

Home on the Range: Open Access

Historical Range Use

- Ideal ranch: Bottom land with water rights; adjacent public lands for grazing
- Western, arid public lands are bad range land; much greater acreage per cow is required (Edward Abbey says, 1 cow per mile in Red Rock areas of Utah)
- Gold rush and Westward expansion created massive demand: Ex., Between 1850 and 1891, number of cattle in AZ went from 50k to 1.5 million

The Rancher's Code

Development of Rudimentary Property Rights

- Federal government allowed open access to public lands; implied license to use the lands
- Ranchers developed informal property norms; fenced in their domains, stockmen associations
- State laws emerged to formalize rancher codes
- Idaho statute: No grazing of sheep on land previously occupied by cattle; other laws determined grazing territories
- Results: Massive tragedy of the commons



Great Blizzard of 1886-1887



The Great San Francisco Blizzard of 1887
Margaret O'Neill's residence at 16th and Bryant in the Mission



Dust Bowl of the 1930s: "The most tragic, the most impressive lobbyist, that has ever come to this Capital" — Senator Gore, OK



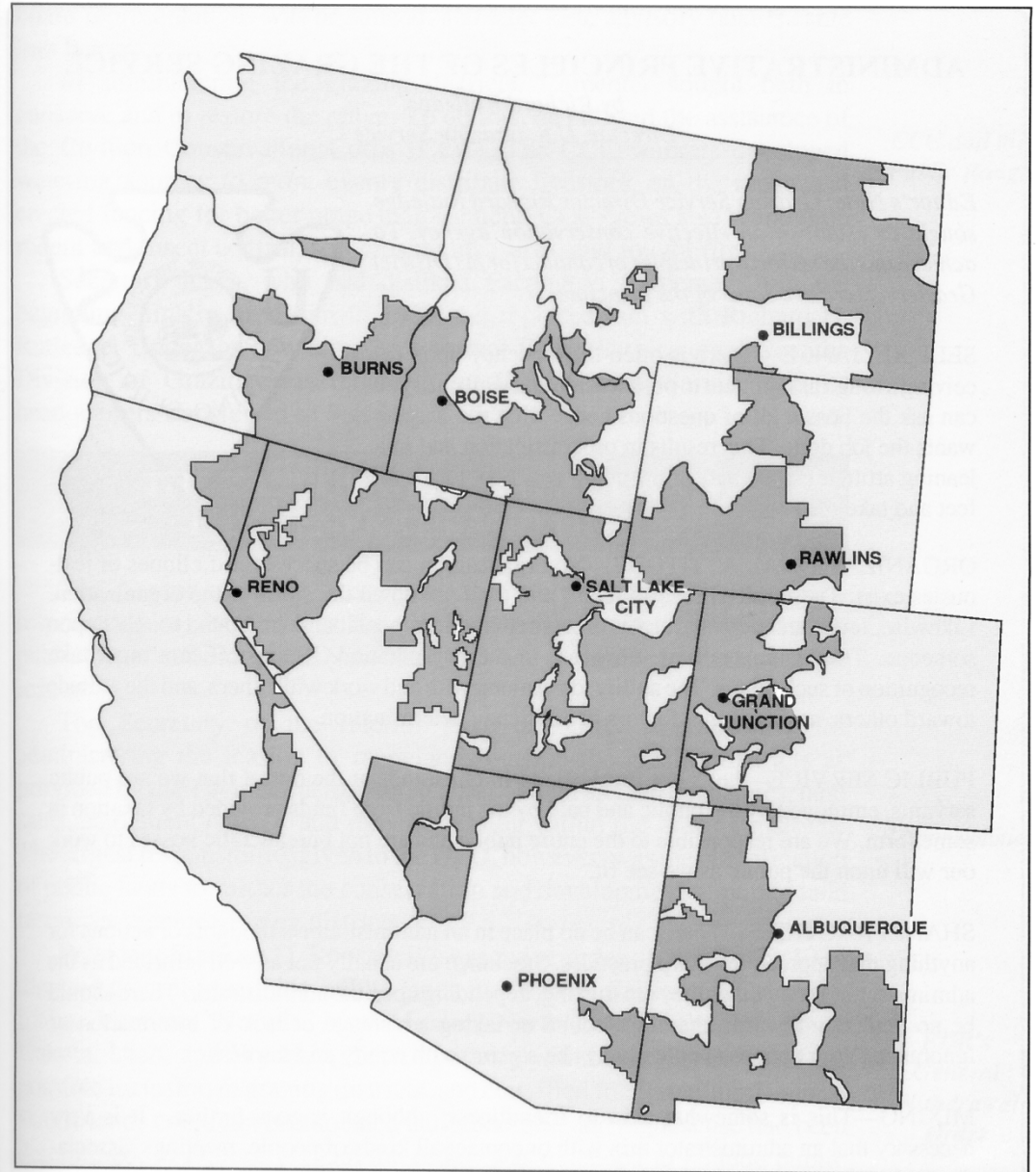
DUST STORM APPROACHING SPEARMAN, TEXAS.
APRIL 14, 1935

