

**Wyoming Department of Agriculture  
Regulations Governing the  
Rangeland Health Assessment Program**

**CHAPTER 15**

Section 1. **Authority.** Pursuant to authority vested in the Wyoming Department of Agriculture (WDA) in W.S. § 11-2-207 the following regulations are hereby promulgated and adopted.

Section 2. **Purpose.**

(a) To assure the development and use of credible data in the assessment of Wyoming Rangelands by providing through the Wyoming Department of Agriculture a structured approach that fosters and assists in collaborative efforts to monitor rangelands involving, as applicable, landowners, lessees, permittees and federal and state land agencies.

(b) The short-term goal of the program is to sustain viable levels of federal land grazing by providing credible data to assist federal land agencies in completing required permit National Environmental Policy Act (NEPA) analysis and to enable agencies and permittees to defend against challenges to grazing permit renewals and management plans.

(c) The long-term goal of the program is to assess trends in the health of all rangelands and assure the use of credible data in making adjustments in their management where indicated. Monitoring will help maintain or improve the economic viability of the livestock grazing industry and its contribution to the Wyoming economy.

(d) These rules are adopted in order to provide for a method of application review, recommendation for inclusion in the program, and govern the distribution of any available funds for on-the-ground projects supporting this program.

Section 3. **Definitions.**

(a) "Assessment" means any activity conducted for assessing rangeland health including, but not limited to, current condition and long term health trends.

(b) “Audit” means an unbiased examination and evaluation of the governmental agency data collected, records, financial accounts, and financial statements associated with a RHAP to verify their accuracy.

(c) “Budget” means an itemized summary of estimated or intended income and expenditures for a given period.

(d) “Credible data” means scientifically valid data collected under an accepted rangeland monitoring plan, including quality control, quality assurance procedures, and historical data.

(e) “Cooperative Monitoring” means rangeland monitoring established as a planned effort between a land management agency and permittees / lessees / landowners, or other partners sharing similar interests. The actual monitoring may be carried out jointly or by any individual partner with the objective of providing information to all parties to guide decision making and adaptive management and to help the parties evaluate relative success in applied management, in implementing guidance provided by the grazing permit / lease, and in meeting or moving toward mutually designed objectives.

(f) “Director” means the Director of the Wyoming Department of Agriculture.

(g) “Ecological site” means a distinctive kind of land with specific soil and physical characteristics that differs from other kinds of land in its ability to produce distinctive kinds and amounts of vegetation, and in its ability to respond similarly to management actions and natural disturbances. Unlike vegetation classification, ecological site classification uses climate, soil, geomorphology, hydrology, and vegetation information to describe the ecological potential of land areas. A particular ecological site may feature several plant communities (described by vegetation classification) that occur over time and/or in response to management actions.

(h) “Ecological site description” means reports that describe the biophysical properties of ecological sites and vegetation and surface soil properties of reference conditions that represent either:

(i) pre-European vegetation and historical range of variation (in the United States) OR proper functioning condition or potential natural vegetation,

(ii) state-and transition model graphics and text, and

(iii) a description of ecosystem services provided by the ecological site and other interpretations.

(i) “Governmental agency” means the University of Wyoming, institutions of higher education and other qualified state and local governmental agencies.

(j) “Match” means cash and/or in-kind contributions. Contributions must have value and must be applicable to the period to which the matching requirement applies and must be necessary for the project. Examples of in-kind contributions include: labor, materials, and professional services. In-kind contributions must be verifiable from the records of the governmental agency. These records must show how the value placed on in-kind contributions was derived. Labor services will be reported using rates consistent with those ordinarily paid by the governmental agency or other employers for similar work in the same labor market. Donated supplies and equipment will be valued at market value at the time of donation. Loaned equipment will be valued at the fair rental rate of the equipment at the time of donation.

(k) “Monitoring Plan” means a proposed or tentative course of action, including goals for the monitoring area and measurable objectives which are designed to evaluate progress towards meeting the goal. It must also identify the type, level and method of monitoring, as well as the responsible party.

(l) “Partner” means each party participating on a particular project.

(m) “Program Application” means the application form and associated documents required for inclusion in the RHAP. The form will be prescribed and document templates distributed by the WDA.

(n) “Project” means an approved individual Rangeland Health Assessment Program plan.

(o) “Rangeland” means expansive, mostly unimproved lands on which a significant portion of the natural vegetation is native grasses, grass-like plants, forbs, and shrubs. Rangelands include natural grasslands, shrublands, woodlands, savannahs, tundra, most deserts, and riparian and wetland plant communities including marshes and wet meadows. Includes lands revegetated naturally or artificially that are managed like native vegetation.

(p) “Rangeland health assessment” means an evaluation of rangeland resources utilizing approved and scientifically accepted protocols and methodologies to determine an areas current state or its ability to support site-specific objectives.

