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Rangeland Policy: A Look Back



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Rangeland Policy: A Look Back

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Rangeland Policy: A Look Back

The current attempt led by Nevada to return federal grazing lands to the states for disposal is one more step in the ongoing conflict that has existed between western states and the federal government for almost 100 years.

Early history

Colonial land grant systems set precedents for land disposal that are still upheld. Gradually the most productive lands shifted from the public ownership to state and private ownership through homestead acts, pre-emption, grants to railroads, and other disposal methods. Vast expanses of the west, tracts of millions of acres, were not claimed because the majority of this area was too dry, too rocky, too steep, or had too short a growing season for agricultural purposes.

Legislators, due in part to the distance between Washington, D.C. and the arid west, failed to realize that the intent of the homestead acts was failing. While 160 acres could more than adequately support a family in Indiana, 10 times as much land was needed in Wyoming. Many homesteaders plowed up the soil and planted crops only to find that 10 inches of rain came in a good rainfall year. Their dreams of a new life in the west were quickly dashed.

By the 1890's, unregulated livestock use had severe impacts on the land's productive capacity. Continued pressure and overuse of rangelands contributed to the dust bowl era of the 1930's. The first step in regulation occurred with the creation of Forest Reserves in 1891, which was the seed of the National Forest system. The Forest Management Act of 1897, which is referred to as the Organic (or creating) Act of the Forest Service, soon followed. Originally the General Land Office of the Department of the Interior had administrative responsibility for the Forest Reserves. Little thought was given to land management, and the few foresters employed by the government were in the Department of Agriculture. In 1898 Gifford Pinchot, a man who had great personal impact on the direction of what was to become the Forest Service, was named head of the Division of Forestry in the Department of Agriculture. In 1905 he succeeded in transferring the administration of the forests from the Department of the Interior to the Department of Agriculture. Ill feelings created then between the Department of Agriculture and the Department of

Interior still exist to some degree today. Pinchot was an aggressive leader, and by the end of the Theodore Roosevelt Administration, Forest Service acreage had more than doubled to 194.5 million acres.

Pinchot's management philosophy was to manage the forests actively for "use." In his words, "Forestry is tree farming ... Trees may be grown as a crop, just as corn may be grown as a crop. The farmer gets crop after crop of corn, wheat, cotton, tobacco, and hay from his farm. The forester gets crop after crop of logs, cordwood, shingles, poles or railroad ties from his forest, and even some return from regulated grazing."

Pinchot established a professional corps of forestry experts who were generally distrusted by westerners. The people from the west, where all of the initial forest reserve lands existed, resented the influence of Washington in their local communities. Most of the forestry experts were trained in Europe and had little concept of the ecological conditions in western America. Pinchot himself traveled widely in the west and made tours of the reserve lands, but even this did not reassure the western livestock operators, who regarded bureaucrats from Washington with disdain.

Pinchot was determined to put a stop to unregulated grazing, which, although ostensibly limited by law in 1891 and again in 1897, had continued under the administration of the Department of Interior. One of the problems Pinchot faced after the forest reserves had been put under his control was how to fairly distribute the available forage, since then as now, the demand was greater than the supply. A complex system was developed that required ranchers to own or control base property in or near forests, and to be able to demonstrate "dependency." This referred to how necessary grazing of federal lands was to the year-round operation of a livestock producer. Pinchot was also able to institute, and thus set a precedent for, a grazing fee for forage taken from the Forest Service's lands. Ultimately these requirements forced the nomadic sheep operators off the forests and onto the already over-grazed public domain lands. It was 30 years later, when the Taylor Grazing Act was passed, that regulation of grazing on public domain lands was established.

As the Forest Service struggled to limit the amount of grazing on the lands it managed, livestock operators recognized that regulation was needed on the unreserved public domain lands. Every year from 1899 to 1934 a bill was introduced into Congress that dealt with controlling grazing on public lands. The drought in the late twenties and early thirties, compounded by the

Depression, caused conditions on public grazing lands to become critical.

Taylor Grazing Act

The Taylor Grazing Act of 1934 passed after considerable debate. States rights, the problems of rule from afar by a centralized bureaucracy, and other issues were hotly debated. However, President Roosevelt and the Secretaries of Agriculture and Interior supported the bill.

The Taylor Grazing Act of 1934, directed at managing some 80 million acres of undisposed and unreserved public domain, was created, in Taylor's words "to systematize the use of (the public estate), to bring order out of chaos, to stabilize the livestock industry...the same as it is in the Forest Reserves." Although some felt that this act signaled the end of the free land era, the Taylor Grazing Act states, "that in order to promote the highest use of the public land pending its final disposal, the Secretary of the Interior is authorized...to establish grazing districts." The "pending of final disposal" clause has been a source of considerable controversy. Some feel, due to this clause, the Taylor Grazing Act was merely a temporary measure, a means to manage the public lands until state or private management and control was possible. Others have interpreted the Act as the basis for continued and tighter federal control of the undisposed and unreserved public domain.

