

T H E S I S

on

Grazing in the National Forests.

Submitted to the Faculty
of the

O R E G O N A G R I C U L T U R A L C O L L E G E

for the degree of
Bachelor of Science

by

Signature redacted for privacy.

.....

APPROVED: Signature redacted for privacy.

.....

Department of Agriculture.

Grazing in the National Forests.

One of the most important matters which face the people of the United States at the present time is the conservation of the National Forests. It is estimated that at the present rate of consumption, if there is nothing done to conserve them, or build up new ones, the forests of the United States will disappear within the next thirty-one years. It is only in the past few years that the American people have come to realize the great importance of this matter, and the Government, up to the present time has set aside 164,493,599 acres in national forests, to be held in reserve by the nation, and the output to be controlled by it.

One of the important sources of income from the national forests, and the one which I will discuss, is that of grazing, which is carried on to a great extent in these forests, and for which the Government makes a moderate charge. This grazing is carried on in such a way that it in no wise injures the forests, and its object is to assist in the general welfare of the stock industry through the proper care and improvement of the

grazing land. A general idea of the extent of this industry can be had from the statement that last year there were 1,200,158 cattle and horses, and 6,557,083 sheep and goats grazed upon permit in the national forests, of which Oregon's share was 115,025 cattle and horses, and 940,154 sheep and goats.

The setting aside of forest land for special purposes was begun as early as 1799 when Congress provided for the purchase of timber lands to supply the needs of the navy; but the first act providing for an extensive administration of the public forests was a bill introduced in the 42nd Congress in 1871 which failed to pass. In 1876, the sum of \$2,000 was appropriated by Congress to employ a man to investigate timber conditions in the United States, and as a result of his investigations, in 1886, a Division of Forestry was created in the Department of Agriculture; and later, in 1901, this division became the Bureau of Forestry. Meanwhile the importance of retaining some of the forests under national control had become apparent and a section was inserted in the act of March 3, 1891, authorizing the President to create forest reserves, which are now known as National Forests. The first forest reserve created under this act was the Yellowstone Park Timber Land Reserve, proclaimed by President Harrison March 30, 1891.

The creation of national forests alone was not, however, sufficient, and in 1897 there was an act passed establishing a national forest policy, and it is under this act, with several amendments, that the National Forests are administered.

The objects of national forests are: to preserve a perpetual supply of timber for home industries; to prevent destruction of the forest cover, which regulates the flow of streams; and to protect local residents from unfair competition in the use of forest and range.

The dominant idea in the administration of the reservation of the national forests is that all of their resources are for use and that these resources should be used in a business-like manner with only sufficient restriction in their use to prevent their destruction; and that the conservative use of these resources would in no way injure their permanent value.

All the uses besides those which pertain to timber and grazing are known as special uses and include use of land for residences, farms, corrals, stores, mills, factories, power houses, power transmission lines, and all things of like character. The uses of the land and resources pertaining to timber and grazing are the most important ones, and it is the latter with which we shall now deal.

The problem of grazing in the National Forests is a very important one as there are thousands of acres in them which are adapted to grazing, and which, if properly used supply feed for thousands of cattle, horses, sheep, goats and hogs. The question of finding sufficient room for grazing large herds of cattle is becoming more and more important, as the great ranges of the past are rapidly becoming cut up into small farms and the few ranges that are left are so overloaded, that the cattle men are constantly seeking new grounds.

Thus room on grazing lands within the National Forests is eagerly sought and these lands therefore offer an opportunity to the Government for collecting revenue, and is, at the same time, an illustration of the proper methods of grazing in timbered areas.

On account of the great demand of these lands it has been necessary to draw up a set of regulations governing the control of grazing in the National Forests and these regulations will be taken up and discussed in their order, as showing the complicated nature of the problem and the thoroughness of the government's solution of the various problems connected with this subject.

As far as it is possible, the forest service tries to adjust matters so that there will be harmony among

the grazers; the least possible loss from unnecessary tramping of forage in moving from place to place; and the attainment of a more profitable, judicious and permanent use of the range.

