

Division 1 (Big Horn, Park and Washakie)

Recommendation:

It was suggested we find a way to help small acreage producers.

NRCS Response:

- Wyoming NRCS provides assistance to many eligible small acreage producers. However, many small acreage producers are not eligible for NRCS cost share program assistance as only producers who are engaged in agricultural production or forestry management or have an interest in the agricultural or forestry operation associated with the land being offered for enrollment can participate (GM Title 440 – 515.52- Land Eligibility). Many small acreage owners are simply not actively involved in agriculture production or forestry management or do not meet landowner eligibility requirements (GM Title 440-512.22 D Participant Eligibility).
- Suggest working with the University of Wyoming Small Acre Issue Team (SAIT) to assist small acreage producers with natural resource concerns. SAIT publishes a quarterly publication entitled, “Barnyards and Backyards” which provides very valuable information to assist small acreage producers. In addition, technical assistance can be provided by NRCS and SAIT to provide technical assistance to small acreage producers.

Recommendation:

More money given to the local subaccounts versus the state accounts

NRCS Response:

- Wyoming NRCS plans to develop a “Fact Sheet” that will explain the benefits of State accounts. For example, if all state account dollars were given to the local accounts all of the state programs (ie, high tunnels, organic, soil health, invasive species, forestry, water quality, etc.) would have to be divided 9 times to provide each of the 9 divisions equal dollars for those programs. This would result in inadequate dollars per division to effectively address sizable resource concerns and larger projects. Currently, state accounts ensure that adequate dollars are available to address these larger resource concerns at the local level. In addition, the State Technical Committee recommended that no additional local accounts be added for 2016 for the reasons stated above.

Recommendation:

It was suggested that the NRCS look at the opportunity of pastoral systems and how it will help to improve our soil health. Pastoral systems such as no-till, cover crops, and cross fencing help to keep the soil fertile.

NRCS Response:

- NRCS acknowledges that good stewardship and proper management of pastureland and rangeland can provide significant improvements in soil health. In fact we have several EQIP cost share programs such as water developments, cross fencing, and grazing plans that are proven to improve range health. In addition, NRCS has cost share programs to implement no-till and cover crops on eligible cropland. NRCS has developed a new outreach plan to better inform producers of program that are available.

Recommendation:

The NRCS here locally hasn't had the applications for those systems listed above. People need to apply for them in order for the NRCS to fund them. People need to be encouraged to apply! Many of the sprinkler system applications that ranked high enough to be funded this year included management practices such as cover crop, nutrient management, pollinator habitat and advanced irrigation water management. Projects funded in the future will likely include similar management incentives.

NRCS Response:

- Wyoming NRCS has developed a new outreach plan to better inform local producers of programs that are available. We hope to measure the increased amount of outreach efforts and increased amount of program applications to determine the success of the plan.

Recommendation:

Move soil quality up on the STAC priority resource concerns list since it encompasses many, if not all, of the other listed resource concerns. Also, take into consideration how we re-organized the entire list of STAC priority resource concerns.

NRCS Response:

- NRCS and the Wyoming State Technical Advisory Committee has raised Soil Quality from number 11 to number 8 on the resource priority list as per your recommendation. This gives soil quality a higher priority in ranking projects and determining state funding amounts. Your recommendation and resource priorities had to be factored in with the other 8 division priorities, and other divisions did not rate soil quality as high, but none-the-less it was elevated 3 levels.

Payment Schedule and Percentage Rate Recommendations

Change the soil health category to a 75% payment percentage rate

State Technical Advisory Committee Response:

- The committee was polled and they decided to leave the soil health category at 60% to ensure that a higher number of producers could be funded at a lower payment percentage rate rather than fewer number of producers funded at a higher payment percentage rate.

Division 2 (Fremont and Hot Springs)

Recommendation:

Division II Local Work Group (LWG) recommends the ranking tool and cost share list (PPS) be available before the Local Work Group meeting is held so the group can help with local concern questions. This could give locals more authority and allow them to rule out what doesn't fit the area.

NRCS Response:

- The ranking tool and the Payment Percentage Rate list will be made available at least 30 days before the Local Work Group Meeting for the members to review and be prepared for discussion.

Recommendation:

The group is very concerned about Wyoming allotted EQIP funds going to State and National Initiatives which reduces the available funding for local priority work. In 2015, over half of the \$9.7 million allocated to Wyoming went to State and National Initiatives. There is a high percentage of State and

National initiatives applications funded compared to a very low percentage of Division applications funded. In 2015, 13 of the 65 ranked applications (requests for \$2,266,000) were funded. The group recommends that an additional Divisional Sub-Account Priority be established titled “Local Priority” or “Local Resource Concerns”. This 5th Sub-Account would be used to fund local resource concerns and the group recommends that screening and ranking tools be developed to address the “Local Priority” or “Local Resource Concerns” Sub-Account. An example would be a cheat grass control project in the Lower Wind River Conservation District, a tree planting project in the Dubois Crowheart Conservation District and a water quality project in the Popo Agie Conservation District. These projects are unique to each district but could all fall in the “Local Resource Concerns” Sub-Account.

