



*The Wyoming Department of Agriculture  
Natural Resources & Policy Division  
Newsletter*



Wy. Dept. of Agriculture  
Natural Resources & Policy Division  
2219 Carey Avenue  
Cheyenne, WY 82002-0100

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*“The cow is of the bovine ilk;  
One end is moo, the other, milk”  
-Ogden Nash*

# Wyoming Wind.... *Is Picking Up Speed*

Chris Wichmann, Senior Policy Analyst

No surprise there...Wyoming is famous for its wind, but now with the emphasis on clean renewable energy Wyoming's wind has seemingly picked up speed.

It is our nation's goal to receive 20-percent of the nation's electricity supply from wind by the year 2030, known as the "20 Percent Wind Scenario" by the U.S. Department of Energy (DOE). This means wind energy will provide 300,000 mega-watts (MW) of electricity by the year 2030. Currently, only 16,596MW of electricity are produced across the nation, with Wyoming only providing 288MW or 1.7% of the nation's wind energy.

This is all about to change.

A recent study showed Wyoming ranks seventh windiest state for having the greatest potential to develop wind energy (see Table 1). The State of Wyoming could potentially produce over 85,000MW of electricity per year or 28.3% of the nation's goal. At this time, there are 89 proposals submitted to the Wyoming Bureau of Land Management (BLM) to study and potentially develop wind energy facilities, located on public lands across the state. These proposed facilities would occupy approximately 1.5-million

acres of public lands, and could easily double when considering the ongoing development of wind energy facilities on private lands. The main focus areas for potential development currently lie within the southeast portion of the state, with over 40 proposals submitted to the BLM for wind energy studies.

So get ready, Wyoming's landscape is going to change. The one guarantee I am sure of is...the wind will continue to blow in Wyoming, and the number of wind energy facilities will also continue to grow. ✦

Potential Electricity Produced by Wind		
		MW/Year
1	North Dakota	138,400
2	Texas	136,100
3	Kansas	121,900
4	South Dakota	117,200
5	Montana	116,000
6	Nebraska	99,100
7	Wyoming	85,200
8	Oklahoma	82,700
9	Minnesota	75,000
10	Iowa	62,900

# Natural Resources & Policy Staff



Leanne Stevenson, Manager Natural Resources & Policy

Change. It is one thing that is inevitable in all of our lives – at home and at work. The Natural Resource & Policy staff at the Wyoming Department of Agriculture is real familiar with changes this past six months. We have had three new staff members and several new projects that have surfaced in the area of policy issues during this time.

Although the areas of concentration change as priorities in the State and the Department of Agriculture change, I wanted to provide you with the current duty assignments and the contact information for each person so that if you have a question or want to discuss your view on a particular issue, you will know who to contact and how to get in touch with them. ✦