(q) “Rangeland health determination” means a determination of whether or not a rangeland is healthy, at risk, or unhealthy based on the evaluation of three criteria:

(i) degree of soil stability and watershed function,

- (ii) integrity of nutrient cycling and energy flow, and
- (iii) presence of functioning recovery mechanisms.

(r) "Rangeland monitoring" means the orderly collection, analysis, and interpretation of resource data to evaluate progress toward meeting management objectives. This process must be conducted over time in order to determine whether or not management objectives are being met.

(s) "RHAP" means the Rangeland Health Assessment Program.

(t) "Vegetation Loss" means loss of plants or plant species above what would be expected from proper grazing management of livestock taking into account other herbivores present (e.g., wildlife, insects). It does not include proper utilization of forage plants by domestic livestock.

(u) "WDA" means the Wyoming Department of Agriculture.

#### Section 4. **Applicability of rules.**

(a) These rules only apply when an application is made by a governmental agency for participation in the Wyoming Department of Agriculture Rangeland Health Assessment Program.

Section 5. **Application.** To qualify for inclusion in the RHAP under these rules, a governmental agency shall submit a program application to the WDA.

(a) An application submitted to the WDA will only be considered for inclusion in the RHAP if the following criteria are demonstrated in the application:

(i) The necessity for a rangeland health assessment for the project area including the impact on state, federal, local and private property;

(ii) The assessment will be done with the voluntary cooperation and participation of all participants, including, as appropriate, the private landowner, the state grazing lessee, the federal grazing permittee or lessee and the land management agency;

(iii) Assessments will be conducted on federal or state managed lands under a memorandum of understanding with the federal or state land management agency and with the participation of that federal or state land management agency;

(iv) The assessment will include, as necessary, establishment of rangeland monitoring, compliance with federal agency standards and guidelines, and participation

in the incorporation of assessment outcomes into any federal or state decision affecting livestock grazing;

(v) The assessment will include any protections necessary for the management of soil erosion and vegetation loss.

(b) The RHAP application form shall be developed by the WDA in accordance with the requirements of this regulation. The WDA shall make a program application form available to eligible governmental agencies. The application shall include, but not be limited to, the following information:

(i) Project Goals

(ii) List of other committed partners for the Project

(iii) If the governmental agency requests funding during the application process, include:

(A) A budget. Standardized forms will be provided by WDA. A minimum 30% match is required for all grant applications.

(B) Information on how the project addresses priorities established by the Director. Priorities shall be set by January first each year and made available to eligible governmental agencies. Priorities include the consideration of:

(I) Applications that include multiple resource partners;

(II) Amount and variety of funding sources;

(III) Timing and urgency of the project.

(c) Written agreements from all committed partners including affected permittee(s), lessee(s), landowner(s), federal/state land management agency(ies) and any others invited to participate on the project shall be included with the application. The agreement shall include information on each partner's contribution to the project and their commitment to participate if the project is approved for inclusion in the RHAP.

(d) An application including a request for grant funding may only be submitted during the period of a Request for Funding Proposal (RFP) as determined by the WDA and will be reviewed after the close of the RFP.

(e) An application without a funding request may be submitted at any time.

Section 6. **WDA RHAP Application Review and Approval.** All applications and grant requests shall be reviewed by the WDA. The Director shall make recommendations to the Board of Agriculture who shall have final authority for the approval of applications and grant requests.

Section 7. **Financial / Data Records.**

(a) Monitoring of Project progress may occur anytime while the governmental agency is under an agreement with the WDA to perform rangeland health assessments, and audits may take place during the Project and up to five (5) years after Project completion.

(b) The governmental agency shall maintain and retain accurate records on a completed Project for five (5) years, starting from the date governmental agency's final report is approved by the WDA.

Section 8. **Monitoring Plan.** Upon application approval, the governmental agency shall submit a detailed monitoring plan to the WDA in accordance with the terms and conditions of the Project agreement. The monitoring plan shall provide details of the proposed action and how the data will be used to accomplish the goals and objectives listed in the project application.

Section 9. **Reporting.** The governmental agency shall submit annual progress reports and a final report to the WDA, 2219 Carey Avenue, Cheyenne, WY 82002 in accordance with the terms and conditions of the Project agreement.

Section 10. **Loss of eligibility.** Any participating governmental agency who does not comply with all provisions of these rules shall not be eligible for further project inclusion or additional grant funding until they have documented correction of all compliance deficiencies to the satisfaction of the WDA. Governmental agencies that demonstrate correction of all deficiencies may submit an application for project inclusion and/or funding consideration.

Section 11. **Authority to determine project inclusion and funding amounts.** In all cases, the WDA retains the authority to determine inclusion and allocate funding to qualified governmental agencies in the amount determined by the WDA to carry out the intent of W.S. § 11-2-207.

Section 12. **Savings Clause.** If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect the other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.