NRCS Response:

- Clarification: 2015 total allocation was \$9.7 M, this included designated funds received for NWQI, SGI and Colorado Salinity in addition to general EQIP funds. The National initiative funds (designated funds by National Headquarters) have to be spent on the Initiative designated in the allocation letter. We received \$6.8M in general EQIP funds which are the funds that go to State Initiatives and Local Division accounts. Of the \$6.8M, \$4.9M or 72% of general EQIP funds went to Division subaccounts.
- Wyoming NRCS is currently developing a “Fact Sheet” that will better explain the benefits of State accounts versus division sub-accounts and how funds are spent. For example, if all state account dollars were given to the local accounts, all of the state programs (ie, high tunnels, organic, soil health, invasive species, forestry, water quality, etc.) would have to be divided 9 times to provide each of the 9 divisions equal dollars for those programs. This would result in inadequate dollars per division to effectively address sizable resource concerns and larger projects. Currently, state accounts provide a larger pool of dollars to address these larger resource priorities at the local level. National accounts are mandated by national policy and basically operate under the same concept as state accounts in that they can provide adequate funds for larger projects.
- In addition, the State Technical Committee recommended that no additional local accounts be added for 2016 for the reasons stated above.

Recommendation:

We need to find ways to lower the bar to help get applications to contracts. Producers can’t meet the qualifications such as a grazing plan, eligibility and cultural resources at the time of application. Cultural resource requirements are unclear and grazing plans are not always necessary.

NRCS Response:

- Wyoming NRCS needs to follow statues, policies and regulations for producer eligibility, land eligibility, or program eligibility requirements. However, we are dedicated towards working harder to improve our internal efficiencies and project implementation.
- The Programmatic Cooperative Agreement between the Wyoming NRCS and the State Historic Preservation Office (SHPO) was signed in October 2015. This agreement will enable District Conservationists to conduct preliminary cultural reviews and will allow NRCS to streamline the cultural review process to avoid further project delays.
- In regards to the necessity of developing grazing plans it is important to recognize that facilitating practices such as (cross-fence, water development, spring development, etc.) are planned to facilitate proper grazing management, whereas the grazing plan is key to ensure the grazing system is adequate to protect the forage base, regardless of the size of the land unit or number of pastures. Ideally, grazing systems with more than one pasture ensure adequate rest and rotation, however, each grazing system and plan is as unique as the land it

is being developed for. Thereby, unique and specific circumstances of the grazing unit are to be considered and evaluated accordingly.

Recommendation:

The group recommends that the requirement of a grazing plan on deeded lands be eliminated when BLM allotments contain federally managed, state and deeded lands. We recommend that allotment management plans be recognized as grazing plans.

NRCS Response:

- NRCS and BLM have a Memorandum of Understanding (MOU) to ensure compliance with applicable public land and mineral laws and regulations where NRCS conservation planning and contracting involves BLM administered land. As per the MOU, BLM needs the following data for proposals involving livestock grazing and range improvement projects: Conservation Plan Map, Ecological Site Map, Forage and Animal Inventories, evaluations of Stocking Rates, Seasons of Use, Land Health Evaluation (Rangeland Health Assessment), Grazing Utilization Levels and Patterns, Vegetation Monitoring Locations, Planned Grazing Schedule (data required for NRCS-528 Prescribed Grazing), and Wildlife and Cultural Resources reports generated with Integrated Resource Management Analysis (IRMA) tool. Inventory data is required for all ownership involved. NRCS cannot complete Forage Inventory (Range Analysis) on BLM without onsite BLM participation (Economy Act -31 – U.S. C 1535). If assistance is not available NRCS will only complete forage inventory for the private land and use existing BLM grazing information (AUMs) for the BLM administered land.
- Clarification: National Policy GM Title 440-515.80(D) states, “When NRCS implements a practice it must address an identified natural resource concern. It must also result in conservation benefit as determined by the NRCS or other approved agency. It must be a land-based conservation practice to be implemented on eligible land to address a resource concern related to agricultural production. If the Environmental Quality Incentive Program (EQIP) schedule of operations includes a practices that promote a change in production systems, the conservation program contract must contain an appropriate supporting management practice to ensure that environmental benefits will be achieved (such as prescribed grazing to ensure that a pasture planting or water development will not result in overgrazing).” NRCS needs to go out on the land and evaluate a specific practice and then work with the producer in developing a supporting management plan that will effectively address the resource concern.

Recommendation:

Division II LWG recommends that the payment schedule for Sage Grouse Initiative incentive payments on federally managed land be reviewed and revised. An example is a \$2.20/acre payment on land that may take 10 acres to produce one AUM. The Participant would receive \$22 on those 10 acres and pay the BLM in Wyoming \$1.69 to \$6.41 for one AUM depending on whether or not the producer owned the livestock.

NRCS Response:

- The payment for 528 (Prescribed grazing) is made on the practice and not on land ownership. The resource concern is grazing management regardless of ownership. Sage Grouse Initiative (SGI) payments are actually tied to the increased labor of moving livestock and monitoring, **not** the foregone income associated with unused forage (and/or AUM lease costs). Increased management costs are the same regardless of landownership type and NRCS cannot discriminate accordingly. Title 7 Code of Federal Regulations (CFR), part 1466.6(C) and National EQIP policy (GM Title 512.31, 515.52, and 515.80) states that federal

lands are SGI eligible and NRCS cannot set different payment rates for different ownership types.

Recommendation:

We recommend that less money be allocated to the Conservation Stewardship Program (CSP) and that the money be made available to local districts for technical assistance. We recommend that no more CSP applications be accepted. We strongly recommend that 25% of field office time be allocated to technical assistance and district programs not tied to Farm Bill programs. Current Farm Bill programs drive field office staff time.

NRCS Response:

- Per National Policy GM Title 440 -508-M (C) Program Availability-“The CSP program is applicable in any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.” WY NRCS cannot deny the producer the right to participate in the CSP program.
- Wyoming NRCS is working with our staff to see how we can allocate more time to provide technical assistance to producers and district programs. We understand the LWG’s concern and will strive to develop strategies that will allow our personnel to allocate more time to technical assistance.