Name	Area of Concentration
Leanne Stevenson, Manager (307) 777-6579 lsteve@state.wy.us	Division Management, Climate Issues, Carbon Sequestration, NASCA participation, General Conservation District Support.
Jessica Crowder, Senior Policy Analyst (307) 777-7024 jcrowder@state.wy.us	Shoshone NF, Black Hills NF, Buffalo, BLM FO, Casper BLM FO, Cody BLM FO, Worland BLM FO, Lander BLM FO, Newcastle BLM FO, Bighorn NF, National Park Service, Uranium, Geothermal
Chris Wichmann, Senior Policy Analyst (307) 777-6576 cwichmann@state.wy.us	Kemmerer BLM FO, Moxa Arch Energy Development, Rawlins BLM FO, Pinedale BLM FO, Rock Springs BLM FO, Ashley NF, Bridger-Teton NF, Caribou-Targhee, Medicine Bow NF, Wasatch-Cache NF, Wind Energy
Lucy Pauley, Mediation Coordinator (307) 777-8788 lpaule@state.wy.us	Agriculture Mediation, Mediation Training, Estate Planning, Negotiations Training, Facilitation Training
Justin Williams, Ag Program Coordinator (307) 777-7067 jwilli7@state.wy.us	Sage Grouse, Water Quality, NRCS, Conservation District Oversight and Support, Threatened and Endangered Species, Bighorn Sheep, Range Insurance Issues
Michelle MacDonald, Administrative Specialist (307) 777-7323 mmacdo@state.wy.us	Conservation District Support, Conservation District liason for compliance documentation, Corner Post, Legislative Tracking, Governor's Natural Resource Tour
Lisa Reinhart, Ag Program Coordinator Jonah Interagency Mitigation & Reclamation (307) 367-5386 lreinh@state.wy.us www.wy.blm.gov/jonah_office	Jonah Interagency Office project management, Mitigation and Reclamation Activities, Monitoring for Reclamation
Larry Bentley, Eastern Wyoming Program Coordinator (307) 867-2555 lb5cows@tctwest.net	Coordinated Resource Management, Duncan Ranch, Prairie Dogs, joint cooperative monitoring
Justin Caudill, Ag Program Coordinator Wyoming Landscape Conservation Initiative (307) 352-0378 jcaudi@state.wy.us	Wyoming Landscape Conservation Initiative Coordination Team Representative

# JIO Makes Adaptive Livestock Mitigation Recommendations

Lisa Reinhart, WDA/JIO

Since the signing of the Record of Decision for the Jonah Infill Drilling Project in Sublette County, the Jonah Interagency Office (JIO) in cooperation with the BLM and livestock permittees, have observed and recorded the impacts the development has had on livestock operations. Although the impacts vary by allotment (poisonings, vehicle collisions, calves falling into pipeline junctions, illnesses, etc.) JIO recognizes that intensive development of the Jonah Field, does indeed have negative impacts to livestock grazing. Although attempts have been made to mitigate these impacts “on-site”, the loss of livestock has continued.

Numerous discussions between all parties involved

have occurred. A consensus was made. The best way to mitigate the impacts of oil & gas development on livestock operations is to provide compensatory mitigation funding. The funding would either relocate livestock to alternative pastures during the development phase of the project or pay for projects to attract livestock away from the development area. The JIO has committed funding to accommodate these needs for the anticipated development phase of the Jonah Field (7 years).



The JIO recommends the BLM recognize the learned impacts of intensive mineral development on livestock grazing in future energy development projects. It is recommended that BLM and the Oil and Gas companies use compensatory mitigation to offset these impacts. ✦



## Fence In or Fence Out *Someone's Responsible....but whom?*

Justin Williams, Ag Program Coordinator

The movie “Open Range” starring Kevin Costner and Robert Duvall is set in the 1800’s during the time when large herds of cattle freely grazed the vast Western rangelands. The movie is fiction, but real life conflicts did and continue to arise regarding open-range law. An actual open-range law was developed throughout the West making private landowners responsible to fence out their neighbors’ livestock. Wyoming adopted this law over a century ago and it is currently used today. However, as the West is developed and the population increases, conflicting parties continue to challenge the law and seek compensation for damages to property, including fences, vegetation, vehicles and even the

livestock. Proving who is negligent is often times difficult and many of these cases end up in court.

I have had a number of recent phone calls and discussions regarding Wyoming’s open-range law. Two specific examples pertain to who is responsible for damage to fences and property and who is responsible for damages from vehicular collisions with cattle on public roadways. This is a complicated issue and it is not my intent to interpret the law, but rather make others aware of the increase in conflicts and the resources available pertaining to these issues.

Wyoming statute (W.S.) § 11-28-102, describes the construction of legal fences and generalities pertaining to

Fence, continued on page 5

# Aspens In A Changing World

Justin Caudill, WDA/WLCI

As a member of the Wyoming Landscape Conservation Initiative's (WLCI) Coordination Team, I have had the opportunity this fall to tour two Aspen Restoration Projects. These projects are financially supported through partnerships with other agencies and entities and the WLCI. The main purpose of this article is to share some of the information I have acquire while attending these tours.

