

The Corner Post

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

IN THIS ISSUE

Using Mediation to Help Resolve Water Conflicts..... 1

Wild Horse Research Funding Program..... 2

Conflict Resolution on Federal Lands..... 2

A Look Back In History..... 3

Wyoming Executive Order 2015-4: Greater Sage-Grouse Cores Area Protection..... 4

Rangeland Health Assessment Update..... 5

Understanding the Basics of Standards & Guidelines.....6

Back Yourself Up! The Importance of Credible Citations.....7

Upcoming Events.....8

Quotable Quotes

"I could dance with you till the cows come home. Better still, I'll dance with the cows and you come home." -Groucho Marx

* Banner Photo Courtesy of Michelle MacDonald

* Inset Photo Courtesy of Lucy Pauley

Using Mediation To Help Resolve Water Conflicts

Lucy Pauley, Mediation Program Coordinator

Every summer, the Mediation Program receives a couple of calls from landowners who are seeking help to resolve conflicts about water. Whether it is small acreages or large, new landowners or seasoned veterans, from any corner of the state, disputes can erupt over water. In times of drought, these conflicts can increase but we might also see an uptick in requests when there is too much water. Water disputes aren't limited to Wyoming; in larger states like California, irrigation districts may find themselves battling with urban areas over the use of the water. Water disputes can cross state lines, with Wyoming and Montana battling in the U.S. Supreme Court over interstate water rights. While your issue might not find it's way to the Supreme Court, chances are good that the conflict is affecting your financial health and perhaps even your mental health. Mediation can play an important role in helping parties resolve disputes involving water.

What are these conflicts usually about? In talking to landowners about their irrigation conflicts and in researching issues in other western states, several common themes arise:



- **Who, what and when.** Which user gets their allotment of water and when do they get it? When is the water being turned off? If the landowners are not part of an organized group of irrigators, but just share a private ditch or pipeline, they all have to come together and maintain the ditch, keep it operational and coordinate their own ditch activities.
- **Issues with ditch maintenance and easements.** Are the ditches in good shape or are they full of noxious weeds? Lack of maintenance can lead to flooding or loss of irrigation water.
- **The quality of the irrigation water.** Anyone who uses water to irrigate is responsible for caring or making arrangements for downstream neighbors to care for his or her runoff water.

Continued on page 4



Chris Wichmann, Manager

The Wyoming Department of Agriculture (WDA) was provided \$250,000 in our biennial budget to fund research projects on wild horses within Wyoming. The WDA coordinated with several partners and legislators to identify key issues and understand the needs for wild horse research in the state. The WDA then developed priorities for research centered around population dynamics and wildlife interactions/impacts.

A request for proposal was sent out asking for researchers interested in either the populations aspect of the research or wildlife. We received 10 very good proposals (5-for each). The research selected will help provide valuable information to the State and Federal agencies, and will assist in the future management of wild horses on the range.

The projects selected are as follows:

- **Testing the accuracy of high definition infrared imaging for wild horse aerial surveys.** This project is a relatively new technology that will survey/count the number of horses on the range Herd Management Area (HMA) by using

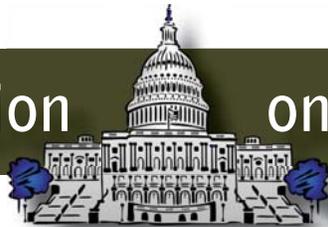
high definition infrared cameras. If this survey technique functions as a valid survey method, it will reduce costs, be safer by having less people in the air and potentially be more accurate than current methods.

- **Wild horse spatial movement patterns across the public-private land matrix, rangeland habitat use, and interactions with wildlife and livestock.** This project is designed to monitor wild horse movements, monitor rangeland use and determine the impacts wild horses have on vegetation and wildlife. It will document where wild horses are throughout the year, what they are eating and the impacts they have on wildlife and livestock management.

- **Wild horse research program.** This project will aerially survey various HMAs throughout the year and model how wild horses use the range.