Recommendation:

The Division II LWG requests that the local District Conservationists and the Conservation District Boards be given back the authority to make local decisions based on local needs and priorities. The current process is driven “**top down.**”

NRCS Response:

Wyoming NRCS is committed to listening to local needs and priorities. Each year we work with our State Technical Advisory Committee to set statewide priorities. This process is based on ranking all local needs and priorities from all local work groups. GM Title 440-500 (Locally Led Conservation)- is based on the principle that conservation districts working with community stakeholders are best suited to deal with local resource problems. The locally led process begins with the conservation district involving community stakeholders to identify resource concerns and then developing and agreeing on a conservation action plan that documents decisions, identifies priorities, establishes time schedules, and sets goals and objectives that address resource needs. The conservation action plan, under conservation district leadership, also identifies which Government and nongovernment programs are needed to address specific natural resource concerns. We strongly embrace the locally led process and believe that it is the most effective way to get conservation on the ground.

To that end, Wyoming NRCS is steadfast in listening to Conservation Districts, Local Work Groups, landowners, and other stakeholders to ensure that we are implementing our programs using the locally led process. However, we are always open to suggestions and recommendations on how to improve.

Division 3 (Lincoln, Sublette, Sweetwater, Teton, and Uinta)

Recommendation:

Cultural Resource SHPO Agreement – please get this signed and allow DC’s to be at the table to discuss the named ditch issue. This seems to be delaying a lot of things without accomplishing much.

NRCS Response:

- The Prototype Programmatic Agreement between the Wyoming NRCS and the State Historic Preservation Office (SHPO) was signed in October 2015. This agreement will enable District Conservationists to conduct preliminary cultural reviews and will allow NRCS to streamline the cultural review process to avoid further project delays.
- In regards to the named ditch issue, the Wyoming Historic Preservation Office (SHPO) provides the following resource definitions and recording guidelines:
 - *Water control channels, laterals, spreaders, canals, and ditches that are named on the United States Geological Services (USGS) Topographic maps must be evaluated as cultural resources.*
 - The recordation and evaluation of named ditches is a WY SHPO requirement that is applicable across the state to all who fall within the federal nexus when working on named ditches. The rationale being that if someone took the time to name and label the ditch on the General Land Office maps (original plot maps for the territory of Wyoming) or USGS maps then the ditch is of some significance.
 - For more information please refer to the Wyoming SHPO requirement located here: (<http://wyoshpo.state.wy.us/pdf/ResourceDefinitionsandReportingGuidelinesFinal.pdf>).

Recommendation:

Streamline smaller contracts

NRCS Response:

- Wyoming NRCS needs to follow statues, policies and regulations for producer eligibility, land eligibility, or program eligibility requirements. However, we are dedicated towards working harder to improve our internal efficiencies and project implementation.
- National Policy GM Title 440- 515.50(A) states that, “To allow evaluation and consideration for funding, **all** EQIP applications must meet the criteria for producer eligibility, land eligibility, and the proposed project must address at least one natural resource concern.” We must treat smaller contracts the same as larger contracts to ensure that tax dollars are wisely and prudently expended.

Recommendation:

Reduce program paperwork amount and work to eliminate SAM/DUNS spam to producer when they apply for NRCS programs

NRCS Response:

- 7 CFR Part 1466 and National Policy GM Title 440-515.51(A)(8) states, “Obtain a Dun and Bradstreet Data Universal Numbering System (DUNS – <http://fedgov.dnb.com/webform/>) number and register the number in the System for Award Management (www.SAM.gov) database as required of entity-participants in 7 CFR Part 1466. The DUNS number, registration in SAM, and yearly renewal are required to obligate program contracts and to establish payment eligibility. Refer to GM Title 440-CPM, Part 512, Subpart C, Section 512.20(C) and GM Title 440-512.22 C(ii) for additional guidance and documentation

requirements.” NRCS realizes this is confusing and complicated for producers when applying for a program, however the purpose of this requirement is to streamline the eligibility and payment process and to ensure payments are made to the correct producer by securing their identity number in a reliable database.

Recommendation:

Sage Grouse – provide information to employees before it is listed so we can answer producer’s questions about working with NRCS

NRCS Response:

- Wyoming NRCS can work with the LWG and the US Fish and Wildlife Service in conducting numerous “Threatened and Endangered Species” workshops to NRCS staff and producers within your division to better inform them of the potential management and program changes in the event of listing the Greater Sage Grouse. We have held/participated in many training and informational events over the past few years with many partners who have helped make the Sage Grouse centric programs and activities a success such as districts, governor’s office, state lands, BLM and Wyoming G&F, WSG, etc. but recognize the effort to be on-going. This provides an opportunity for NRCS to coordinate and work cooperatively with the LWG to provide a quality training program. Please contact your local District Conservationist if you would like to schedule training workshops within your division.

Recommendation:

STAC – should be re-formatted to allow for members to provide more input and interaction instead of talking at them.

NRCS Response:

- The STAC has been more interactive and participatory in the last 2 years after changing the meeting format. We meet quarterly, two meetings are face to face and two by teleconference. We present them with items to discuss and request their input and recommendations as needed.

Recommendation:

Technical assistance is requested to be elevated in priority for local FO. Sometimes TA without financial assistance is what is needed by our constituents and partners and it is very difficult for NRCS to provide anymore. Funding for salaries should not be based solely on the implementation of Farm Bill programs.

