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Friday, May 23, 2003

U.S. Bureau of Land Management
Renee Dana HWY 191 N. Rock Springs, Wyoming

The 620,000 acres is the heart of Wyoming's Red Desert with no condominiums, railroads, and residential areas should be preserved for the 300 million people that own the public land. These open spaces are vitally important to Wyoming's wildlife, our western heritage and our quality of life. One week before the end of the Clinton administration Interior Secretary Bruce Bobbitt declared that in cases of irreconcilable conflict, wildlife and ecosystems on public lands should have priority over cattle grazing.

The BLM shows the economically value of mineral development but they fail to show what effect this has on big game animals or the dollar value to the state's economy. I am enclosing a list of what they're worth, please use this list in your next EIS to show the effect mineral and commodity users have on wildlife.

In 1934 when the Taylor Grazing Act was passed the land managers stated the public land was overgrazed and should have a reductions of AUM's to help it recover, the livestock grazers with the help of politicians would not let this happen and today this range, water and forage is in worse condition than ever. I am enclosing information with this letter to prove this.

Norman Gillespie

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1525 9th Street
Rock Springs, Wyoming
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The Forest Service entered the ten-year permit term starting in 1936 under circumstances that would haunt it throughout the decade and play a part in subjecting it to perhaps the most severe tests of courage and fidelity of its career to that time.

Actions preparatory to the permit term had of necessity to be started a good many months ahead of the actual event. Judgment had to be passed on range conditions and trends, and conditions nearly everywhere had been worsened by the lingering effects of the Great Depression plus years of severe drought. Ferdinand Silcox had been brought in to succeed Chief Forester Robert Y. Stuart in 1933, with orders to tighten internal controls and get things a bit more shipshape; they had been allowed to go somewhat slack.[1] He did reorganize, but was prevented by weather and economics from exerting a similar salutary effect on national forest ranges. They still were being overused, and pleas came in from all sides to be lenient, at least until the industry had recovered somewhat from the double-barreled disaster it had gone through.

Silcox agreed, and instructed that during the 1936 term there would be no more than a 15 percent reduction for range protection in a single year, and full term cuts were not to exceed 20 percent in the aggregate. Moreover, none were to be imposed before talking things over thoroughly with an affected permittee.[2]

The Silcox policy brought on imbalances galore. It hamstrung field forces across most of the national forest West. Any who recognized range damage and acted to bring it to a quick halt would be flying in the face of Washington Office policy. A few field men

Contoured cattle trails carried water that broke out and caused gullying in Sequoia National Forest, 1944. *USFS photo*

did, mostly in Region 1, as will be told later. No doubt Silcox recognized he was merely postponing the inevitable, but the West didn't take it that way. The '36 policy appeared to lull the industry into a belief that relaxed rules would last indefinitely. It then erupted into wild indignation when, as the next term year approached, it was told that perhaps heavier cuts than had ever been imposed before were needed to save deteriorated ranges from depletion and destruction. In the interim another world war would bring its full complement of complexities to range situations, and a rash of complications of other kinds would break out.

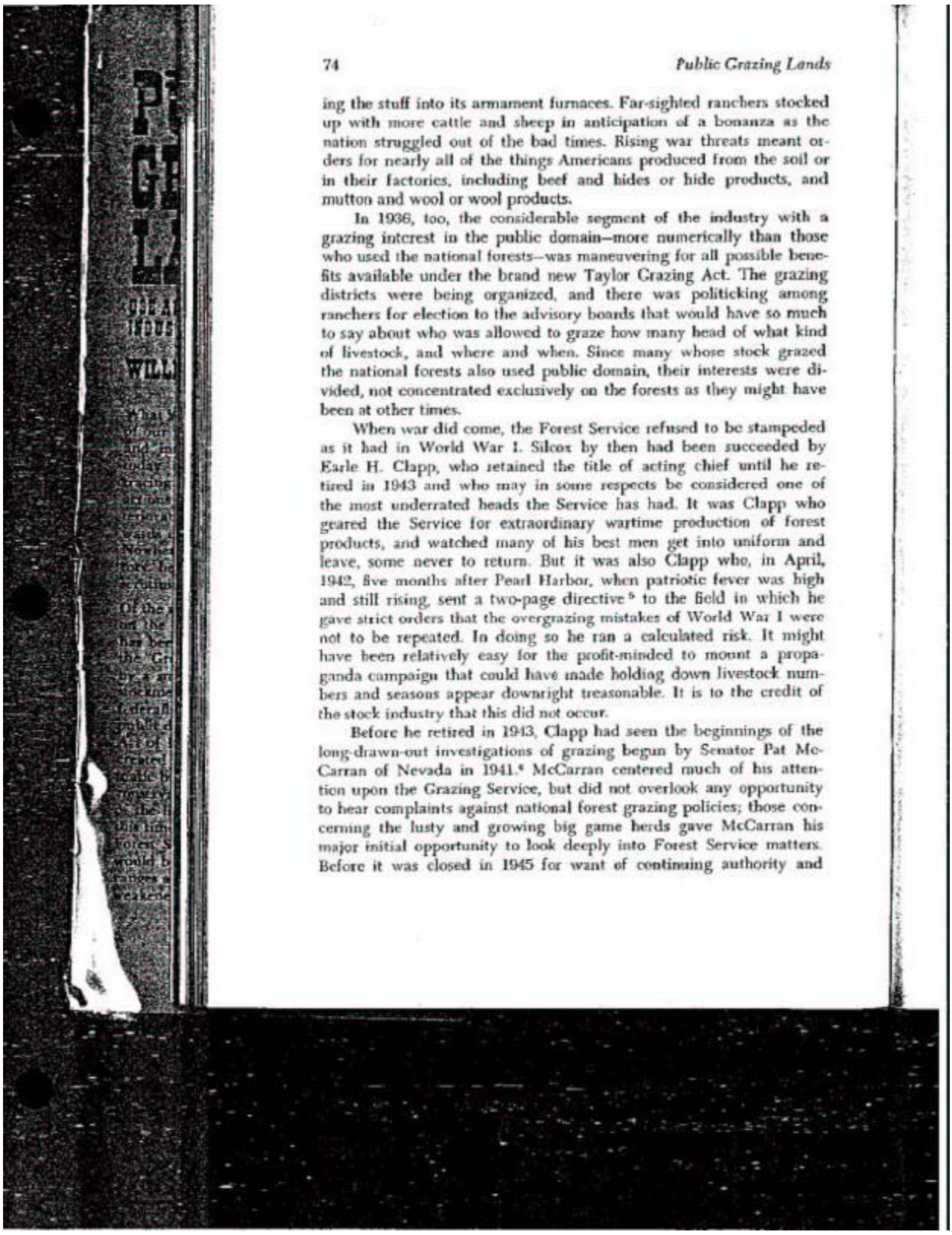
Even in the depressed years outdoor recreation in national forest areas tended to increase. Every new "dude" seen fishing, hunting, or camping in or near a permittee's allotment could be looked upon as a potential threat to his tenure, and as forest recreation seekers increased association spokesmen began complaining about their numbers and habits. As far back as 1927 the annual report [3] of Chief Greeley had noted that the industry was "inclined to question . . . recreation and game conservation."

The big game question was bound to be raised as improved state laws, regulations, and management practices tended to better

These cattle have good bloodlines but are in poor condition because of poor forage conditions. Cochise County, Arizona, 1943. *USFS photo*

conditions for wildlife as well as for hunters. The hard times of the 1930s had an effect on hunting, reducing opportunity to get to national forest hinterlands for those most disadvantaged by the Great Depression. It had a reverse effect on the game herds. They were under no compulsions except those imposed by nature, and multiplied rapidly under lessened hunter pressures. This situation was to grow much more noticeable long before the end of World War II, and would bring on agitation and acrimony between organized ranchers and organized outdoorsmen. This would also affect relations between the Forest Service and the western states; it would even bring threat of a federal law to give statutory authority to the Service to send men out on the forests to slaughter big game animals where they were considered too numerous.[4]

Hard confrontations still were ahead as the 1936 term began. Most of the public paid little attention to grazing on the national forests, unless it was a personal matter to them. Attention was focused abroad, where Hitler was nibbling ever more persistently at other people's property and prerogatives. Would this or would it not bring war? A few noted with rising concern that Japan was buying up all the scrap steel the western democracies would sell, and feed-



ing the stuff into its armament furnaces. Far-sighted ranchers stocked up with more cattle and sheep in anticipation of a bonanza as the nation struggled out of the bad times. Rising war threats meant orders for nearly all of the things Americans produced from the soil or in their factories, including beef and hides or hide products, and mutton and wool or wool products.

In 1936, too, the considerable segment of the industry with a grazing interest in the public domain—more numerically than those who used the national forests—was maneuvering for all possible benefits available under the brand new Taylor Grazing Act. The grazing districts were being organized, and there was politicking among ranchers for election to the advisory boards that would have so much to say about who was allowed to graze how many head of what kind of livestock, and where and when. Since many whose stock grazed the national forests also used public domain, their interests were divided, not concentrated exclusively on the forests as they might have been at other times.

When war did come, the Forest Service refused to be stampeded as it had in World War I. Silcox by then had been succeeded by Earle H. Clapp, who retained the title of acting chief until he retired in 1943 and who may in some respects be considered one of the most underrated heads the Service has had. It was Clapp who geared the Service for extraordinary wartime production of forest products, and watched many of his best men get into uniform and leave, some never to return. But it was also Clapp who, in April, 1942, five months after Pearl Harbor, when patriotic fever was high and still rising, sent a two-page directive [5] to the field in which he gave strict orders that the overgrazing mistakes of World War I were not to be repeated. In doing so he ran a calculated risk. It might have been relatively easy for the profit-minded to mount a propaganda campaign that could have made holding down livestock numbers and seasons appear downright treasonable. It is to the credit of the stock industry that this did not occur.

