

Public Lands Foundation

Position Statement: PS 05-99

Livestock Grazing on Public Lands Administered by the U.S. Bureau of Land Management

EXECUTIVE SUMMARY

Domestic livestock grazing is one of the traditional uses of the public lands and should continue to be authorized subject to grazing management practices that maintain or enhance the sustainability of the soil, water and vegetation on the land, and where the use is compatible with other resources.

HISTORICAL BACKGROUND

The public lands administered by the Department of the Interior's Bureau of Land Management are the remnants of nearly 200 years of land transfers: sales, grants, homesteads, withdrawals, mineral claims, patents and leases and honoring earlier other disposition. These were the result of haphazard strategies prescribed by Congress to provide revenue to the Federal Government and later to promote settlement of the west. Development and use of the public land resources of timber, watershed, minerals, wildlife, forage and water, as well as preservation of special areas for public enjoyment have been the mandated by Congress. With the enactment of the Taylor Grazing Act of 1934, the first measures were taken to stop injury to the public lands by preventing overgrazing and the associated soil and watershed deterioration. At the time the Act was signed into law, the land had been severely over used. Plant cover and composition had deteriorated and soils were exposed to the erosive forces of wind and water. Competition for the use of the forage resource had been aggressive resulting in Range Wars. Cattlemen and sheepmen fought bitterly for their use. Homesteaders and livestock operators were in constant conflict as western migration and settlement took place. The ecological complexities of western rangelands with their extremes of topography, elevation, precipitation, temperature, geology and soils were not understood and were not appropriately considered in the promotion of western development and settlement. Tillable lands were plowed and farmed, too often unsuccessfully. Mineral extraction proceeded without regard for its effect on soil and water. Predators were considered a threat to personal safety and to livestock were controlled and eliminated.

Regulation of livestock grazing was overdue when the Grazing Service was established by the Taylor Grazing Act. Grazing Districts were formed for most areas. Through provisions by the Civil Service Commission, a "District Grazier Position" classification was established requiring several years of experience in the range livestock business. Professional experience and training in range management, soils, water conservation nor plant ecology were not required. A system of Advisory Boards, one for each Grazing District, was established. The Advisory Boards were composed of 12 to 20 livestock grazing licensees elected by the stockmen of the area. These Boards were vital in the apportionment of grazing privileges based on their knowledge of historical use and grazing capacity of the range. As a result of that early system of staffing and management, the primary emphasis was directed to stabilize the livestock industry. Less emphasis was directed at the health of the range.

The merger of the General Land Office and the Grazing Service to form the Bureau of Land Management in 1946 and the employment of professional Range Managers with technical training to follow the initial group of administrators signaled the beginning of on-the-ground management.

The area in Good and Excellent condition has been doubled and the area in Poor condition has been reduced by 50% since the passage of the Act, there are areas where rangelands continue to deteriorate with accelerated soil erosion and plant cover that is lacking in quantity and quality. In many areas, native perennial grasses have been displaced by annual plants, and noxious weeds are spreading at alarming rates. Sagebrush and scrub juniper dominate areas that once supported a mixture of nutritious grasses, forbs and browse. Watersheds remain unstable and subject to soil loss by both wind and water erosion. Riparian areas remain unstable and less productive than they could be. Much remains to be done.

Natural occurring fires, that had, prior to the coming of Europeans, interrupted plant succession in vast areas of the pinon-juniper woodland biomes of the western United States, were limited and rendered ineffective in maintaining rich browse and forage areas in two ways. Heavy domestic livestock grazing reduced the amount of fine fuels available to carry a fire. In addition, aggressive fire protection and suppression programs were implemented to prevent these nature fire events from occurring and to limit their size when they did occur.

The passage of the Wild Free Roaming Horse and Burro Act of 1971 further complicated the rangeland management situation. The population of free roaming feral horses and burros has increased dramatically since 1971 and their impact has seriously contributed to the deterioration of range conditions on many range areas. Additionally, these feral animals compete directly with livestock and native wildlife for forage, water and cover.

The Federal Land Policy and Management Act of 1976 established multiple use of public lands as a management mandate to the Bureau of Land Management. It further provided that the majority of the public lands would remain public as long as they served a public purpose. Recreational uses, interest in wildlife and public pressures, in general, are increasing.

In the mid-1990's, the BLM developed "Standards for Rangeland Health and Guidelines for Grazing Administration." Interdisciplinary teams were established including members of the public who serve on Resource Advisory Councils and Range Resource Teams to help apply these Standards and Guidelines to the administration of livestock grazing on the public lands.

PLF CONCLUSIONS AND RECOMMENDATIONS

The public's concern for its land and resources has dramatically increased in recent years and it continues to grow. The frontier for private acquisition of public lands is gone, with the majority of the land now being held by law for the use and enjoyment of the public at large. Government, with the cooperation of the governed, must recognize the capability and limits of the public lands to provide goods and services for today and into the future. The fragile balance in the complex ecosystem of our public lands, with the varying configurations of biodiversity, must be professionally

evaluated and considered in the planning and implementation of natural resource uses and management decisions. Grazing by domestic livestock is a manageable use. It can be manipulated to promote ecological change for "better or for worse."

