

Managing the Public Rangelands: 50 Years since the Taylor Grazing Act

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Open range, free and uncontrolled grazing characteristic of early development of the western livestock industry ended June 28, 1934, when President Franklin D. Roosevelt signed the Taylor Grazing Act. That Act is still the major legal basis for regulating grazing on our public lands.

When Congress passed the Homestead Act in 1862, there was plenty of land and no need for management classification of the public lands. After 1875, with the growth of cattle kingdoms and continued westward migration of homesteaders, conflicts arose over the use of public lands. The Public Lands Commission of 1880 recognized impending difficulties among public land users. While the commission's recommendations were never adopted, the need was identified for special legislation to address grazing land specifically and to classify it for best possible use.

In 1905, another Public Lands Commission suggested that Federal grazing districts be created, but little was done. Shortly thereafter, however, the President placed a large amount of grazing land in the National Forest Reserves to provide some protection of forage lands from overgrazing.

As the Federal forest, park, and refuge system increased, the public domain continued to shrink. As grazing pressure on the public lands increased, some groups lobbied for a leasing system, believing it unwise to leave the public lands as uncontrolled commons. Legislation, however, was directed toward transferring the lands to private ownership under various homestead acts.

Although about 285 million acres were claimed under the homestead laws, many homesteaders failed to establish successful ranching operations on 640-acre dry range areas.

In 1928, Congress established the experimental cooperative Mizpah—Pumpkin Creek Grazing District in Montana to analyze the feasibility of leasing federal land for grazing.

Overgrazing and erosion continued in many areas and rivalries increased among stockmen for control of grazing land. President Herbert Hoover, in 1929, frustrated with the various grazing land controversies, suggested that remaining unsurveyed and unappropriated public lands be ceded to the states. He appointed a committee to study the problem.

The committee's report, recognition of prior policy failure, the depression, drought conditions in the Great Plains, and success of the Mizpah—Pumpkin Creek Grazing District were important factors responsible for the eventual comprehensive grazing law. Representative Edward T. Taylor of



Enactment of the Taylor Grazing Act.

Colorado introduced his bill in the first session of the 73rd Congress. On June 28, 1934, President Franklin D. Roosevelt signed the Taylor Grazing Act ending more than half a century of indecision over Federal management of the Nation's public lands.

The First Decade (1934-1944)

The Taylor Grazing Act provided for controlled grazing on our public lands. An important provision provided for classifying all land in the grazing districts. By Executive Orders in 1934 and 1935, President Roosevelt withdrew from settlement all unclassified land in twelve western states outside of Alaska. For the first time in American land history, authority was given for classifying land for its best use. The Taylor Act was, in fact, a multiple-use act. The law also provided for a distribution of funds received from grazing fees, as well as for land exchanges between the Federal government and the states.

The jurisdiction of the remaining public lands was temporarily solved by retaining land disposal functions in the General Land Office and creating a separate Division of Grazing. With no appropriation, the original staff consisted of people loaned from other agencies. There were no maps of the public domain, and the only people who knew where the grazing lands were located were the stockmen who used them. Although the land was identified in tract books, they were unwieldy and hard to use.

The Taylor Grazing Act provided for cooperation with local stockmen. Ferry Carpenter, first director of the Division