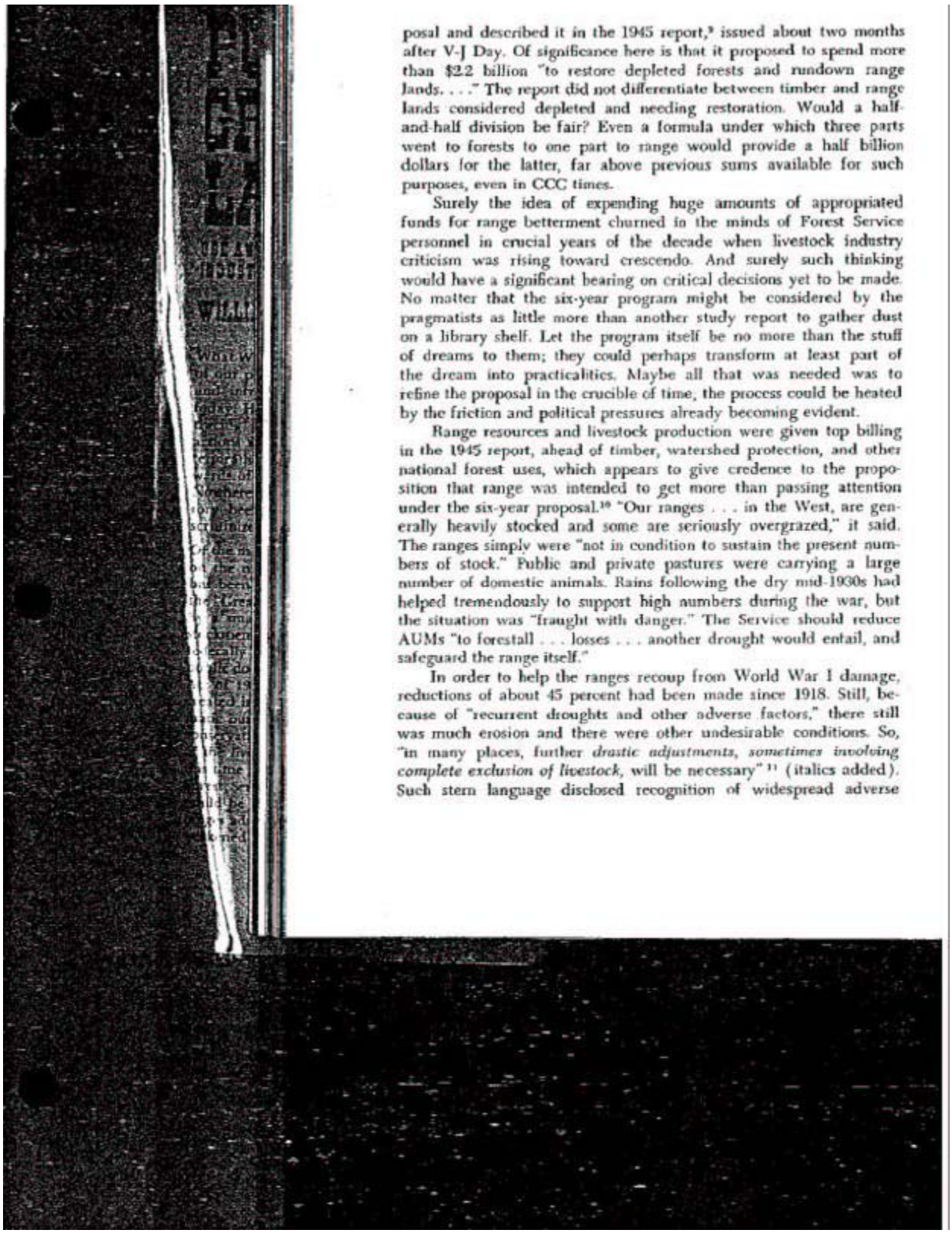
Before he retired in 1943, Clapp had seen the beginnings of the long-drawn-out investigations of grazing begun by Senator Pat McCarran of Nevada in 1941.[6] McCarran centered much of his attention upon the Grazing Service, but did not overlook any opportunity to hear complaints against national forest grazing policies; those concerning the lusty and growing big game herds gave McCarran his major initial opportunity to look deeply into Forest Service matters. Before it was closed in 1945 for want of continuing authority and

funds, the McCarran investigation would be fully immersed in the hassling of the Service that accompanied the harder policy against overgrazing that was to be inaugurated with the 1946 permit term.

When Lyle F. Watts became chief in 1943, the major range problems before the Service were the combination of excess livestock numbers and unduly long grazing seasons, exploding big game populations here and there, and the only partly pent-up yearning of the masses for the kinds of outdoor recreation to be found on the national forests. On taking office, Watts did not abandon or soften Clapp's range policies; he seemed to feel they were right and should continue to apply, though, like Clapp, he did try to leave unchanged the language of the 1936 ten-year term permits issued by Silcox. The annual reports are imperfect in a number of respects, and not wholly reliable guides to historical fact. If they are read carefully they do, however, provide hints of situations considered bothersome, even when most in the Service were preoccupied with wartime problems, and of directions of thinking that would loom large in future years. This was true in Watts's regime.

With the limited funds available the research arm of the Service continued to experiment with innovations in range management and improvement, including some initially tried in CCC days. Watts forecast in the 1943 report[7] that "careful seeding of selected sites" might increase from "six to well over ten times the grazing capacity of millions of acres of depleted range land." It was a heady prospect. The 1944 report[8] was more concerned with the approaching end of the permit term in 1945 than with range rehabilitation. Plans for the new term to start in 1946 were discussed with industry leaders who "generally welcomed" them—but the report did not go into plan details. A few sentences further on the report indirectly noted that parts of the total range were in sad condition by saying there was much to do before they could regain their "full potential productivity." That assertion could be construed as a prelude to the presentation of an ambitious six-year postwar program proposal in 1945, or as a hint of the drastic curtailment of grazing that would be ordered soon.

Most permanent federal agencies mulled over programs they would like to carry out when the war was behind us, and were encouraged if not ordered to prepare plans to execute them. They were dictated in part by the widely prevalent fear that the war would be followed at once by economic depression, as had happened after World War I. The Service dutifully drew up the six-year action pro-



posal and described it in the 1945 report,[9] issued about two months after V-J Day. Of significance here is that it proposed to spend more than $2.2 billion "to restore depleted forests and rundown range lands. . . ." The report did not differentiate between timber and range lands considered depleted and needing restoration. Would a half-and-half division be fair? Even a formula under which three parts went to forests to one part to range would provide a half billion dollars for the latter, far above previous sums available for such purposes, even in CCC times.

Surely the idea of expending huge amounts of appropriated funds for range betterment churned in the minds of Forest Service personnel in crucial years of the decade when livestock industry criticism was rising toward crescendo. And surely such thinking would have a significant bearing on critical decisions yet to be made. No matter that the six-year program might be considered by the pragmatists as little more than another study report to gather dust on a library shelf. Let the program itself be no more than the stuff of dreams to them; they could perhaps transform at least part of the dream into practicalities. Maybe all that was needed was to refine the proposal in the crucible of time, the process could be heated by the friction and political pressures already becoming evident.

Range resources and livestock production were given top billing in the 1945 report, ahead of timber, watershed protection, and other national forest uses, which appears to give credence to the proposition that range was intended to get more than passing attention under the six-year proposal.[10] "Our ranges . . . in the West, are generally heavily stocked and some are seriously overgrazed," it said. The ranges simply were "not in condition to sustain the present numbers of stock." Public and private pastures were carrying a large number of domestic animals. Rains following the dry mid-1930s had helped tremendously to support high numbers during the war, but the situation was "fraught with danger." The Service should reduce AUMs "to forestall . . . losses . . . another drought would entail, and safeguard the range itself."

In order to help the ranges recoup from World War I damage, reductions of about 45 percent had been made since 1918. Still, because of "recurrent droughts and other adverse factors," there still was much erosion and there were other undesirable conditions. So, "in many places, further *drastic adjustments, sometimes involving complete exclusion of livestock,* will be necessary"[11] (italics added). Such stern language disclosed recognition of widespread adverse

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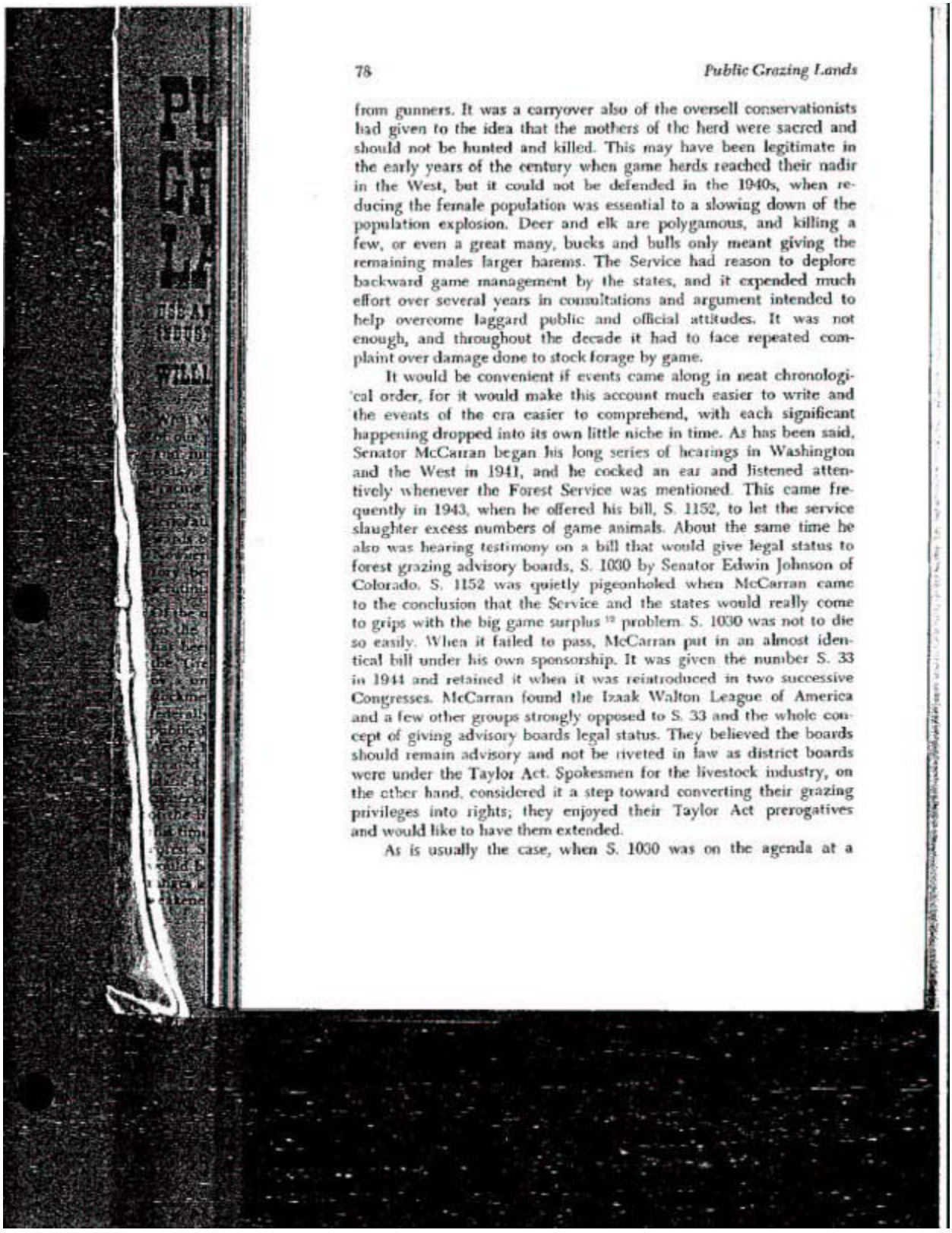
Stock trample and overuse waterhole rims when there is no provision for their more scattered distribution. Beaverhead National Forest, Montana, 1960. *USFS photo*

situations, a determination to bring about correction, and decision not to rely entirely on a perhaps nebulous hope for future approval of a costly range rehabilitation program to accomplish it.

