatives of business, industry, conservation organizations, agriculture, academia, and elected officials. Former Governor Mike Sullivan is the current chair. With their independence and prestigious board, they can advance ideas and concepts a government agency such as that G&F could not address. Their present priority is protection of open spaces. They are in the process of releasing fifteen issue briefings, primarily dealing with their Wyoming Open Space Initiative Strategy. IENR provides a forum for debate on public issues concerning wildlife and other natural resources issues.

While the G&F Commission feels IENR is most valuable in their primary mission as an independent entity who can generate serious discussion and debate on natural resource concerns, the G&F Commission may use IENR's collaborative problem solving analysis and tools to address specific wildlife issues on a case-by-case basis as IENR abilities and resources allow. Given the serious nature of the Department's financial situation, any new fiscal obligations regarding the use of IENR would have to be seriously considered by the Commission.

In the end, Wyoming's wildlife heritage will be determined by the will of the people through the actions of their representatives in the Wyoming legislature; in the U. S Congress; and through interpretation of state and federal laws by the courts. All other actions of the G&F Commission, the Department or any other entity are derived from those three sources.

Thank you for the opportunity to respond to the recommendations made by the Legislative Services Office.

Sincerely,

Gregg Arthur
Deputy Director

GA/ga

Attachment

Cc: Game & Fish Commission