



# 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

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### Quotable Quotes

□ "To country people Cows are mild,  
And flee from any stick they throw;  
But I'm a timid town bred child,  
And all the cattle seem to know."  
-T.S. Elliot

\* Banner Photo Courtesy of Vicki Gibson

# Wyoming Landscape Conservation Initiative

Justin Caudill, Ag Program Coordinator

The Wyoming Landscape Conservation Initiative (WLCI) was established in February 2007 after discussions between the directors of the Bureau of Land Management, the U.S. Geological Survey, the State of Wyoming, the U.S. Fish and Wildlife Service, and the Wyoming Game and Fish Department about the need for a landscape-scale approach to ensure healthy wildlife populations in areas with proposed energy development.

The WLCI program inventories and assesses species and habitats to determine what habitat enhancement projects, such as vegetation treatments, are necessary. The collaborative effort represented by the WLCI is unique as it provides a means to address multiple concerns at a scale considering all activities on the landscape, incorporates multiple needs in project implementation, and can leverage resources that might not be available for single agency projects.

Local Project Development Teams (LPDTs) identify issues important to the local landscape and cooperatively create projects to address identified needs for

local wildlife, habitat, and other resource issues. LPDTs include biologists, range managers, conservation districts, landowners, county commissioners and interested parties, including members of the public. Four geographically based LPDTs meet quarterly: Carbon County, Lincoln/Uinta Counties, Sublette County, and Sweetwater County. Each LPDT identifies its conservation needs, develops and prioritizes its projects which are then ranked by the WLCI Coordination Team. The Coordination Team then makes recommendations for funding based on the ranked projects to the WLCI Executive Committee for final approval.

WLCI projects for 2015 include fencing, wetland creation, vegetation treatments, riparian enhancements,



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# READ BETWEEN LINES

## Ensure Clarity and Certainty of Each Word

Justin Williams, Senior Policy Analyst

Brush off the cobwebs from your English class, grab a thesaurus, and take the time to read between the lines when reviewing the Environmental Assessment (EA) to renew your grazing permit. More importantly, if your permit renewal is appealed, before signing a Settlement Agreement, ensure you genuinely understand each and every word. As time goes by and agency staff change positions, what was written by one person is not always understood or interpreted the same by a new person. The following are actual examples taken from environmental documents or legal agreements, with an explanation of how the statement could have a different meaning than written.

1. “Maximum allowable use levels on key upland forage species is 50% compared to; Maximum allowable use levels on key, native perennial bunchgrasses is 50%.”
  - *Range staff required to measure utilization on uplands could potentially remove livestock from an allotment much sooner if they were only measuring bunchgrasses versus all native upland forage species.*
2. “Livestock rest after the treatment would be required by using electric fence”
  - *Rest requires leaving land ungrazed for a specified time (2 years is common), while deferment is a delay in grazing to allow for plant reproduction, establishment, vigor, etc. (graze in fall versus spring). Not all vegetation treatments require 2 year rest. Additionally, “required” may indicate permittees must install and maintain the electric fence.*
3. “No more than 20 percent of the total stream-bank length, within any given stream reach on fish bearing streams, will be allowed to show stream-bank alterations as defined by Burton, Cowley, and Smith (2008) and Simon (2008) caused by the hoof action of large herbivores during the current livestock grazing season.”

- *Multiple Indicator Monitoring thresholds is 20% in established monitoring sites. This statement now requires the threshold for the entire stream, not just at the monitoring site, and regardless if there is an existing crossing. Additionally, livestock grazing permittees are responsible for not only their livestock causing stream bank alteration, but also wildlife such as elk or moose, due to the use of “large herbivores.”*
4. “Upon failure to meet the terms and conditions in 2 years of any consecutive 5 year period, the grazing permit would be modified and reissued with appropriate terms and conditions to make progress towards...”
    - *A permittee who fails to meet any of the listed terms and conditions will have permit modifications. As an example, if the permittee failed to remove all cattle by the end date in 2011 and then exceeded 50% utilization of riparian vegetation in 2015, permit modifications would occur.*
  5. “At the end of any four-year rotation cycle evaluation, if seventy-five percent (75%) of the stream reaches assessed by BLM, at currently established monitoring sites, are at proper functioning condition (based on PFC assessment method) and all stream reaches maintained or improved trend score, based on the end-of-year greenline assessment and MIM monitoring data, and trend throughout the Allotment is improved, then BLM shall authorize all of the AUMs...”