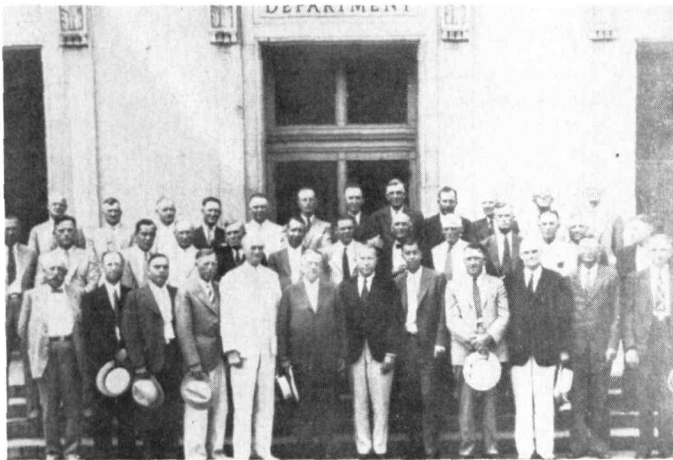
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In passing the Act, Congress authorized the establishment of a new Federal agency, the U.S. Grazing Service, to administer the new law. The Grazing Service was seen as a single-purpose agency created to serve a single constituency, the Western livestock industry. In 1946 the functions of the Grazing Service and the General Land Office were combined into a single agency, the present Bureau of Land Management.

of Grazing, formed stockmen advisory boards which, by 1939, were given legal recognition by Congress. In 1940, the National Advisory Council was created.

The Act provided that specific portions of the Federal range be allotted to the use of individual livestock operators. Local advisory boards made the allotments and tried to adjust grazing to the range's capacity. The state committees helped set grazing district boundaries in an effort to organize the vast areas of western public lands into manageable units. On March 23, 1935, Wyoming Grazing District No. 1 became the first district. Before the end of that year, 15,000 licenses were authorized to graze a total of 8,396,232 livestock on Federal rangelands.



Shortly after the Act was passed members of state advisory boards met in Washington and posed for this picture with Interior Secretary Harold Ickes (front row 6th from the left) and Ferry Carpenter (front row 8th from left), who was the first Director of Grazing, appointed on September 12, 1934. In his testimony before Congress, Ickes had estimated that he could administer the new Act for \$150,000 a year.

The scope of the original Taylor Grazing Act was limited to 80 million acres. Within the first year, it was evident that the

limitation would not meet the demand for grazing. Initial permit applications covered more than twice the authorized land. In 1936, the Act was amended to provide a maximum of 142 million acres. In 1954, the limitation was eliminated entirely.

Grazing districts are 3 to 9 million-acre units of Federal range, created and administered under the Taylor Grazing Act. Unreserved public land within grazing districts is used principally by individuals for grazing and other purposes. The Act also provided for leasing other units of public land to stockmen. These lands are known as Section 15 lands since they are administered under Section 15 of the Act and lie outside of grazing districts.

The Division of Grazing, known after 1939 as the Grazing Service, faced an enormous task. Lack of data complicated the determination of proper grazing capacity and forage production and facilities on private properties used with the public range. As information was gathered, local adjustments were made, range areas assigned, and controversies settled.

World War II changed the western rangelands management. Planned reductions in grazing were replaced with a program for 1,600 war emergency licenses to increase production of meat, wool, and hides. Increased livestock production and other competing uses of range forage were evaluated. Wildlife forage was rated less important, and control measures were enforced. The Grazing Service also began an access road program to facilitate production of strategic materials, constructing nearly 2,000 miles of roads, many of which are still used. About 14,500,000 acres were used for military training bases and testing grounds. Like other conservation agencies, the Grazing Service was handicapped by staff reductions and additional responsibilities.

While the Taylor Grazing Act was designed to be a comprehensive charter, three factors limited its effectiveness. Despite some comprehensive language and specific provision for classifying public lands before their transfer, the Act was perceived as a rancher's public land law, not as a charter for multiple use management. The Grazing Service was seen as a single-purpose agency serving a single constituency, the western livestock industry. Another impediment to true multiple use management of the public domain was a deeply ingrained public and Congressional attitude that all public land management was temporary until the lands were transferred to private ownership or assigned to special uses. Finally, the Act lacked explicit policy directives and specific management guidelines, primarily due to Congressional ambiguity, contradictions in the Act, and lack of rangeland data.

The Second Decade (1944-1954)

Grazing administration continued to suffer. Manpower shortages worsened. Philosophical differences between the houses of Congress about the Grazing Service and grazing fees resulted in appropriations for range administration being halved in 1945.