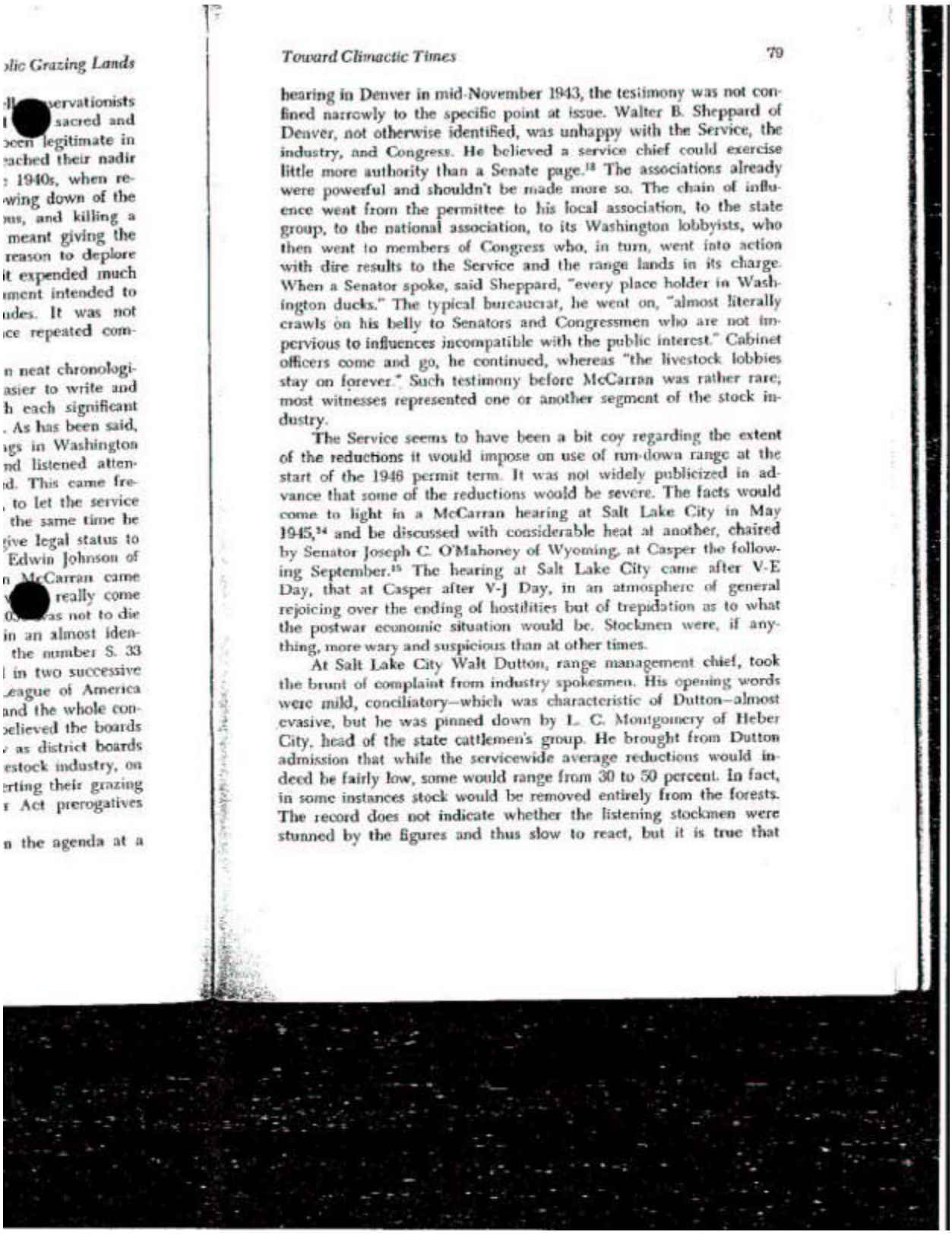
Postwar America would never be the same as it had been before, and Watts saw the national forests as the "people's playgrounds." With gasoline and tire production high, and new automobiles starting to move off the assembly lines at a fast pace despite one costly strike, there had to be a huge increase in recreational use of public lands of all kinds—and the forests were among the choicest of these. He could not escape the fact that wildlife had burst the bounds of reason in population and in demands upon the ranges for forage all year long. There was increasing competition by the larger vegetarians of the wild with livestock for available forage. Rising game numbers plus reductions in livestock AUMs were "bound to bring dissatisfaction" to permittees. The report complained that some states would not "liberalize restrictions on killing" big game. This was a reference to what is commonly known to wildlife managers as the "Bambi" complex, named for a Walt Disney cartoon film in which Bambi, an appealing fawn, repeatedly confronted danger



from gunners. It was a carryover also of the oversell conservationists had given to the idea that the mothers of the herd were sacred and should not be hunted and killed. This may have been legitimate in the early years of the century when game herds reached their nadir in the West, but it could not be defended in the 1940s, when reducing the female population was essential to a slowing down of the population explosion. Deer and elk are polygamous, and killing a few, or even a great many, bucks and bulls only meant giving the remaining males larger harems. The Service had reason to deplore backward game management by the states, and it expended much effort over several years in consultations and argument intended to help overcome laggard public and official attitudes. It was not enough, and throughout the decade it had to face repeated complaint over damage done to stock forage by game.

It would be convenient if events came along in neat chronological order, for it would make this account much easier to write and the events of the era easier to comprehend, with each significant happening dropped into its own little niche in time. As has been said, Senator McCarran began his long series of hearings in Washington and the West in 1941, and he cocked an ear and listened attentively whenever the Forest Service was mentioned. This came frequently in 1943, when he offered his bill, S. 1152, to let the service slaughter excess numbers of game animals. About the same time he also was hearing testimony on a bill that would give legal status to forest grazing advisory boards, S. 1030 by Senator Edwin Johnson of Colorado. S. 1152 was quietly pigeonholed when McCarran came to the conclusion that the Service and the states would really come to grips with the big game surplus [12] problem. S. 1030 was not to die so easily. When it failed to pass, McCarran put in an almost identical bill under his own sponsorship. It was given the number S. 33 in 1944 and retained it when it was reintroduced in two successive Congresses. McCarran found the Izaak Walton League of America and a few other groups strongly opposed to S. 33 and the whole concept of giving advisory boards legal status. They believed the boards should remain advisory and not be riveted in law as district boards were under the Taylor Act. Spokesmen for the livestock industry, on the other hand, considered it a step toward converting their grazing privileges into rights; they enjoyed their Taylor Act prerogatives and would like to have them extended.

As is usually the case, when S. 1030 was on the agenda at a



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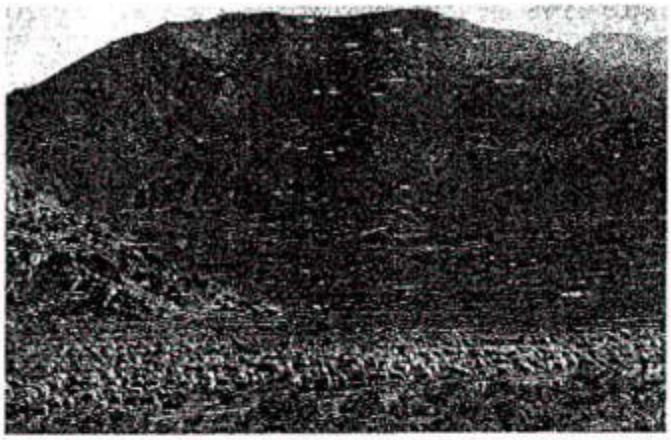
hearing in Denver in mid-November 1943, the testimony was not confined narrowly to the specific point at issue. Walter B. Sheppard of Denver, not otherwise identified, was unhappy with the Service, the industry, and Congress. He believed a service chief could exercise little more authority than a Senate page.[13] The associations already were powerful and shouldn't be made more so. The chain of influence went from the permittee to his local association, to the state group, to the national association, to its Washington lobbyists, who then went to members of Congress who, in turn, went into action with dire results to the Service and the range lands in its charge. When a Senator spoke, said Sheppard, "every place holder in Washington ducks." The typical bureaucrat, he went on, "almost literally crawls on his belly to Senators and Congressmen who are not impervious to influences incompatible with the public interest." Cabinet officers come and go, he continued, whereas "the livestock lobbies stay on forever." Such testimony before McCarran was rather rare; most witnesses represented one or another segment of the stock industry.

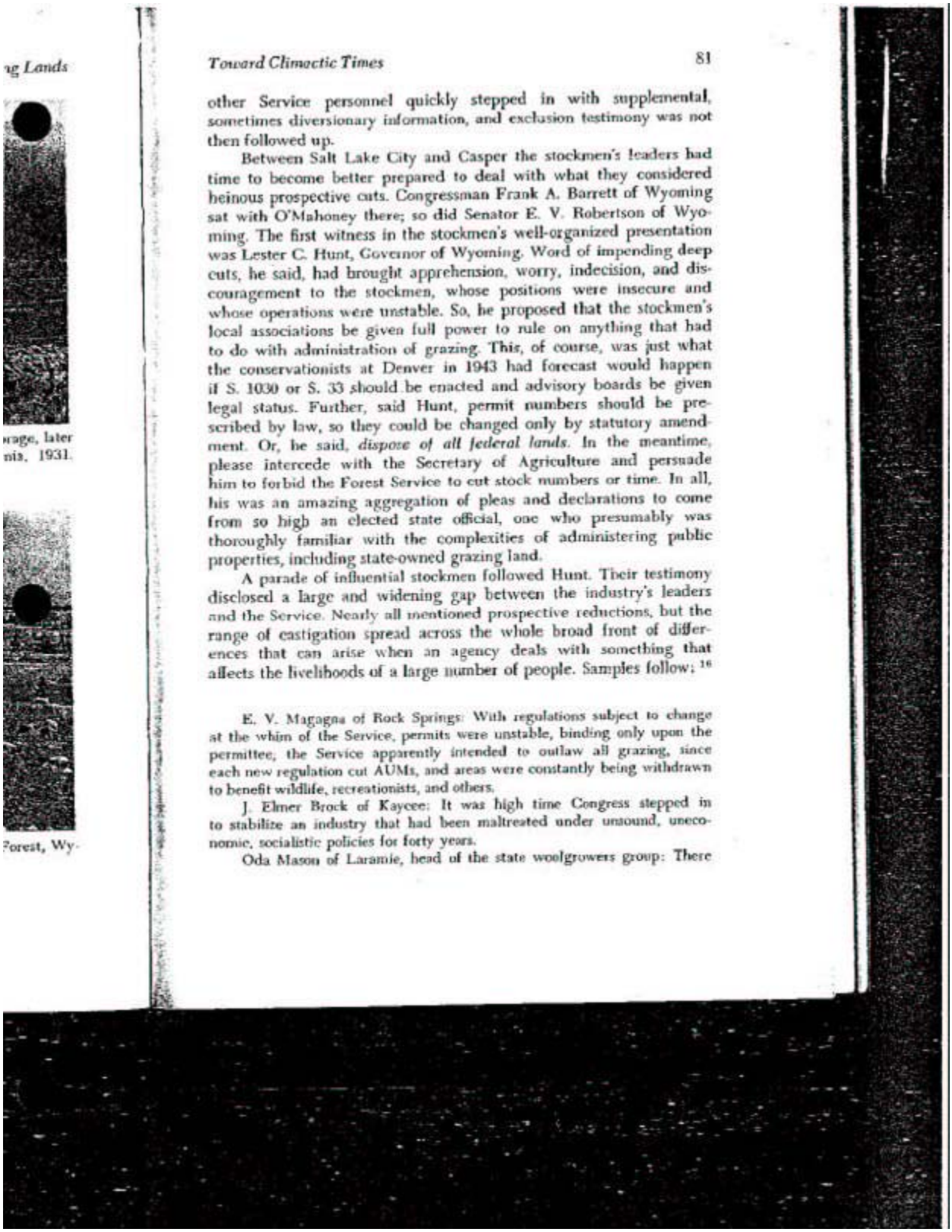
The Service seems to have been a bit coy regarding the extent of the reductions it would impose on use of run-down range at the start of the 1946 permit term. It was not widely publicized in advance that some of the reductions would be severe. The facts would come to light in a McCarran hearing at Salt Lake City in May 1945,[14] and be discussed with considerable heat at another, chaired by Senator Joseph C. O'Mahoney of Wyoming, at Casper the following September.[15] The hearing at Salt Lake City came after V-E Day, that at Casper after V-J Day, in an atmosphere of general rejoicing over the ending of hostilities but of trepidation as to what the postwar economic situation would be. Stockmen were, if anything, more wary and suspicious than at other times.

