The Public Land Law Commission Report and Its Importance to Oregon

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BACKGROUND

Rangeland is a broad term including prairies, pampas, grass veldt, steppe lands, plains, savanna, alpine meadows, semi-arid and arid lands, and even tundra. These areas all have one thing in common; they are not usually suitable for cultivation or forestry purposes, but are best used for grazing by ruminant animals. A synonym for rangeland is natural pasture.

Rangelands are specific ecological areas. The vegetation is typically adapted to tolerate drought conditions, which excludes development of forest. Rangelands are characterized as grasses, shrubs, and low trees, or various combinations of these kinds of plants. Often there are great variations in these combinations due to differences in exposure, soil moisture conditions as related to ridges and depressions, and disturbances caused by man. These lands usually have a low per-acre productivity due to climate and soils. However, this is offset by their vastness. Rangelands would be wastelands with some recreational values, except for the conversion of native forages to meet by domestic and wild animals.

Although a great portion of forested land is suitable for grazing by domestic as well as wild animals, ecologically these areas are forests, not rangelands. Many forest areas produce only temporary grazing; the quantity of forages and the amount of time they are available are greatly dependent upon the climate and natural and human forage practices used for the production and harvest of timber. However, those forest sites which are marginal for tree growth may be valuable grazing sites. If the marginal sites are thinned to the widest tree spacing consistent with the potential for producing timber, they can be managed as rangelands. On an annual basis the income from grazing on marginal sites is often of the same magnitude as that from timber.

Often marginal sites are used in conjunction with meadows and natural openings within the forests. These are areas where soil, moisture, and/or climatic conditions restrict tree growth. These natural pastures produce forages on a sustained basis, if managed properly.

The range livestock industry utilizes the native vegetation and turns it into usable human products. These are approximately 273 million acres owned and administered by the federal government on which grazing is permitted. About 12 percent of the total forage required by the livestock industry in the western states comes from federal lands. And about 25 percent of the income derived from agriculture originates with the livestock segment. Hence, the livestock industry is one of the most significant sources of basic income.

Nearly one-half of our nation's land area is rangeland, and it is the largest single resource in terms of land area that we have. In the eleven western states, almost 54 percent of the land is federally owned. These land holdings constitute approximately 94 percent of all federal lands and are managed principally by the Departments of Interior and Agriculture. On the other hand, less than 5 percent of the land in the eastern states is under federal management.

In Oregon 52.2 percent of the land area is federally owned. The major proportion of the state's livestock spend part of each year on public lands. Hence, the annual income of the range livestock industry is tied directly to the use of these public lands. The cash receipts received from all livestock products in 1967, 1968, and 1969 were 43 percent, 48 percent, and 47 percent, respectively, of the cash receipts received from all agricultural commodities. The stability and growth of the livestock industry is, therefore, of great concern to Oregonians for we have yet to produce the amount of meat we consume.

Past and present economic development of the west has been dependent upon using private and federal lands in conjunction with each other. The policy of issuing permits to bona fide ranchers instead of outside or transient users has helped to develop and stabilize most of the rural communities in the west. In fact, many of the private lands in range country now on the tax rolls would be of little value without use in conjunction with public lands. Because there is a conspicuous lack of value-adding activities, such as manufacturing, in most eastern Oregon communities, the export of raw materials such as lumber and livestock is heavily depended upon as the principal stimulus to economic activity. In central Oregon, for example, 75 percent of the basic income is derived from timber and livestock. And in eastern Oregon 13 percent of the annual forage requirements come from federal lands; 40 percent of the forage required during the summer (June-September) is harvested by the livestock on public lands.

The amount of forage harvested from federal lands may seem to be small in comparison with the total yearly feed requirements of livestock. However, the time of use is very critical to the livestock industry in the west. The forage resources on the home base are limited, or when those forages are being produced and stored for winter feeding. Not only are individual ranchers tied to federal lands, but also the livestock industry as a whole because over half of the nation's brood cows are found on western ranges.