In 1946, the Grazing Service was consolidated with the General Land Office to form the Bureau of Land Management (BLM). BLM was assigned management responsibilities for "the major portions of the multiple-use, Federally

owned lands now held by the Department of the Interior." It was clear that BLM was to be a multiple-use Federal land managing agency.

The Grazing Service and BLM relied upon grazing fees to cover costs of the grazing program. Grazing fees were initially established at five cents per animal unit month, but the fee soon proved too small to cover costs. In 1947, fees were raised to six cents, with an additional two-cent fee levied for range improvements.

Increased recognition of the inadequacy of range restoration programs resulted in appropriations being raised in 1951 to provide additional manpower. Unfortunately, solutions to old problems of over-obligation of the range and uncontrolled trespass had been delayed. As they became operational, water developments, range seeding, protective fencing, erosion control, and similar projects proved beneficial to the range and dependent industries.



Seeding by hand in the early days of rebuilding the Federal Range.

Diverse interests in grazing lands and the complex land ownership pattern in the western states prompted cooperation among state, county, private, and Federal agencies. In 1949, state advisory boards were formed. Every effort was made to determine proper livestock numbers, seasonal adjustments, management methods, and needed improvements to benefit all concerned.

The Third Decade (1954-1964)

By 1960, the downward trend in range condition had been stopped on more than four-fifths of the lands that were deteriorating at the time the Taylor Grazing Act was passed. However, that left 20% of the public range still deteriorating.

Additional cooperation among public land users was seen as one management scheme to improve the rangelands. In 1962, the National Advisory Council was enlarged to include representation from such important interests as forestry, minerals, outdoor recreation, urban and suburban development, and local governments, as well as livestock and wildlife.

Governmental concern over the adequacy of economic return from the Nation's resources led to increased grazing fees. A new formula adopted in 1958 varied the fees each year according to fluctuations in the average prices of beef and lamb. The 1959 fee was 22 cents an animal unit month.

The Fourth Decade (1964-1974)

Increasing interest in public land resources during the 1960s led to the Classification and Multiple Use Act of 1964, another articulation of the multiple use concept. This Act gave BLM temporary multiple use, sustained yield management authority, but the Act expired in 1970.

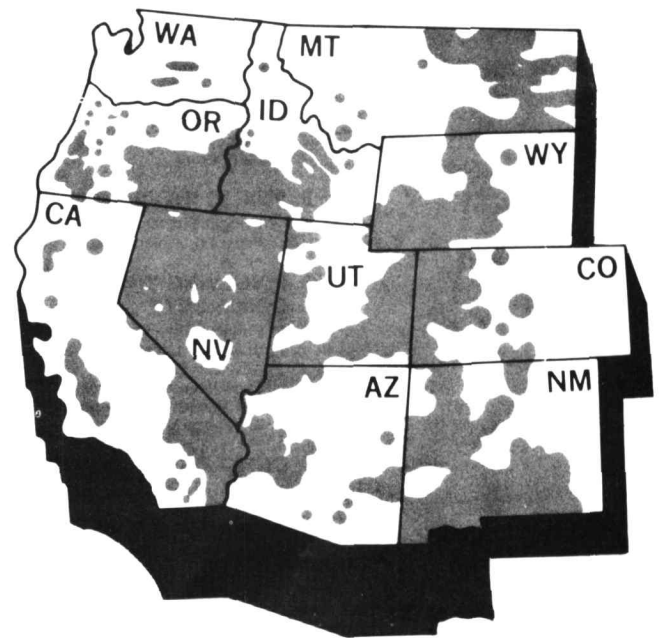
The Wild Free-Roaming Horse and Burro Act passed without a single dissenting vote in either House of Congress in 1971. This Act established a clear national policy that these feral animals would also have a permanent place on the public rangelands and that their forage requirements must be acknowledged.