These research projects will assist land managers in understanding wild horses and environmental relationships better and provide valuable information for managing wild horses in Wyoming. ✦

Conflict Resolution on Federal Lands



Callie Capraro, NRP Mediation Intern

In April of 2015, the Oath Keepers were scheduled to descend on Oregon to protest a decision by the Bureau of Land Management (BLM) that prevented an owner of a mine from making use of his claim. The self-proclaimed defenders of the Constitution comprised of current and former military and police officers came at the request of the mine's owner to prevent him from being removed by the BLM. This, of course, follows almost exactly a year after the tense confrontation between Cliven Bundy and the BLM after Bundy's cattle were to be removed from federal lands for non-payment of permit fees. In order to prevent the round-up, Bundy was supported by over 1,000 armed militia, which ultimately caused the BLM

to temporarily leave the cattle in order to diffuse the situation. These examples are extreme, but in a time where federal agencies are already feeling enormous pressures coming from environmental groups, livestock producers, recreation enthusiasts and local government agencies for every decision they make, what options are available in order to resolve disputes? The BLM and the U.S. Forest Service (USFS) both have regulations in place to give opportunity for public comment and objections during the decision process and an appeals process for decisions implemented. For each agency's decisions there is a different regulatory code in place. For example, separate regulations for USFS project-level plans and

Continued on page 7

A Look Back In History

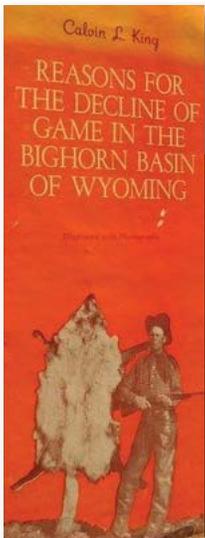


Larry Bentley, Eastern Consultant

In 1965 Calvin L. King wrote a book titled “REASONS FOR THE DECLINE OF GAME IN THE BIG HORN BASIN OF WYOMING”. The book is the history of the increase in predators and how the predator control problem to livestock and wildlife was finally brought under control.

But first, a brief look at Calvin’s life. He was born in Fort Collins, but attended grade school in Albin and Chugwater. High school was completed in Saratoga. His college career started at the University of Wyoming, then Colorado State University, University of Colorado and finally the U.S. Naval Academy at Annapolis. I was fortunate to have known Cal for over twenty-five years. Cal was a one of the first men I knew that looked at livestock management as a method that improved wildlife habitat and populations and that uncontrolled predator management was costly to both.

The uncontrolled harvesting of buffalo for hides and meat left an overabundance of food for predators causing an increase in birth rates of wolves, coyotes, bobcats, lions and bears.



Calvin King’s book
**REASONS FOR THE DECLINE
OF GAME IN THE BIGHORN
BASIN OF WYOMING**
was published in 1965 by:

Vantage Press, Inc.
120 West 31st Street
New York, New York

And can be found on Amazon.com

The devastating winter of 1876 and 1877 added to the availability of the food supply with the deaths of thousands of cattle and wildlife. The increase in predator numbers continued for the next fifteen years. During that period many ranchers hired hunters and trappers, and offered bounties on all predators, but saw little success until 1915 when the Biological Survey was created.

In 1915 the newly formed Biological Survey put into place organized predator animal control practices, the success of which can be seen in the recorded number of predators killed over the next twenty–five years. Biological Survey records from 1916 list the numbers of predators killed as:

Wolves	95
Coyotes	1602
Bobcats	200
Bears	3
Mountain lions	18

Control of the wolf was gained by 1920 and the coyote in 1945.

Cal firmly believed that control, plus the improved management of the range by livestock owners, is the reason for the increases in wildlife populations in the Bighorn Basin and the rest of Wyoming. Will the reduction in the number of valuable predator control methods and increasing populations of predators repeat the wildlife and livestock loss of the early 1900’s? †

Americans with Disabilities Act

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

Wyoming Executive Order 2015-4:

Greater Sage-Grouse Core Area Protection

Joe Budd, Senior Policy Analyst

On July 29, 2015 Governor Mead signed Executive Order 2015-4: Greater Sage-Grouse Core Area Protection. This Order replaces 2011-5 and 2013-3. The WDA is a sitting member of the Sage-Grouse Implementation Team, or SGIT, and was involved with providing recommendations to the Governor for EO 2015-4. Specifically, the WDA was tasked with helping to review language and incorporating EO 2013-3. Another separate group was tasked with working with local Sage-Grouse working groups around the state to suggest edits to any of the Core Area maps.