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“Wyoming Department of Agriculture  
policy analysts are always available to  
help review your permit renewals.”

Contact the WDA at 307-777-7323

for more information.

# WYOMING EXECUTIVE ORDER 2015-4: ATTACHMENT C “DE MINIMIS”

*What's new? What should I know?*



Joe Budd, Senior Policy Analyst

As many are aware, Governor Mead released a new Executive Order (“new” EO) addressing sage-grouse conservation last year. Though very similar to the “old” EO (2011-5), there have been some changes. Most pertinent to agricultural producers and private landowners are the “de minimis” activities listed in Attachment C (C). Attachment C is based upon the premise that many activities occur across the State having no impact, or an impact so small, they merit no regard.

In all, there are fifteen listed activities and many of them are related to the agricultural industry (e.g., proper livestock grazing, agricultural water wells, animal husbandry, irrigation, fence maintenance, etc.). Wyoming is the only state with “de minimis” activities and, although there are some parameters (e.g., distance from lek), they exist to allow existing agricultural practices to continue principally unhindered. Recently, the WDA helped put on workshops and provided information regarding Attachment C. Here is a brief explanation:



## **Changes from “old” to “new” Executive Order**

As mentioned, very little has changed; however, there are four items in C which have. Specifically, items 1, 2, 8, and 9 (agriculture and residential water wells, electric utilities, agriculture reservoirs, and aquatic habitat improvements). These items had a “habitat evaluation” added to the parameters for continued qualification as “de minimis”. In the “new” EO, C is a combination of the “old” C and EO 2013-3 Livestock Grazing with some new language such

as citations from the US Fish and Wildlife Service Grazing Memo and language regarding State/Federal interaction if changes are thought to be necessary regarding grazing (regardless of herbivore species). Other minor changes include clarification of county road maintenance, addition of reclamation seeding, and some changes to arrangement and clarifications of certain areas.

## **What is a “habitat evaluation”?**

Quite simply, a habitat evaluation is siting a project responsibly with respect to a lek. For example, if, and only if, a water well is going to be placed within 0.6 miles of a lek it should be placed in the least important sage-grouse habitat while still remaining a functional asset to the producer(s). The actual “habitat evaluation” can be done by any qualified biologist or technician familiar with sage-grouse, but choose the one you are most comfortable with. He/she could be from the Natural Resource Conservation Service, U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, Wyoming Game and Fish, private consultant, and possibly some other individuals. In all reality, the easiest way to avoid the need for a “habitat evaluation” is to place the project beyond of 0.6 miles of the perimeter of a lek when possible; if this is not possible, then the “habitat evaluation” must occur. Portions of a project may require an “evaluation” while others may not; for example, a spring development would not but an associated pipeline could. †

## Americans with Disabilities Act

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

# Does Cattle Size Matter?



Larry Bentley, Eastern Consultant

It is my belief and experience that size does matter especially in today's market where any weaned calf will bring close to or over \$1000 (the buyers are saying for this fall). The Taylor Grazing Act brought an end to the open range. It divided the range into allotments and each allotment was assigned a number of Animal Unit Months (AUMs), based on forage production. An AUM is the total pounds of forage a cow will need in a month

based on 0.025% of her body weight per day or 25 lbs. of dry matter for a cow weighing 950-1000 lbs.

