



Winter/Spring 2020

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

Mediation for Agricultural Lease Issues

Lucy Pauley, Mediation Program Coordinator

A farmer in eastern Wyoming has been renting crop land from an out-of-state landowner for several years. It's time to renew the lease and the farmer wants to start planting a new crop. While he's typically grown wheat, he's wanting to switch to sunflowers. The landlord prefers that the land be used for wheat farming and does not want to sign a new lease with the farmer. With the planting season just around the corner, both sides decide to try mediation to see if there's a way to salvage the relationship and renew the lease.

they submit to USDA. The last few years, they've had trouble getting the paperwork returned from the landlord by the deadline. This year, they decide to request mediation with the landlord to discuss strategies for meeting the deadline and other communication issues that have occurred.

In the 2019 Farm Bill, Congress authorized funding for agricultural mediation programs to include agricultural lease issues. In Wyoming, this means mediations between agricultural landlords and tenants are available at no cost to the parties. Mediation is a tool to help parties talk about situations and developing an agreement meeting everyone's concerns. Mediators are not judges, they do not rule on a case and they do not decide who is right or wrong. They simply help the parties talk to each other, explore options to resolving the dispute and develop agreements both sides can accept. ✦

A producer in western Wyoming has been renting out several pastures and a small house to a young producer in his community. Recently, the tenant has not been able to pay his rent on time because of issues with his loan and some other financial issues. Communication has broken down between the two but the landlord suggests mediation as a way to talk about the situation and see if there is a solution besides eviction.

Several tenants rent cropland from the same absentee landowner. Each year, they need the landlord to sign off on paperwork

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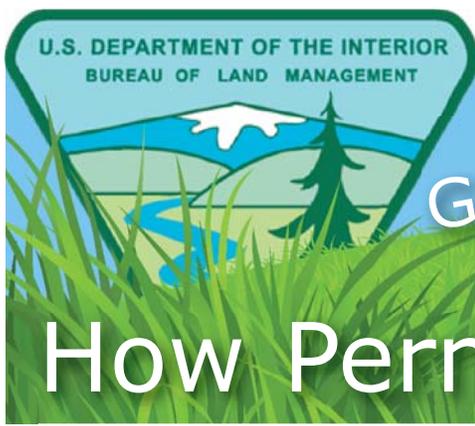
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“One who wants yogurt in winter must carry a cow in his pocket.”
-Turkish Proverb

*Cover photo courtesy of Michelle MacDonald

Interested in Mediation?
 Contact Lucy Pauley at (307) 777-8788
 or email lucy.pauley@wyo.gov.
 You can also request mediation on our website at:
<http://wyagric.state.wy.us/divisions/nrp/mediation-program>.



Grazing Regulations Revision

How Permittees Can Engage

Justin Williams, Senior Policy Analyst

If you are a livestock grazing permittee on Bureau of Land Management (BLM) allotments, you may already have seen the Scoping Notice to revise the 43 CFR 4100 Range Management regulations. Scoping is the beginning stages of the National Environmental Policy Act (NEPA) and is an opportunity to provide your wish list of changes to the agency. Livestock grazing permittee input to the regulation changes would provide the BLM with firsthand knowledge and experience of what is not working with the permit renewal and administrative process.

Once the Scoping comment period ends, permittees should keep an eye out for an Environmental Assessment (EA) or Environmental Impact Statement (EIS). This document is another chance for permittees to review and comment. While reading regulations may seem tedious and futile, you may not get a chance to have your voice heard at this level again for years to come. Additionally, as more environmental organizations protest and appeal grazing decisions, it's important to hone in on where the regulations leave holes open for misinterpretation and the agency vulnerable.