At Salt Lake City Walt Dutton, range management chief, took the brunt of complaint from industry spokesmen. His opening words were mild, conciliatory—which was characteristic of Dutton—almost evasive, but he was pinned down by L. C. Montgomery of Heber City, head of the state cattlemen's group. He brought from Dutton admission that while the servicewide average reductions would indeed be fairly low, some would range from 30 to 50 percent. In fact, in some instances stock would be removed entirely from the forests. The record does not indicate whether the listening stockmen were stunned by the figures and thus slow to react, but it is true that



Outmoded close herding of sheep; front ranks eat most palatable forage, later ones what's left, to bare ground. Inyo National Forest, California, 1931. *USFS photo*

Better scattered band of sheep grazing Medicine Bow National Forest, Wyoming, 1942. *USFS photo*



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other Service personnel quickly stepped in with supplemental, sometimes diversionary information, and exclusion testimony was not then followed up.

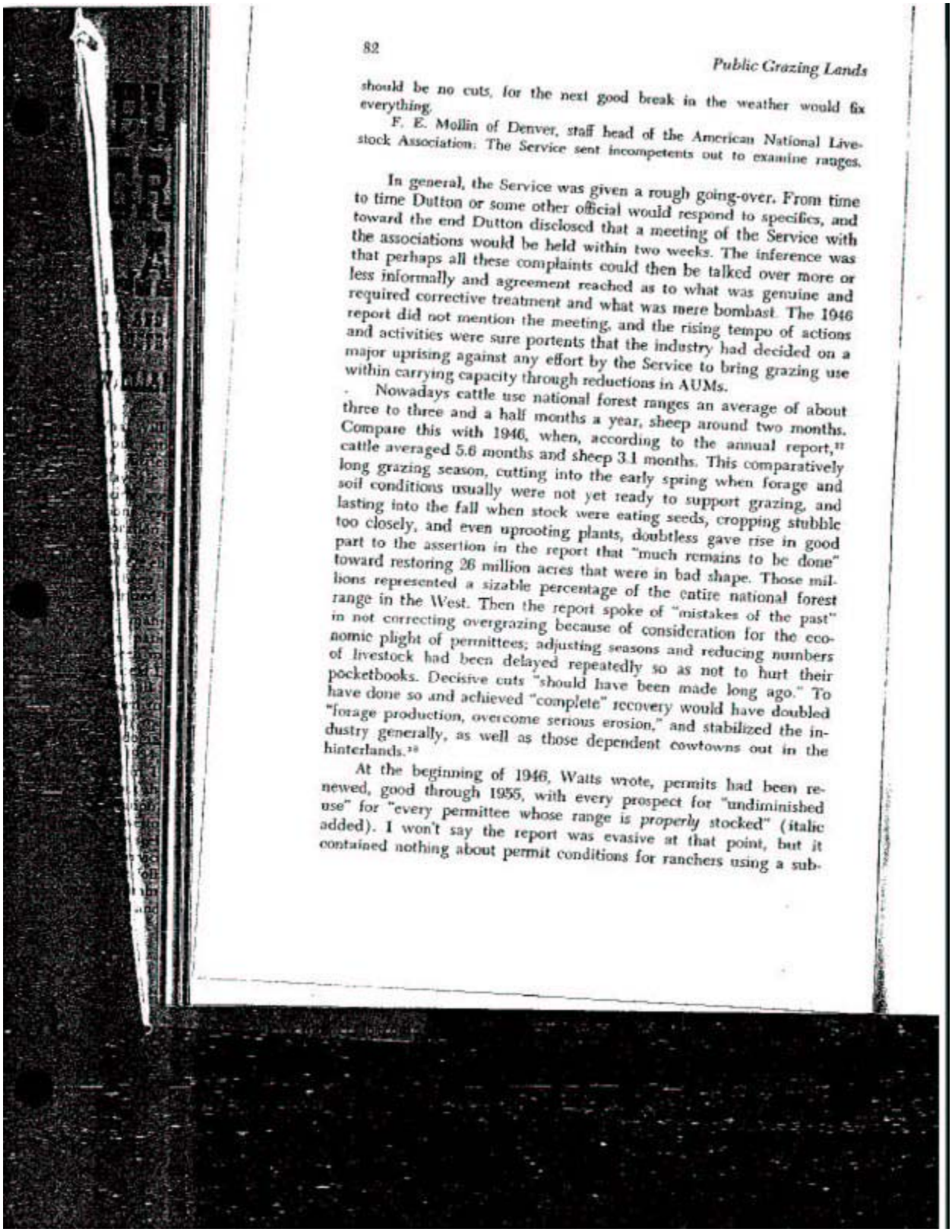
Between Salt Lake City and Casper the stockmen's leaders had time to become better prepared to deal with what they considered heinous prospective cuts. Congressman Frank A. Barrett of Wyoming sat with O'Mahoney there; so did Senator E. V. Robertson of Wyoming. The first witness in the stockmen's well-organized presentation was Lester C. Hunt, Governor of Wyoming. Word of impending deep cuts, he said, had brought apprehension, worry, indecision, and discouragement to the stockmen, whose positions were insecure and whose operations were unstable. So, he proposed that the stockmen's local associations be given full power to rule on anything that had to do with administration of grazing. This, of course, was just what the conservationists at Denver in 1943 had forecast would happen if S. 1030 or S. 33 should be enacted and advisory boards be given legal status. Further, said Hunt, permit numbers should be prescribed by law, so they could be changed only by statutory amendment. Or, he said, *dispose of all federal lands.* In the meantime, please intercede with the Secretary of Agriculture and persuade him to forbid the Forest Service to cut stock numbers or time. In all, his was an amazing aggregation of pleas and declarations to come from so high an elected state official, one who presumably was thoroughly familiar with the complexities of administering public properties, including state-owned grazing land.

A parade of influential stockmen followed Hunt. Their testimony disclosed a large and widening gap between the industry's leaders and the Service. Nearly all mentioned prospective reductions, but the range of castigation spread across the whole broad front of differences that can arise when an agency deals with something that affects the livelihoods of a large number of people. Samples follow: [16]

E. V. Magagna of Rock Springs: With regulations subject to change at the whim of the Service, permits were unstable, binding only upon the permittee, the Service apparently intended to outlaw all grazing, since each new regulation cut AUMs, and areas were constantly being withdrawn to benefit wildlife, recreationists, and others.

J. Elmer Brock of Kaycee: It was high time Congress stepped in to stabilize an industry that had been maltreated under unsound, uneconomic, socialistic policies for forty years.

Oda Mason of Laramie, head of the state woolgrowers group: There



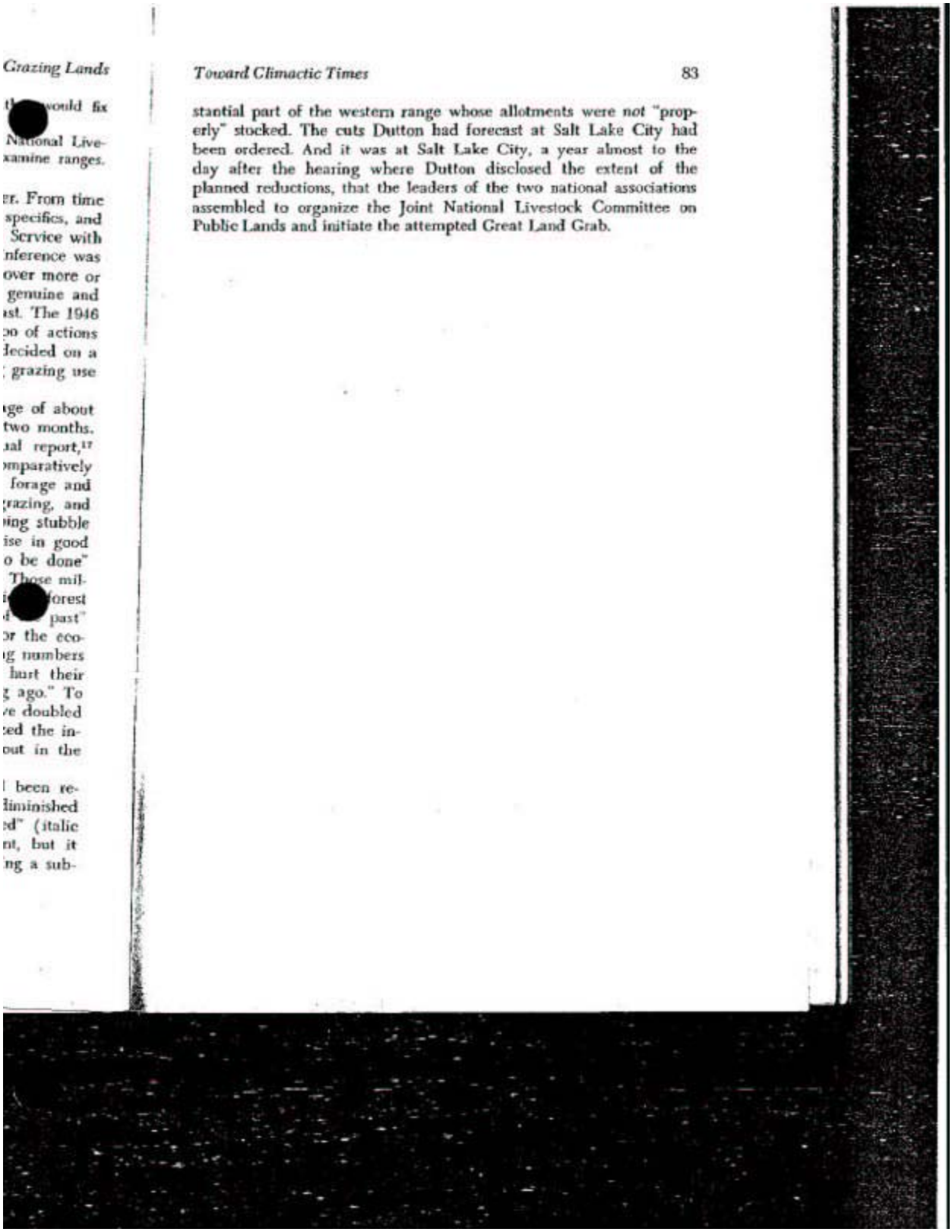
should be no cuts, for the next good break in the weather would fix everything.