The role of federal lands in livestock production is highly significant. Since the establishment of the Forest Service in 1900, there have been several attempts to establish equitable practices for using the forage resources. However, most of the past attempts were centered on user fees and not actual management practices. The studies contracted and developed by the Public Land Law Review Commission (PLLRC) constitute the most exhaustive and comprehensive review of laws and policies dealing with our forage resources. In their report, "One Third of Our Nation's Land," the Commissioners made nine specific recommendations regarding range resources.

RECOMMENDATIONS OF COMMISSION

Role of Retained Federal Lands

Public land forage policies should be flexible, designed to attain maximum economic efficiency in the production and use of forage, and to support regional economic growth.

The Commission supports a more flexible policy which would allow grazing privileges to be fully transferable upon request of permittees. The Commission felt that allocation of use on the open market would be based upon the ability to use the forage resources. This would in turn increase the efficiency of use, thereby insuring continued economic growth of any given region.

Protection and Conservation of Range Lands

Grazing practices should be consistent with the productivity of those lands.

Congress needs to provide guidelines by which fragile or sensitive lands could be protected from misuse. Particular attention should be given to arid areas, mountainous areas with shallow soils, and areas with limited growing seasons. Objectives should place priority on rehabilitation of deteriorated sites and conservation of the natural environment. Of course, if the land administering agencies were adequately funded in all areas of responsibility, management would be a reality.
Forages from public lands are not “storable” from year to year, but must be used within a reasonable time after growth to be of any benefit. There is a great need to implement our present-day knowledge and practices with respect to proper season of use, stocking rate with the best class or kind of animal, and animal distribution in order to develop management prescriptions consistent with the productivity of any given management unit.

**Allocation of Grazing Permits**

Allocation of grazing privileges should be based upon recent level of use. Increases above this level should be allocated by public auction among qualified applicants.

The commensurability requirements of past laws and policies have, in effect, fixed the size of most ranching enterprises. However, many operations could use more public land, but have sustained reductions to help improve range conditions. As a result, there has been constant pressure on the federal agencies from the livestock industry to upgrade forage production and put the amount of permitted land in line with the base property. The present policy is that, as forage production increases, the increase is to be allocated to base properties until each operation receives its share of unused grazing privileges. The Commission recommended that this policy be abolished and the current level of use be determined from average actual use during the preceding five years. And any increases in the future above this level of productivity would be subject to allocation at public auction. In the recommendation on tenure, it is implied that each rancher should be required by contract to maintain a certain level of productivity or condition and trend on his allotment. If this were true, it would be impossible for any excess forages to occur.

Often increases in forage production on an allotment are due to some capital investment on the part of the operator. Selling the increased production would encourage any investment by permittees and may even inflate the price of the original permits, even if the qualified applicants were bona fide ranchers.

Allocation of forages should always consider the requirements of big game and other wildlife species. At present there are no statutory guidelines for doing so. Not only would their forage needs have to be estimated, but also it would be required to determine the level of harvest necessary to maintain the population consistent with the forages allocated. These procedures would have to be done on private as well as public lands for mobile wildlife populations. This raises the question, “Who compensates the rancher for helping to produce wild game on his deeded land?”

**Tenure**

Grazing privileges should be established for a fixed statutory time providing the permittee meets the conditions and requirements of his contract.

Tenure of grazing privileges would increase stability of the livestock industry by providing security for operational as well as investment loans. Tenure would also provide opportunities for better land use planning and facilitate allocation of forage for wildlife purposes.

The Commission also recommends that the permittees become more involved and responsible for the actual management. Today’s ranchers are knowledgeable in resource management and have a vested interest to protect. Users should be required to maintain a certain condition and trend on their allotments, which would require specific agreements as to the conditions of use and to the responsibilities of both the land agency and user. However, such things as season of use, numbers of animals, and systems of grazing would be up to the user. In other words, the user would develop his own management prescription in cooperation with the public agency.