The WDA attended numerous SGIT meetings and over twenty SGIT sub-group meetings for the new EO. Our main focus was on Attachment C (“de minimis” activities) and incorporating language which allows for existing uses to continue, such as livestock grazing and farming. This included adding references to grazing memos from agencies like the US Fish and Wildlife Service and new statements within the EO that help clarify important distinctions such as proper versus improper grazing. Group editing is never an easy task and there were a number of disagreements that could not be decided at the sub-group level. In these cases, the entire SGIT was asked for their opinion and that recommendation was then provided to the Governor. Mapping was done in a similar fashion.

Perhaps most critical to ranchers/farmers are the changes to Attachment C. Although few items truly changed, there are a few major points to be aware of. In the past, things such as agricultural water wells were considered “de minimis”, with the exception of a timing stipulation. EO 2015-4 now requires a “habitat evaluation” within 0.6 miles of an occupied lek. This simply means that if a water well is going to be placed within 0.6 miles it should be situated in the least important sage-grouse habitat. In all reality, the easiest way to deal with this issue would be to stay outside of 0.6 miles, but when this cannot be done it is important to try to avoid highly important habitats and the lek itself. This is also the case for electrical utilities, agricultural reservoirs, and aquatic habitat improvements. Attachment C is also where EO 2013-3 was incorporated. This includes some very important language on how livestock grazing, animal husbandry, and farming practices are considered under the Order. ✦

The new EO can be found on the Governor’s website:
<https://drive.google.com/a/wyo.gov/filed/0B6oHXm9jOVzPejJzeU80c296RFk/view>



.....

Mediation (continued from page 1)

- **Water in open channels only runs downhill.** Seems obvious right? Some landowners may alter the location of the ditch on their property which will make it harder for the down-ditch neighbors to receive their water.

Miscommunication is a common theme in irrigation disputes. You may find yourself in a situation where you’ve tried to clear up the miscommunication and worked together to negotiate, but for a variety of reasons, the conflict still exists. At this

point, you might consider bringing in a neutral third-party to help both sides have a civil, constructive conversation and try to find a mutually-agreed upon solution. A mediator or a facilitator can help the parties overcome differing conflict styles, communication difficulties, or an inability to see each other’s perspective and help them find common ground and develop an agreement that meets everyone’s needs. For more information, call (307) 777-8788 or email lucy.pauley@wyo.gov. ✦

Rangeland Health Assessment

UPDATE

Justin Caudill, Ag Program Coordinator

The Wyoming Rangeland Health Assessment Program (RHAP) is one of several grant programs administered through the Wyoming Department of Agriculture's Natural Resources and Policy Division. RHAP began in 2010 with the Wyoming Legislature passing the RHAP bill providing \$20,000 to the Wyoming Department of Agriculture (WDA) to develop rules and processes, along with a \$100,000 to the University of Wyoming to develop a database of peer reviewed literature to assist in monitoring efforts. Over the past five years, funding for the program has grown from \$120,000 to \$300,000 from the program's inception to the 2015-16 biennial budget.

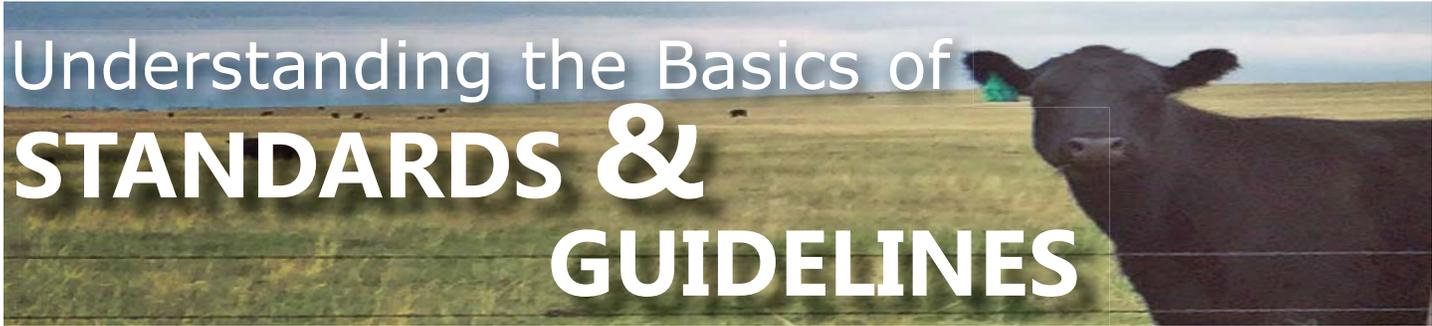
The RHAP's main purpose is to build partnerships between permittees and the federal agencies working to obtain credible monitoring data for National Environmental Policy Act (NEPA) requirements needed for permit renewals. Other intended outcomes of the partnership involve advancing adaptive management strategies and making decisions based on the obtained data. Another of the RHAP's principal points is centered on the cooperative involvement of all parties beginning with the design of the project through all phases of trainings and monitoring, leading to sustainable grazing now and into the future.