Closing the Range: Taylor Grazing Act of 1934

Provisions

- Est. Grazing Division within Dept. of Interior; Grazing Division had seventeen employees in 1934 (renamed Grazing Service in 1939)
- Initial use of grazing fees on Forest Service land
- Authorized creation of grazing districts (land classification, excludability)
- Grazing permits; grazing fees for each Animal Unit Month (Amount of forage eaten by one cow or five sheep/goats for one month)
- Land outside of grazing districts requires grazing leases; also a contract
- Prior and users adjacent to public land given priority—more prosperous ranches; sheep less likely
- Historical levels integrated into permits
- 1936: Interior creates “Grazing Advisory Boards” to advise on grazing district decisions (formalized in 1939 amendments to Taylor Grazing Act)
- Grazing districts accepted 98.3% of Advisory Board recommendations (anecdote)
- Taylor Grazing Act seen as statutory recognition of rangeland iron triangle

Original Grazing Districts:
142 Million Acres



Areas included in Taylor Grazing Districts - January 1937

Modern Range Facts

Creation of BLM 1946

- Combined Grazing Service and General Land Office
- Fired 4/5 range management specialists, major budget cuts
- “The BLM began life as a mendicant, humbly soliciting patronage from the powerful users.”--Coggins

Range Utilization

- 158 BLM, 100 million Forest Service acres are used for grazing—2 ½ times the size of CA, and 70% of 11 Western states; 94% of BLM land is grazed
- About 25,000 farmers and ranchers hold leases/permits on BLM or Forest Service land; 13 million AUM on BLM land
- Amount of meat produced on public land is very small: Federal land graziers are 19-22% of total livestock producers in West, 2% of cattle in country; Fed lands produce 7% of beef cattle forage, and 2% of feed
- Small percentage nationally, but may have regionally significant impacts (e.g., Catron County NM 8.8% of jobs from federal grazing)
- 1994 DOI draft EIS: Eliminating grazing on public lands would have total job loss of 18,300, and 1% increase in beef prices—2 weeks of job growth to replace

Economics of Western Ranching

Table 1. The Relative Importance of Federal Lands Grazing as a Source of Jobs and Income, 1997

State	Arizona	Calif.	Colorado	Idaho	Montana	Nevada
Agriculture as a source of income	0.8%	1.0%	0.8%	3.9%	2.7%	0.2%
Agriculture as a source of jobs	0.9%	1.6%	1.6%	5.5%	5.6%	0.5%
Livestock's share of agriculture	42.8%	27.3%	70.4%	46.7%	49.5%	64.5%
Cattle/sheep's share of livestock	53.2%	24.3%	83.4%	59.8%	89.5%	71.1%
Federal forage's share of total cattle/sheep feed	47.5%	7.3%	12.0%	26.5%	9.3%	50.3%
% of income derived from federal forage	0.09%	0.00%	0.06%	0.29%	0.11%	0.04%
% of jobs derived from federal forage	0.10%	0.01%	0.11%	0.41%	0.23%	0.11%
Days of real income growth to replace federal grazing	9	2	6	31	17	3
Days of job growth to replace federal grazing	10	5	13	45	30	9

