

# The Corner Post

Winter/Spring 2017

The Wyoming Department of Agriculture  
Natural Resources & Policy Division  
Newsletter



WY. Dept. of Agriculture  
Natural Resources & Policy Division  
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Cheyenne, WY 82002-0100

## When Is It Time For Mediation?

Lucy Pauley, Mediation Coordinator

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### Quotable Quotes

*"No race can prosper until it learns there is as much dignity in tilling a field as in writing a poem."*

*-Booker T. Washington*

\* Banner Photo Courtesy of Lucy Pauley

*A discussion about an estate plan for the family ranch has stalled because of personalities or communication styles.*

*An adverse decision from the USFS regarding a decrease in AUM's to your grazing permit for the upcoming season.*

*The arrival of an Adverse Decision letter from FSA or NRCS regarding your loan or participation in a conservation program like CRP or EQIP.*

*Conversations with a neighbor about shared fence repair that seem to go nowhere and the fence is still broken.*

Mediation can be an effective tool in any of the above scenarios. If both sides are willing to come to the mediation table and talk about the situation, the mediator can help the parties communicate and develop an agreement that meets everyone's needs. Deciding when to request mediation can be a tough decision. Some people may feel like they don't want a stranger hearing about their problems or others may think that the issue hasn't escalated to the point of needing to bring in a mediator.

The Mediation Program encourages mediation when both sides have tried to talk about the situation but communication styles or personality differences have led to impasse. If both parties are still interested in resolving the issue and there's a possibility that a solution that meets everyone's needs can be developed, mediation can be an effective alternative.

In situations that involve a USDA Adverse Decision letter, mediation is offered under a strict and specific

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# 10 Years Anniversary Wyoming Landscape Conservation Initiative

Justin Caudill, Ag Program Coordinator

In the past I've written about the Wyoming Landscape Conservation Initiative (WLCI), describing either specific projects or annual accomplishments. Today, I would like to promote the fact that the partnership forming the WLCI has not only been working together for ten (10) years, but even with declining budgets, participation has continued to flourish. WLCI was created to address wildlife and habitat issues in the face of energy development in SW Wyoming, by working in areas outside development to protect and improve habitat resource and connectivity issues.

WLCI was introduced in February 2007 as a long-term, science based effort to conserve and enhance aquatic and terrestrial habitats while facilitating responsible development through local collaboration and partnerships. In 2007-2008 the partnership was made up of the state or regional leads for the Bureau of Land Management (BLM), U.S. Geological Survey, U.S. Fish & Wildlife Services, Wyoming Game & Fish Department, and Wyoming Department of Agriculture (WDA), along with representatives from southwestern Conservation Districts and County Commissioners comprising the Executive Committee (EC) for the WLCI.

In 2009, this large-scale program encompasses all land ownerships expanding from a 15 million acre work areas to more than 19 million acres in southwest and southcentral Wyoming. Along with this expansion the initiative's partnership has also grown with the addition of the National Parks Service and National Resources Conservation Service becoming MOU partners filling seats on the EC. Over the past 10 years the WLCI has helped to bring in approximately ten million dollars of BLM – "Healthy Lands" and funding from other federal partners to implement projects on private, state and federal lands. These WLCI funds have been matched at a 3.6 to 1 ratio bringing the total funding to over 46 million dollars.

For me, as the WDA's representative on the WLCI's Coordination Team, (the group of federal and state employees running the WLCI day to day operations) when considering the longevity, and continued participation in the face of decreased funding, these are pretty amazing outcomes. ✦

18-Mile Well Project - Trumpeter swans on a livestock water development



Private Land Monitoring Site - Kemmerer Area



For more information about the Wyoming Landscape Conservation Initiative (WLCI), please contact Justin Caudill at 307-350-5480 or visit: [www.wlci.gov](http://www.wlci.gov)





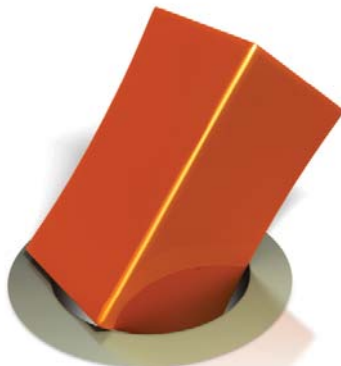
# INVASIVE SPECIES INCREASE DIVERSITY?

The risks of poorly applied definitions and policies

Joe Budd, Senior Policy Analyst

Many are aware of the impacts invasive species can have on cropland, hay ground, rangelands, forests, and even predator-prey relationships. Recent proposals seek to make Western systems “resistant” and “resilient” to invasive species, often citing decreases in diversity and repercussions to certain habitats or species. While in the end this may be true, we in Wyoming do not face many of the issues other states (such as Nevada) do when it comes to invasive annual grasses, or exotic animal species (such as Florida). In the West, other states are focused on “restoring” landscapes already within the grip of invasives, while Wyoming is still primarily combating their arrival or dominance (aka “maintaining”).