NRCS Response:

- Wyoming NRCS is working with our staff to see how we can allocate more time to provide technical assistance to producers and district programs. We understand the LWG’s concern and will strive to develop strategies that will allow our personnel to allocate more time to technical assistance.

Recommendation:

WY and OR work together on the ALE ranking worksheet with the DC’s input

NRCS Response:

- Wyoming NRCS will work with Oregon NRCS on the ALE ranking worksheet with the DC’s input. Ben Bigalke who is Wyoming NRCS’s new Easement Specialist will coordinate these efforts and will be in contact with the LWG in the near future.

Recommendation:

Recommend a NRCS Realty Specialist be employed within Wyoming or the Intermountain West to assist in implementing the conservation easement program.

NRCS Response:

- NRCS is in the process on hiring a realty specialist to help with easement workload on a regional bases to assist in implementing the Agricultural Conservation Easement Program (ACEP) in Wyoming and surrounding states.

Division 4 (Campbell, Johnson, and Sheridan)

Recommendation:

CBM-reclamation funding

NRCS Response:

- Reclamation of Oil and gas drilling activities are the responsibility of the energy companies and should not be the responsibility of NRCS. Oil and gas companies are required to post bonds before they begin drilling, in order to ensure compliance with regulations during drilling, cleanup, and reclamation. Current bonding requirements fail to discourage abandonment, and are not sufficient to cover the costs of plugging orphaned wells. The Wyoming Oil and Gas Conservation Commission is proposing a new rule which increases the amount companies have to pay up front from \$75,000 to \$150,000 for all of their wells on private land. Wyoming is currently in the process of plugging almost 4,000 wells that were abandoned by their operators. Wyoming NRCS would be willing to work with the LWG in organizing a meeting with the Oil and Gas Conservation Commission to discuss ways to resolve reclamation concerns within the division area.

Recommendation:

Recommend training/workshops, Dave Rosgen to discuss how to fix issues.

NRCS Response:

- Wyoming NRCS would be happy to work with the LWG in providing training and workshops for watershed management or other natural resource topics of interest. Please contact your local District Conservationist to get started!

Recommendation:

Increase Incentives to make SGI more saleable and relax the requirements

NRCS Response:

- All NRCS program payment rates are determined by a regional team from Montana, Idaho, and Wyoming as per directives from National Headquarters. Wyoming NRCS will bring forward your recommendation to increase SGI payments to the regional team, NRCS Regional and National Headquarters for consideration. However, the 2016 payment rates have already been set by the team and will have to wait until 2017 before your recommendation can be considered. Furthermore, can you provide WY NRCS with more documentation and data in regards to why SGI incentives need to be higher for producers to participate? This would help for our team to understand the situation and make the appropriate payment rate adjustments. In terms of relaxing SGI requirements, I assume that you referring to the 15 month grazing deferment for option #2 in the SGI program (as per discussions with Grant Stumbough)? If so, we can make a recommendation to WY NRCS for us to forward to national headquarters with information and documentation as to what the

grazing deferment should be (if one is needed) and why. Wyoming NRCS needs to be able to make your recommendation defensible when presenting to national headquarters.

- **Additional Clarification:** There are on-going efforts at the local, state, regional and national levels to increase outreach and information efforts in order to increase producer participation in the SGI. The State Conservationist has outlined the 2016 Wyoming State Business Plan which includes outreach and Information as an integral part of the plan. The SGI is a highly targeted, science-based landscape approach to proactively conserve sage-grouse and sustain the working rangelands that support western ranching economies through partnerships at many levels. Based on the best available science, NRCS adopted the 15 month deferment to maintain quality of sage grouse nesting and foraging habitat. There can be case by case variances to this requirement as applicable.

Recommendation:

Track measurable success of the SGI program

NRCS Response:

- We can increase our efforts to measure the success of the SGI program. Brian Jensen, NRCS State Wildlife Biologist will work with the local District Conservationist to increase monitoring efforts and also to make that information available to the LWG. However, significant tracking efforts regarding the success of the SGI program in the western states is highlighted at <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/initiatives/?cid=steldevb1027671>.
- NRCS has documented the number of enhanced habitat acres that were/are enrolled in SGI related programs but, many partners have helped make the SGI program a success such as conservation districts, governor's office, state lands, BLM and Wyoming G&F, WSG, etc. whereas success would be defined as multi-dimensional. Other agencies and organizations as mentioned above will also need to be involved to effectively measure the success of the SGI program.

Recommendation:

Address HR turn around & understaffing concerns

NRCS Response:

- In 2012, Secretary Vilsack launched the Blueprint for Stronger Service, directing USDA agencies to take steps to cut costs and modernize operations. One initiative under the Blueprint is the transformation of the USDA's business and administrative operations. NRCS collaborated with an independent contractor to assess our administrative business operations with the goal of creating a new model to shape the vision and future direction of NRCS Administrative services. Under the new model, NRCS moved from maintaining over 50 separate administrative units toward a single national structure for each business area. These areas include Property and Procurement, Budget and Financial Management, and Human Resources. During the transition phase of the new model, there was a modest yet noticeable drop in administrative services. On October 18th, 2015, the new structure was fully implemented and services have begun to become noticeably more efficient, particularly in the area of Human Resources. As the structure continues to build, so will the services provided and the efficiencies anticipated will be fully realized in the form of savings to the taxpayer, accountability, and uniform services to our employees, partners and customers.

- At this point all our field positions that were vacant were filled. We are working on filling current retired positions.