A larger cow (1200-1300 lbs) will require 21.25 lbs per day of dry matter, or 937.5 lbs for a month. That is about 6.25 lbs additional feed per day or 187.5 more per month than that of a 1000 lb cow. Using these numbers on one hundred to one thousand pound cows, you will need 75,000 lbs dry matter per month. Taking these same figures for a 1300 lb cow will only result in 80 cows on the same amount of forage

If you need to feed hay for any amount of time, it doesn't change year end cost of forage. Today's market means that the 100 calves vs, 80 calves comes to about \$20,000 difference. So for now, according to the markets, it will be the number of calves produced. Seeing these figures, size does matter economically, but each producer has to make decisions based on what works for them. ✦



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## Read between the lines (continued from page 2)

- *Livestock grazing management changes will occur in order to reach PFC, regardless if whether or not grazing is a causal factor. The statement requires not only reaching PFC, but all streams reaches improving trend, plus "trend" in general throughout the Allotment, thus making it undoubtedly impossible to authorize all permitted AUMs.*
6. "Desired Condition: Adequate nesting cover of >7" or as determined by ESD site potential and local variability."
- *The final decision by Bureau of Land Management and US Forest Service Record of Decisions for sage-grouse includes seasonal habitat objectives. It's imperative*

*to clarify "Desired Conditions" does not equate to a "stubble height" or standard agency requirement. The statement simply indicates an ideal perennial grass and forb height, but adjusted using Ecological Site Descriptions, local precipitation, etc.*

These were just a few examples. What looks acceptable or benign on paper today, often times is not acceptable or implementable on the ground. The agency and permittees are left to try and understand what the real intent was. Only a new permit renewal can unravel what was written. Wyoming Department of Agriculture policy analysts are always available to help review your permit renewals. ✦

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## WLCI (continued from page 1)

weed treatments, and river restoration. These projects benefited multiple species, including Greater Sage-Grouse, trumpeter swans, cutthroat trout, and big game in the five focus areas: aquatic, riparian, aspen, sagebrush, and mountain shrub communities.

### Accomplishment in 2015

WLCI projects continued the facilitation of local collaborative on-the-ground habitat improvements and long-term science based efforts to ensure the long-term viability of habitat and species at a landscape scale in southwest Wyoming. The WLCI joined other cooperators with habitat projects by funding a total of 34 projects in 2015 and participated in the following important events:

- Installation of two bottomless arch culverts to improve fish passage for native species
- Installation of one fish barrier installed to protect native fish species from burbot invasion
- Applying herbicide treatment on 6,910 acres in 14 projects; assessing 2,248 acres for invasive weed species; and monitoring 2,316 acres, post treatment
- Removing 2,083 acres of trees/shrubs by mechanical removal and preparing an additional 613 acres of aspen for prescribed burning in early 2016

- Completing ten miles of wildlife friendly fence conversions
- Erecting a modified steel jack fence around a five-acre aspen stand to protect the stand from wildlife use
- Monitoring trumpeter swan numbers, nesting pairs and productivity on 113 acres of created ponds and wetlands previously constructed with WLCI funds
- Creating a ten-acre wetland and protecting one mile of stream.
- The WLCI/Science and Technical Committee and Coordination Team members assisted in the organization of a joint science conference between WLCI and the Wyoming Chapter of The Wildlife Society. Numerous presentations covered issues affecting fish and wildlife population conservation in Wyoming with over 200 participants in attendance
- Presenting WLCI information to the Wyoming Water Association in Evanston and Wyoming Oil and Gas Industry in Rock Springs

If you have any questions relating to WLCI, how it works, or how to participate please contact Justin Caudill by phone (307-352-0278) or e-mail [justin.caudill@wyo.gov](mailto:justin.caudill@wyo.gov). ✦

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## AGRICULTURE ★ ★ ★

# Producer Research GRANT

**The first round of grant funding opportunities for the Agriculture Producer Research Grant Program will be available Spring 2016.**

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

# Resources for Agricultural Family Discussions

Lucy Pauley, Mediation Program Coordinator

Last year, the Mediation Program saw an increase in the number of inquiries from agricultural producers seeking help with agricultural family estate planning discussions. Some producers were looking for resources for the nuts and bolts of estate planning. Others needed help getting family members to come together to have a conversation about the future of the plan. Many were looking for information on succession and management planning. Figuring out how to transfer the farm or ranch to the next generation is an important topic for today's agricultural producers.

The Mediation Program is available to help farm and ranch families have a discussion about estate planning, work through miscommunication or tough personalities that are affecting the estate planning process, and help a family talk about the future of the ag operation. Mediators use techniques to open up communication and give everyone an opportunity to share ideas, discuss obstacles and brainstorm solutions. Working in tandem with attorneys, accountants or other estate planning professionals, mediators can help families discuss various options and develop an agreement that works for everyone.