State	New Mexico	Oregon	Utah	Wash.	Wyoming	11 W. States
Agriculture as a source of income	1.5%	1.1%	0.7%	1.2%	1.5%	1.0%
Agriculture as a source of jobs	2.4%	3.5%	1.6%	2.5%	4.2%	1.9%
Livestock's share of agriculture	68.9%	30.0%	74.9%	34.9%	77.5%	39.2%
Cattle/sheep's share of livestock	57.5%	59.2%	46.1%	42.9%	93.5%	52.8%
Federal forage's share of total cattle/sheep feed	32.2%	16.3%	31.7%	2.6%	21.1%	18.6%
% of income derived from federal forage	0.19%	0.03%	0.08%	0.00%	0.24%	0.04%
% of jobs derived from federal forage	0.30%	0.10%	0.18%	0.01%	0.64%	0.07%
Days of real income growth to replace federal grazing	23	4	7	1	54	8
Days of job growth to replace federal grazing	43	14	17	2	120	16

Sources: U.S. Department of Agriculture, Forest Service, Range Management, *Grazing Statistical Summary, FY 1997* (Washington, D.C.: Superintendent of Documents, 1998); U.S. Department of Agriculture, National Agricultural Statistics Service, *1997 Census of Agriculture*, vol. 1, *Geographic Area Series*, www.nass.usda.gov/census; U.S. Department of Commerce, Bureau of Economic Analysis, *Regional Economic Information System, 1996*, CD-ROM; U. S. Department of the Interior, *Public Land Statistics, Vol. 183, Statistical Appendix to the Annual Report of the Director, Bureau of Land Management, to the Secretary of the Interior* (Washington, D.C.: Superintendent of Documents, 1998).

Federal Land and Policy Management Act of 1976

Basic Provisions

- 1974 *NRDC vs. Morton (Impetus)*: BLM must prepare EIS for a all grazing districts
- Organic Act for the Bureau of Land Management
- Multiple-use mandate: environmental values, “food and habitat for fish and wildlife and domestic animals”, human occupancy and use
- Grazing Provisions:
 - 1) Range rehabilitation fund; 50% of grazing fees
 - 2) Grazing permits are 10 years, and automatically renewable as long as terms/conditions are met; grazing permits define number, type of animals, and timing
 - 3) Grazing allotments must have Allotment Management Plan
 - 4) Restricted, but continued, grazing advisory boards
- Land inventory and planning requirements, similar to NFMA
- Identification of areas of critical environmental concern, specifically the California Desert Conservation Area and wilderness inventory
- Public participation requirements

Public Range Improvement Act of 1978

Basic Provisions

- Sets rangeland improvement as primary goal; even BLM noted range was in bad shape (only 2% of lands in excellent condition; 5% even close to natural communities)
- Creates a new rangeland improvement fund for restoration projects—does not address core issue of reducing AUMs
- Important questions about the use of rangeland improvement project: Ecosystem restoration, or more food for cows?
- Sets grazing fee formula that is still used: \$1.23 base price established in 1966, supplemented by Forage Value Index and Beef Cattle Price Index; cannot increase or decrease by more than 25%
- Grazing fees supposed to reflect commodity prices; lowers when beef prices are bad
- PRIA grazing fee authorization expired in 1986, but was extended through executive order

BLM Planning

Overview

- Structure: 162 Resource Areas, grazing allotments
- State offices, with field offices for managing one or more Resource Area
- Each Resource Area requires management framework plan (pre-FLMPA), or resource management plan (post-FLPMA)
- Planning process is integrated with NEPA
- Second level of planning is more specific
 1. Allotment management plans associated with range projects
 2. Habitat management plants associated habitat restoration projects
 3. Special resource areas, like wildlife areas or areas of critical environmental concern, have separate plans
- Just like in Forest Service, plans are legal guidelines for land-use activities
- “Consistency” clause allows state governors to evaluate consistence of RMPs with state/local policy