The desire to make native plant communities more “resistant and resilient” to invasive species is commendable but, by definition, illogical. If something is deemed “invasive” that should be highly indicative of its influence and the lack of “resistance” by the native systems. And, if we are trying to pinpoint the most “resistant and resilient” landscapes it is hard to beat a monoculture of cheatgrass. While this monoculture is not desirable in any way, it does fit the definition of “resistant and resilient” quite perfectly.



The concept of “diversity” has a similar flaw. Both flaws are rooted in a “one size fits all” approach to ecology and a lack of clear parameters for definitions and when they are applied.

If a native Wyoming system is comprised of mainly cool season perennial grasses, some forbs, and a large shrub component, the addition of a non-native annual would actually increase diversity, not decrease it. If the goal is to increase “diversity”, this definition now becomes counterproductive. When “diversity” is “calculated” and when we define “success” or “failure” become key. Simply dubbing a species “undesirable” does not grant free rein to re-define diversity.

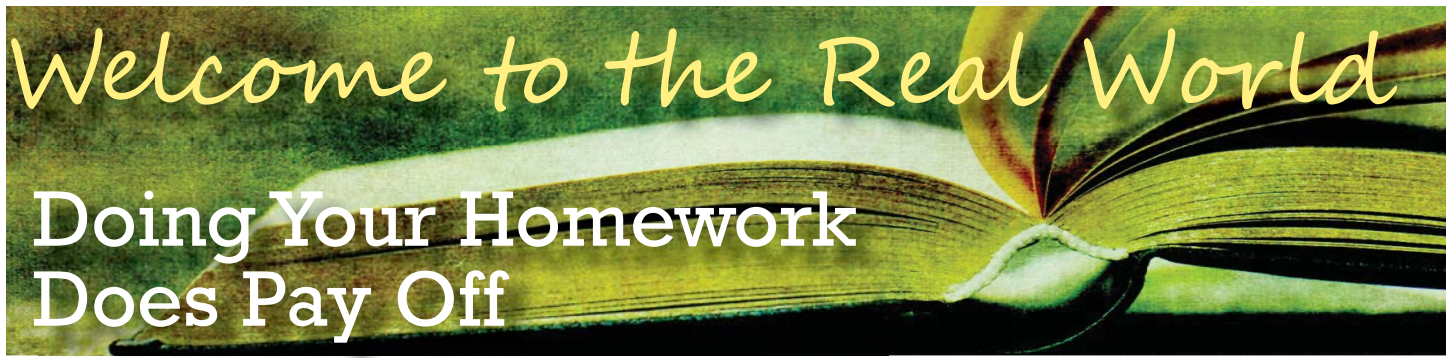
The actual issue with invasive species is this loss of ecosystem function – not “diversity” or “resistance and resilience”. This loss can manifest in multiple ways; fire intervals can be dramatically altered, leading to a loss of plants ill-adapted to frequent fire, leading to diminished soil productivity and interrupted nutrient cycles, leading to a loss of forage for wildlife and livestock, leading to erosion and deposition and aquatic impacts, and so on. Once the first domino has toppled, it can be hard to stop or “fix”.

So, although buzzwords may be beneficial when securing funding or swelling enthusiasm, ecologically they can become conflicting. The use of flashy language to spur interest can lead to unintended consequences and people focus on treating symptoms rather than causes. In the end, policy written without accounting for local realities and, more importantly, inappropriately applied definitions lead to poor management and hesitation to commit to a path forward. ✦



Americans with Disabilities Act

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



Justin Williams, Senior Policy Analyst

As a student, everyone can remember a class or subject you hated. You never wanted to do your homework, because you didn't think you'd ever use it in the real world. Now that you are part of the family ranch, there's more incentive to partake in workshops and find new and innovative ways to run the operation.

When it comes to your federal grazing permits, doing your homework, including additional research could pay big dividends. There are a number of ways to look deeper into the successes and failures of permit renewals.

**Find Peer-Reviewed Research:**

As new technology and information becomes available, agencies can integrate peer-reviewed research into the National Environmental Policy Act (NEPA) documents. Ensure the documents are peer-reviewed and from a reputable source. Work closely with your range staff and provide these research papers to consider and include. One source to consider is Google Scholar: <https://scholar.google.com/>

**Review Other Permit Renewals:**

You can learn a lot from other ranchers, agencies, and their recently analyzed permits. Take time to search online for US Forest Service (USFS) or Bureau of Land Management (BLM) NEPA documents. Many times they have recent projects listed to review and download on their websites. Specifically review their Proposed Alternatives, including goals and objectives, grazing management, and range improvements to give you some ideas of what others are working on.

**Research Legal Documents and Cases:**

As environmental organizations protest, object, and appeal grazing permit renewal decisions, much of this information is available. Specifically for BLM

decisions, you can use the following website: <https://www.doi.gov/oha/organization/ibla/Finding-IBLA-Decisions>

The US Department of Interior, Office of Hearings and Appeals, developed a searchable website. Type in keywords such as: "grazing," "sagebrush," or "stubble height" to find more information about grazing decisions. Some of these decisions upon review by an Administrative Law Judge are in favor and some are in opposition of the agency. This is a very helpful tool to identify what points or processes environmental organizations repeatedly use to protest agency decisions.