Recommendation:

More Technical Assistance is needed

NRCS Response:

- Wyoming NRCS is working with our staff to see how we can allocate more time to provide technical assistance producers and district programs. We understand the LWG's concern and will strive to develop strategies that will allow our personnel to allocate more time to technical assistance.

Recommendation:

Small Acreage Problem & Help needed

NRCS Response:

- Wyoming NRCS provides assistance to many eligible small acreage producers. However, many small acreage producers are not eligible for NRCS cost share program assistance as only producers who are engaged in agricultural production or forestry management or have an interest in the agricultural or forestry operation associated with the land being offered for enrollment can participate (440 – 515.52- Land Eligibility). Many small acreage owners are simply not actively involved in agriculture production or forestry management or do not meet landowner eligibility requirements (440-512.22 D Participant Eligibility).
- Suggest working with the University of Wyoming Small Acre Issue Team (SAIT) to assist small acreage producers with natural resource concerns. SAIT publishes a quarterly publication entitled, "Barnyards and Backyards" which provides very valuable information to assist small acreage producers. In addition, technical assistance can be provided by NRCS and SAIT to provide technical assistance to small acreage producers.

Recommendation:

Need more Forestry dollars and education

NRCS Response:

- NRCS recognizes that landowners are experiencing numerous Forestry issues in Northeastern Wyoming to include White Bark Pine Beetle infestations, fire hazards, aspen regeneration, and the list goes on. Wyoming NRCS's Forestry Initiative is under a state account to provide a larger pool of dollars from which divisions can apply to address larger resource priorities at the local level. In 2015 the Forestry Initiative allocation was \$273,000. In 2015, 13 applications were obligated totaling \$280,637. Wyoming NRCS will request National Headquarters for additional Forestry Initiative dollars for FY 2017 based on increased funding needs and the Local Work Group's request.
- Wyoming NRCS will work with the Local Work Group in providing forestry management training as needed. In addition, we have developed a new outreach plan to better inform local producers of programs that are available. Hopefully, more landowners in northeastern Wyoming will be aware of NRCS forestry programs as a result. Please contact your local District Conservationist to begin planning forestry workshops within your division.

Division 5 (Crook and Weston)

Recommendation:

- Develop a riparian incentive improvement and education program

NRCS Response:

- Currently, NRCS has several cost share programs to effectively address riparian area and watershed concerns to include Stream Habitat Improvement and Management practices, Grade Stabilization Structures, Streambank and Shoreline Protection practices, Channel Bed Stabilization Practices, Wildlife Habitat Improvement practices and the list goes on. Wyoming NRCS has developed a new outreach plan to better inform local producers of programs that are available. We hope to measure the increased amount of outreach efforts and increased amount of program applications to determine the success of the plan. In addition, Wyoming NRCS can work with the LWG and the Wyoming Game and Fish to conduct numerous riparian improvement workshops to producers within your division to better inform them of the riparian and watershed improvement programs listed above and also provide information about other cost share programs available. This provides an opportunity for NRCS to coordinate and work cooperatively with the LWG to provide quality training and to develop a comprehensive riparian improvement program. Please contact your local DC if you would like to schedule training workshops within your division.

Division 6 (Converse, Natrona, and Niobrara)

Recommendation:

More research needs to be done on the benefits of the 15 month deferment required after cheatgrass treatment.

NRCS Response:

- The Wyoming NRCS State Conservationist will request the State Biologist, State Range Conservationist, and the regional and national NRCS office to provide additional information and research regarding the 15 month grazing deferment requirement after cheatgrass treatment as a rangeland benefit. NRCS will keep the LWG informed of all outcomes.
- Currently NRCS Range Technical Note #2 states that Post treatment grazing management following cheatgrass treatment must include all of the following:
 - One (1) full growing season deferment (March 1 – July 15) the year following treatment is required.
 - Additional growing season deferment may be required to allow for recovery of desirable plant species if precipitation is below normal, or as determined by NRCS.
 - Subsequent grazing management must be based on forage production, proper stocking rates and a planned grazing system that includes seasonal deferment.

Recommendation:

303d subaccount added under the State's Water Quality Account

NRCS Response:

- It would not be beneficial for Wyoming NRCS to develop a 303(d) subaccount under the State's Water Quality Account. In 2015 the Water Quality Initiative allocation was \$66,000. In 2015, we received 9 applications, obligated 3 applications totaling \$167,767. Wyoming

NRCS's Water Quality program is under a state account (rather than being divided into 9 division subaccounts) to provide a larger pool of dollars from which divisions statewide can apply to address larger resource priorities at the local level. Furthermore, water quality applications are ranked a higher priority if they address 303(d) listed streams. In summary, Wyoming NRCS provides a larger funding pool from which to apply for 303(d) projects which are then ranked as a priority. As a result, we are unsure that establishing a 303(d) subaccount would provide any additional benefits. Wyoming NRCS will request National Headquarters for additional Water Quality dollars for FY 2017 based on increased funding requests to address 303d listed streams as well as other water quality concerns across the state.

Recommendation:

Include the use of natural gas as a power source for the operation of irrigation equipment as an acceptable cost-share practice

NRCS Response:

- Natural Gas Internal Combustion-Powered Pump for the operation of irrigation equipment is currently a cost-share practice as per the Wyoming NRCS Practice Payment Rate Schedule.

Payment Schedule and Percentage Rate Recommendations

Change the Irrigation percentage rate on the payment schedule to 70% (from 60%) to match grazing.

State Technical Advisory Committee Response:

- State Technical Advisory Committee recommended to leave the Irrigation Percentage Payment Rate at 60% to ensure that a higher number of producers could be funded at a lower payment percentage rate rather than fewer number of producers funded at a higher payment percentage rate.