If a permit were terminated or cancelled because of other public purposes, the permittee should be compensated for his losses, provided that the land has been classified dominant for grazing use. These purposes should be contained in the permit contract, and the permittee should be allowed severance damages related to the permit value, taking into consideration the value of the base property with and without the permit(s). The user should also be compensated for any improvements he has completed.

Compensation for cancellation on lands where grazing is secondary should not be provided for. But possible conflicts on such lands should be recognized in the first place and the fee based accordingly.

Most changes of use or conflicts could be recognized on any type of land if the management decisions and land use allocations were based upon ecological resource analyses. Such analysis is one of the most basic needs in the field of range management.

**Investment in Improvements**

Statutory guidelines are required for investing funds on deteriorated lands to protect them and rehabilitate them if possible. Economic guidelines should be used for investments on other rangelands.

At present there is a general statutory authority which provides for investments in range improvement, but there are no guidelines available to establish priorities. Where possible, economic guidelines should be used to allocate funds for improvements. The benefits therefrom, such as increased forages, erosion control, better wildlife habitat, etc., or any combination of such values, should be used to determine how the agency and user(s) share the cost.

Deteriorated lands should not be neglected. Guidelines are required to protect and rehabilitate them in order to maintain environmental quality and enhance other values, such as recreation, wildlife, and watershed values. The question is often asked, “Can we afford the cost of investing in deteriorating lands?” We simply cannot afford not to, in some cases, if we want to maintain some wildlife populations.

The Commission does not favor “earmarked” receipts for improvements. These tend to minimize the amounts appropriated. Improvement investments by the federal government should then come from the general fund.

**Classification of Range Lands**

All federal lands should be reviewed (meaning evaluated) and classified according to their principal value. Dominant use grazing should be applied on retained lands where appropriate. Those lands which are useful for grazing only should be sold on the open market to qualified applicants, if no public values would be lost in so doing.

Dominant use zoning was proposed by the PLLRC as a means to overcome the lack of coordination that is now present among the federal agencies and local governments.

The objective of management should be to integrate competing and compatible uses in order to maximize production and/or benefits from any given management unit. Dominant use would only partially achieve this goal because funding would probably be based on the dominant use. In short, dominant use would simplify the task of Congress in defining guidelines for the respective land administering agencies, and in providing appropriations for each one.

Disposal of land chiefly valuable for grazing only will probably not occur to any great extent because of restrictions such as retaining public access across such lands, and use restrictions on disposed lands, which are also recommended by the Commission. The Commission strongly recommended in other sections of its report that lands now under federal control remain under federal control to best serve maximum public interests.

**Control of Access**

Control is needed over public access on public grazing lands in order to avoid undue interference with permitted use by livestock.

Provisions and statutes are needed for “people management” on federal rangelands. This is especially true as the
amount of non-grazing uses increases and becomes as valuable as the forage resources. Wherever possible, a balance between competing uses should be achieved.

Pricing

Fair market value considering local factors should be established by law as the basis for grazing fees.

The PLLBC advocates that pricing of forages should be the fair market value established by operation in the open market. The Commission assumed that if adequate guidelines were established by statutes, that in any given region the fair market value would reflect the conditions of that region. These conditions could be variances in operating procedures, economic factors, and forage quality and yields.

Effective use of range forages occurs only when all nutritional requirements of the animals are satisfied. The abundance of usable forage, species composition, and stage of plant growth are the primary factors that account for the forage value and gross energy produced on any particular range. These factors then should be the primary factors for determining the price of the forages on rangelands. Such guidelines used in conjunction with factors that reflect local conditions would make pricing equitable and consistent with the inherent productivity of each range area.

Uniformity of Policies

Policies regulating grazing on federal lands should be uniform for all classes of land.

