

The Corner Post

The Wyoming Department of Agriculture
Natural Resources & Policy Division
Newsletter



WY. Dept. of Agriculture
Natural Resources & Policy Division
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Modern Day Permit Renewals *Participation is Key*

Justin Williams, Senior Policy Analyst

Federal agencies are experiencing heavy pressure to reduce or remove livestock grazing from public lands. Organizations seeking the removal are using the livestock grazing permit renewal process as the opening to file appeals and litigate federal agency decisions. The increased scrutiny, including following the numerous regulations found under National Environmental Policy Act (NEPA) creates a sense of uncertainty for many.



to make sound decisions. Organizations will appeal permit renewals lacking adequate data. Grazing permittees are encouraged to work closely with their rangeland management specialists to understand what data is required for the renewal under an Environmental Assessment (EA). Trend data may include upland vegetation, riparian vegetation, wildlife, air, soil, and water. This data is used to assess whether or not the resources are meeting federal standards.

Scoping: Federal agencies commonly use "scoping" as the initial step to renew a grazing permit while allowing the public an opportunity to comment and express interest in the renewal. Scoping notifications vary, but many will provide a brief indication if resources are or are not meeting federal standards. Grazing permittees are strongly encouraged to provide scoping comments in the time allowed as a means to formally document interest. Scoping is also the time to propose a permittee developed alternative prior to agency developed alternatives or analysis.

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Quotable Quotes

"You can only milk a cow so long, then you're left holding the pail."
-Hank Aaron

* Banner Photo Courtesy of Vicki Gibson

The Wyoming Department of Agriculture (WDA) staff work hard to establish relationships with the livestock grazing permittees across the state to offer assistance when grazing permits are in the renewal process. The renewal process is more than a signature and a handshake as it once was. In fact, the process goes through many stages and can take many years before another ten year permit is issued.

Data Collection: Many grazing allotments lack adequate data for agencies

Climate Change Analysis in NEPA Documents



Joe Budd, Senior Policy Analyst

Climate change is now part of almost every National Environmental Policy Act (NEPA) document. NEPA was passed at a time in our country referred to as “the period of dissent and disobedience” from 1964-1975. Nixon signed NEPA into law in 1970, a year after the Cuyahoga River Fire. Debate rages on both sides of the climate change issue, partially because it is a fledgling science and we don’t truly know if we have any control. While climate change analysis is not expressly required, it has been tied to both Section 101 and 102 of NEPA (which describe the “spirit and the letter” of the Act), implying it is suited for analysis.

The Council on Environmental Quality (CEQ) recently issued draft guidance for agencies in regards to climate change and its applicability in documents. The CEQ states “the fundamental purpose of NEPA [is] to concentrate on matters that are truly important to making a decision” and “when an agency determines that evaluating the effects of [greenhouse gas] emissions...would not be useful...[they] should document the rationale...”. This implies analysis is not always warranted. In most cases, it will be part of the document so it is important to understand some parts of the analysis. Here are some major things to watch for:

- **Scale of Analysis:** Climate change can be an exponential analysis, from the project level to global. While an impact may appear large in one arena, it may be a drop in the bucket in another. Make sure the scale of analysis is appropriate and proportionate to the project.
- **The CEQ’s “Rule of Reason”:** In their 2014 draft guidance the CEQ states “agencies should be guided by the “rule of reason” in ensuring that the level of effort expended in analyzing ...climate change effects is proportionate to the importance of climate change... [to the] action being evaluated.” This implies analysis is not always necessary and there is a limit to the depth

and nature of the analysis in relation to the project. It should also help set sideboards for analysis.

