

resources

| Fall/Winter 2006/07 | Vol. 1, No. 2 |

The following resources for land managers are available on the internet or by calling the agencies and organizations listed. Listing these resources does not imply Conservancy endorsement of any agency, business, non-profit organization, or management practice.

- **Best Management Practices.** Bureau of Land Management web site with information on "Best Management Practices" (BMP's) for oil and gas development on federal lands. Provides technical information and frequently asked questions. Internet address: <http://www.blm.gov/bmp>.
- **Holistic Management International.** Non-profit organization dedicated to promoting land resource management that restores land to health and profitability. HMI offers courses in holistic resource management that can be applied to ranching and farming. Internet address: <http://www.holisticmanagement.org>. Mailing address: 1010 Tijeras Ave. NW, Albuquerque, NM 87102. Phone: (505) 842-5252
- **Land Trust Alliance (LTA).** Promotes voluntary land conservation and works with nonprofit land trusts by providing information, skills and resources land trusts need to conserve land. Good source of information about conservation easements. Internet address: <http://www.lta.org>. Mailing address: 1331 H Street NW, Suite 400, Washington, DC 20005-4734. Phone: (202) 638-4725

- **Powder River Basin Resource Council.** Grassroots organization in northeastern Wyoming dedicated to preservation of Wyoming's agricultural heritage and rural lifestyle. This organization has dealt with issues involving mineral development, particularly coalbed methane. Internet address: <http://www.powderriverbasin.org>. Mailing address: 934 North Main, Sheridan, Wyoming 82801. Phone: (307) 672-5809
- **Society for Range Management.** Professional society dedicated to supporting persons who work with rangelands and have a commitment to their sustainable use. Internet address: <http://www.rangelands.org>. Mailing address: 10030 W 27th Ave, Wheat Ridge, CO 80215-6601. Phone: (303) 986-3309
- **Sustainable Rangelands Roundtable.** Promotes social, ecological, and economic sustainability of rangelands through the development and widespread use of the criteria and indicators for rangeland assessments, and by providing a forum for dialogue on sustainability of rangelands. Internet address: <http://sustainable.rangelands.warnercnr.colostate.edu>.
- **Wyoming Stock Growers Association.** Serves the livestock business and families of Wyoming by protecting their economic, legislative, regulatory, judicial, environmental, custom, and cultural interests. Internet address: <http://www.wysga.org>. Mailing address: P.O. Box 206, Cheyenne, WY 82003. Phone: (307) 638-3942



The Nature Conservancy in Wyoming
258 Main Street, Suite 200
Lander, Wyoming 82520

Web: nature.org/wyoming

Recyclable and made from recycled materials.

NON-PROFIT
U.S. POSTAGE
PAID
NO. 166
LANDER, WY



Fall/Winter 2006/07—Vol. 1, No. 2

land stewardship news .

wyoming



Pronghorn herd. © Joe Kiesecker

An ongoing commitment to Wyoming's lands, waters and wildlife

The mission of The Nature Conservancy is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.

Dear Wyoming Land Stewards:

As we pass through another fall season, I hope you are doing well. It is November, and the cottonwood leaves have turned color and are quickly falling to the ground in Lander. Fall migration is winding down and many songbirds, waterfowl, shorebirds and raptors have returned south to their winter abodes. Ranchers are moving cattle down from high elevation pastures and shipping calves to market. The last of the hay has been baled, stacked, and made ready for winter feeding. My evening walks are more pleasant in the cool air of dusk.

Seasons change, and so do the tools we use to conserve our natural heritage and landscapes in Wyoming. The Wyoming Chapter of The Nature Conservancy has used conservation easements since the late 1980s to help landowners ensure the land they steward is not lost to development. Donating a conservation easement to the Conservancy or other land trust provides ecological benefits to the land and can benefit the donor on his or her annual income taxes. Until this year, a donor could use the value of an easement donation to deduct up to 30% of adjusted gross income. Donors could also spread the deduction over a six-year period. This summer, Congress

passed a pensions bill that included Section 1206, a provision increasing the tax benefit for landowners who donate conservation easements. The provision increases the annual deduction from 30% to 50% of adjusted gross income (up to 100% for qualified farmers and ranchers), and increases the number of years over which a donor can take deductions to sixteen. However, this change only applies to easements donated in 2006 and 2007.

If you are considering donating another conservation easement, or if you know of someone considering a donation, please contact our Lander office. We can tell you about the Conservancy's process for accepting easements and provide information about the new law changes. Enjoy the beautiful changes of this fall season!

Yours in Conservation,

Randy Craft, *Land Conservation Specialist*
rcraft@tnc.org
(307) 335-2128



Riparian habitat at Heart Mountain Ranch. © Will van Overbeek

stewardship issues

MANAGING FRESHWATER SYSTEMS AND AGRICULTURAL LAND USE: RIPARIAN GRAZING AT HEART MOUNTAIN RANCH

By Maria Sonett, Heart Mountain Project Director

Riparian and wetland areas provide valuable ecosystem services to all of us, from a home for tiny macro-invertebrate bugs, to quality freshwater for people to drink. Freshwater systems are relatively scarce, and are defined by many researchers as “threatened ecosystems.” In Wyoming, freshwater systems offer priceless habitat for aquatic and terrestrial wildlife, and support our state’s third largest industry, agriculture. But how do we best manage these areas? Are there land-use activities that are clearly incompatible with freshwater health?