During the Scoping process we've heard a few comments from the ag industry and thought it would be something you should consider in the future draft NEPA documents:

- How can your permit allow more flexibility with livestock grazing management to meet standards and guidelines? Examples could include extending season of use, type of livestock, etc.
- Could the agency streamline your permit renewal by utilizing a Categorical Exclusion to analyze your permit instead of using an EA? Sometimes budgets and staff priorities don't align with the number of expiring permits allowing years to pass.
- How can the agency streamline the process to analyze and implement range improvement projects. Many permittees

complain about the number of years it takes for an improvement project to hit the ground.

- Have your grazing permits expired with no proposed renewal process in the near future? Consider if the 10 year permit timeline is currently adequate or if the permit should increase to 15 or 20 years before it expires.
- Could your BLM office combine allotments in geographic areas or on a watershed basis to reduce workloads and streamline the permit renewal process? Consider what process you would recommend in your local area.

These are just a few ideas for consideration. The Wyoming Department of Agriculture Natural Resources and Policy Staff will work diligently on the upcoming documents and proposed changes. We are always available to provide assistance with your comments or to explain the NEPA process and where best to spend your energy if you're limited on time in the upcoming months. We look forward to updating the outdated grazing regulations and make progress on improving the grazing permit renewal process. ✦

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NEPA

What is it?



Scott McDonald, Senior Policy Analyst

The National Environmental Policy Act (NEPA) was enacted by Congress to provide an outline to assist government agency's decision making processes. NEPA was enacted in December 1969, signed by President Richard Nixon in 1970, and was in response to events of the past and growing public interest in protecting the environment.

The human environment includes the natural, physical, social and economic environment. A NEPA document need not be prepared if the only effects are to the social and economic environment however, if the effects are to the natural or physical environment the preparer must evaluate all four areas.

The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

— The National Environmental Policy Act of 1969
Sec. 2 [42 USC § 4321]

The primary functions of the NEPA process is to provide sufficient information to the decision maker to make an informed decision, ensure procedural requirements of NEPA have been followed and completed, and inform the interested public on decisions being made.

NEPA documents have a few different results. The result of a CATEX is that no additional environmental analysis is necessary. The result of a EA is a document called Finding of No Significant Impact (FONSI). The end result of an EIS document is a Record of Decision (ROD).

NEPA and the CEQ regulations are not regulatory documents in themselves. They are a set of requirements to ensure federal agencies consider the environment when planning for major federal actions. NEPA applies to all federal agency decisions including new and continuing activities, anything funded by the federal government and any permits issued by the federal government. NEPA requires agencies give the environment appropriate consideration, requires agencies involve the public in their planning process, and requires them to write a detailed statement document. The statement document can take the form of an Environmental Assessment (EA), an Environmental Impact Statement (EIS) or a Categorical Exclusion (CATEX). All of these statement documents have their own specific requirements. CATEX documents make up 80-90% of all NEPA statement documents.

All federal government agencies are required to follow NEPA and the subsequent regulations promulgated by the CEQ. Many federal agencies also have their own regulations regarding their individual NEPA process and can be more stringent than NEPA and CEQ regulations and vary agency by agency. These agency regulations also outline what decisions the agency deems as categorical exclusions.

Good stewardship of the environment is not just a personal responsibility, it is a public value... Our duty is to use the land well, and sometimes not to use it at all. This is our responsibility as citizens, but more than that, it is our calling as stewards of the earth.

— President George W. Bush

The type of document prepared depends on the significance of the activity to be performed. Significance is defined by thresholds established by policy or law, available science and can also be up to the decision makers opinion. NEPA requires decision makers look at the impacts to the human environment.

NEPA effects our daily lives here in Wyoming and across the nation. When we think of NEPA as farmers and ranchers here in Wyoming we primarily think of grazing permits on federal lands. However, other activities and federal agency decisions can have a significant impact on our operations as well. Everything from future oil and gas development to recreation

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Justin Caudill, Ag Program Coordinator

Chronic Wasting Disease (CWD) is a fatal disease of the central nervous system in mule deer, white-tail deer, elk, and moose. CD belongs to a group of rare diseases called Transmissible Spongiform Encephalopathies (TSEs). These disorders are caused when a protein in the animal becomes folded in an abnormal formation. These abnormally folded proteins are called prions. If you would like to learn more about the disease, the work group, or the current plan please visit the Wyoming Game & Fish (WGFD) website.