- Aspen trees use less water than conifers; a conifer will use four to five times more water than an aspen tree.
- Conifers do not lose their needles over winter and hold snow and ice on their branches. This allows for sublimation, where a solid such as ice or snow transitions into a gaseous state without becoming a liquid, meaning water is lost into the ambient atmosphere.
- Conifers grow and block out sunlight choking out other plants, preventing undergrowth in a conifer stand. Compared to an aspen stands, which allow much more sun light to reach the soil surface, have a richer understory of shrubs and herbaceous species. The forage in a stand of aspens can be up to six times as rich as that under coniferous forests. An aspen stand has three to four layers of vegetation, ranging from small trees like juniper and chokecherry, to shrubs like snowberry and serviceberry, to wildflowers, grasses, and sedges.

- Aspen leaves, twigs and bark are very nutritious, which elk and deer use to overwinter. Black bears, cottontails, porcupine and snowshoe hares feed on bark, buds and foliage.
- The root systems of aspens lay dormant under soils dominated by conifer populations, waiting for a surface disturbance and removal of conifers to provide sunlight allowing aspen clones/shoots to grow.



- Due to past fire management practices, the disturbance of fire in most forests has been selective for conifer forests. This action has slowed the normal rotation between dominant tree types from about a hundred years, to hundreds or even thousands of years in some cases.
- Newer fire management practices allow fires to burn in controlled patterns, reestablishing a more normal disturbance cycle and allowing sunlight to reach the forest floor. This stimulates the dormant root systems of aspens, providing new growth of aspen shoots and stands. †

If you have any questions or would like more information on aspens or WLCI, contact Justin Caudill at 307-352-0378

## Mediation and Estate Planning

Lucy Pauley, WDA Mediation Coordinator

Through the "Passing It On" workbook, the Mediation Program has spent the last few years promoting the need for estate planning in agricultural families. We have heard too many stories from farm and ranch families who did not have a plan in place when the older generation passed away. The stress and legal difficulties remaining for the next generation are sadly avoidable if prior planning is done in time. Starting the conversation can be difficult and mediation offers a process to help the family get the issues out on the table and develop an estate plan that can work for everyone.

Through the mediation process, the family can work with a trained mediator and have some of the tough conversations in a healthy and productive manner. In agricultural families, a situation may exist where one son or daughter wants to stay on the ranch but the other siblings do not and the parents must decide what is fair for the family. There might be a situation where none of the children want to inherit the ranch, but a nephew has always been passionate about the land. Without having these conversations, the older generation is at a disadvantage in not knowing how the rest of the

Estate Planning, continued on page 7

# Flexible vs. Fixed Stocking Rates

“Now what do I do with those cows?”



By Jessica Crowder, Senior Policy Analyst

There are many factors influencing livestock production around the world. These factors range from drought to economics and everything in between. When deciding how to handle these situations, the main question is “how do I set my stocking rates with so many variables?” The answer lies in setting goals and determining if a fixed or a flexible stocking rate will meet those goals.

Fixed stocking rates are often the most economically feasible. This involves setting your livestock numbers at a constant rate, no matter what your rangeland



condition is or what kind of precipitation you are receiving. Stocking rates can be set conservatively (at a level below average annual forage production) so you are never overstocked. Often, stocking rates are set to

coincide with the average forage supply. Stocking rates can also be set with the highest possible forage supply in mind. This is not recommended since drought is inevitable. If a plant has been grazed extensively year after year, it begins to weaken and does not have a good store of carbohydrates. When drought occurs, these weakened plants generally do not fare well. A downfall to managing for a fixed stocking rate is that it is difficult to effectively use forage each year.