The use of federal lands is often unnecessarily complicated by several systems of policy. There is a need to establish uniformity of (a) allocation of forages, (b) pricing, (c) terms of the permits, (d) compensation for cancellation, (e) investment, and (f) financing improvements and developments.

CONCLUSIONS

Because the livestock industry is so dependent upon public lands for existence, it is highly sensitive to any changes in federal policy which could influence its gross output. In other words, rural areas do not have the flexibility required to absorb such changes as do industrialized communities.

For example, fee increases discourage investment and participation of the user in improvements and developments of range resources. Often improvement is the only alternative the user has to increase production. If this alternative is not feasible, then he may turn to exploitative management in an effort to maximize short-run returns. Such short-range goals may destroy or nullify any progress toward achieving long-range goals and, as a result, the value of public land permits decreases.

The western states produce about 20 percent of the total national income; federal lands generate about 2.4 percent of this amount. This brings up the question, “What approach should be used to manage these lands?” Should it be based on uses which contribute the most to regional economic growth, uses which produce non-market values, uses which result in the least amount of environmental degradation, or a combination of some or all of these?

The overall relative importance of basic resources in the national economy is expected to fall between 1963 and 1980. Any significant increase in contribution of federal lands to the national economy is expected to be attributed to increased recreational expenditure. Resource-based recreation is expected to increase forty times by the year 2,000. Nevertheless, rangeland grazing will continue to be an important part of the economic fiber of the western United States. One of the reasons for this is that livestock in feedlots will continue to originate from breeding herds dependent upon range forages. Also, if the demands for grains increase, there will be a concomitant increase in the demand for forages. However, probably the best reason is that ruminants make the best use of rangeland resources and offer one of the most feasible opportunities to increase the protein supplies of the world. It has been said that the most significant contribution rangelands can make to the health and happiness of mankind is more efficient use of these lands in producing proteinaceous foods in the form of meat.

It is not enough to consider rangelands for grazing purposes only. Water is a most important product of rangelands. This is because of the large demands on water and because rangelands consist of one-half our nation’s land area. In 1960, 21 percent of all renewable surface and ground water supplies were required for our nation’s industrial and domestic needs; in 1980 this is expected to increase to 50 percent. Rangelands support a reservoir of clean air and provide a sink to receive and dilute polluted air. They also are vast areas where significant amounts of oxygen are produced.

By the year 2,000, it is estimated that as much as 95 million acres will be used for recreational purposes and only 20 million acres will be used for grazing. This change of use will change many present day priorities. Other values such as natural environments, diversified landscapes, and beauty of wildlife and flowers which enhance the quality of our living, and which meet many of the emotional needs of an expanding population, will become much more important. Also, it is inevitable that rangelands will become used for future expansion for urban and industrial sites.

In the future, we will undoubtedly rely less upon chemicals and soil amendments in general to achieve production goals in agriculture. More emphasis will be placed upon ecological management. Therefore, the importance of using the domestic animal as a tool of environmental management will become much more apparent. There is a great need to develop grazing prescriptions and systems that will improve wildlife values, water quality, and aesthetic values of rangelands.

Adaptable ecological data with respect to rangelands are lacking, and most of the available data are based on land use concepts, not resource characteristics. It is imperative that these lands be given the attention they deserve—not only because they are our largest single resource, but also because they tend to be fragile. Typically the soils are shallow and rocky, weather is severe with sporadic precipitation patterns, steep slopes, and sparse vegetation. The soil-vegetal mosaics which are repeated on the landscape must be inventoried and classified to provide a rational basis for integrating appropriate land uses, zoning, or even resolving conflicts to establish priorities for funding. Such inventories will consider the economic factors such as improvements and development as well as assess the real importance of the non-market values. Meaningful plans must be built upon adequate scientific resource analyses in order to achieve goals that will truly enhance and maintain environmental quality, strengthen those communities dependent upon natural resources, and provide increased recreational opportunities for our expanding population.