- **The “Hard Look”:** The agency must show they took the required “hard look” at the issues, including benefits of the action. NEPA documents often focus on negative impacts and do not account for positive impacts. For climate change, this should be included as emissions or sequestration of carbon. It should be very evident that the analysis encompasses all parts of the debate on climate change and uses the appropriate rationale, sources, and data for the analysis.
- **Emissions vs. Sequestration:** The CEQ draft guidance states “biogenic emissions from land management actions such as prescribed burning, timber stand improvements, fuel load reductions, scheduled harvesting, and livestock grazing...contribute both carbon emissions and carbon sequestration to the global carbon cycle.” No climate change analysis should be one sided or list only the emissions portion of the analysis. This must be tied to scale and reason. For example, an Environmental Assessment (EA) of a grazing allotment may not need to include the emissions or sequestration of livestock grazing. However, the assessment of a number of allotments across a region may need the analysis due to cumulative impacts.

Overall, the analysis is at the discretion of the agency preparing the NEPA document. The amount of information put into any NEPA document should be commensurate of the decision. This includes climate change analysis and the need, or lack thereof, for its inclusion. The depth and time spent on analysis must directly relate to the size and type of project. If nothing else, make sure unnecessary and/or biased information is not added and the scale used is logical. For more information see the CEQ’s Draft Guidance dated December 2014. †

Americans with Disabilities Act

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

Mediation in Agricultural Business and Family Disputes

Lucy Pauley, Mediation Coordinator

Mom and dad are working with their two grown daughters on the family ranch. Both daughters want to continue to live on the ranch with their families and contribute to the operation. The parents have a basic will in place but no written plan on transitioning the management of the operation. The family has started a few conversations about this issue, but high emotions and different communication styles have prevented them from making much progress. After doing some research and talking with their local county extension service, the daughters suggest working with a mediator to help the family develop a plan for transition of not only the estate but also the business side of the ranch.



Three brothers jointly run their large family operation, which features a mixture of livestock and crop production. After twenty years of working together, the brothers have decided to divide the operation into three individual entities and each run their own business. There's a natural division of the crop and livestock components the brothers can agree on and they are working with an attorney to finalize those details. However, they are unsure how to divide the more sentimental parts of the operation; the original homesite, mountain pasture with recreational opportunities the whole family uses, and some large equipment. At the attorney's suggestion, the brothers contact a mediator to help them have a conversation and work out a plan everyone can live with.



A family jointly owns an agricultural supply store. The parents, son, and daughter have jointly owned and operated the small business in their community for three generations. The son wants to sell out and move into a new venture. The other family members want to keep the business going but they can't agree on a plan for buying the son's share. Working closely with their financial advisor, they realize there isn't enough cash to buy the son's share and they are

hesitant to take on more debt at this time. The economy is still recovering in the part of the country and while their business is healthy, there isn't a lot of wiggle room. Tension within the family is increasing while they try to find a solution. Another relative suggests mediation to the family, in the hopes of helping them talk about the problem without destroying their relationships.



In each of these scenarios, using a mediator can be a valuable tool to help the families work through conflicts impacting not only relationships, but also business. In cases like these, it's nearly impossible to separate the business problem from the family problem. Alongside other professionals like attorneys, financial planners and lenders who help address the business concerns, a mediator can help the family talk about the problem, work through communication difficulties, brainstorm options and develop a solution that meets everyone's needs. Mediation works best if it's attempted early into a conflict, but the process can be utilized at any point. †

If you'd like to learn more about using mediation for your situation, contact Lucy Pauley at (307) 777-8788, email lucy.pauley@wyo.gov or visit our website: <http://wyagric.state.wy.us/divisions/nrp/mediation-program>.



RANGELAND HEALTH ASSESSMENT UPDATE

Justin Caudill, Ag Program Coordinator

The Wyoming Rangeland Health Assessment Program (RHAP) is one of three grant programs administered through the Wyoming Department of Agriculture (WDA). The RHAP began in 2010 when the Wyoming Legislature passed the RHAP bill and provided \$20,000 to the Wyoming Department of Agriculture to develop rules and processes for RHAP, along with \$100,000 to the University of Wyoming (UW) to develop a database of peer reviewed literature and assist in monitoring efforts in the state. In December of 2010 the RHAP programs rules (Chapter 15) were completed, and the signing of the Memorandum of Understanding with the partnering agencies, “WDA, US Forest Service, and Bureau of Land Management” in the spring of 2011. Over the past four years funding through the Wyoming Legislature has grown from \$120,000 in 2011-12 budget years to \$300,000 for the biennium 2015-16.

