

Programs for Landowners

Lucy Pauley

In each issue of *Mediation IDEAs*, we try to highlight the various uses of mediation and how it can be a tool to help people solve conflicts in Wyoming. Requests for our assistance are slowly but steadily increasing and we are mediating new types of agricultural and natural resource conflicts each year. So far in 2008, we have provided mediators for several public grazing land conflicts, landowner/landowner disputes, workplace issues, and a rural housing dispute. We have also been requested to mediate a

water conflict and a few small acreage landowner issues.

At the Dept. of Agriculture, we hear about new programs and services that are developed to assist landowners and agricultural producers. In this issue of *Mediation IDEAs*, we are highlighting several other programs that are available to landowners and the general public. Larry Bentley and CRM groups are working statewide to cooperatively manage natural resource issues. UW Extension Range Specialists are working with landown-

ers to develop monitoring programs to track the health of the rangeland. Wyoming AgrAbility offers assistance to farmers and ranchers dealing with disabilities. This issue also features an article from FSA on estate planning and a reminder that lenders need to be kept aware of changes being made to a business entity.

If you are involved in a conflict and are considering mediation, please contact us at 1-888-996-9278 or by email at lpaule@state.wy.us. All inquiries are confidential. ●

CRM's in Wyoming

Larry Bentley

The CRM (Coordinated Resource Management) process has been used with success to manage natural resource issues in Wyoming for almost twenty years. Other states have looked to Wyoming for leadership in establishing the CRM since Wyoming has been so successful.

The CRM process is a bottom-up or landowner driven method for solving problems concerning natural resources. The process works because it is initiated by local landowners to solve local problems. The CRM also brings all interested and/or concerned parties to the table. The chances for success are greatly enhanced because of the cooperation between local landowners and other interested parties.

The CRM process works when there is an identified natural resource problem. In Wyoming, CRM's are successfully addressing: erosion and silting, graz-



ing management, multi-use of public land, evasive plants, reclamation of pipelines and other energy development issues, water development,

wildlife habitat, and Threatened and Endangered species issues. The CRM process is being used to address issues on individual ranches, watersheds of several thousand acres that include several landowners, counties, and some rural subdivision developments.

Examples of current successful CRMs are the Duncan Ranch, Kirby Creek and Medicine Bow just to name a few. Their process handled controversial

photo by Kendall Eisele

issues, used aggressive timelines, and had all the necessary ingredients to ensure a successful management plan be it weeds/pests, Cont., page 5

Range Monitoring Assistance Available

Rachel Mealor

photo by Kendall Eisele

Wyoming is known for the various natural resources that cover our open landscapes and the University of Wyoming Cooperative Extension Service (CES) is committed to caring for those resources and the individuals that make a living on them. The CES Range program provides Wyoming's landowners and land managers with the resources needed to make the best and most sustainable decisions for their operations.

The mission of the Extension Range program is to provide accurate and objective information to address Wyoming's natural resource issues. The program works cooperatively with Wyoming ranchers, both large and small, to promote management that is both ecologically and economically sustainable. The program also works with USFS, BLM, Wyoming Game and Fish, and grazing permittees to develop grazing management strategies that will meet their management objectives.

Cooperative permittee monitoring, where the federal land agency, the permittee and a representative from UW work toward maintaining and expanding their monitoring program, has begun to attract attention. This is an example of a group working together to ensure the land is being cared for and in good condition, which is really the goal for everyone working on Wyoming's landscapes. Extension

personnel conduct educational programs, workshops, field tours and are available for one-on-one technical assistance.

The Wyoming Section of the Society for Range Management and CES have joined forces to develop and implement Rangeland Management Schools. The 101 school provides information on rangeland plant health, time and timing of grazing, animal nutrition and behavior, rangeland monitoring, and applied grazing management. The schools are held throughout Wyoming. Information from the 101 school can assist landowners and managers in making decisions and conducting monitoring on their own land. The 301 and 501 schools expand and build onto the fundamental tools described in 101 and illustrate how to apply the topics covered, detailing how to develop a grazing management plan for a landowner's operation.

One of the topics covered in the schools and is often advocated by range extension staff is monitoring. A rangeland monitoring program provides the needed information to

determine how management actions are affecting the land resource. Monitoring is the orderly collection of data and information to support short-term and long-term management decisions.

"Monitoring the process and progress of management decisions is very useful in determining the performance of the operation."

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is very useful in determining the performance of the operation. To promote this importance, the extension range program dedicates field tours, workshops and schedules one-on-one visits to assist landowners in setting up their own monitoring program. Landowners are encouraged to contact their local extension office or range specialists and get a program of their own started. CES is devoted to helping landowners make the best possible land management decisions for their operation currently and for the future. ●

Rachel Mealor is the Extension Range Specialist in Lander. She can be reached at (307) 332-1840 RDMealor@uwyo.edu

Changes in Business Structure & FSA Participation

Becky Gerlach, Farm Services Agency

The idea of transitioning agricultural operations within family structures and generations has always been important. Getting a workable plan in place and being prepared to execute that plan, however, has been difficult. Often, it is because “someday” doesn’t come until a life altering event occurs (death, physical or mental disability, etc.).