The chief objects of the grazing regulations are:

1st.-The protection and conservative use of all National Forest land adapted for grazing;

2nd.-The permanent good of the live stock industry through proper care and improvement of the grazing lands;

3rd.-The protection of the settler and home-builder against unfair competition in the use of the range.

Stock is permitted to graze in all National Forests in parts suitable for grazing, as long as no harm is done, but as soon as damage is done, the amount of stock on a tract is ordered reduced, or excluded entirely.

Cattle and horses are allowed to graze in all National Forests, while sheep and goats are restricted to those forests, or rather parts of forests, strictly adapted to them.

The first regulation governing grazing in the National Forests has to deal with the forming of advisory boards and reads as follows:

"Reg. 39. Whenever any live-stock association whose membership includes a majority of the owners of any class of live-stock using a National Forest or portion thereof shall appoint a committee, an agreement on

the part of which shall be binding upon the association, such committee, upon application to the Forester, may be recognized as an advisory board for the association, and shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local forest officer in reference to increase or decrease in the number of stock to be allowed for any one year, the division of the range between different classes of stock or their owners or the adoption of special rules to meet local conditions."

When the date for a meeting of the supervisor and the board is announced, sufficient time must be given for the notification of all the members of the board, but if they are not present or do not send a substitute, the supervisor is not held liable for delayed action.

The recommendations of an advisory board will always be considered favorably except when they are at variance with the regulations. An advisory board must not contain over five members, and a majority of these must constitute a quorum. If a live-stock association wishes to form an advisory board it must file its application with the forester, giving the names of the members of the association, the National Forest or Forests in which they are interested, and the names of men whom they desire to have constitute the advisory board. Accompanying this application must be a copy of the con-

stitution and by-laws of the association and a statement saying that the association will abide by the action of its committee.

The next regulation has to do with the allotment of the grazing permits, and is as follows:

" Reg. 40. The Secretary of Agriculture will prescribe each year the number of stock to be allowed in each National Forest. The period during which grazing will be allowed, will be determined by the Forester. The supervisor will issue grazing permits in accordance with the instructions of the Forester.

In issuing grazing permits there are three classes of grazers considered, and the permits are issued in the following order:

1st-To all small near-by owners;

2nd-To all other regular occupants of the range;

3rd-To owners of transient stock.

The time considered in issuing grazing permits depends a good deal on the local conditions, and in the case where year permits are issued, the year is considered as commencing with the opening of the grazing season in the summer, and continuing until the previous day the following year.

In cases where for some reason the amount of stock grazing in the forest has to be reduced, the 3rd class of grazers are excluded first, and then if further re-

duction is necessary, the 2nd class are reduced, and lastly the first class. It is sometimes necessary in order to prevent the monopoly of the range by some individual or firm, to limit the number of stock of each kind to be grazed by any one applicant, and in this case, if a person or persons have not the entire number allowed, they will be permitted to increase their number until they have the entire number allowed, although this increase must be gradual.

The next two regulations also deal with the permits, stating when they are needed and the conditions under which they will be granted. Further regulations will be only partially quoted.

These regulations are as follows:

" Reg. 42. All persons must secure permits before grazing any stock in a National Forest, except for the few head in actual use by prospectors, campers, and travelers, or which are used in connection with business of the National Forests, and milch or work animals not exceeding a total of ten head owned and in use by bona fide settlers residing in or near a National Forest, which require no permit."

" Reg. 43. Permits will be granted only for the exclusive use and benefit of the owners of the stock and will be forfeited if sold or transferred in any manner or for any consideration. Speculation in the use of

grazing permits will not be allowed, and permits will be refused or canceled for intentional false statements of the number of stock owned."

Before these two regulations comes a brief one which specifies that the Forests in which grazing is permitted must be divided into special divisions for each kind of stock, and that stock may be excluded from any part deemed necessary.

In the first regulation it is considered that all work, pack, and saddle animals actually used in the carrying for herds or in the sale of timber, or improvement work in the forests are considered exempt from the grazing fee, but if a settler has only a herd of ten animals which are neither work or milch animals he must take out a grazing permit.