Successful businesses all have to do their homework to find new and innovative ways to improve processes, integrate technology, and ultimately reduce costs. Ranching is no different, and taking the time to do your homework could not only improve resource conditions, but also make your permit renewals more likely to hold up in court if the agency's decision is appealed. †

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erosion due to a decrease in surface cover, and promotes undesirable monocultures. For these reasons it is imperative to aggressively manage invasive plants. The Wyoming Department of Agriculture (WYOAG) has developed a new brochure to help livestock producers understand the Federal land agencies livestock grazing permit renewal and NEPA processes.

species not previously reported in the area before they become established. Preventing or limiting the spread of established invasive plants into areas with other important natural habitats including critical big game winter ranges, sage-grouse core areas and other important riparian and trails, within powerline corridors, rights-of-ways, gravel and rock quarries, fuels reduction projects, previously-burned areas and beetle-killed forests.

control of noxious weeds to:

- Treat new infestations through adaptive management tools for assessing new treatments and new sites;
- Permit the use of newly developed more species-specific, EPA registered herbicides;
- Continue the use of integrated treatment methods, including those used within wilderness areas and those used to maintain native vegetation consistent with wilderness values;
- Broaden control methods to include the use of aerial application of herbicides where effective ground

# A Rancher's Guide to NEPA and Permit Renewals

Chris Wichmann, Manager

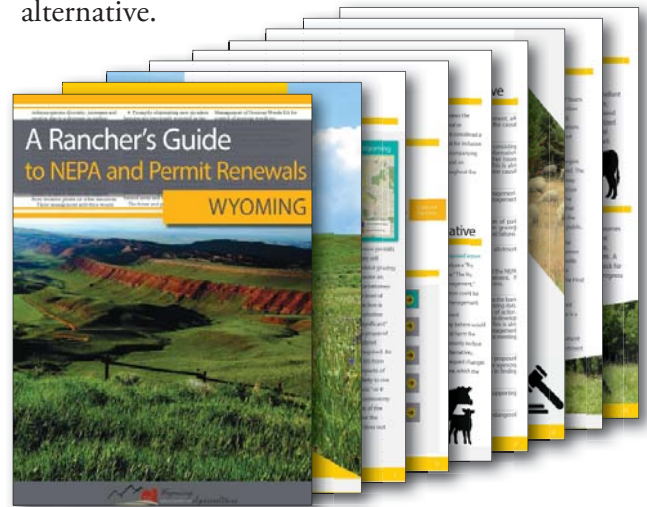
The Wyoming Department of Agriculture has developed a new brochure to help livestock producers understand the Federal land agencies livestock grazing permit renewal and NEPA processes.

It is so crucial for permittees to fully engage in this process. Long gone are the days where a hand shake and verbal agreement ensured livestock grazing would occur the next year. Through years of litigation, appeals, and protests we have learned that documentation, participation, and engagement are key in ensuring grazing continues. This brochure will help as a general guide.

The brochure focuses on 4-things:

1. What is NEPA and how the process works (from current management through final decision and appeals/protests),
2. Where and how to participate in the permit renewal process,

3. What should be considered in the NEPA analysis, and;
4. How to write and develop a permittee supported alternative.



If you would like more information on the brochure or need assistance in the permit renewal process, please contact us at: 307-777-6576 or find the brochure on our website: <http://wyagric.state.wy.us/divisions/nrp>

## Mediation (continued from page 1)

timeline. The letter should indicate how many days the recipient has to request mediation. Once mediation is requested by the permittee, borrower or program participant, the corresponding agency is required to participate in mediation. The mediation request also temporarily stops the appeal clock and the Mediation Program works with both sides to set up a date and time for the mediation meeting. ✦

For more information on requesting mediation or to learn about how the process works, contact Lucy Pauley at (307) 777-8788 or email [lucy.pauley@wyo.gov](mailto:lucy.pauley@wyo.gov). You can also visit the website at <http://wyagric.state.wy.us/divisions/nrp/mediation-program>





# Upcoming Events

March 18-19:	Wyoming Bee College, Cheyenne	May 17-18:	Agricultural Bankers Conference, Riverton
April 4-5:	Wyoming Beef Council Board Meeting, Riverton	June 5-6:	WACD Spring Board of Director's Meeting
April 5-8:	Wyoming FFA State Convention, Cheyenne	June 6:	Wyoming Stock Growers Land Trust and WSGA Young Producers Assembly 1st Annual Branding Iron Golf Tournament, Buffalo
April 10-11:	Board of Agriculture Meeting, Cheyenne	June 6-9:	WY Cattle Industry Summer Convention & Trade Show, Buffalo
April 15:	Laramie Conservation Expo	July 21:	Environmental Stewardship Tour, Casper
April 22-23:	Wild West Gardening Conference, Cheyenne	July 23-28:	Western Association of State Departments of Agriculture, Idaho
May 1-4:	Basic Mediation Training, Evanston	August 12-19:	Wyoming State Fair, Douglas
May 1-4:	Western States Policy Meeting, Nevada		

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](mailto:michelle.macdonald@wyo.gov).

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