

# Wyoming Department of Agriculture

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*The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.*



Dave Freudenthal, Governor  
John Etchepare, Director

July 1, 2008

Office of State Lands and Investments  
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Cheyenne, WY 82001

To Jim Arnold:

Following are the comments from the Wyoming Department of Agriculture (WDA) on Draft 4, Vegetative Monitoring on State Trust Land Following the Wyoming Rangeland Monitoring Guide (Draft) through the Office of State Lands and Investments (OSLI).

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

We appreciate the opportunity to comment on the Draft. Vegetative monitoring is beneficial to the grazing permittee and the landowner. The WDA serves the interest of agricultural producers statewide. We are concerned to learn this is the fourth version of the Draft and we were not included until now. We strive to assist and educate producers on the importance of range monitoring and believe the following comments will strengthen the Draft prior to when the policies are implemented.

## **Include Grazing Permittees in Monitoring Process**

The Draft fails to include grazing permittees throughout the policy document. The results of long term vegetation monitoring can cause reductions in Animal Unit Months (AUMs), which can negatively impact the economics of livestock producers.

- OSLI and approved applicants must give a minimum of two weeks notice to permittees prior to establishing a monitoring site and any activity involving the Temporary Use Permit (TUP).
- If an interest in third party monitoring arises on a grazing permittee's state land permit, the permittee should have first rights to monitor and notified of interest in third party monitoring. If the permittee forgoes the opportunity to monitor their allotment, the third party TUP applicant is the next eligible person to monitor. Once a third party applicant is selected we recommend OSLI to notify the permittee of approved TUP applicant. If the permittee has a conflict with the approved applicant, a process to file a grievance should be in place for the permittee.

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- Avoid duplicated efforts on the same allotment. We encourage verbal and written communication between OS LI, the grazing permittee and the possible third party monitor to decide on transect locations, anticipated time of monitoring, etc.. Grazing permittees must agree to the location of transects or cage placement prior to monitoring any allotment.
- Once a mutually decided location for permanent transects is agreed upon, we encourage the use of GPS points to re-locate these sites. These points will allow consistency between people monitoring from year to year.
- We encourage OS LI and third party monitors send all grazing permittees the results from the current year's vegetation monitoring data for their records.

### **Prevent Loopholes in Monitoring Using TUP**

The current draft is a great start to begin conversations and brainstorm the possible outcomes by involving third party monitoring. However, we have a number of concerns for not only the sake of the permittees, but also OS LI. As it is written now, there simply are too many loopholes and OS LI is exposing the agency to litigation by the anti-grazing organizations.

- We encourage the inclusion of all Wyoming agriculture organizations to review and comment on this draft to have a more comprehensive perspective prior to the finalization of the draft.
- There are no written, established criteria for the Board of Land Commissioners to approve or disapprove a TUP for vegetative monitoring. While we believe in flexibility, this simply does not create consistency between applicants. The OS LI will have to defend their reasoning for accepting or denying an applicant.
- We believe the TUP application should be issued on a yearly basis instead of once every five years. This will allow the OS LI to have a better understanding of who is doing monitoring for the current year. An open-ended five year application does not guarantee a yearly collection of data and a finalized report of the data for each of the five years to show trends in vegetation.
- We strongly encourage the OS LI to set the maximum number of acres to monitor. For example, most permittees average four sections of state land leases. The four sections would be an appropriate amount to monitor per TUP application. As written, the draft indicates one application to monitor any state land statewide.
- There are many reasons for vegetative monitoring and meeting the standard or having compliance with the agency is dependant upon why someone is monitoring. For example, is it to transition the vegetation to different grass or forb species, is it for livestock grazing purposes (to remove livestock in some instances), mule deer winter range or even sage grouse nesting? We strongly believe the TUP application must indicate the reason for monitoring. We believe OS LI should write long term goals, expectations and standards prior to any monitoring. This gives the grazing permittee a goal for the current grazing year and there is not a reduction in AUMs after the fact.
- The Draft encourages the use of the most recent version of the Wyoming Rangeland Monitoring Guide, however, simply possessing a copy of the guide is not a strong indicator of an applicant's ability to monitor. It is in the best interest of the permittee and the OS LI to have established criteria for a TUP monitoring applicant.

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- Access across private lands is often a requirement to enter onto state lands. We question the Board of Land Commissioners' ability to approve a TUP application without prior approval to access the lease through private lands. The approval of private land owners' permission must be in writing and included as a part of the application.

**Submit a Draft of Chapter 14 with Vegetative Monitoring**

We have reviewed OS LI's Chapter 14, Rules and Regulations, Board of Land Commissioners. We urge the OS LI to open Chapter 14 to include specific rules regarding vegetative monitoring. As an example, OS LI's current draft states "Consideration for the TUP shall be negotiated on a case by case basis. The minimum consideration will be \$100.00 per monitoring site, consistent with Rules, Chapter 14." This statement leads us to believe vegetative monitoring is included in Chapter 14.

Additionally, the application for a Temporary Use Permit lacks any reference to vegetative monitoring. We question a general TUP application will provide the information necessary for vegetative monitoring. For example, the access across private lands, GPS location of transects, TUP applicants' background or monitoring experience, etc.

We support the gathering of vegetative data on state, federal and private lands. The Draft version we have provided comments on is premature for the 2008 grazing season. We encourage the public commenting continue and when a more thorough review has been completed, the Board of Land Commissioners finalize the draft. From our understanding the next Board meeting is set for August 2008. This is too late for applicants to get access across private lands, apply for a TUP, then get Board approval of applicants, locate transects, approve applications to set transects and collect data. We encourage OS LI wait until the 2009 grazing season to begin allowing vegetative data collection.

Thank you for the opportunity to comment. We look forward to reviewing future drafts of the policy, application and an updated version of Chapter 14.

Sincerely,



John Etchepare  
Director

JE/jw

Cc: Governor's Planning Office  
Wyoming Board of Agriculture  
Wyoming Stock Growers Association  
Wyoming Wool Growers Association  
Rocky Mountain Farmers Union

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Wyoming Association of Conservation Districts

Wyoming Farm Bureau Federation

Wyoming State Grazing Board

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