The RHAP’s main purpose is to help federal land managing agencies and permittees, while working together, to obtain needed monitoring information for

National Environmental Policy Act (NEPA) requirements and to assist this partnership in adaptive management strategies based on the cooperatively obtained data. The RHAP’s principal point is centered on joint cooperative monitoring, and the partnership between the land managing agencies and the permittee(s) being crucial and paramount to the success of any single project and the program as a whole.

It is the WDA’s focus to have all partners involved in a project to participate in all planning, trainings, and monitoring activities associated with a project. Over the past two years as the WDA has received updates and final reports from project proponents we have heard of lessons learned within the partnerships, and the benefits related to cooperation. This program not only provides funds for the collection of monitoring data, but also is an opportunity for permittees involvement in the monitoring. †



Permit Renewals (continued from page 1)

Development of Alternatives: Grazing permittees should participate in developing scoping comments regarding the development of alternatives. It is expected the agency will analyze a “no grazing” alternative, as well as the “proposed” alternative, which is typically the current grazing practices with modifications. The modifications may include writing new objectives, changes in rotation, season of use, or others in order to work towards meeting the resource standards.

Draft EA: Once the alternatives are developed, and include the analysis of all the data, the agency develops the EA. Again, permittees are strongly encouraged to review and comment on this document. The agency sets a strict number of days to comment, which permittees should adhere to. The EA should express the environmental impacts from all activities. Previous

collaborative efforts from the permittees should be included in the range of alternatives. The agency will compile comments to determine a final decision including the preferred alternative.

Final EA/Decision: The agency will issue the final decision. This creates another strict timeline; the opportunity to object, protest, and/or appeal. Agency regulations indicate the timelines for each.

The permit renewal process is much more controversial and complicated than in years past. It is important to maintain good working relationships with range staff, and participation is key for a successful permit renewal and ongoing relationship with range staff. If you are unfamiliar with the recent changes or complexities to the permit renewal process, we are available to help. †

"VIABILITY"

Forest Service's Definition and Impacts to Wyoming's Agriculture

Chris Wichmann, Manager

Viability or species viability can mean a lot of different things to different people. Merriam-Webster's Dictionary defines viability as, "capable of living or having a reasonable chance at succeeding." Dictionary.com defines viability as, "ability to live, especially under certain conditions, or the capacity to operate or be sustained."

However, the U.S. Forest Service has their own interpretation of "Viability" as defined in the Code of Federal Regulations 219.9 under the regulatory requirement of the 2012 Forest Planning Rule. It defines species viability as, "A population of a species that continues to persist over the long-term with sufficient distribution to be resilient and adaptable to stressors and likely future environments." It continues to say, "Plan components must provide ecological conditions to: contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area." The Forest Service assumes it is their responsibility to provide management of wildlife species in order to ensure the species remain viable.

The problem with this interpretation is that the Forest Service does not have the primacy to manage Wyoming's wildlife, this responsibility lies wholly within the purview of the Wyoming Game and Fish Department. In addition, the Forest Service is not looking at the entire population of a species within the state, but the narrow vision of what is located within the Forest Service's Planning Area.

My interpretation of the Forest Service's use of viability is bad, bad, bad. It may be the single biggest threat to agriculture and other forest uses we have seen to date. The Bridger-Teton National Forest (BTNF) has a list of twenty-five species they are planning to write

conservation plans for. These conservation plans will detail the proposed management or suggested conservation practices to implement for each species. This list contains species such as; sage grouse, bighorn sheep, boreal toads, gray wolf, yellowstone and snake river cutthroat trout and nineteen other species. Each species conservation plan has the potential to impact current agricultural practices and production. A recent example is the potential elimination of domestic sheep grazing in all areas where big horn sheep are present, based on protecting the viability of bighorn sheep on the BTNF. Another example is the recommended conservation practice to leave 70% vegetative cover within a 1/2-mile of all potential breeding sites for Boreal Toad and Columbian Spotted Frog. This could significantly reduce the amount of forage available for livestock throughout the entire forest, based on protecting the viability of the frog and toad.