“Welfare” Ranching

- History of “trespassing”, grazing more than permits allow, or prohibited places, and times
- History of lax enforcement by BLM
- Grazing fees consistently lower than prices on state and private lands (2002: Fed. Grazing fee set at \$1.43; avg. in 11 Western states is \$13.10, ranging from \$7.00-\$20.00)
- In 1996, subsidy was \$787 per permittee (private fee*used AUM-public fee*AUM/total number of permits)
- Creates “black market” for fees, where grazing permit holders lease their land for higher prices
- Capitalization of AUM and grazing permits into sale price of ranch (connection to bankers)
- Each year, the government spends 10-20% more administering grazing program than the ranchers make in profits: The government could pay ranchers to stop grazing (2004—agencies spent \$140 million, received \$21m in grazing receipts)
- History of Congressional moratoriums on grazing fee increases (with Senate often blocking House attempts at raising them)
- Why? Political power of ranching industry

Table 1. Federal Grazing Fee per Animal Unit Month on Forest Service and BLM Land since 1980.¹²⁰

YEAR	FEE	YEAR	FEE	YEAR	FEE	YEAR	FEE
1980	\$2.36	1987	\$1.35	1994	\$1.98	2001	\$1.35
1981	\$2.31	1988	\$1.54	1995	\$1.61	2002	\$1.43
1982	\$1.86	1989	\$1.86	1996	\$1.35	2003	\$1.35
1983	\$1.40	1990	\$1.81	1997	\$1.35	2004	\$1.43
1984	\$1.37	1991	\$1.97	1998	\$1.35	2005	\$1.79
1985	\$1.35	1992	\$1.92	1999	\$1.35		
1986	\$1.35	1993	\$1.86	2000	\$1.35		

Distribution of Grazing Fee Receipts

Table 1. Distribution of fee receipts by agency and land classification.

Type of land	Area of land	Payments to Counties	Range Betterment Funds	U.S. Treasury
Forest Service	16 western states (excl TX)	25 %	50 %	25 %
BLM Section 3 (permits)	90 % of BLM land	12.5 %	50 %	37.5 %
BLM Section 15 (leases)	10 % of BLM land	50 %	50 %	0 %
BLM Bankhead- Jones	<1 % of BLM land	25 %	50 %	25 %

Source: Moskowitz and Romaniello; "Assessing the Full Cost of the Federal Grazing Program"

Rancher Representation in State Legislatures

TABLE 1.
PERCENT OF WESTERN STATES' POPULATIONS AND
LEGISLATURES EMPLOYED IN AGRICULTURE AND AS RANCHERS

State	% of Population Employed in Agriculture ¹	% of Legislators Employed in Agriculture ²	% of Legislators Employed as Ranchers ³	Factor: % Agric. Legislators ÷ % Agric. in Pop. ⁴
Arizona	2.5	3.3	5.6	1.3
California	3.6	7.5	2.5	2.1
Colorado	2.3	7.0	5.0	3.0
Idaho	7.8	23.8	7.6	3.0
Montana	7.1	26.7	21.3	3.8
Nevada	1.1	4.8 (6.2)	6.2	5.6
New Mexico	2.7	7.1	2.7	2.6
Oregon	3.8	6.7	2.2	1.8
Utah	3.1	11.5 (13.5)	5.8	4.4
Washington	2.8	7.5	4.8	2.7
Wyoming	7.4	22.2	23.3	3.0

¹ U.S. Department of Labor, Bureau of Labor Statistics, *Geographic Profile of Employment*, 1995 Bulletin 2486, February 1997.