The Taylor Grazing Act organized the public domain into grazing districts (to be created after hearings in each state) and authorized the Secretary of the Interior to "regulate their occupancy and use, to preserve the land and its resources from destruction or necessary injury to provide for the orderly use, improvement, and development of the range..." Permits regulating grazing use were authorized, as well as provisions for who would be allowed to hold a permit. Renewal and duration criteria and numerous administrative procedures were specified. The Grazing Service, formed in 1939, was the administering agency. Understaffed and underfunded, the Service managed some 45 grazing districts. Controversy grew as the service attempted to take control. Although the Taylor Grazing Act did not explicitly grant local advisory committees decision-making power, much of the livestock community seemed to feel that the committee's recommendations should be accepted without question.

The advisory committees grew in political power and, during the early 1940's, Congressional investigations were held over alleged misconduct and incompetency of Grazing Service employees. Pat McCarran, a senator from Nevada, challenged the legality of uniform fees, restrictions regulating grazing use, and most aspects of the Grazing Service's operations. These hearings led to disbanding of the Grazing Service.

The Bureau of Land Management

In 1946, the Grazing Service was combined with the General Land Office to form the Bureau of Land Management (BLM). The Bureau inherited a host of problems: a demoralized group of employees, distrust by the people, and limited authority and funding. With Marion Clawson as director, during 1947-1953, the Bureau's course was a conservationist interpretation of the Taylor Grazing Act. From 1953 until 1963, when Charles Stoddard was named director, the BLM acted in more of a custodial capacity.

Stoddard worked to strengthen the authority of the Bureau and to centralize the decision-making process. Aided by the Multiple Use Reclassification Act of 1964, Stoddard was able to clarify the types of uses to be expected from the public domain lands.

Many laws passed during the 1960's and 1970's had pronounced impacts on the Bureau's activities. The Multiple Use-Sustained Yield Act, the Multiple Use Reclassification Act, the Wilderness Act, the National Environmental Policy Act, the Endangered Species Act, and others shaped Bureau policy. But until the passage of the Federal Land Policy and Management Act of 1976 (FLPMA), the Bureau was still operating basically as the administering agency of the Taylor Grazing Act. With the passage of FLPMA the Bureau became a full-fledged land managing agency with explicit policy directives and enforcement power. FLPMA established as policy that the lands heretofore administered "pending final disposal" were to be managed as a permanent part of the public estate. Management for the "long term perpetuation of the resource on a sustained yield basis" was declared as a major policy goal.

Since the BLM, prior to FLPMA, was primarily operating as a custodial agency, passage of the Act brought about great changes in the administration and direction of the agency. FLPMA established guidelines for land use planning and specified that management was to be on the basis of multiple use and sustained yield. The Bureau was required to plan and manage for scientific, scenic, historical, ecological, environmental, atmospheric, water, and archeological values. Another important element of FLPMA was the requirement for public participation in land use planning throughout the planning process.

The end of an era

FLPMA marked the end of an era; the end of homesteading, and the implicit charge that the vast, unclaimed acres of the west someday would be turned over to private ownership. The uproar did not begin immediately, but by 1979

interest in the Sagebrush Rebellion, an attempt to return lands to the states for management and "final disposal," was running high. Leaders of the movement hoped to provide for more decentralized management of the public grazing lands. Many reasons were voiced in western state legislatures for reducing the power of the BLM and returning control of public land to the states. These reasons were similar to the arguments that were heard at the time the Taylor Grazing Act was passed, and during the McCarran investigations of the 1940's and later investigations in the 1950's.

By the end of the 1950's most of the remaining public domain land was being managed as part of the public estate. The Forest Service lands had been essentially withdrawn by the 1930's. The National Parks System had been established in 1916, the wildlife refuges created, and the Taylor Grazing lands were being managed as grazing districts. Decisions made through the years mandated management of a large segment of the land area of the United States as a public resource. Legislation reserving the land for a specific use generally was made before the authority to manage the land. The Bureau of Land Management, in many areas in the west, is still striving for acceptance as a legitimate and professional land managing agency.

The early rivalry between the Forest Service and the Department of Interior created a rift that has not yet healed. The antagonistic feelings that developed between the ranching industry and the Grazing Service (which became the BLM) during the McCarran era still exist in some places. The current attempt in the western states to return the old Taylor Grazing lands to the states for management and disposal is the most recent step in the long controversy of how federal lands should be managed.