When owners of a permit sell their stock to other persons before their permit has expired the supervisor must be immediately notified of the sale. If the sale is entirely proper, the old permit is destroyed and a new one issued in its place covering the remainder of the period for which the old one has been issued. This, however, is not to be taken as assurance that the holder will be allowed to renew his permit on the expiration of that one, as this depends wholly on his merits, for it must be understood, that the right of grazing on account of prior use of the range is wholly a personal

one, and cannot be transferred.

In issuing grazing permits, there is a special time specified after which applications will not be received. If applications are not in by this time, unless a good excuse is offered, the permit is not granted, except when permits have not been issued for the entire number of cattle allowed on the reserve, when applications are received until the allotted number of cattle is reached.

In applying for a permit, no more stock may be covered than that desired to be grazed in the National Forest. In the application there is given a description of the stock and the brands, in what National Forest they are to be grazed; and the length of the grazing period. Also separate applications are made out for sheep and goats, and cattle and horses (in which is included hogs and mules), as these belong to two different classes.

If there is a dispute between any two persons over the permit to graze on a certain portion of land, the supervisor sets a time for both claimants to meet and present their claims, and after the evidence is all in, he announces his decision and they must abide by this decision. If certain persons graze stock on the boundaries of the National Forest they are granted permits for as much stock as may be deemed advisable by the supervisor, but they may also be compelled to sign an agree-

ment to keep the remainder of their stock from trespassing on the National Forest. All persons without a permit who intentionally, or otherwise, allow their stock to graze or drift on the National Forest, are considered trespassers and will forfeit all rights to receive permits to graze in the National Forests and may be prosecuted for trespass, and sued for damages.

In grazing stock on the National Forest, moderate prices are charged and they vary with the location (of the National Forest) and the quality of the grazing. The minimum prices are as follows:

For the summer grazing season from twenty to thirty-five cents per head for cattle and horses, ten to fifteen cents per head for hogs, five to eight cents per head for sheep, six to ten cents per head for goats; and for grazing privileges for the entire ^{year} from thirty-five to sixty cents per head for cattle and horses, twenty to thirty cents per head for hogs, ten to eighteen cents per head for sheep, and twelve to twenty cents per head for goats. An extra charge of two cents per head is made for sheep or goats which are allowed to enter the National Forest for the purpose of lambing or kidding. All stock six months old and over at the time of entering is counted as grown stock.

In reckoning the charge for grazing no account is taken of the animals under six months old, and those

born during the permit, and there is no charge for these animals.

The charges for grazing are all payable yearly in advance and after a person has received notice that his application has been accepted, he should at once remit the money to the Fiscal Agent of the Forestry Service at Washington, D. C., and when the supervisor receives word that this has been done, his permit is issued, but not before. If persons do not pay their grazing fee at least thirty days before they begin to graze their stock, and have no satisfactory reason therefor, they may be refused a permit the following year. Grazing fees once paid in are not refunded except for very good reasons; the selling of one's cattle for instance, after the permit has been issued, is not considered sufficient reason.

Under the general topic of range regulations which comes next, there are several sub-topics with which we shall deal in turn.

First, when an owner of a permit for grazing is ready to drive in his stock, he must notify the supervisor telling him the number to be driven in; and also when the stock is brought out, the supervisor must be notified. If the stock is taken out before the expiration of the permit, other stock, up to the limited number allowed by the permit, may be driven in to take the place of these until the permit has expired. If at any

time the supervisor suspects that some one is grazing more than his allotted number of stock he immediately counts them to make sure, and the owners of permits must arrange to have their stock counted when entering the reserve, or at any other time when necessary. The owners of stock which requires herding are given cards for the identification of their herds by the Forest officers.

All persons granted grazing permits must repair all damage done to the National Forest, or its property, by their animals while grazing therein, and if watering places are injured by tramping, they must be fenced in, and if necessary, the water conveyed to a suitable trough, which must be open to the public.