The term "Viability" is supposed to mean sustaining life, however, my fear is this single word will mean the opposite for agriculture and other uses on Forest Service lands. ✦

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International Year of Soils

Shari Meeks, JIO/PAPO Ag Program Coordinator

No one in agriculture needs reminding of the importance of high-quality topsoil. But this is not generally true for the entire population, who considers soil as no more than the dirt we sweep up in our homes and wash off our vehicles. A healthy soil is the foundation for food, fuel, fiber, and medical products and is the most vital (and most overlooked) part of our ecosystem.

The 68th U.N. General Assembly declared 2015 the International Year of Soils (IYS) to increase awareness and understanding of the many important roles of soil. Together, with international partners, the Natural Resources Conservation Service (NRCS) and Soil Science Society of America (SSSA) will be showcasing the importance of soil with monthly themes created by the SSSA. These themes vary by topic from soil biology to water filtering capabilities to agricultural significance and urban life support. Activities and more information about the monthly themes can be found at <https://www.soils.org/iys>.

In light of the 2015 International Year of Soils, let's take a look at our very own landscape in Wyoming.

Wyoming's State Soil – Forkwood

Soils throughout the world all possess characteristics making them unique; from soil color and texture to soil depth. According to the NRCS, a state soil is any soil with specific significance to a state. Twenty state soils have been legislatively established and have the same level of distinction as state birds and flowers.

The Wyoming state soil is Forkwood. This soil is located predominantly in the north and east portions of the state as shown in the figure to the right. Wyoming's semi-arid climate allows the Forkwood soils to support native plants such as bluebunch wheatgrass, Wyoming big sagebrush, needle and thread, and various native forbs. Wyoming's native rangelands are a very productive ecosystem and, with proper management techniques, will continue to be a sustainable resource for our state.

The Forkwood soil has unique characteristics. Check out the soil profile on the next page. It doesn't look too intriguing but it holds a lot of information regarding why it can only sustain the plant community it does.

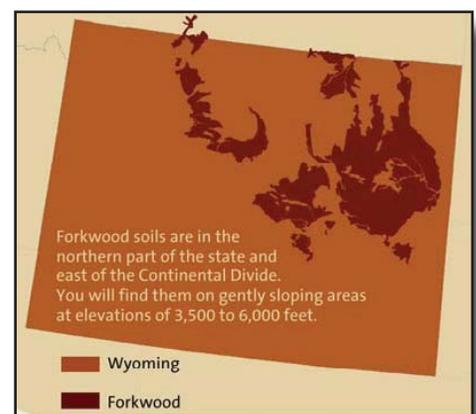
The "A" and "B" Horizons are the most important horizons for plant growth. The top arrow, points to the surface layer called the "A Horizon" (approximately 3-5" thick). Organic matter comes from decaying plant litter and is a source of soil fertility. Organic matter also influences soil structure at the surface. A nice granular structure is best to achieve good water infiltration.

The second arrow points to the subsoil or "B Horizon" (approximately 8-12" thick). Over thousands of years, clay particles and some organic matter leach through the profile during periods of rainfall or snowmelt and settle in this portion of the soil profile. Clays can bind water and nutrients, making the plants work harder for those items vital for growth.

Due to the nature of plant structure, most plant roots do not extend down to the third and fourth arrows. Lime has accumulated in these parts and can be limiting to plant growth. Should the topsoil (in this case the upper 12" of the soil profile) be stripped away, these bottom horizons would unlikely be able to support the same plant community as we see on the landscape now.