Division 7 (Albany and Carbon)

Recommendation:

The current requirement of completing 528 – Prescribed Grazing for all EQIP applications that involve stock water development or fencing is creating a backlog of applications that cannot be ranked due to the field time that it takes to complete 528. The LWG suggests splitting the standard into 2-3 tiers based on the complexity of the application. For SGI and any contracts that will pay on 528 as a management practice, leave the standard as is. For applications that involve practices in one to a few pastures, have the local planner complete a range trend or other assessment. If the trend is up or static, the planner will complete an AUM inventory based on averages in the Ecological Site Description Guides.

NRCS Response:

- Facilitating practices such as (cross-fence, water development, spring development, etc.) are planned to facilitate proper grazing management, whereas the grazing plan is key to ensure the grazing system is adequate to protect the forage base, regardless of the size of the land unit or number of pastures. Ideally, grazing systems with more than one pasture ensure adequate rest and rotation, however, each grazing system and plan is as unique as the land it is being developed for, thereby, unique and specific circumstances of the grazing unit are to be considered and evaluated accordingly. In summary, there is already adequate flexibility in developing grazing plans to facilitate the aforementioned practices as long as the primary objective of protecting the resource is kept in mind.

- Clarification: National Policy GM Title 440-515.80(D) states, “When NRCS implements a practice it must address an identified natural resource concern. It must also result in conservation benefit as determined by the NRCS or other approved agency. It must be a land-based conservation practice to be implemented on eligible land to address a resource concern related to agricultural production. If the Environmental Quality Incentive Program (EQIP) schedule of operations includes a practices that promote a change in production systems, the conservation program contract must contain an appropriate supporting management practice to ensure that environmental benefits will be achieved (such as prescribed grazing to ensure that a pasture planting or water development will not result in overgrazing).”

Recommendation:

Based on most of the EQIP Forestry funding going to the North-East part of the State, the LWG would like to see an emphasis placed on targeting funds for beetle kill in other areas of the state. Wyoming State Forestry personnel were present at the meeting and indicated they could write Forest Management Plans.

NRCS Response:

- NRCS recognizes that landowners are experiencing numerous Forestry issues statewide to include White Bark Pine Beetle infestations, fire hazards, aspen regeneration, and the list goes on. Wyoming NRCS’s Forestry Initiative is under a state account to provide a larger pool of dollars from which divisions statewide can apply to address larger resource priorities at the local level. In 2015 the Forestry Initiative allocation was \$273,000. In 2016, 13 applications were obligated totaling \$280,637. Wyoming NRCS will request National Headquarters for additional Forestry Initiative dollars for FY 2017 based on increased funding needs and the Local Work Group’s request.
- If requested, Wyoming NRCS will work with the Local Work Group and Wyoming State Forestry in providing forestry management training as needed. In addition, we have developed a new outreach plan to better inform local producers of programs that are available. Hopefully, more landowners statewide will be aware of NRCS forestry programs as a result.

Recommendation:

The lack of a completed soil survey in Carbon County hampers efforts to do sound conservation planning (lack of soils information/ecological sites for prescribed grazing plans, and also soil physical property information for irrigation water management). The lack of delineated ecological sites requires much more mapping time when completing inventories for Prescribed Grazing. The LWG would like to see an emphasis placed on completing the soil survey for Carbon County.

NRCS Response:

- The lack of soil survey data is due to a lack of personnel and a high workload in southwest Wyoming. Currently, there are approximately 5 million acres unmapped in southwest Wyoming (Carbon, Lincoln and Sweetwater Counties). Cooperative agreements may assist with the soil survey, but ultimately, it will take a long-term addition of personnel to accomplish this. The important need for completed soil surveys and for the additional personnel required to accomplish this is being discussed. There is an emphasis on ESD development, but it is also restricted by the number of people to do the work. Cooperative efforts providing personnel to assist with ESD development are being pursued.

Recommendation:

The LWG recommends that the Payment Rate Schedule for 580-Streambank Stabilization have additional components that are stratified into the size of the river the project is on. Divisions could be based on average annual bankfull measurements or average peak flow in CFS. Currently, there is one rate (\$/linear foot) for all size of streams resulting in an underpayment on large river systems that require more quantities in terms of rock, toewood, etc per linear foot than small streams. Districts that have done projects in the past could provide actual cost data to support this.

NRCS Response:

- All NRCS program payment rates are determined by a regional team from Montana, Idaho, and Wyoming as per directives from National Headquarters. Wyoming NRCS will bring forward your recommendation regarding the 580-Streambank Stabilization practice to deliberate additional components or payment levels that take into consideration the size of the stream to the Regional Team, NRCS Regional and National Headquarters for consideration. However, the 2016 payment rates have already been set by the team and will have to wait until 2017 before your recommendation can be considered. NRCS appreciates the documentation and data that the LWG provided to justify the modification of the Payment Rate Schedule. NRCS will keep the LWG informed of all outcomes.

Recommendation:

A biological review and concurrence with US Fish & Wildlife Service was required for a project this year because it was planned to be installed before July 15th. The LWG would like an evaluation of how the Migratory Bird Treaty Act will affect implementation rates for Farm Bill Programs. Not allowing project implementation from May 15-July 15 for most projects will reduce the construction season significantly and result in a lower contract implementation rate. The LWG would like to see guidance on what practices this will affect and if it is statewide. Allow practices that have a low probability of take to proceed during the nesting season. Follow other federal agency protocols for having a local biologist make a determination if practice installation during the nesting season will result in a take.