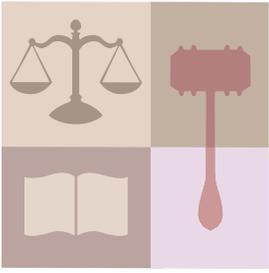
Flexible stocking rates are set with the forage supply year after year. In years of drought, livestock numbers are dropped. In above average precipitation years, livestock numbers are increased. Utilizing flexible stocking rates provides the best benefit to rangeland ecosystems and allows producers to utilize forage effectively year in and year out. Economically, it is difficult to manage for flexible stocking rates. This system requires culling and buying livestock often, which is especially difficult for those with registered livestock herds. Producers may consider varying class of livestock (i.e.: yearling instead of pairs) as one solution to these problems.

Tough decisions have to be made no matter which system is chosen. The best plan of action is to set goals for your operation and make your decision for a fixed or a flexible stocking rate based on those goals. You will be less likely to find yourself standing on the range in the heat of late summer, scratching your head and wondering “now what do I do with those cows?” †

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Fence, con't from page 3

open-range law. W.S. § 11-24-108 discusses stock at large on public highways and W.S. § 24-1-121, 122 and 123 discuss highways signage and responsibility for collisions. If you have a particular issue regarding trespassing or other open-range related issues, contact

the Wyoming State Livestock Board. We also recommend speaking with your attorney. If there is an opportunity to mediate the situation out of court, the Wyoming Department of Agriculture’s Mediation Program can also help resolve conflicts of this nature. †



# Increase Monitoring to Fight Anti-Livestock Activists

Larry Bentley, Natural Resource and Policy Consultant

There are two forces attempting to destroy the open spaces of Wyoming. One, activists trying to remove livestock grazing from public lands. The other, subdivisions relentlessly replacing financially-troubled ranches.

To prevent the removal of livestock from public lands, grazing permittees and federal officials must do a better job of monitoring the health of public rangelands upon which livestock graze.

Let me explain.

Anti-livestock activists are scrutinizing the rangeland health of grazing permits on public lands as never before. They submit Freedom of Information Act requests to Bureau Land Management (BLM) and U. S. Forest Service (FS) officials asking for copies of everything relating to specific grazing permits, often for ten years or longer. At a cost of thousands of dollars to taxpayers, federal officials must comply.

Frequently, these requests pertain to grazing permits which are scheduled for renewal, as both the FS and BLM conduct Environmental Analyses to evaluate the environmental impacts of permit renewals.

The activists use these copied materials to build their case against the renewal of the permits. When the permits are renewed, they then appeal the decision. If the activists lose their appeals, they ask the federal courts to intervene to overthrow the decision.

Ironically, the conditions of most rangelands are better today than ever before. This is a direct result of the efforts of both the grazing permittees and the range management specialists.

It is important to document resulting improvements in rangeland health. The permittees must aggressively ensure monitoring is occurring. They need to coordinate with their range management specialists on monitoring objectives, locations, frequencies, and methods. Finally, they must ensure those monitoring results are put into their permit files.

"Anti-livestock activists are scrutinizing the rangeland..."

Then, when the anti-livestock protestors request all those copies of papers, those copies will include documentation of the successful efforts occurring to enhance rangeland health with livestock grazing.

Monitoring provides an important defense against the removal of livestock grazing from public lands. In turn, allowing ranchers to remain financially viable. Those ranches help ensure open spaces for the survival of our wildlife and for the preservation of the visually stunning landscapes that occur only in Wyoming. ✦

**Questions, Concerns, Complaints?**  
**Wyoming Department of Agriculture Hotline**  
**1-888-413-0114**  
**Your Voice is Valued!**

## Americans with Disabilities Act

To obtain this publication in an alternative format, contact the Wyoming Department of Agriculture at (307) 777-7323.

# Friend of Agriculture Award Presented



The Excellence in Agriculture Awards recognize individuals or organizations with outstanding records of support or service to the Wyoming Department of Agriculture (WDA) and the Wyoming agriculture industry. The 2008 awards were presented on August 15 at a ceremony during the Wyoming State Fair.

with a phenomenal amount of agricultural issues, including public land grazing, water quality, grizzly bears, wolves and sage grouse.