Ecological Costs of Grazing

Grazing Impacts Not Agenda Setting

- Grazing impacts have been happening for a long time, and are less visible than clearcuts
- Difficult to find an ecological benchmark to compare

Three Major Effects

- Species composition and community: Reducing species richness and altering community dynamics
- Disruption of ecosystem function: Nutrient cycling (microbiotic soil crusts cannot fix nitrogen) and ecological succession (example, S. New Mexico changing from grassland to creosote bush dominant ecosystem)
- Alteration of ecosystem structure: Soil erosion and lost water
- Many of these effects are magnified in riparian areas, where cows like to hang out; ex. 95% of riparian habitat in AZ is gone
- Riparian areas are resilient; removing livestock will lead to healing; more “xeric” (less water) uplands have much more difficulty

Camp Creek, OR: Erosion



Summit Creek, Idaho: Before 1987



Summit Creek, Idaho: After

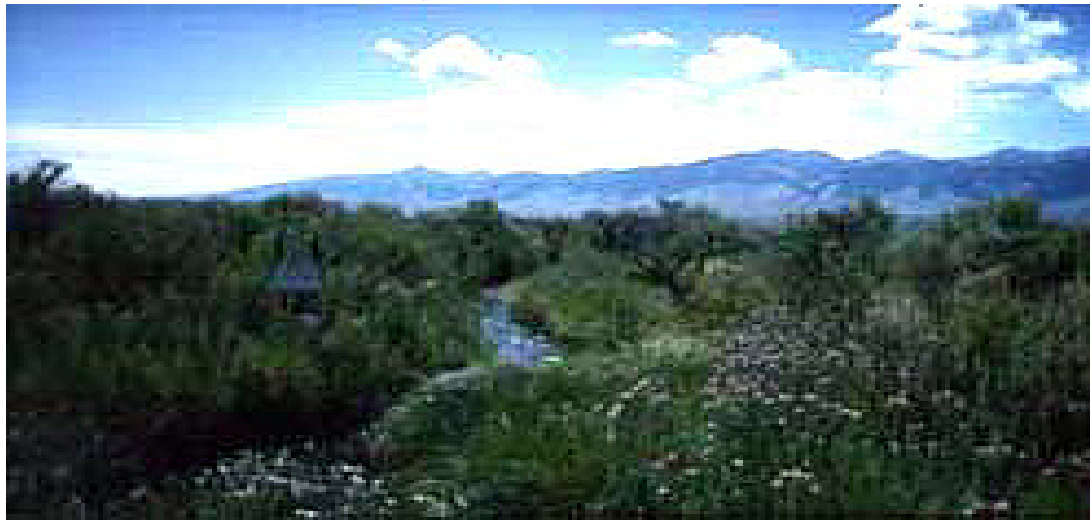


Table 2-1.

**PERCENT OF RANGELAND ACREAGE BY ECOLOGICAL STATUS BY STATE,
FISCAL YEAR 2004**

	Percent Acres Inventoried /b/	Percent by Ecological Status /a/			
		Potential Natural Community	Late Seral	Mid Seral	Early Seral
Arizona	52	8	43	38	11
California	15	3	21	45	31
Colorado	46	7	27	41	25
Idaho	73	3	25	38	35
Montana, North and South Dakota	67	8	66	25	1
Nevada	38	4	39	45	12
New Mexico	76	4	24	43	30
Oregon and Washington	55	1	27	60	13
Utah	60	12	30	45	14
Wyoming	59	27	38	30	5
Total Bureauwide	52	8	34	41	16

Note: The BLM's inventory of ecological status of rangelands is used to report on the condition of rangelands as mandated in the Public Rangelands Improvement Act of 1978.

/a/ Expressed in degree of similarity of present vegetation to the potential natural, or climax, plant community: Potential Natural Community = 76-100 percent similarity; Late Seral = 51-75 percent similarity; Mid Seral = 26-50 percent similarity; Early Seral = 0-25 percent similarity.