NRCS Response:

- NRCS is required to comply with NEPA in order to avoid adverse effects on several SEC's. These include: USFWS Listed, Candidate and Proposed T&E species as well as State Species of Concern that are covered by State law, Regulation or Executive order in addition to the Migratory Bird Treaty Act. Wyoming NRCS follows USFWS's guidance regarding the MBTA which requires that all practice installations that could affect migratory bird nesting should not occur during the nesting period from May 15 to July 15 unless a survey has been conducted by the USFWS or a qualified biologist showing no significant threats exist. Program applicants should plan ahead and work with both the NRCS and USFWS to schedule installation of practices during timeframes that will not compromise the Migratory Bird Treaty Act. Wyoming NRCS, through an MOU with the WGFDD considers the effects of projects on State listed species of concern through the use of the Integrated Resource Management Assessment (IRMA) tool.

Recommendation:

The LWG would like to see the vacant technician position in Saratoga filled. This position services all three Carbon County offices. This will assist with the engineering and getting preliminary design information completed so that program applications can move forward.

NRCS Response:

- Wyoming NRCS has filled this position. Michael Locatelli started as an NRCS technician in November. Thanks for your patience!

Division 8 (Goshen, Laramie and Platte)

Recommendation:

- Oglala Aquifer initiative needs to increase payment incentives in order for producers to participate.

NRCS Response:

- All NRCS program payment rates are determined by a regional team from Montana, Idaho, and Wyoming as per directives from National Headquarters. Wyoming NRCS will bring forward your recommendation to increase the Oglala Initiative payment rates to the Regional Team, NRCS Regional and National Headquarters for consideration. However, the 2016 payment rates have already been set by the team and will have to wait until 2017 before your recommendation can be considered. Furthermore, can you give us more documentation and data in regards to why Oglala Initiative payments need to be higher for producers to participate? This would help for our team to understand the situation and make the appropriate payment rate adjustments. NRCS will keep the LWG informed of all outcomes.

Recommendation:

Where we run into problems with this is there is a lot of times that we are not able to write a grazing plan because we cannot meet the minimum requirements of the grazing plan. Therefore we cannot pay on the grazing plan. What we would like to do is suggest that as long as a management plan is written under CTA then we would not need to pay for the practice. There are some situations where it is not feasible to write management practice because maybe the producer doesn't own livestock and does not wish to farm anymore. So wouldn't it be better to plant it back to vegetation rather than leaving it as weeds??

EQIP Manual 515.81(D) it states the following:

(4) Changes in Production System

(i) Practices that facilitate a beneficial cost-effective change in production system (i.e., change in agricultural land use) provided that all of the following criteria are met:

- The change in production system results in a higher level of conservation benefit, such as a lower intensity land use.
- The producer will implement a management practice that supports the change in production system.
- The practices are necessary to address a natural resource concern that is associated with the new production system.
- Cost-effectiveness can be documented.

(ii) **Example 1.**—Producer is transitioning highly erodible cropland to grazed pasture. The operation currently does not support or maintain livestock, but transitioning to grazed pasture will address erosion related resource concerns and result in a higher level of conservation benefit. Program support is allowed to implement fencing (CP 382), watering facility (CP 614), prescribed grazing (CP 528) and other facilitating practices that are necessary to establish the new production system and address the resource concern.

NRCS Response:

- It would not be necessary to provide a prescribed grazing plan (528) for land that is not intended to be grazed but the statement above says "transitioning from cropland to pastureland" thus it is implied that the intended land use will be pasture intended for

grazing which would warrant a grazing plan. However, if the land proposed for transition is not going to be grazed but perhaps hayed then the land use would still be considered cropland and a forage management plan would be appropriate. If the land is proposed to be wildlife land and not grazed then an Upland Wildlife Habitat Management plan would be appropriate in that scenario. Please contact your district conservationist for more specific information under different scenarios.

Division 9 (Wind River Reservation)

Recommendation:

1. An applicant should be able to use “historical use” for control of the property so that they may participate in USDA-NRCS programs.

NRCS Response:

- As per NRCS Policy below, an applicant from the Wind River Reservation must first meet all of the producer and land eligibility requirements to be eligible for USDA-NRCS programs. In regards to control of property which is defined as possession of the land by ownership, written lease, or other legal agreement the State Conservationist may waive this requirement for Tribal land and other unique cases where a written lease is not customarily used (512.99). Therefore, the State Conservationist could define “historical use” as control of property to enable tribal producers to participate in USDA-NRCS Programs when a written lease is not used.
- GM Title 515.51(A) Producer Eligibility
 - A. General Producer Eligibility Criteria.—To be eligible to participate in EQIP, an applicant must meet all of the following criteria:
 - (1) Be an agricultural producer. To be considered a producer, the applicant must be—
 - (i) A person, legal entity, Indian Tribe, native corporation, or joint operation with signature authority.
 - (ii) Engaged in agricultural production or forestry management or have an interest in the agricultural or forestry operation associated with the land being offered for enrollment in EQIP. Interest in the agricultural operation means one of the following:
 - Owner or renter of the land in the agricultural operation
 - An interest in the agricultural products, commodities, or livestock produced by the agricultural operation
 - A member of a joint operation that either owns or rents land in the agricultural operation or has an interest in the agricultural products, commodities, or livestock produced by the agricultural operation
 - (2) Have control of the land for the term of the contract period.
- GM Title 515.51(C). Eligibility Clarification
 - (1) Indian Tribes

A federally recognized Indian Tribe is an eligible producer if it owns or has control of the land being offered for enrollment in EQIP and meets applicable eligibility criteria in GM Title 440-CPM, Part 515, Subpart F, Section 515.51A.