In April of 2019 the WGFD solicited volunteers to convene a Chronic Wasting Disease (CWD) Work Group. Out of the call for volunteers thirty-two applicants were selected from across the state, each bringing unique knowledge and life experience to the group. Since that time the work group has been involved in a suite of meetings to discuss the science, and concerns related to CWD, with the goal of generating recommendations towards updating Wyoming's Chronic Wasting Disease Management Plan.

In late May and early June of 2019 five public meetings were held in differing locations across the state, and held prior to the first work group meeting. The public meetings were intended to allow the general public having an interest in

CWD and its affect upon Wyoming's cervid (deer, elk, and moose) herds to voice their thoughts or concerns. The topics collected at these meetings were used as the beginning dialog for the work group's effort to develop a new CWD Plan for Wyoming. Five additional public meetings were scheduled for December of 2019, at these meetings the public could review the new Draft CWD Management Plan, and provide input on the plan the work group had created. The WGFD also offered a public comment period following the meetings providing additional opportunity for public input.

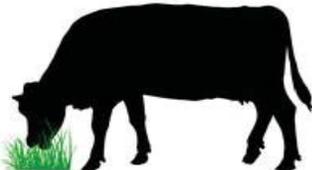
Upon completion of the public comment period the WGFD staff and meeting facilitators from UW's Ruckelshaus Institute compiled the public input for the working groups consideration at their final meeting in January of 2020. Upon review and much discussion a final draft management plan was provided to, and will be considered by the Wyoming Game and Fish Commission at their next meeting in Cody on March 20th of this year. Having been involved in this process as a member of the CWD Work Group, I would like to thank the management and staff from the WGFD for all their extensive work in providing the general public with numerous opportunities to comment on the development of the draft plan. †

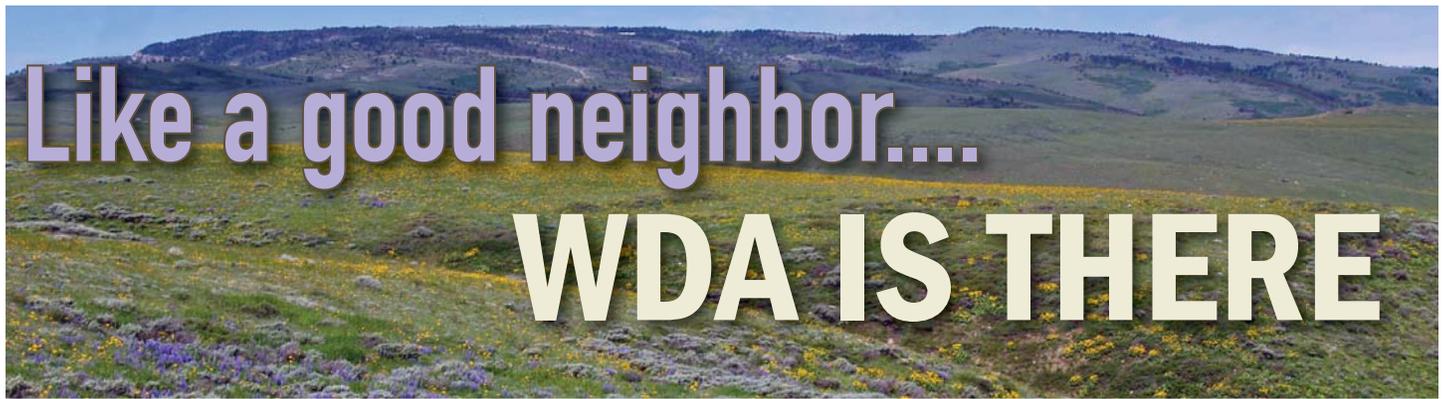
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NEPA (continued from page 3)

can affect how we are able to utilize these lands.