It appears that more agricultural operations are considering the “Trust” as a tool for estate planning. When considering alternative business structures it is important to consult with legal professionals, accountants, family members, lending institutions, other important participants, and government agencies that have eligibility requirements for participation in programs prior to making a decision.

Farm Service Agency (FSA) is an agency of the USDA that provides real estate and operating loans, conservation programs, price support, crop loans and many other services to agricultural operations. FSA loan programs have distinct eligibility requirements, including but not limited to experience, availability of other credit, management, type and size of operation and ability to re-finance to commercial credit that must be met in order to participate or continue to participate in farm loan programs. FSA farm program eligibility requirements include being “actively engaged in farming,” meeting Adjusted Gross Income (AGI) provisions, in addition to other individual program qualifications.

sons making up the business entity (in this example a trust) are based on business structure and operation as well as each person’s contributions to the operation. This includes experience, ownership and operation of the land and other assets, financial resources, active personal participa-

"From a farm loan perspective, transferring assets to the trust can be seen as a condition of default if the transfer is completed without FSA approval. . ."

tion (labor and management), management of operations and finances and others.

When a trust is formed, assets are transferred to the trust. The trust is then considered to be the owner of the assets that will be utilized for the trust holders' benefit during their lifetime.

From a farm loan perspective (depending on the trust's structure and assets pledged as security for the FSA loan), transferring assets to the trust can be seen as a condition of default if the transfer is completed without FSA's prior, written approval.

Changes in business structure can potentially limit participation in FSA farm and farm loan programs.

It is very important to consult with your local FSA officials prior to and during the formation of the new business structure (in this case a trust) and any transfer of assets. It is crucial to work with FSA as you proceed through the process.

An example of a potential problem on a loan account might be adding members to the trust that are not eligible for participation in loan programs. Ineligible persons holding the assets could result in an inability to continue with, restructure or transfer the existing indebtedness to the trust. This is considered a default condition. It may result in requiring the debt to be refinanced by a commercial lending institution at shorter terms and higher interest rates. This type of financial change could have adverse affects on the ag business operation that the family is trying to protect. Trying to “fix” the problem afterwards may not be possible without tax and business ramifications or may not be possible at all. This could result in loss of FSA participation or program benefits.

For all programs, it is important that FSA be notified of the formation and existence

photo credit: USDA of the trust so that eligibility and program participation/limitations can be properly evaluated, allowing the business owners to make an informed decision.

Dealing with these concerns prior to the formation of the trust or other business entity is the key to a satisfactory outcome. ●



Wyoming AgrAbility

Program helps producers with injury, limitations or disabilities keep farming and ranching

Randy Weigel and Amanda Hearne

AgrAbility.

Interesting word – great meaning. Take “agriculture” and mesh it with “ability.” A disability in agriculture doesn’t have to mean the end of a way of life. Wyoming AgrAbility provides education, networking, and assistance to ranchers, farmers, agricultural workers, and their families who have limitations or disabilities and want to continue ranching and/or farming.

Agriculture consistently ranks as one of the nation’s most dangerous occupations. Wyoming has more than 17,000 people directly or indirectly involved in production agriculture. The combination of workplace hazards, a maturing ranch and farm population, and limited access to health information and care make the Wyoming agriculture sector susceptible to health problems and work-related injuries.

In fact, Wyoming’s highest nonfatal occupational injury rate in a major industry group occurs in agriculture (including forestry, fishing, and hunting). The incidence rate is 17.1 per 100 employed in Wyoming compared to 6.2 in the United States. For many individuals, injury, limitations, and dis-

abilities jeopardize their rural and agricultural futures.

Authorized by the 1990 Farm Bill, the U.S. Department of Agriculture initiated funding for state-level programs to provide help on accommodating disability in agriculture. Twenty-five states are operating

Rehabilitation in Casper. Through this partnership, Wyoming AgrAbility pools resources of occupational therapy, independent living, assistive technology, health education, and agricultural production for individuals and their families engaged in ranching, farming, or farm-related activity that have been affected by a disability, limitation, or injury.

Building on the strength of nationwide informational resources, along with a statewide network of agricultural, rural health, safety, and social agencies, Wyoming AgrAbility offers individual services for increasing self-sufficiency and independence.

The Wyoming AgrAbility project provides informa-



photo by Ag Health Australia

with this funding and together make up the National AgrAbility Project.