F. E. Mollin of Denver, staff head of the American National Livestock Association: The Service sent incompetents out to examine ranges.

In general, the Service was given a rough going-over. From time to time Dutton or some other official would respond to specifics, and toward the end Dutton disclosed that a meeting of the Service with the associations would be held within two weeks. The inference was that perhaps all these complaints could then be talked over more or less informally and agreement reached as to what was genuine and required corrective treatment and what was mere bombast. The 1946 report did not mention the meeting, and the rising tempo of actions and activities were sure portents that the industry had decided on a major uprising against any effort by the Service to bring grazing use within carrying capacity through reductions in AUMs.

Nowadays cattle use national forest ranges an average of about three to three and a half months a year, sheep around two months. Compare this with 1946, when, according to the annual report,[11] cattle averaged 5.6 months and sheep 3.1 months. This comparatively long grazing season, cutting into the early spring when forage and soil conditions usually were not yet ready to support grazing, and lasting into the fall when stock were eating seeds, cropping stubble too closely, and even uprooting plants, doubtless gave rise in good part to the assertion in the report that "much remains to be done" toward restoring 26 million acres that were in bad shape. Those millions represented a sizable percentage of the entire national forest range in the West. Then the report spoke of "mistakes of the past" in not correcting overgrazing because of consideration for the economic plight of permittees; adjusting seasons and reducing numbers of livestock had been delayed repeatedly so as not to hurt their pocketbooks. Decisive cuts "should have been made long ago." To have done so and achieved "complete" recovery would have doubled "forage production, overcome serious erosion," and stabilized the industry generally, as well as those dependent cowtowns out in the hinterlands."[12]

At the beginning of 1946, Watts wrote, permits had been renewed, good through 1955, with every prospect for "undiminished use" for "every permittee whose range is *properly* stocked" (italic added). I won't say the report was evasive at that point, but it contained nothing about permit conditions for ranchers using a sub-



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stantial part of the western range whose allotments were *not* "properly" stocked. The cuts Dutton had forecast at Salt Lake City had been ordered. And it was at Salt Lake City, a year almost to the day after the hearing where Dutton disclosed the extent of the planned reductions, that the leaders of the two national associations assembled to organize the Joint National Livestock Committee on Public Lands and initiate the attempted Great Land Grab.

21

Fending Off Controls

At the end of February 1940, the Senate Committee on Public Lands and Surveys held a hearing [1] in Washington. No bills were pending before it, but a delegation of western stockmen had come to town and Chairman Alva Adams, a Coloradan, heard them formally. Several other members of the committee, including McCarran of Nevada, were on hand. Grazing Service officials were there but no others. All doubtless had been arranged before the stockmen arrived.

The livestock delegates identified were J. Elmer Brock of Kaycee, Wyoming, president of the American National Livestock Association; A. D. Brownfield of Deming, New Mexico, a soon-to-be president of the ANLA who also spoke in behalf of the National Woolgrowers Association; and William B. Wright of Deeth, Nevada, McCarran's home state, who would be the head of the ANLA six years later in the Great Land Grab era. Brock acted as parade marshal for the industry people. R. H. Rutledge, the new Grazing Service director, was the only spokesman for the Department of the Interior.

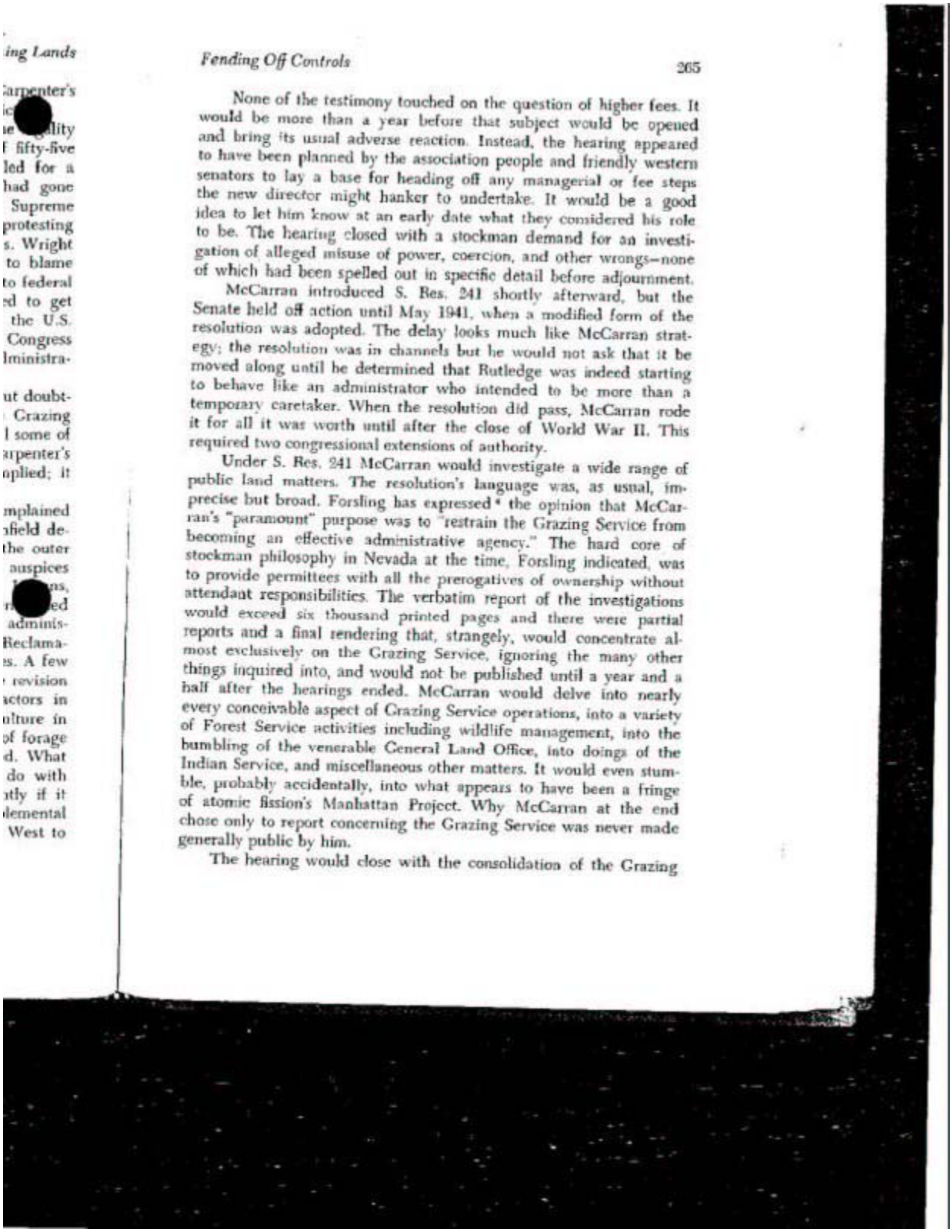
Wright led off. Here it was, he said, over four years after the department had begun organizing districts under the Taylor Act, and the administrators had not yet adjudicated enough applications for allotments so it could issue the ten-year term permits called for in the law. Instead, it was issuing one-year revocable licenses. Stockmen felt insecure under this temporary arrangement, that their operations had no stability. He implied that banks were hesitant about granting loans because ranchers could not guarantee that they and their herds or flocks would be there long enough to pay out. This would have been reasonable enough, if the task had been simpler;

but the delay was caused in considerable part by Ferry Carpenter's headlong rush to organize the entire public domain into districts.

Nevada stockmen had previously begun to question the legality of uniform fees under the Taylor Act. In 1936 a group of fifty-five filed suit in state court; they reminded that the law called for a "reasonable fee *in each case*" (italics added). The case had gone through various stages and then pended before the Nevada Supreme Court. Meantime the Grazing Service had ordered the protesting stockmen to pay back fees promptly or be cited for trespass. Wright called this harassment. He wanted the parties who were to blame punished. An effort by Interior to have the case transferred to federal court was considered an end run by Wright, one designed to get around an anticipated adverse decision in Nevada. (Later the U.S. Supreme Court did decide in favor of Interior, holding that Congress had approved the uniform fee by appropriating funds for administration of the Taylor Act while the fee was in effect.[2])

The stockmen brought in few other direct complaints, but doubtless there was a general fretfulness over the direction the Grazing Service might be going. The new director might try to curtail some of the privileges the permittees and lessees enjoyed under Carpenter's free and easy rule, or increase the fee. This I consider implied; it was not said at the hearing in so many words.

One of the more complicated situations that was complained about had to do with New Mexico's District 7, which Brownfield described[3] at length. Number 7 had been organized within the outer confines of the state's District 2 under special rules and auspices to try to find range for a mixture of mostly small ranchers. Indians, Mexican–Americans, Anglos, and others were using intermingled ownerships that included private lands and public lands administered by the Indian Service, Grazing Service, Bureau of Reclamation, Soil Conservation Service, the state, and certain counties. A few large operators were involved. The basic problem, with some revision of language and ethnic residencies (which were large factors in District 7), could have applied to either Interior or Agriculture in much of the public land West. Demand had outrun supply of forage many years earlier. There were no new lands to be opened. What existed had to be shared by all. The users had to make do with what the land could produce, and they must use it prudently if it was to serve the needs of their livestock without costly supplemental feeding. Somehow, that lesson has been a hard one for the West to learn.



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None of the testimony touched on the question of higher fees. It would be more than a year before that subject would be opened and bring its usual adverse reaction. Instead, the hearing appeared to have been planned by the association people and friendly western senators to lay a base for heading off any managerial or fee steps the new director might hanker to undertake. It would be a good idea to let him know at an early date what they considered his role to be. The hearing closed with a stockman demand for an investigation of alleged misuse of power, coercion, and other wrongs—none of which had been spelled out in specific detail before adjournment.