As the Executive Director of Guardians of the Range, a public lands grazing association, Kathleen strives to keep livestock on public lands, recognizing the importance of keeping the lands in multiple use, keeping the rangelands healthy for livestock and wildlife as well as keeping the ranchers in business. Kathleen serves as a strong voice and advocate for what the ranching industry does for the operators, the local communities and the citizens of the State.

Kathleen currently serves as chairman of the Bighorn Basin Sage Grouse Local Working Group on behalf of the agricultural industry. Kathleen has devoted countless hours to this group and has recently worked with the WDA on the 2008 Sage Grouse Conference in Lander to organize a Local Working Group Member Forum and share her talent as the featured guest speaker. The WDA also works with Kathleen on the Carbon Sequestration Advisory Group.

Kathleen always has Wyoming's agriculture producers in her sights and offers a vision extending years from now of how policy, rules, regulations and simple decisions will affect agriculture and Wyoming's open spaces. The Wyoming Department of Agriculture benefits from a close working relationship to share the visions and brainstorm new ones. We thank Kathleen for her continued dedication and exemplary work in the agriculture industry. ✦

Specifically, the Friend of Agriculture Award is nominated by the Natural Resource & Policy Division to recognize a person who has gone above and beyond to promote sustainable agriculture in Wyoming. The division staff nominates a recipient who has worked with the division as well as the Department of Agriculture and demonstrated an expertise and passion for agricultural values.

The 2008 award was presented by Leanne Stevenson, manager of the division, to Kathleen Jachowski from Cody. Kathleen has worked with the Department of Agriculture, particularly the Natural Resources and Policy.

Kathleen and her husband Pete raise registered Hereford cattle on the South Fork of the Shoshone and deal

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Estate Planning, con't from page 4

family feels. Involving everyone in the conversation also minimizes the chance for future family conflict. Hearing why mom and dad are dividing the estate in a certain way, may prevent arguments and disagreement between the succeeding generations.

Once these conversations take place, the family can work with their estate planning professionals and develop a plan which everyone can live with.



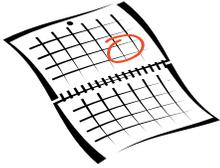
Mediation does not eliminate the need to use the same legal documents for an estate plan such as a will, trust, gifting, etc., it just provides another way for the family

to have a well thought-out, productive conversation.

Another use of mediation in estate planning is to put a mediation clause into the will. This is a way to encourage family members to try to sit down and resolve the issue themselves without immediately going to litigation.

Family issues will always be complicated and estate planning requires time and effort. With the help of a mediator, a family can develop a plan to minimize the chance of future family conflict while helping the older generation accomplish their financial and estate planning goals. ✦





# Upcoming Events

- |                 |  |               |  |
|-----------------|--|---------------|--|
| November 17-21: | Wyoming Association of Conservation Districts Convention, Gillette | December 17:  | Wyoming Board of Agriculture Conference Call |
| November 19:    | Wyoming Board of Agriculture Conference Call                       | January 13:   | 2009 General Legislative Session Convenes    |
| November 21-23: | Winter Ag Expo, Casper   | February 1-4: | NACD Annual Convention, New Orleans          |
| November 22:    | Ropin' The Wind Conference, Casper                                 | March 15-21:  | National Ag Week                             |
| December 3:     | Wyoming Board of Agriculture Conference Call                       | March 20:     | National Ag Day                              |
| December 7-9:   | WSGA/WWGA Joint Convention, Casper                                 |               |  |

If you have questions or comments about the information in this newsletter, please contact Michelle MacDonald, WY Department of Agriculture, Natural Resources & Policy section at 307.777.7323 or [mmacdo@state.wy.us](mailto:mmacdo@state.wy.us)

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