Improved Grazing Management

At The Nature Conservancy’s Heart Mountain Ranch near Cody, we are working to improve grazing management of the ranch’s riparian areas and try new ideas in land use management. Part of our charter at the ranch is to demonstrate agricultural management that is both cow-productive and conservation-minded. We firmly believe a carefully prepared and managed grazing plan can help restore an at-risk system.

The South Fork of Eaglenest Creek is one place where we hope grazing is doing just that. We were concerned about the history of season-long use on this perennial creek that is a tributary to the Shoshone River. With a Farm Bill program grant, the Environmental Quality Incentives Program (EQIP), and the Natural Resources Conservation Service (NRCS), we developed a grazing plan for the creek area. The first step was to assess current soil and plant community conditions, trends, and “desired future conditions” for the riparian and adjacent uplands.

Step-by-Step Process

We worked with range specialists and wildlife biologists to develop management goals including terrestrial and aquatic wildlife habitat improvements, bank stabilization, invasive species control, and increased forage production. We also set objectives and developed a monitoring plan to measure our progress.



University of Wyoming Extension Service staff demonstrate rangeland monitoring on the Conservancy’s Heart Mountain Ranch. © Kerry Brophy Lloyd/TNC

Next, the group crafted a grazing management plan that would best deliver the identified goals. In the case of South Eaglenest Creek, our initial action was to rest the pastures for one year from livestock use — a good starting place for many highly-impacted systems. We defined riparian pastures and a new grazing rotation based on estimated forage production and a desired stocking rate, and repaired or installed fencing. Finally, we collected baseline monitoring data to track progress from our initial starting point in future years.

In the second year, grazing was re-established in the riparian pastures on a five-pasture rotation. Each pasture went through a rotation of:

- (1) spring use
- (2) fall use
- (3) rest

Additionally, a different pasture was grazed first each year. Rotating the season of use tends to reduce negative impacts to plant vigor by preventing plants from being bitten off at the same time in the growth cycle each year. In the third year, we used an adjusted rotation. After a fourth grazing season in 2007, three years of monitoring data will be analyzed to evaluate success.

What changes have we seen in the riparian area? Most are not easily noticed, but one that we can clearly see is the young willows. We see a host of newly-established willows on the gravel bars and soil banks that border the creek. Their numbers vary, but a quick count after the first season of rest revealed 12 in one square meter! And, after the second and third years’ grazing use, we saw that although some of the two- to three-year-old willows had been nipped off just at the top, over half had been left ungrazed, and grazed plants were still green and growing.

The Nature Conservancy’s Wyoming Chapter can work with surface owners and managers to negotiate surface use agreements whenever mineral development on a conservation easement property is eminent.

land stewardship news

wyoming

conservation easement questions

DO CONSERVATION EASEMENTS PROTECT LAND FROM MINERAL DEVELOPMENT?

Natural gas extraction from coalbed methane (CBM) development is the latest energy boom in Wyoming. Our state has benefited economically with the increased revenue into state coffers. This additional money will fund school districts and provide for improvements to our state infrastructure. However, CBM development will have impacts on our wide open landscapes and habitat needed by Wyoming’s wildlife.

Split Estate Situations

Periodically, I’m asked if conservation easements protect land from mineral development. In most cases the answer is “no.” If a surface owner also owns the mineral rights, a conservation easement can prohibit surface mining or unacceptable disturbance of the surface in the mining of subsurface minerals, such as oil and gas. But in Wyoming and throughout much of the western United States, mineral rights have been severed from surface rights. A private landowner may own the surface rights, but another entity (e.g. another private party or the federal government) may own the rights to develop the underlying minerals on a given parcel of land. This situation is referred to as “split estate.” Mineral rights take precedence over surface rights, meaning that the surface owner cannot prevent the owner or lessee of the minerals (oil, gas, etc.) from extracting those minerals.

Placing a conservation easement on a property does not change the split estate status. In fact, ownership of mineral rights can affect the deductibility of an easement donation. If another party owns part or all of the mineral rights, the surface owner of a prospective easement property will need to obtain a written opinion from a qualified geologist indicating the probability of surface mining is “so remote as to be negligible” if the surface owner intends to take a charitable tax deduction.



Sage grouse are one of the many species affected by coalbed methane development. © Joe Kiesecker

Surface Use Agreements

Though mineral rights dominate over surface rights, this does not mean that a mineral owner or lessee can extract minerals in total disregard of the surface owner. Mineral extraction involves impacts to the surface. Mineral owners and lessees must make a “good faith” effort to negotiate an agreement with the surface owner. A surface use agreement outlines the conditions under which the minerals will be extracted, how the surface will be reclaimed, and how much financial compensation will be provided to the surface owner. Other details in a surface use agreement may include seed mix specifications and control of invasive weeds.

The Conservancy’s Wyoming Chapter can work with surface owners and managers to negotiate surface use agreements whenever mineral development on a conservation easement property is eminent. We generally ask mineral companies to draft agreements that minimize the extent of disturbance, provide for reseeding, and specify that invasive weeds will be controlled. We also can ask companies to reference the affected conservation easement in the surface use agreement and honor the restrictions in the easement to the extent possible.

To learn more about mineral development and split estate, please see the Bureau of Land Management website at http://www.blm.gov/bmp/Split_Estate.htm.