Sheep must never be bedded more than six nights in one place, except when bedding ewes while lambing, and must never be bedded less than three hundred yards from any spring or running water, except when practically impossible.

The carcasses of all dying animals must be immediately carried away and either burned or buried.

All stock which is grazed under permit must be salted regularly at places designated by the Forest officers, and notice must be sent the Forest officers of the compliance with this rule.

All owners of permits must extinguish campfires

built by them or their employees before leaving them, and must assist in fighting all forest fires in the district in which they are grazing.

If it is found that the National Forest is being injured by the stock grazing in it, the stock may be excluded and the permits canceled, and any one found grazing stock on prohibited ground will be guilty of trespass, and liable to a fine.

The above are the most important regulations governing the grazing on the range, and if the owners of the permits violate these regulations in any way they may be restricted in the use of their permits, or their permits may be canceled and further ones refused, as the Forester sees fit.

There are also two or three other regulations applying in a way to this which might be mentioned here.

The first has to deal with the use of private land, and states, that if persons loan or lease land and graze stock on it, which is so situated that they have to cross the National Forest to get to it, they may cross the National Forest without a permit, but if they graze enroute they must apply for a permit. In the application for this permit they must state the number of stock to be taken in, length of time to cross the National Forest, route over which the stock will be driven, period during which they will remain on private land, and the

number of stock which this private land will hold.

This application must also be accompanied by a certificate showing the description and ownership of the land, and if leased, a copy of the lease. All persons wishing to drive stock across the National Forest and graze them enroute must apply for a permit, and in their application state the number of stock to be driven, date of start, and time required for passage.

Another regulation which is quite important in protecting the health of the animals is the one regarding quarantine, which specifies that all animals known to be afflicted with a contagious disease must be dipped or otherwise treated in accordance with the instructions of the inspectors or the permit will be canceled. If stock pasturing near-by is affected with some contagious disease, all stock entering the National Forest must be inspected and dipped, or otherwise treated; and the stock must at all times conform with the live-stock laws of the state or territory in which the National Forest, in which they are grazing is situated.

Drift and division fences can only be constructed when they will be a benefit to the National Forest or its administration and will not interfere with the use of the range in any way.

These fences must never inclose an area in excess of that required for the grazing of the stock which the

builder of the fence is entitled to ; but when these fences are needed for the better control of the stock, the material to be used in making them can be gathered from the National Forests, with the understanding that after their construction they will become the property of the United States.

These fences must be provided with extra gates at the points used in going in and out. There will be no extra charge for the permit to build a fence, which is issued by the supervisor, but a map showing the location of the fence must accompany the report in each case.

Permits to erect corrals (not containing more than one acre) on National Forest lands will be issued without charge, if the corrals are necessary, and not detrimental to the forests. Corrals not exceeding three hundred and twenty acres in extent may be erected under the same conditions, but on these an annual rental of not less than four cents per acre will be charged. No one will be allowed to fence in watering places, and in fencing pastures, provision must be made to allow free access to water by any stock grazing under permit.

Under this regulation, pastures can be constructed and maintained only for the following purposes: To pasture saddle horses, milch or work animals, graded or thoroughbred breeding stock, and bulls or rams; to pasture beef steers or stock cattle which are being gathered

and held just previous to their removal from the Forest; and to give settlers who live upon land either within or on the border of the forest the exclusive use of adjoining pasture lands during a portion of the year, when needed for protection against other stock which is permitted to graze in the National Forest.

Only such area as is needed for the purpose mentioned in an application for a permit is allowed, and the amount of rental is determined by the character of the land, whether or not there is living water on it. The minimum price is four cents per acre besides the grazing fee, but no permit will be issued for less than two dollars per year.

All forest officers are instructed to co-operate with State or Territorial officers, as far as they can without interference with their regular forest work, to enforce local laws for the protection of game and stock. When authorized to do so by the proper state officers, they will, without additional pay, accept bounties and fees offered by associations and states, act as game wardens with full power to enforce the local laws. If not so authorized, they will promptly inform the State officials of all violations discovered.