McCarran introduced S. Res. 241 shortly afterward, but the Senate held off action until May 1941, when a modified form of the resolution was adopted. The delay looks much like McCarran strategy; the resolution was in channels but he would not ask that it be moved along until he determined that Rutledge was indeed starting to behave like an administrator who intended to be more than a temporary caretaker. When the resolution did pass, McCarran rode it for all it was worth until after the close of World War II. This required two congressional extensions of authority.

Under S. Res. 241 McCarran would investigate a wide range of public land matters. The resolution's language was, as usual, imprecise but broad. Forsling has expressed[4] the opinion that McCarran's "paramount" purpose was to "restrain the Grazing Service from becoming an effective administrative agency." The hard core of stockman philosophy in Nevada at the time, Forsling indicated, was to provide permittees with all the prerogatives of ownership without attendant responsibilities. The verbatim report of the investigations would exceed six thousand printed pages and there were partial reports and a final rendering that, strangely, would concentrate almost exclusively on the Grazing Service, ignoring the many other things inquired into, and would not be published until a year and a half after the hearings ended. McCarran would delve into nearly every conceivable aspect of Grazing Service operations, into a variety of Forest Service activities including wildlife management, into the bumbling of the venerable General Land Office, into doings of the Indian Service, and miscellaneous other matters. It would even stumble, probably accidentally, into what appears to have been a fringe of atomic fission's Manhattan Project. Why McCarran at the end chose only to report concerning the Grazing Service was never made generally public by him.

The hearing would close with the consolidation of the Grazing

Service and GLO into today's Bureau of Land Management under conditions that virtually assured that the thoroughly cowed new agency would have the utmost difficulty in rising from custodial into genuine managerial status. In its course the initially hortatorial calls of a few association leaders would develop into the great attempted Land Grab of the immediate postwar years.

I find it hard to believe that, other than preventive action, there was a grand design in all that took place in the course of and following the McCarran investigations. Part of what occurred simply had to be fortuitous. At its beginnings the public land users were restless. They had believed that with passage of the Taylor Act their problems would disappear. Instead, after five years there still was no stable administrative pattern. Long-term permits were not yet being granted. Most applications for grazing had not been winnowed and the typical Taylor land rancher's economic outlook was uncertain. Dissatisfaction was popping up nearly everywhere. Ranchers who were being denied permits because of their public land grazing record during the priority years were definitely unhappy. They criticized the five-year term chosen by their contemporaries for basing lease or permit decisions. Allegations of favoritism were flying in various areas. The Range Code of the Service—counterpart of the Forest Service's Use Book—had been written to try to please everyone, and ended by displeasing ranchers who received adverse rulings as it was interpreted. Big game herds were increasing and often were looked upon as unwanted competitors for forage that cattle and sheep would otherwise eat. Their own man, Carpenter, now back home in Colorado, had been succeeded by a Forest Service veteran schooled, trained, and experienced in rangeland management; Rutledge could be a threat to industry control in Taylor Act country if not promptly put in his place.

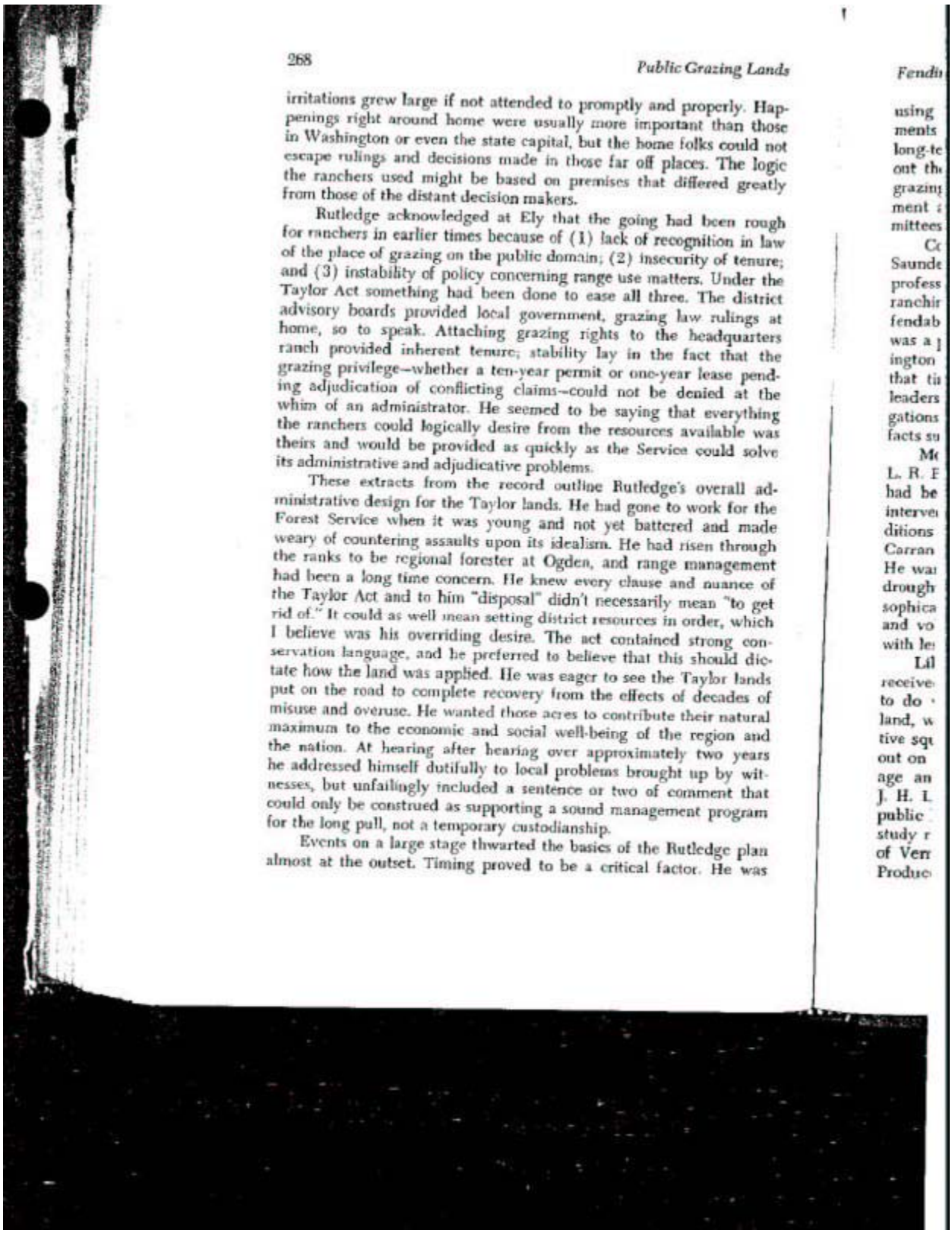
The resolution of bothersome matters such as these would take time and what on some occasions appeared to be carefully planned happenings; in other instances events seemed to occur as improvisations. My opinion is that a few in leadership positions were taking a very long view, and others were merely trying to discern what was beyond the nearest horizon, when McCarran took the road westward for his first field hearing in June 1941.

Ely, in eastern Nevada, was a shrewd choice for that hearing. It was a center of one of the touchiest problems the Grazing Service had to deal with. Section 3 of the law specified that preference in the issuance of permits should be given to "those within or near a dis-

trict" who were "engaged in the livestock business" and owned land or "water or water rights." There was the catch. Dependable moisture was, with some exceptions, more abundant in northerly reaches of the West, scarcer the farther south one traveled toward the Mexican border. Land ownership was the ruling criterion to northward. In Arizona and New Mexico possession of existing or developed watering places, with state-approved water use rights, was precious and justly recognized in allotting leases and permits. There the ownership or use of large tracts of land meant nothing if water was not within easy traveling distance for the herds and flocks. In the wetter and drier extremities of the Taylor lands clear-cut decisions could be made without protest. Troubles rose in middle country, neither mildly moist nor dreadfully arid. Ely was close to the wavering line that divided the regions; there hard choices had to be made. Neither those who had land nor those who had water were happy if others were allotted the ranges they coveted. And the Grazing Service was in the middle. The selections were made by the district advisory boards, but it was a Grazing Service official's signature that was written at the bottom of the permit or lease.

Ely came close to being a microcosm of Grazing Service problems; most that surfaced through the hearing years could be found there. Testimony given involved or was related to such aspects of Grazing Service administration as the Range Code, range management, the priority years, shortcomings of the General Land Office, arguments about district advisory boards and their actions, squabbles between permittees or claimants to range use, and so on.

At Ely, as at other stops on McCarran's earlier itinerary, Rutledge's testimony appeared to follow a predetermined course. He talked of overall policy, and Grazing Service goals. Not that he dodged issues of lesser scale; these were properly delegated to local or regional officials for response, with Rutledge reinjecting himself into a matter only if it appeared that broader policy was affected and required resolution. He gave the Ely audience, mostly ranchers, an overview [3] of the ramifications of range management. How deeply that penetrated may be a good question. In the more remote places McCarran chose to go the ranchers attending usually had driven or ridden to the courthouse in the county seat from rugged hinterlands, far from large cities and the sources of information available through a metropolitan press and other communications media. Those people were often isolated for considerable periods. They tended to hear rumor that might have been distorted in repeated tellings. Small



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irritations grew large if not attended to promptly and properly. Happenings right around home were usually more important than those in Washington or even the state capital, but the home folks could not escape rulings and decisions made in those far off places. The logic the ranchers used might be based on premises that differed greatly from those of the distant decision makers.

Rutledge acknowledged at Ely that the going had been rough for ranchers in earlier times because of (1) lack of recognition in law of the place of grazing on the public domain; (2) insecurity of tenure; and (3) instability of policy concerning range use matters. Under the Taylor Act something had been done to ease all three. The district advisory boards provided local government, grazing law rulings at home, so to speak. Attaching grazing rights to the headquarters ranch provided inherent tenure; stability lay in the fact that the grazing privilege—whether a ten-year permit or one-year lease pending adjudication of conflicting claims—could not be denied at the whim of an administrator. He seemed to be saying that everything the ranchers could logically desire from the resources available was theirs and would be provided as quickly as the Service could solve its administrative and adjudicative problems.

These extracts from the record outline Rutledge's overall administrative design for the Taylor lands. He had gone to work for the Forest Service when it was young and not yet battered and made weary of countering assaults upon its idealism. He had risen through the ranks to be regional forester at Ogden, and range management had been a long time concern. He knew every clause and nuance of the Taylor Act and to him "disposal" didn't necessarily mean "to get rid of." It could as well mean setting district resources in order, which I believe was his overriding desire. The act contained strong conservation language, and he preferred to believe that this should dictate how the land was applied. He was eager to see the Taylor lands put on the road to complete recovery from the effects of decades of misuse and overuse. He wanted those acres to contribute their natural maximum to the economic and social well-being of the region and the nation. At hearing after hearing over approximately two years he addressed himself dutifully to local problems brought up by witnesses, but unfailingly included a sentence or two of comment that could only be construed as supporting a sound management program for the long pull, not a temporary custodianship.