This program is an avenue for the permittees to be more involved in the collection of range health data, and to be better informed and effective when developing management direction with their federal partners. Over the past two years the WDA has received updates and final reports for RHAP funded projects and continually read of the positive outcomes related to the increased cooperation from both permittees and federal range specialist perspectives.

The WDA is advertising a fourth round of Request for Proposals for RHAP applications with a due date of September 11, 2015. The RHAP program has \$82,264.28 available for project funding. Only institutions of higher education and other qualified state and local governmental agencies can apply for the RHAP funding. Project grant amounts are not to exceed \$20,000.00, and require a thirty-percent in-kind and/or cash match to be considered. ✦ **If you have any questions about the RHAP program, or would like to apply for funding please visit the WDA RHAP link at: <http://agriculture.wy.gov/divisions/nrp/rangeland-health>, or contact Justin Caudill at (307) 352-0378, or by e-mail at justin.caudill@wyo.gov.**

To receive an electronic or printed copy of The Cornerpost Newsletter, please contact Michelle MacDonald at: (307) 777-7323 or michelle.macdonald@wyo.gov.

Our newsletter is also posted on the Wyoming Department of Agriculture website at: <http://agriculture.wy.gov/divisions/nrp>.



Understanding the Basics of **STANDARDS & GUIDELINES**

Justin Williams, Senior Policy Analyst

Renewing grazing permits is much more in-depth than in years past, which isn't such a bad thing. Bureau of Land Management uses Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management, also known as Standards and Guidelines as part of their permit renewal process. Grazing permittees can find Standards and Guidelines in the regulation; 43 CFR 4180.1.

Standards and Guidelines typically utilize data collected across the landscape (grazing allotment) over the past few years; often BLM staff organizes a field tour, and finally BLM makes their determination. There are six Standards BLM evaluates across the landscape: 1) soils, 2) riparian and wetland vegetation, 3) upland vegetation, 4) wildlife, 5) water quality and 6) air quality. Guidelines evaluate the livestock grazing management practices, such as timing, duration, stocking rates, and range improvement projects. BLM staff gathers all the data they have to evaluate the six Standards, as well as taking into consideration current conditions found during the field tour to make their determination. If there is an inadequacy of data, the field manager should take action to gather the minimum data required to make the determination. "Determination" is defined as "document recording the authorized office's finding that existing grazing management practices or levels of grazing use on public lands grazing either are or are not significant factors in failing to achieve the standards and

conform with the guidelines within a specified geographic area (H -4180)."

If grazing is considered a significant factor in failing to achieve a given Standard, permittees should work cooperatively with BLM to identify reasonable changes to their grazing management in order to make progress towards meeting the Standard before the next determination. Conversely, if grazing is not the causal factor, permittees should avoid making changes to address a causal factor outside of their control.

Once a determination is made, and if grazing is a significant causal factor for not achieving Standards or not making progress, the field manager will require appropriate actions no later than the beginning of the next grazing season. It's important for permittees to understand this timeline and to come prepared to brainstorm new ideas to address the Standards not being achieved.

Grazing permittees are strongly encouraged to participate in all aspects of data collection and field tours to provide history, grazing management practices, and other background information. Knowing the regulations including Standards and Guidelines is an additional and sometimes burdensome task, but based on past results, well worth the extra effort. ✦



AGRICULTURE ★ ★ ★ *Producer Research* GRANT

**The third round of grant funding opportunities
for the Agriculture Producer Research Grant
Program will be available Fall 2015.**

For more information, please visit our website at:
<http://agriculture.wy.gov/divisions/nrp/aprg-program>
or call Michelle MacDonald at (307) 777-7323



Back Yourself Up!