The PLF believes that the growing concern for the welfare of the western public land is justified. The PLF applauds resource conservation minded organizations and individuals, professional societies, and progressive livestock producers for their efforts to resolve issues and remedy abuses. The public should actively participate in public land management planning and decision making. Traditionally, planning and management implementation decisions have attempted to maximize all resource uses, including livestock grazing. Over optimistic assessment of the lands' capability to sustain allocated uses and the absence of effective grazing prescriptions have contributed to the continued deterioration or slow recovery of many rangeland areas. Professionally conducted rangeland resource assessments followed by sound management plans and their professional implementation and monitoring are essential to productive action. Grazing of domestic livestock is a public land use that can be managed to achieve predetermined goals of biodiversity. Since 1934, livestock grazing has been a "privilege" granted under law and regulations. It is a legitimate use that should be considered as a feature of a "multiple use" to be accommodated in harmony with other uses consistent with the achievement of overall resource management objectives.

The PLF recommends the following guidelines for management of livestock grazing on the public lands administered by the Bureau of Land Management:

1. The issuance of a permit or lease to graze livestock is a revocable privilege. The possession of a permit or lease pursuant to this privilege does not convey or imply any right, title or interest in the public lands. Any cancellation or reduction of active preference or area of grazing use cannot be construed as a taking of "private property" or "right".

2. Domestic livestock grazing on public lands should be subject to management practices that maintain or enhance the sustainability of the soil and vegetation on the site as is required by the BLM Standards for Rangeland Health and Guidelines for Grazing Administration. Such use must be compatible with the use of other resources of the land, such as for watershed, fish and wildlife habitat, outdoor recreation, wilderness and forest management. In no instance should grazing be allowed to the extent or in a manner that results in a decline in range sustainability.

3. Increased efforts are needed to achieve a comprehensive evaluation of the public land resources where a clear data void exists, including an evaluation of suitability for sustained long range productivity of goods and services. Until use levels can be established on a scientific basis that reasonably assures maintenance and improvement of land productivity, allocations must be conservative.

4. Management of livestock grazing must be a continuing and flexible process. Permitted use must be monitored frequently to determine responses of the vegetation to grazing and weather conditions. Adjustments in livestock numbers and/or grazing periods must be made promptly when data indicates the need. Until adequate data is available, decisions must ensure that the quality of soil, water and vegetation resources will not be jeopardized because of pressure to maximum livestock

allocations.

5. The United States should receive fair market value for grazing use, as provided in the Federal Land Policy and Management Act. Determination of fair market value should be done by standard methods of appraisal. Compensation of any kind for an economic value derived from the holding of a grazing privilege is the result of private transactions and should not be considered an operations cost in the determination of fair market value for livestock grazing on public lands. Incentives for "good behavior" should not be a part of the appraisal process. The privilege of grazing on public lands should demand good stewardship. To prevent subleasing, grazing permittees or lessees should be required to own or control the base property that secures the grazing privilege, as provided in the Taylor Grazing Act of 1934; and the livestock using the public land should be owned and controlled by the permittee or lessee.

6. Long term nonuse of a grazing lease or allotment and/or retirement of preference for conservation purposes should be permissible under Department of the Interior and Bureau of Land Management policies and procedures where such nonuse is requested or agreed upon by the affected permittee, and where there is a recognizable benefit to the rangeland resource.

7. The impact of wild horse and burro use of public lands must be carefully evaluated using monitoring techniques that will accurately measure their impact on soil, water, vegetation and native wildlife resources. Hard facts must be available to managers to counter emotional appeals and support sound management actions, policies and/or legislative changes. The effort to develop and use immunocontraception technology in the control of horse and burro populations should be continued. The Department of the Interior should pursue amendments to the Wild Free Roaming Horse and Burro Act of 1991 that would provide for:

- a. the establishment of a finite number of horse and/or burro ranges;
- b. removal of all animals (horses & burros) outside those ranges;
- c. removal of all animals in excess of an appropriate, data-based carrying capacity within those ranges; and
- d. the disposal, by public sale, of those animals removed, with the proceeds to go to the management of the ranges and the animals inhabiting them. In the interim, the procedures adopted in the "Strategic Plan for Management of Wild Horses and Burros on Public Lands" developed in 1992 with public participation and the support of the academic community are biologically sound and should be adequately funded and supported by the Department of the Interior and the Bureau of Land Management leadership.

8. Water filings on public land should be held by the Bureau of Land Management and Federally funded range improvements should be maintained by the Bureau of Land Management, with the grazing fee appraisal reflecting the Federal investment. Proper maintenance of privately funded range improvements should be strictly enforced through the terms and conditions of the permit or lease.

9. Immediate action should be taken to phase out livestock grazing or require livestock grazing management practices that will adequately protect soils and vegetation resources on public lands where:

- a. watershed values are at risk, such as on steep slopes and highly erosive soils;
- b. soil conditions such as alkalinity severely limits plant productivity, and/or
- c. unstable soils are particularly vulnerable to wind erosion.

Uninterrupted year-long or season-long grazing should not be authorized in these situations.

10. The practice of supplemental feeding on public lands should be restricted, in the absence of natural catastrophes, and limited to situations where forage plants are present and vigorous but lacking in certain essential elements.

11. Riparian areas must be given special consideration and protected and/or managed to restore and maintain watershed and wildlife values.

12. The BLM's Standards for Rangeland Health and Guidelines for Grazing Administration have proven to be an effective process for collecting information and bringing people together, both within the BLM and from the public, to discuss and decide how livestock grazing should be managed. The PLF strongly endorses the Standard and Guideline process for issuing and renewing livestock grazing leases and permits.

13. If a conservation organization desires to secure a Base Property and apply for the attached preference, they should be required to demonstrate that they are engaged in a livestock operation as any other person or organization would under existing law. Having complied with the law, they should be able to apply for nonuse as any other permittee.

This Position Statement has been prepared for the purpose for promoting effective and scientific management of the public lands and resources that are the responsibility of the Bureau of Land Management, as provided for in the Federal Land Policy and Management Act of 1976.