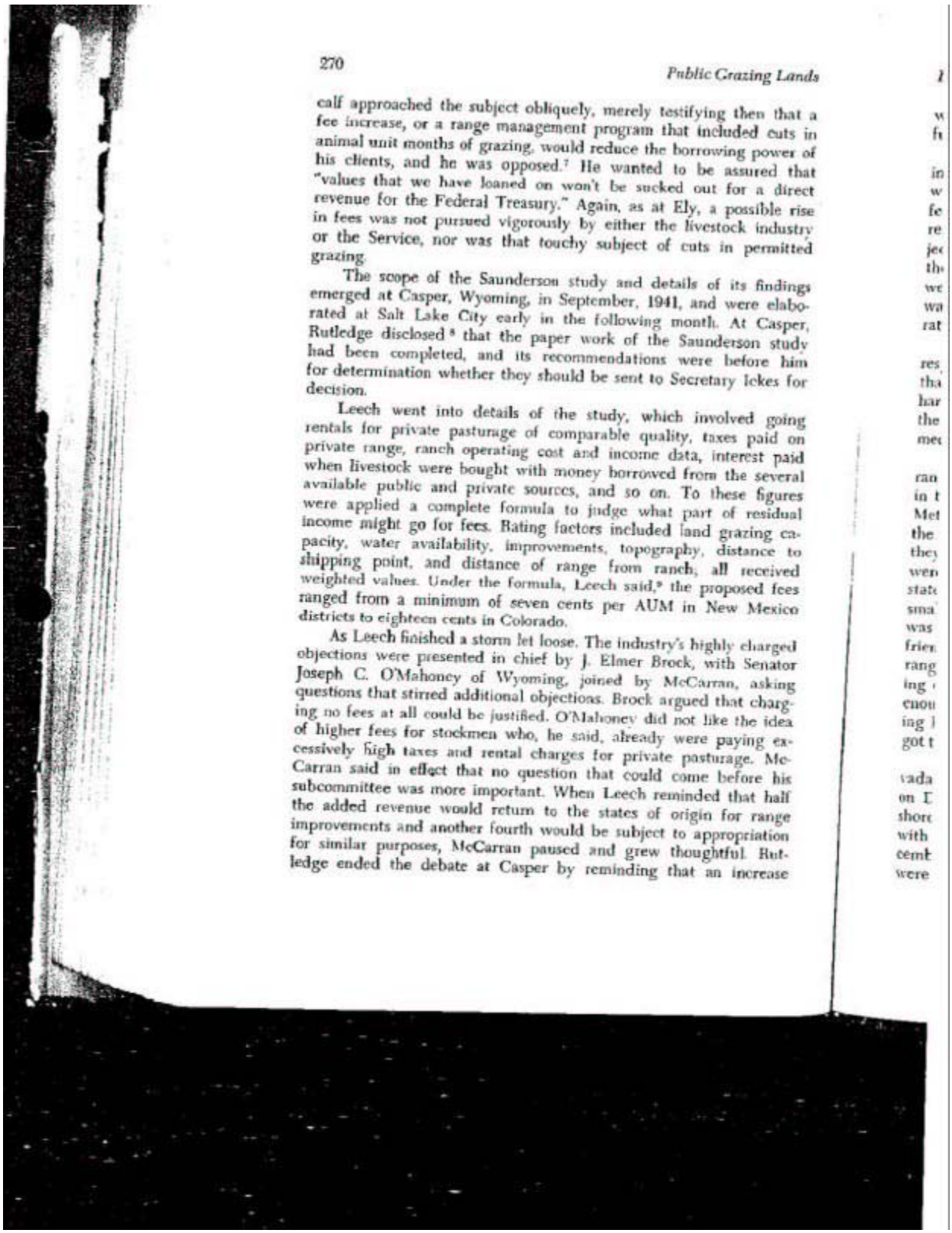
Events on a large stage thwarted the basics of the Rutledge plan almost at the outset. Timing proved to be a critical factor. He was

using the Civilian Conservation Corps for a full range of improvements on the land, but felt it was an insecure base on which to rest long-term plans. Changing conditions, economic or other, could wipe out the CCC source of help in a hurry—and did. And income from grazing should be greater if large-scale appropriations for management and rehabilitation were to be justified before skeptical committees of Congress.

Consequently, soon after taking office Rutledge engaged Mont Saunderson, respected former Forest Service official and university professor, to study the economics and related phases of public land ranching. He wanted to learn whether an increase in fees was defendable. It seems a certainty now that knowledge of the fee study was a prime reason for the livestock leaders to converge upon Washington in February 1940, even though they did not mention fees at that time. The strategy decided upon between McCarran and the leaders could have been to find other reasons for conducting investigations and to let the subject rise more or less naturally when fee facts surfaced as hearings were being held.

McCarran himself brought it up at Ely in an exchange[8] with L. R. Brooks, Grazing Service grazier for Nevada. The United States had been assisting Britain and France in every way short of direct intervention in the early stages of World War II and near-war conditions already prevailed here at home. Prices were rising, yet McCarran did not believe the permittees should be paying higher rates. He wanted them to enjoy increasing prosperity after dreary years of drought and depression. His discussion with Brooks was almost philosophical, and was inconclusive. Rutledge was not asked to comment and volunteered no information. Most of the Ely hearing had to do with lesser problems, local disputes and misunderstandings.

Likewise at Elko, in northeastern Nevada, on June 27, 1941, fees received only marginal attention. Most of the discussions there had to do with the intricacies of ranching operations in checkerboard land, where railroad interests long before had been granted alternative square mile sections of land for distances of up to twenty miles out on each side of the right-of-way as inducement to extend trackage and mass transportation. Saunderson, often accompanied by J. H. Leech, a Rutledge assistant, had traveled across much of the public land West to interview ranchers, bankers, and others, and to study ranch economics on the ground. Thus it came to the attention of Vernon Metcalf of Reno, a staff head of the Nevada Livestock Production Credit Association, a quasi-official lending agency. Met-



calf approached the subject obliquely, merely testifying then that a fee increase, or a range management program that included cuts in animal unit months of grazing, would reduce the borrowing power of his clients, and he was opposed.[7] He wanted to be assured that "values that we have loaned on won't be sucked out for a direct revenue for the Federal Treasury." Again, as at Ely, a possible rise in fees was not pursued vigorously by either the livestock industry or the Service, nor was that touchy subject of cuts in permitted grazing.

The scope of the Saunderson study and details of its findings emerged at Casper, Wyoming, in September, 1941, and were elaborated at Salt Lake City early in the following month. At Casper, Rutledge disclosed [8] that the paper work of the Saunderson study had been completed, and its recommendations were before him for determination whether they should be sent to Secretary Ickes for decision.

Leech went into details of the study, which involved going rentals for private pasturage of comparable quality, taxes paid on private range, ranch operating cost and income data, interest paid when livestock were bought with money borrowed from the several available public and private sources, and so on. To these figures were applied a complete formula to judge what part of residual income might go for fees. Rating factors included land grazing capacity, water availability, improvements, topography, distance to shipping point, and distance of range from ranch, all received weighted values. Under the formula, Leech said,[9] the proposed fees ranged from a minimum of seven cents per AUM in New Mexico districts to eighteen cents in Colorado.

As Leech finished a storm let loose. The industry's highly charged objections were presented in chief by J. Elmer Brock, with Senator Joseph C. O'Mahoney of Wyoming, joined by McCarran, asking questions that stirred additional objections. Brock argued that charging no fees at all could be justified. O'Mahoney did not like the idea of higher fees for stockmen who, he said, already were paying excessively high taxes and rental charges for private pasturage. McCarran said in effect that no question that could come before his subcommittee was more important. When Leech reminded that half the added revenue would return to the states of origin for range improvements and another fourth would be subject to appropriation for similar purposes, McCarran paused and grew thoughtful. Rutledge ended the debate at Casper by reminding that an increase

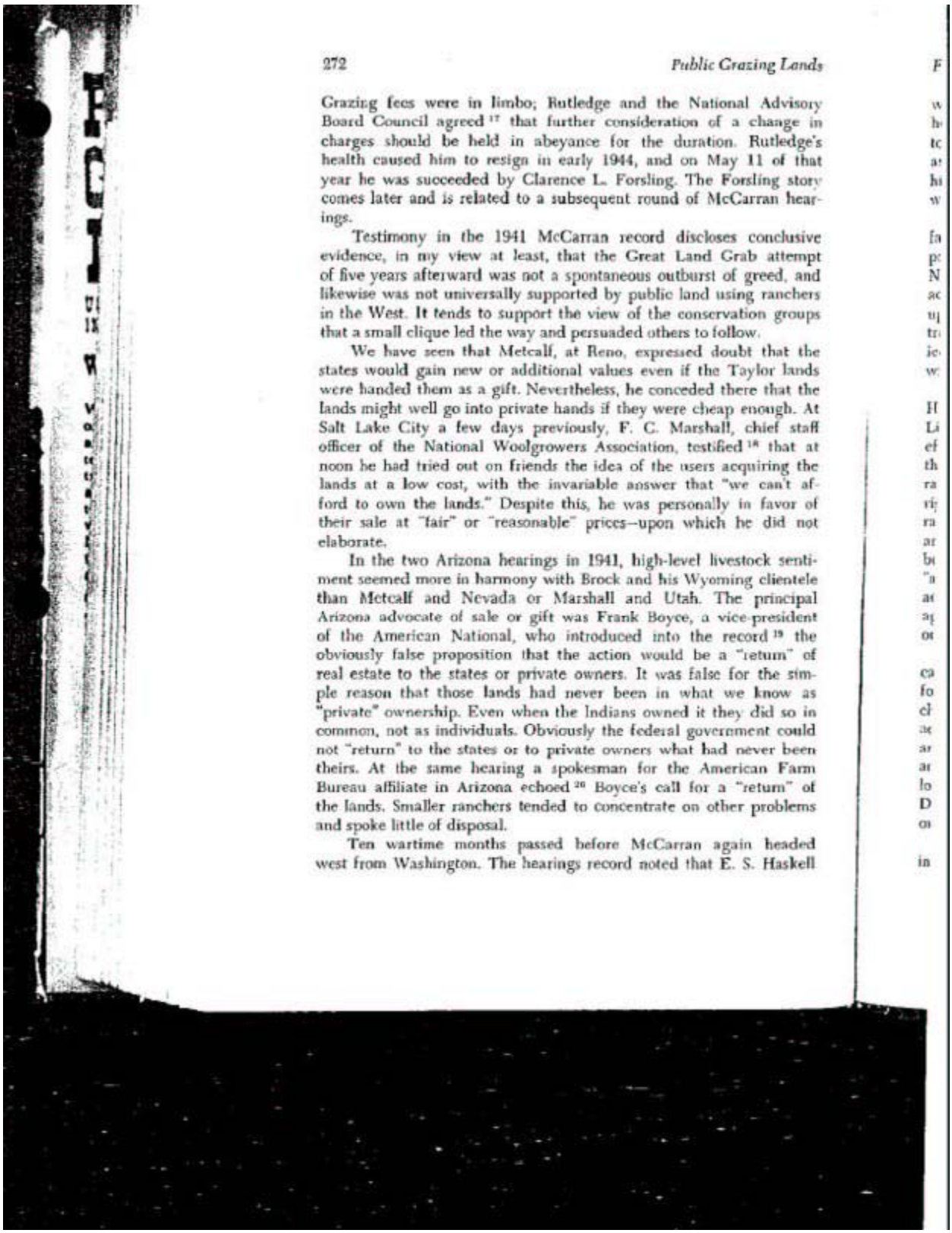
was not yet accomplished fact; the entire subject was still open for further consideration.