The Importance of Credible Citations

Logan Hansen, NRP Intern

A scientific citation can make or break any position. But how do you know whether or not the source you're looking at is credible or relevant to the issue at hand? The right citation can support rationale for decisions; the wrong citation can illuminate inadequacies or flawed logic.

The first thing to look at is the title in order to decide whether or not it would be relevant to an Environmental Assessment (EA) or Environmental Impact Statement (EIS) decision. Also a quick read of the abstract can help to understand what you may get from the paper. An abstract is an overview or synopsis of the study.

Next, look at where the study was done. For example if your permit is located on an allotment in Wyoming then a study done in Africa probably wouldn't be pertinent. Other areas can have very different inputs which could change results.

Equally important is when the paper was written. Referencing a study from the 60's when there is newer information

available is never recommended. Many new studies look at acceptability of old research and often find there are more effective methods.

Once you've decided the study is acceptable then you'll want to read it in its entirety and determine what the study actually evaluates. How confident were the researchers in their findings? Are their findings supported by others? What's the main point? Can the findings of the paper work in the context of your discussion? If you are satisfied and find the study pertinent, you'll want to use or save the article/citation. Also look at the citations listed at the end of every scientific paper in order to find more citations, or better ones.

Knowing how to find a credible citation can help you tremendously in supporting your position. Analyzing a citation correctly can allow you to be more prepared for any management decision or issues related to your permit. ✦

Conflict (continued from page 2)

permit holders that have been affected by an adverse decision; they are governed by 36 Code of Federal Regulations (CFR) 218 and 36 CFR 222, respectively. All of the BLM appeals procedures may be found in 43 CFR 4. These are important to note, because there are differences in processes between the two agencies. An example of this difference would be that USFS permit-holders have the opportunity for mediation when an adverse decision has been made, whereas BLM permit-holders do not. Another example is where disputes are heard once the agency administrative review process has been completed: BLM disputes must proceed to an administrative court, and an appeal of a USFS decision can go directly to federal court.

Another means of communication for those directly or indirectly injured by a decision may be through a state

agency. State agencies play an important role in managing the conflicts or even resolving them by actively participating and commenting on federal policy that affects grazing permittees, wildlife, etc. They act as advocates and try to prevent or change a decision that may adversely affect their constituency in the process of deciding on an issue or another matter. Another benefit of contacting the appropriate state agency is often a deeper understanding of the regulations that guide the process and the requirements that result from those regulations.

Although at times the appeals and objection processes may seem intimidating, in addition to being long and drawn out, they exist for a reason. It is important to keep lines of communication open, and take full advantage of the opportunity to be allowed to speak your piece in the process. ✦



Upcoming Events

September 2:	CD Area V Meeting, Kemmerer	November 3-5:	WACD/Weed & Pest/SRM Convention Laramie
September 3:	CD Area IV Meeting, Riverton	November 5-8:	West Central Wool Growers Meeting, Utah
September 4:	CD Area III Meeting, Thermopolis	November 12:	Board of Agriculture Meeting, Cody
September 9:	CD Area I Meeting, Sheridan	November 12-14:	WY Farm Bureau Annual Meeting, Cody
September 10:	CD Area II Meeting, Torrington	Nov 30-Dec 2:	WY Stock Growers Association Winter Roundup, Casper
September 9-10:	Board of Agriculture Joint Meeting with Game & Fish Commission, Torrington	January 27-30:	American Sheep Industry Convention, Arizona
October 7-8:	NACD Southwest Regional Meeting, Utah	Jan 30-Feb 3:	NACD Annual Convention, Nevada
October 12-16:	Conflict Resolution Week	February 8:	Legislative Budget Session Convenes
October 13:	Board of Agriculture Conference Call		

If you have questions or comments about the information in this newsletter, or to obtain an email copy, please contact Michelle MacDonald, WY Department of Agriculture, Natural Resources & Policy Division at:
307.777.7323 or michelle.macdonald@wyo.gov.

Wyoming Department of Agriculture
Natural Resources & Policy Division
2219 Carey Avenue
Cheyenne, WY 82002-0100

The Corner Post