**Table 2-2. CONDITION OF RIPARIAN-WETLAND AREAS,
FISCAL YEAR 2004**

Condition of Riparian Areas – Miles /a/

State	Proper Functioning Condition /b/	Functioning- At-Risk /c/				Non Functional /d/	Unknown /e/	Total
		Trend Up	Trend Not Apparent	Trend Down	Total			
Alaska	107,498 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	59 (0%)	8 (0%)	107,565
Arizona	334 (38%)	170 (19%)	146 (16%)	43 (5%)	359 (41%)	19 (2%)	170 (19%)	882
California	1,046 (42%)	449 (18%)	527 (21%)	90 (4%)	1,066 (43%)	83 (3%)	297 (12%)	2,492
Colorado	2,424 (56%)	479 (11%)	600 (14%)	142 (3%)	1,221 (28%)	644 (15%)	55 (1%)	4,344
Eastern States	5 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	5
Idaho	2,040 (48%)	366 (9%)	914 (22%)	415 (10%)	1,695 (40%)	302 (7%)	176 (4%)	4,213
Montana	1,582 (38%)	102 (3%)	1,752 (42%)	59 (1%)	1,913 (46%)	563 (14%)	76 (2%)	4,134
Nevada	854 (33%)	426 (16%)	516 (20%)	290 (11%)	1,232 (47%)	475 (18%)	53 (2%)	2,614
New Mexico	205 (45%)	139 (30%)	50 (11%)	14 (3%)	203 (44%)	45 (10%)	5 (1%)	458
Oregon	2,895 (37%)	1,701 (22%)	987 (13%)	311 (4%)	2,999 (38%)	176 (2%)	1,786 (23%)	7,856
Utah	3,133 (62%)	352 (7%)	808 (16%)	437 (9%)	1,597 (32%)	326 (6%)	11 (0%)	5,067
Wyoming	1,683 (37%)	882 (20%)	881 (20%)	603 (13%)	2,366 (52%)	249 (6%)	210 (5%)	4,508
Total Lower 48	16,201 (44%)	5,066 (14%)	7,181 (20%)	2,404 (7%)	14,651 (40%)	2,882 (8%)	2,839 (8%)	36,573
Total	123,699 (86%)	5,066 (4%)	7,181 (5%)	2,404 (2%)	14,651 (10%)	2,941 (2%)	2,847 (2%)	144,138

Rangeland Reform 94: Resource Advisory Councils

Political Context

- Championed by Bruce Babbitt
- Based on inclusive, collaborative principles
- Western workshops lead to sets of recommendations
- Recommendations become formal amendments to BLM regulations

Resource Advisory Councils

- Replace Grazing Advisory Boards
- Must have environmental representatives on them, state residents
- Work under rules of Federal Advisory Committee Act of 1974— advisory role only, BLM has final say
- Range from 10-15 members, nominated by state governor and approved by Secretary of Interior
- RACs recommend standards and guidelines for range management
- The Million Dollar Questions: Does the BLM listen to RACs, and do RACs lead to more sustainable BLM decisions?

“Green” Cowboys: Collaboration on the Range

Environmental Benefits of Grazing?

- Barrier to residential development
- Open space refuges; may have higher biodiversity than urban use
- Some grasslands may benefit from grazing; encourages growth and seed dispersal
- The “Bison” argument; but, bison really in the great plains not Western Rockies (potentially other large prehistoric grazers though)

Collaborative Coalitions

- Center for Holistic Resource Management
- Quivira Coalition: “We are officially calling for a cessation to the war between ranchers and environmentalists.”
- “The Mission of the Quivira Coalition is to foster ecological, economic and social health on western landscapes through education, innovation, collaboration, and progressive public and private land stewardship.”

Recent Revisions to Grazing Regulations

- Began in 2003, with claim being made that Rangeland Reform 94 was ineffective
- Narrowed breadth of public participation; interested parties not required to be notified “daily management decisions”
- Many enviro groups have put themselves as “interested publics” on specific allotments
- Decreases reliance on Rangeland Health standards, including allowing two years to make adjustments instead of immediate
- Gives ranchers proportional title to any permanent rangeland improvements (e.g. fences, water infrastructure) made on BLM land
- Eliminated from BLM's final draft was a conclusion that read: "The Proposed Action will have a slow, long-term adverse impact on wildlife and biological diversity in general.“ BLM scientists claim science being ignored
- Grazing regulations currently under injunction due to court decision; not implemented at this time