As one of those states, Wyoming created a partnership in 2006 with the University of Wyoming through the UW College of Agriculture’s Cooperative Extension Service, the UW College of Health Sciences’ Wyoming Institute for Disabilities and Center for Rural Health Research and Education, Gottsche Rehabilitation Center in Thermopolis, and Wyoming Independent Living



photo by W. Virginia Agrability

tion and referral services, training for rural professionals, technical assistance and assessments, education, and peer-support. Wyoming AgrAbility staff is also available to visit a ranch or farm and pro-

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My Summer at the WDA

Kendall Eisele

I had always believed that internships were for graduate students and those majoring in a medical or educational professions. However, with a wide variety of internships, I realized I needed to gain some work experience. My passion for agriculture led me to my academic advisor's office to see if he knew any available internships, when he came across one for the Department of Agriculture. I was not sure if I could really take an internship since I work on our ranch full time when not attending summer school session. However, this was the time in my college career to start searching for placements related to my degree. The odds for any student to get an internship in their home town, with an area of interest related to their major and even a manager they personally know and respect is very uncommon. Nevertheless, it happened to me this summer.

All of the projects I have worked on have made my experience as an intern exciting, stimulating and life changing. I started off the summer internship with Mediation Training, sponsored by the

Mediation Program and taught by UW agriculture Law professor Dr. Alan Schroeder. During the training, I learned basic mediation skills. I was able to better understand agriculture mediation uses, my role as a mediator, and practice my skills through role-plays.



photo by Lucy Pauley

Kendall rode in the Cheyenne Frontier Days parade on behalf of Cowgirls of the West

As summer moves forward, so have the projects. My biggest task has been working with the Coordinated Resource Management (CRM) Program. I have been helping both Lucy Pauley and Larry Bentley in re-establishing the CRM Executive

Committee and gaining feed back from CRM programs. The Executive Committee developed a survey for CRM participants and their responses will be used to enhance the CRM program and improve the process for the entire state. 500 surveys have been sent to participants in over 12 different CRM programs and their feedback will be used by the committee to determine changes.

I participated in many other projects during my internship. I was a group leader at the Black Hills Natural Resource Youth Camp and attended the 2008 Environmental Stewardship Tour at the Pape Ranch.

The internship has been a great learning experience and I have truly enjoyed my position here at the WDA. The employees at the department have made me feel welcome and are always willing to assist me with my intern duties. I will take the knowledge I've gained here utilize it for my senior year at UW and in future career opportunities. ●

CRM, from page 1

watershed, or range management. Members of such CRMs included land-owners, Conservation Districts, Weed & Pest Control Districts, NRCS, BLM, USFS, Wyoming G&F, Wyoming Extension Service and many other supporters.

The Wyoming Department of Agriculture (WDA) assumed leadership of the program in 1990, strengthening the original concepts, and now needs to

process is used properly. This summer, the WDA re-established the CRM Executive Committee to help evaluate the process and develop strategies to keep the program moving forward.

The CRM Executive Committee consists of representatives from state & federal agencies, land-owners, and agriculture, wildlife,

and environmental groups to establish goals and objectives. The Committee is making improvements currently to the state CRM workbook. They are also soliciting input from anyone who has been involved in a CRM process. If you would like to comment on your experiences with a CRM, please contact the WDA at 777-8788. ●

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that the CRM

AgrAbility, from page 4

vide suggestions on adaptations and accommodations to the work environment, ideas to make the work site more accessible, job restructuring recommendations, equipment modification ideas, and recommendations concerning agricultural adaptive devices, such as equipment lifts.

Wyoming AgrAbility is available to any individual engaged in agriculture who has a limitation, injury, or disability or a family member with a disability including, but not limited to, arthritis, heart disease, diabetes, spinal cord injuries, amputations, acquired brain injury, age-related conditions such as hearing/vision impairment, or disabilities present at birth.

In Wyoming AgrAbility, farming and ranching is broadly defined as cultivating, operating, or managing a farm for profit. A farmer/rancher is anyone actively engaged in farming or ranching, deriving income from agricultural activities or retired from farming or ranching. It includes individuals who want to work in agriculture and family members of farmers or ranchers. Agricultural activities can include raising stock for food or fiber, dairy, poultry, fish and fruit, providing range or pasturage, and growing and harvesting forages, crops, grains, and horticultural products.

The Wyoming AgrAbility project strives to help individuals increase their ability to perform current or new work tasks, inform consumers

on secondary injury prevention and increase independence at home and in the community.

For more information about ranching and farming with limitations and disability or to learn how Wyoming AgrAbility can help you or someone you know who is experiencing a disability, contact Wyoming AgrAbility toll-free at (866) 395-4986, e-mail agrability@uwyo.edu, or visit the Web site www.uwyo.edu/agrability. ●

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For more information on mediation or to obtain this publication in an electronic format, please contact Lucy Pauley at (307) 777-8788 or lpau@state.wy.us.



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