By 1974, roughly 135 million of the 170 million acres of rangeland managed by BLM were still in only fair or poor condition, and vegetation production was far below potential. Conflicts concerning forage availability increased and focused attention on important rangeland values, livestock operations, and the ranch economics of the west.

In 1974, federal courts declared that BLM had violated the National Environmental Policy Act by failing to prepare environmental statements for livestock grazing programs. BLM was required to prepare 144 individual environmental statements by 1988, covering 170 million acres grazed by domestic livestock.

The Last Decade (1974-1984)

In 1976, Congress passed the Federal Land Policy and Management Act (FLPMA), requiring that the Federal government protect and manage the public lands for a wide range of



The public lands in the western United States.

benefits under the principles of multiple use and sustained yield. FLPMA provided for management characterized by comprehensive planning and full public participation. FLPMA also settled the lingering question regarding the millions of acres of public land. It established their retention in Federal

ownership unless disposal of a particular parcel was determined, through land use planning, to be in the national interest.

FLPMA establishes the balance in the concept of multiple use. The Act states that the public lands will be managed in a manner:

- that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use; and
- which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands.

Accordingly, BLM's responsibility is to increase the production of the rangelands by efficiently managing the basic resources and authorizing uses of the lands in keeping with sound resource management principles.

In the Public Rangelands Improvement Act of 1978 (PRIA), Congress found, after nearly a half century of uneven Federal involvement in managing rangeland use, that:

- rangelands were still producing below their potential;
- rangelands would remain in unsatisfactory condition, or decline even further, under present levels and funding of management; and that
- the unsatisfactory condition of the public rangelands presents a high risk for soil loss, siltation, desertification, water loss, loss of valuable wildlife and fish habitat, loss of forage for livestock and other grazing animals, degradation of water quality, flood danger, and threats to local economies.

To reverse this trend, BLM's approach involves all interest groups. Coordinated Resource Management and Planning (CRMP), the Experimental Stewardship Program (ESP), and the coordination process in Allotment Management Plan (AMP) development are specific elements of BLM's coordinated management philosophy.

The broad legislative basis for CRMP dates from the Organic Act of 1897 to the PRIA of 1978. Under a Memorandum of Understanding, BLM, Forest Service, Soil Conservation Service, and Extension Service "cooperate to the fullest degree possible in fostering CRMP . . . and will seek to cooperate with all owners or managers of land and resources within each specified area . . ."

The Rangelands Improvement Act also directed the Secretaries of Interior and Agriculture to develop and implement an experimental stewardship program to provide cooperation among all rangeland users, ensure orderly implementation of completed resource management plans, identify needed modifications in existing plans, and allow for innovative methods to increase rangeland productivity. Incentives and rewards for grazing permittees would be an end result of improved range conditions and cooperative management. Results of the program will be reported to Congress by

December 31, 1985. Experimental programs now in operation have been favorably endorsed by the National Governor's Association.

The coordinated process in allotment management plan development is based on the Rangelands Improvement Act which says that "If the Secretary concerned elects to develop an allotment management plan for a given area, he shall do so in careful and considered consultation, cooperation, and coordination with the lessees, permittees, and landowners involved, the district grazing advisory boards . . . and any State or States having lands within the area to be covered by such allotment management plan." This emphasizes a coordinated approach specific to development of AMPs.

The Rangelands Improvement Act also adopted a new grazing fee formula which adjusts a \$1.23 base forage value by the percent change in charges for grazing on private grazing lands together with annual fluctuations in beef production costs and beef prices. Congress' intent was to implement a formula based, in part, on a rancher's ability to pay, to help protect ranchers dependent on public land use from being forced out of business by the combined pressures of high costs of production and low beef prices. The fee reached a high of \$2.36 in 1980 and is currently \$1.37. BLM and Forest Service have also initiated a grazing fee review and evaluation. Their tasks are to: (1) review the PRIA formula; (2) refine information on the value of public grazing lands; (3) evaluate other fee options; and (4) submit a report to Congress in 1985 that includes the Secretaries' recommendation for a fee schedule.