(2) Indians – Individual Applicants

An individual Indian is eligible for EQIP on Tribal or non-Tribal land if he or she meets the eligibility criteria in GM Title 440-CPM, Part 515, Subpart F, Section 515.51A. Individual Indian applicants are subject to all EQIP eligibility requirements.

- GM Title 515.52 Land Eligibility

A. To be eligible for EQIP, the land being offered for application into the program must meet all of the following criteria:

(1) Be agricultural land, nonindustrial private forest land, Tribal land, or other land on which agricultural products, livestock, or forest-related products are produced.

- GM Title 512.99 Control of Land Administrative Review Letter Template

The word “control” means possession of the land by ownership, written lease, or other legal agreement. When available, Farm Service Agency records may be used to verify ownership. If you are a tenant, you must provide NRCS with written evidence or assurance of control from the landowner. When a land unit in the contract has multiple owners, only one is required to sign control of land documents. However, when a contract contains multiple land units, each with a different owner, signed control of land documents must be provided for all land units. Where the specific program regulation allows, the State Conservationist may waive this requirement for Tribal land and other unique cases where a written lease is not customarily used.

Recommendation:

2. Recommendation is to target funding for watering sources on Range units.

NRCS Response:

- (Refer to Recommendation number 3)

Recommendation:

3. Recommendation is to ask for a “variance” from the 3-pasture rotation requirement for water development on rangelands.

NRCS Response:

- Facilitating practices such as (cross-fence, water development, spring development, etc.) are planned to facilitate proper grazing management, whereas the grazing plan is key to ensure the grazing system is adequate to protect the forage base, regardless of the size of the land unit or number of pastures. Ideally, grazing systems with more than one pasture ensure adequate rest and rotation, however, each grazing system and plan is as unique as the land it is being developed for, thereby, unique and specific circumstances of the grazing unit are to be considered and evaluated accordingly. In summary, there is already adequate flexibility in developing grazing plans to facilitate the aforementioned practices as long as the primary objective of protecting the resource is kept in mind.
- Clarification: National Policy GM Title 440-515.80(D) states, “When NRCS implements a practice it must address an identified natural resource concern. It must also result in conservation benefit as determined by the NRCS or other approved agency. It must be a

land-based conservation practice to be implemented on eligible land to address a resource concern related to agricultural production. If the Environmental Quality Incentive Program (EQIP) schedule of operations includes a practices that promote a change in production systems, the conservation program contract must contain an appropriate supporting management practice to ensure that environmental benefits will be achieved (such as prescribed grazing to ensure that a pasture planting or water development will not result in overgrazing).”

Recommendation:

4. Recommendation is to assist landowners or producers with gated pipe on a linear foot basis instead of what is currently used and that is on a per pound basis.

NRCS Response:

- The unit for payment for irrigation pipe is set by the National Headquarters Engineering team. Wyoming NRCS will bring forward your recommendation to reimburse producers for gated pipe based on a linear foot basis rather than on a per pound basis to National Headquarters for consideration. Furthermore, can you give us more documentation and data in regards to why it would be beneficial for gated pipe to be paid on a linear foot basis? This would help the national team to understand the situation and make the appropriate payment rate adjustments. NRCS will keep the LWG informed of all outcomes.

Recommendation:

5. Recommendation is to use AMA to upgrade or improve off farm irrigation (headgates) infrastructure.

NRCS Response:

- NRCS can authorize the use of the Agricultural Management Assistance (AMA) program funds to upgrade or improve off farm irrigation structures on Tribal Lands. Projects will still need to compete and rank high for funding. Indian Tribes can be an eligible producer if it owns or has control of the land being offered for enrollment in AMA and meets all the eligibility criteria in GM Title 440-CPM, Part 521, Subpart D.
- In addition, the purpose of AMA as per GM Title 440-521.0 – Subpart A is as follows:
 - (i) Construct or improve watershed management structures or irrigation structures.
 - (ii) Plant trees to form windbreaks or to improve water quality.
 - (iii) Mitigate financial risk through production or marketing diversification or the implementation of resource conservation practices, including soil erosion control, integrated pest management, or the transition to organic farming.

Recommendation:

6. Recommendation is to increase the cap that is in place on Center Pivots. Increase from \$50,000 to \$60,000.

NRCS Response:

- State Technical Advisory Committee recommended to leave the cap for Center Pivots at \$50,000 to ensure that a higher number of producers could be funded at a lower payment rather than fewer number of producers funded at a higher payment.

Recommendation:

7. It is a recommendation to note that wildhorses are a problem and an issue when Sage Grouse habitat is concerned. More attention and or money should be directed to this problem.

NRCS Response:

- The Wyoming BLM is responsible for the management of wildhorses in the state. Wyoming NRCS would be willing to work with the LWG in organizing a meeting with the BLM to discuss ways to resolve wildhorse concerns within the division area. Please contact your local DC to schedule a potential meeting with the LWG.

Recommendation:

8. Recommend for FSA and NRCS to conduct a training workshop on the reservation to inform producers about conservation programs available.

NRCS Response:

- Wyoming NRCS can work with the FSA in conducting numerous workshops on the Reservation to assist in keeping producers informed of all NRCS and FSA programs available. This provides an opportunity for NRCS to coordinate and work cooperatively with the LWG to provide a quality training program. WY NRCS will work with WY FSA to schedule a workshop within your division.