While NEPA's requirements might be onerous at times it is important we not only respect the environment we live/work/play in but make sure the agencies tasked with managing our public lands do so in a manner to preserve the land for future generations while still allowing for the multiple use, including livestock grazing. A major piece of the NEPA process is public involvement. The only way for the people of Wyoming to ensure good stewardship of the land is to be involved.

More information on NEPA and current actions can be found on the Department of Agriculture Natural Resources and Policy website <http://agriculture.wy.gov/divisions/nrp>. You can also check out our NEPA for ranchers publication at <http://agriculture.wy.gov/divisions/nrp>. This document has some great information for ranchers in navigating the NEPA process. †





Chris Wichmann, NR&P Manager

The Wyoming Department of Agriculture (WDA) is in a unique position to act as a good neighbor with our federal partners throughout the state. The WDA has entered into an agreement with the Bighorn National Forest to provide contracting services to hire a third party contractor to amend the Bighorn National Forest Plan to include the use of aerial spraying of invasive and noxious weeds. This project is important to the Forest but also the state. The amendment would allow local weed and pest districts and the Forest to treat invasive species like cheatgrass, medusa head and ventenata grass, all of which are serious threats to wildlife habitats and ecosystem health.

In addition, the WDA is working on Good Neighbor Authority (Good Neighbor) projects with the Bridger-Teton National Forest (BTNF). The Good Neighbor is an authority given to the Forest Service and the Bureau of Land Management in the 2018 Farm Bill, to provide funds to certain state agencies to help with the management and implementation of certain tasks on federal lands, in order to improve watershed and rangeland health.

The BTNF has identified several projects where Good Neighbor would help them accomplish tasks that they currently do not have the capacity to complete in house. The first is a very important project we have been talking about for years. There are 4 vacant sheep allotments on the Pinedale Ranger District that have been vacant since 2017. The Good Neighbor project would conduct grazing suitability analysis and NEPA for

these allotments to get them re-stocked with cattle (instead of sheep). This project is important to the agriculture industry and to the BTNF to have them utilized and managed. These allotments could also reduce grizzly bear conflicts in the Upper Green allotments by allowing more flexibility to livestock movements than they currently have. Grazing suitability should be completed in 2020 and the NEPA completed in 2021.

The other Good Neighbor project on the BTNF involves additional vacant sheep allotments in the Greys River Ranger District. There were seven sheep allotments waived back to the BTNF, but the BTNF has not pursued the re-issuance of these allotments back into sheep use. This project would look at both the Black Canyon and Cabin Creek allotments and provide additional field surveys and establish existing resource conditions of the allotments to help develop a proposed action for future NEPA and management. The field inventory and existing conditions will be completed in 2020 with the completed NEPA occurring in 2021.

Being a Good Neighbor means not only helping the Forest Service accomplish/addressing their needs and goals but it also means that we are being Good Neighbors to our valuable agriculture industry agriculture producers. We are happy to use these new tools and help where we can and so like the commercials on TV... Like a Good Neighbor – WDA is There!!! ✦



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 WDA website at:
<http://agriculture.wy.gov/divisions/nrp>.



Upcoming Events

April 6-7: WY Beef Council Board Meeting, Riverton

June 10-12: WY Cattle Industry Convention & Trade Show, Rock Springs

April 13-14: Wyoming Board of Agriculture Meeting, Cheyenne

August 11-15: Wyoming State Fair, Douglas

April 15-18: Wyoming FFA State Convention and Leadership Conference, Cheyenne

September 8: WY Wool Growers Association State Ram Sale, Douglas

April 25: Rural Living Expo, Cody

May 27-28: WACD Spring Board of Director's Meeting, Riverton



Visit our website:

<http://agriculture.wy.gov/divisions/nrp>

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

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