The Future

BLM's objectives for rangeland management are shaped by Administration policy, legislation, and rangeland user needs. BLM also considers technical data on rangeland condition, trend, and economic analysis concerning uses of the public rangelands.

Within this context, BLM is pursuing the following policy in developing and implementing a program for managing livestock grazing on the public rangelands. To fulfill its legislative, judicial, and executive obligations, BLM will:

1. Prepare grazing environmental impact statements for all public lands where grazing is a major Federal action significantly affecting the quality of the human environment.
2. Categorize rangelands by resource characteristics as part of BLM's planning/EIS process (which includes consultation with involved parties) to help propose appropriate management actions, including land-use and resource allocations.
3. Use rangeland categorization to help establish priorities for investments to achieve cost-effective improvement of rangeland condition and production. Efforts would be concentrated where grazing management action is most needed to improve the basic resources or resolve serious resource use conflicts.
4. Develop, update, and maintain an inventory of range conditions and trends for all public rangelands. Sufficient inventory data will be gathered to serve the requirements of multiple-use planning and provide a baseline for monitoring.
5. Determine when livestock use adjustments are needed to bring grazing use into line with estimated livestock graz-

ing capacity, and implement the adjustments by timely decisions. Adjustments will be scheduled in conjunction with other management actions, which may include inventory and/or monitoring studies, grazing systems, range improvements, and adjustments of other consumptive uses, as appropriate. Normally, such adjustments will be phased in over a period of time sufficient to permit monitoring.

6. Construct range improvements in consideration of (1) cost-effectiveness and (2) multiple-use. Private investment in range improvement will be encouraged accordingly.

7. Monitor the rangeland resources and livestock use to determine if the grazing management actions and/or practices are achieving objectives established for an area through the land-use planning/EIS/decision process. Information obtained through monitoring studies will be used to supplement inventory data; establish grazing patterns; evaluate trends; and identify, in the short-term, the need for adjustments in management actions and/or grazing use levels. Trend data will provide a long-term evaluation of management actions.

8. Supervise livestock grazing to determine if grazing use is as authorized, and take appropriate action against unauthorized use.

9. Consult with permittees, lessees, other rangeland users, landowners, state and Federal agencies, district grazing advisory boards, district multiple-use advisory councils, and other interested parties in developing and implementing land-use and grazing management decisions. Communication between BLM and affected parties for the purposes of deliberation, interchange of opinions, and potential resolution of differences or disputes is a continual process. It recognizes the knowledge and experience of those involved or interested in rangeland management, but does not negate BLM's ultimate responsibility for proper management and use of the public rangelands.

The preceding policy has been incorporated into BLM's rangeland management program through a selective management approach, a land categorization process designed to help BLM assign management priorities among allotments within a planning area. Selective management gives managers flexibility to consider local resource conditions, rangeland uses, and the management capabilities of district staffs when developing and implementing a grazing management program.

To facilitate the selective management approach, BLM groups allotments according to their potential. This potential is determined through analyzing an allotment's range condition, resource potential, presence of resource use conflicts or controversy, opportunity for positive economic return, present management situation, and other criteria as appropriate. Objectives for the three categories are to: (1) *maintain* current satisfactory condition, (2) *improve* current unsatisfactory

condition; or to (3) manage *custodially*, while protecting existing resource values.

Robert Burford, Director of the Bureau of Land Management, has also stated that "BLM is going to encourage investment by the private sector—the range user. Ranchers holding grazing leases on public lands administered by the BLM will be required to bear the cost of maintaining improvements of their allotments . . . Operators would be allowed to perform the maintenance work themselves; to contract with others to do the work; or, to reimburse BLM for the cost of maintenance."

The Nation's public rangelands today are being called upon to play a central role in our future. As we struggle to meet growing demands for energy, food and fiber, timber, water, recreation, and other needs, the rich potential of the public rangelands is gaining long overdue attention.

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