Forkwood's soil characteristics, partnered with climate, pose limitations on what the soil can be used for. These soils are typically used for rangeland and wildlife habitat and are considered unsuitable for row crops.

The Forkwood soil is dominant



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Feeding Time Can Increase Daytime Calving In First Calf Heifers

Larry Bentley, Eastern Consultant

Anyone who has calved first calf heifers knows it doesn't matter if it is 10 heifers or 100 heifers; nighttime sleep habits are negatively impacted. For thirty to sixty days sleep comes in short naps taken between hourly checks and watching a heifer give birth.

Producers have known for some time, that feeding heifers in the afternoon has some effect on nighttime calving. Usually, feeding during these time causes calves to be born between 3:00 AM and 6:00 AM.

New studies from England, Canada, and the United States indicate feeding heifers between 5:00 and 7:00 PM can increase daylight calving times by as much as thirty percent.

A study in England of 162 cows fed between 5:00 PM and 7:00 PM increased their daytime calving by 89% when compared to the control herd fed during the daytime. The

cows fed in the evening gave birth between 5:00 AM and 5:00 PM.

A similar study done in Canada that involved the feeding of a 104 cows between 7:00 PM and 9:00 PM increased daytime calving percentage to 79% versus 49% of the control cows fed in the afternoon.

A study conducted in Iowa involving 1331 cows fed between 5:00 PM and 7:00 PM showed an 85 % increase in calves born between 6:00 AM and 6:00 PM versus the control cows fed in the afternoon.

At a time when extra help is hard to find changing the feeding time on the first calf heifers may help offset some of the long nights. ✦

Soils (continued from page 6)

on our landscape, but there are many other unique soil types in Wyoming. These include soils with high salt content, forest soils, and soils with bedrock near the surface. Each soil comes with its own limitations and characteristics.

Soils and Their Importance to Producers

Whether you are grazing cattle or farming, knowledge of soil can help make decisions important to your operation. Clayey soils support different vegetation than sandy soils. This can affect everything from carrying capacity of cattle for beef producers to choice of crop for farmers.

The NRCS has tools available to the public, including the Web Soil Survey (<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>) where you can look up a parcel of land and find soil information particular to that property.

If you are not able to utilize their website, you can always go to your local NRCS office and talk with the Range Conservationist. The University of Wyoming Extension offices also have folks to steer you in the right direction. Another resource is the Smithsonian National Museum of Natural History. They have a great website (<http://forces.si.edu/SOILS/interactive/statesoils/index.html>) displaying each state's soil. What a great way to compare and contrast soils from around the nation!



Soils are dynamic; they support agriculture, filter and capture water, support buildings and infrastructure, support health and recreation, and ultimately sustain life. In honor of the International Year of Soils, Don't Treat Your Soil Like Dirt! ✦



Upcoming Events

February 24-26:	Conservation District Employee Certification Training & Supervisor's Training, Cheyenne	May 4-7:	Basic Mediation Training, Cheyenne
March 5-6:	Farm & Ranch Transition Workshop, Torrington	May 20-21:	JIO/PAPO Board of Director's Meeting, Cheyenne
March 10:	Board of Agriculture Conference Call	June 2:	WACD Spring Board Meeting, Casper
March 21-22:	Wyoming Bee College, Cheyenne	June 9:	Board of Agriculture Conference Call
April 7-9:	Facilitation Basics & Essentials for Public Participation Workshops, Cheyenne	June 10:	Groundwater Training, Casper
April 10-11:	Farmer's Market Conference, Casper	June 3-6:	Wyoming Cattle Industry Convention & Trade Show, Sheridan
April 13-14:	Board of Agriculture Meeting, TBD	June 23-25:	Farm Bureau Federation CORE Conference, Indianapolis
April 15:	WLCI Executive Board Meeting, Casper	July 14:	Board of Agriculture Conference Call
April 29-30;	Water Quality Re-certification Training, Lander	August 14:	Board of Agriculture Meeting, Douglas
		August 8-15:	Wyoming State Fair, Douglas

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.

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