There are additional resources available in the state to help agricultural families navigate estate planning and management transition decisions. We've promoted this resource before but "Western Farm and Ranch Transition Strategies" (available online at <http://www.valueaddedag.org/transitions.html>, Spanish translation also available) was developed by several western extension services and highlights the various ways that agricultural families have addressed the management transition issue.

UW Extension has several projects related to farm and ranch transition and estate planning. On their website at <http://www.uwyo.edu/agecon/what%20we%20do/programs/succession%20planning.html> you can read about the services they provide to help ag families look at business, retirement, succession and estate planning and upcoming workshops or conferences featuring this material. There are also several publications on there that you can access to start developing your management succession plan. †

## For more information...

If you'd like more information on using mediation to help with an estate planning or management transition discussion, please contact us at (307) 777-8788 or email [lucy.pauley@wyo.gov](mailto:lucy.pauley@wyo.gov)  
All conversations are confidential.



# NEPA

“MEMORANDUM OF UNDERSTANDING”

## Agreement with Forest Service and Bureau of Land Management

Chris Wichmann, Manager

We are pleased to announce that the State of Wyoming has come to an agreement with both the Bureau of Land Management (BLM) and the Forest Service, Rocky Mountain (Region 2) and Intermountain Regions (Region 4) documenting a Cooperating Agency Agreement for working together on their National Environmental Policy Act (NEPA) projects.

This agreement would document an ongoing relationship between the state and federal agencies in the preparation of environmental documents prepared under NEPA. The goal of the Memorandum of Understanding (MOU) is to promote efficiencies in NEPA preparation, cooperation between agencies, disclosure of relevant information during the environmental analysis and to ensure successful completion of analysis in a timely, efficient and thorough manner.

This means the Wyoming Department of Agriculture (WDA) is now able to work on all projects impacting our natural resources and agricultural industry. This will allow us to assist in the scoping of documents, participate on ID teams, analyze pertinent data, identify alternatives and assist in developing a preferred alternative and assist in helping the agency make the best decision for the proposed project.

Environmental Impact Statements with the agencies usually will include cooperating agencies, however, the majority of Environmental Assessments in the state do not provide an opportunity for state agencies to fully participate in as cooperating agencies. This agreement will leverage our ability to work with the federal land agencies on issues that concern us. Previously, we had to apply for cooperating agency status on each project and provide justification of our special expertise on the subject matter to be involved in the NEPA project. The MOUs streamline the process.

The Department is prepared to take full advantage of this new agreement and participate on all relevant projects affecting our agriculture industry and our natural resources. ✦

### NATURAL RESOURCES & POLICY DIVISION STAFF

Chris Wichmann, Manager.....	(307) 777-6576
Justin Williams, Sr Policy Analyst.....	777-7067
Joe Budd, Sr Policy Analyst.....	777-7024
Lucy Pauley, Mediation Coordinator.....	777-8788
Michelle MacDonald, Administrative Specialist.....	777-7323
Justin Caudill, Ag Program Coordinator.....	352-0378
Larry Bentley, Eastern WY Consultant.....	867-2555



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

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



# Upcoming Events

March 19-20:	Wyoming Bee College, Cheyenne	April 28-29:	Water Quality Re-certification Training, Lander
March 23 & 24:	Sage-Grouse Plan - Livestock Implementation Webinar	May 5-6:	JIO/PAPO Board Meeting, Pinedale
March 31-April 2:	Wyoming Farmer's Market & Master Gardener Joint Conference, Riverton	May 11-13:	Western States Policy Meeting, Jackson
April 6:	Mediation & Behavioral Health Workshop, Cheyenne	June 1-4:	WY Cattle Industry Summer Convention & Trade Show, Laramie
April 11-12:	Board of Agriculture Meeting, Cheyenne	June 7:	WACD Spring Board of Director's Meeting, Casper
April 25-27:	Module II Water Quality Training, Lander	June 14-16:	Farm Bureau Federation SPARC Conference, Salt Lake City
April 25-28:	Basic Mediation Training, Jackson	August 13-20:	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](mailto:michelle.macdonald@wyo.gov).

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