The chief difference between the fee aspects of the Casper hearing and the one that followed a few days later at Salt Lake City was that Rutledge brought Saunderson there to describe and defend his methods and the results of his study. Rutledge, in preliminary remarks,[10] obviously wanted to forestall an instinctive industry objection; he emphasized that no final decisions had been made, that the Service was merely following the law which said reasonable fees were to be fixed, and he needed to know whether the existing fee was, in fact, reasonable. Saunderson, then, repeated [11] and elaborated upon the study carried out much as Leech had done at Casper.

Vernon Metcalf followed [12] with a carefully prepared negative response, the upshot of which was that the figures were all wrong, that no increase was justified, and if one was imposed it would bring hardship to the entire western livestock industry. The secretary of the National Woolgrowers Association and his chief assistant immediately echoed [13] Metcalf's objections.

Fees were again discussed at Reno on October 8, where McCarran [14] said he had the subject broached deliberately at his hearings in the hope that an increase could be forestalled. In his discussion, Metcalf [15] referred to disposal, saying that "if the states were given the lands, as near as I can see they would be given no new values they don't already have." I interpret that to mean that the lands were being used to the utmost as it was, and if they took title, the states would, in fact, be money out of pocket. In exchange for the small fees paid by the stockmen, the federal government already was returning funds that brought about range improvement. His friends the stockmen would have to dig in their pockets to pay for range improvements or do without. Before the close of the Reno hearing on October 10, Metcalf [16] said that all the industry wanted was enough administration of the Taylor lands to regulate traffic including herd and flock trailing, and to see that the fellow entitled to it got the available range for his grazing use; "that is about all. . . ."

From Reno, McCarran went on to hearings at Las Vegas, Nevada, and Kingman and Phoenix, Arizona, before closing for the year on December 2, just five days before the Japanese struck fleet and shore installations at Pearl Harbor. Fees were discussed at all these, with about the same alignment of forces found earlier. After December 7 virtually all subjects not directly supporting our war effort were set aside. McCarran suspended hearings for nearly a year.



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Grazing fees were in limbo; Rutledge and the National Advisory Board Council agreed [17] that further consideration of a change in charges should be held in abeyance for the duration. Rutledge's health caused him to resign in early 1944, and on May 11 of that year he was succeeded by Clarence L. Forsling. The Forsling story comes later and is related to a subsequent round of McCarran hearings.

Testimony in the 1941 McCarran record discloses conclusive evidence, in my view at least, that the Great Land Grab attempt of five years afterward was not a spontaneous outburst of greed, and likewise was not universally supported by public land using ranchers in the West. It tends to support the view of the conservation groups that a small clique led the way and persuaded others to follow.

We have seen that Metcalf, at Reno, expressed doubt that the states would gain new or additional values even if the Taylor lands were handed them as a gift. Nevertheless, he conceded there that the lands might well go into private hands if they were cheap enough. At Salt Lake City a few days previously, F. C. Marshall, chief staff officer of the National Woolgrowers Association, testified [18] that at noon he had tried out on friends the idea of the users acquiring the lands at a low cost, with the invariable answer that "we can't afford to own the lands." Despite this, he was personally in favor of their sale at "fair" or "reasonable" prices—upon which he did not elaborate.

In the two Arizona hearings in 1941, high-level livestock sentiment seemed more in harmony with Brock and his Wyoming clientele than Metcalf and Nevada or Marshall and Utah. The principal Arizona advocate of sale or gift was Frank Boyce, a vice-president of the American National, who introduced into the record [19] the obviously false proposition that the action would be a "return" of real estate to the states or private owners. It was false for the simple reason that those lands had never been in what we know as "private" ownership. Even when the Indians owned it they did so in common, not as individuals. Obviously the federal government could not "return" to the states or to private owners what had never been theirs. At the same hearing a spokesman for the American Farm Bureau affiliate in Arizona echoed [20] Boyce's call for a "return" of the lands. Smaller ranchers tended to concentrate on other problems and spoke little of disposal.

Ten wartime months passed before McCarran again headed west from Washington. The hearings record noted that E. S. Haskell

was then the subcommittee's field investigator. A titillating tale of how he happened to succeed George W. Storck in that capacity is told in McCarran's final report.[71] He wrote that the Grazing Service assigned two high officials to travel with his first investigator to get him drunk nightly or as often as practical and extract from him whatever his investigations had discovered.

McCarran's second round of hearings where grazing was a major factor started in November 1942 and ended before Rutledge departed from the Service scene. They were held in Colorado, Utah, Nevada, Arizona, New Mexico, and Washington, D.C., and ranged across a broad spectrum of subjects, with some, in fact, touching more upon problems involving the national forests than upon the administration of the Taylor Act. Earlier chapters relate to the Forest Service phases of these hearings. Yet they were not devoid of interest with respect to the Grazing Service.

At Glenwood Springs, Colorado, in November 1942, Dan H. Hughes of Montrose, who in 1946 as chairman of the Joint National Livestock Committee on Public Lands would take charge of the grab effort, declared [72] that federal officials should have ultimate authority over district advisory boards when decisions were made on range use. However, he leaned toward the user having a "property right" to the use of public lands by reason of his ownership of a base ranch. And he wanted no part of a merger of the Grazing Service and the Forest Service. They should remain separate, so there would be "competition" between them for the stockmen's favor; it provides "a better break for the livestock industry." Hughes had merely advocated his version of the old divide-and-conquer proposition. The agencies would be weaker if not merged, and the industry could play one against the other to gain favors.

Much attention was given in 1942 and 1943 hearings to problems caused by the rapid increase of the big game herds in the West before and during the war years, a subject touched on in Forest Service chapters. Taylor lands were affected as well. The Grazing Service administered some high altitude areas where deer and elk summered, and a majority of the lower elevation public lands where they, and the antelope, wintered. As a rule, privately owned base properties lay in lower reaches of the mountainous West, usually in stream valleys. Deer, elk, and antelope know no boundary distinctions and browse or graze where they find forage to their liking and can get to it.

A brief review of common facts seems desirable. Unbridled killing in earlier years and other factors caused decimation of big game

herds, and alarmed state officials went from no or little control to excessive restriction. They did so mainly through absolute protection of females in a polygamous wild world. The herds naturally proliferated beyond the carrying capacities of their ranges. And there was competition with livestock for forage. Elk are fond of grasses and compete with cattle. Deer prefer browse and are more likely to vie with sheep for food.

Arthur Carhart, then an official of the Colorado Game and Fish Commission, told [22] McCarran that where there was an overpopulation of game or an overgrazing situation attributable to livestock, or both, "you cut the food supply to the point where the livestock go to their second or third feed preferences on the one side and the game animals do the same on the other, and when they get down to eating stumps they are head on" toward collision.

It was about this time that McCarran brought forth his bill, S. 1152, to allow federal land managers to slaughter what they considered excessive numbers of game animals in the event an affected state failed to take action to control numbers. McCarran said [24] he wanted to protect public ranges against overuse by the wild creatures "for the higher purpose of the sustenance of mankind." That was an attitude calculated to be highly popular in wartime, when the nation was straining every effort to war's purposes, including food rationing at home. Several months later, during which state and federal authorities, sportsmen's groups, and conservation organizations had fiercely debated with McCarran the merits and demerits of S. 1152, the senator used his strongest argument for effective state control of game numbers in overpopulated areas. He declared [25] at Ely in August 1943, that bitter as the S. 1152 medicine appeared to be, a worse dose of federal game killing could be prescribed under a simple presidential executive order. His view was that a problem existed and unless something constructive was done by the states and their people, so that his bill would not have to pass or an executive order be issued, they would have no one to blame but themselves. The conundrum had to be solved one way or another.

McCarran's and the stockmen's complaints about excessive big game numbers were carried to extremes in some instances, yet in others were fully justified. In my earlier years in Colorado—1938 to 1942—I came face to face with the problem, being what one friend called an "eyeball witness." Even earlier, in Pennsylvania in the mid-1930s, I had seen what good herd management, through legal

hunting of antlerless—presumed female—deer could do to help balance population with winter habitat. The states of the West used a variety of techniques for corrective purposes, including open seasons on females and longer hunting seasons; these did result in the shelving of S. 1152 by McCarran, and the White House did not issue any executive orders related to big game slaughter. McCarran explained [26] to a Reno audience late in 1943 that he felt he had put his message across effectively enough that drastic action by federal authority could be averted. However, complaining stockmen were not stilled.

To this point McCarran and the industry, with the timely intervention of World War II, had successfully blocked Rutledge's more significant goals of realistic grazing fees and the widespread institution of sound practices of range management. He had helped prod the states into greater recognition of the need to manage their game herds with an eye to the grazing and browsing capacities of their several ranges. Yet the paradox of advocating sound game range management while avidly pursuing an attitude of *laissez faire* as far as livestock range was concerned, appeared not to have entered the minds of either McCarran or his livestock constituency. To them the two blood brothers seemed not even remotely kin to each other. It was all right for stock to chew out the ranges; it was horrible for game herds to eat their share.

In passing, McCarran had looked critically into the treatment accorded the descendants of our first human inhabitants, the red men, but as he pursued the subject it became clear that the matter of primary concern was to guarantee that Interior, through the Indian Service or any other agency, would not deprive white ranchers of what they considered their rightful portion of available range. This became a bit ticklish in New Mexico, where grazing allocations were complicated by the presence of Spanish-speaking Americans with a long history [27] of range occupancy, and a few large Anglo operators with big intermingled spreads.

At Vernal, Utah, McCarran had heard in February 1943 how the three bands of Ute Indians—the Uintahs, White Rivers, and Uncompahgres—had been concentrated on 360,000 acres of Utah rangelands and mountains, the remnant of a reservation that once encompassed twenty million acres.[28] Pawwinnee, spokesman for the Uncompahgre group, told McCarran through an interpreter that the Indians were losing virtually everything to the white man. He and others had even gone to Washington "seeking some way that the

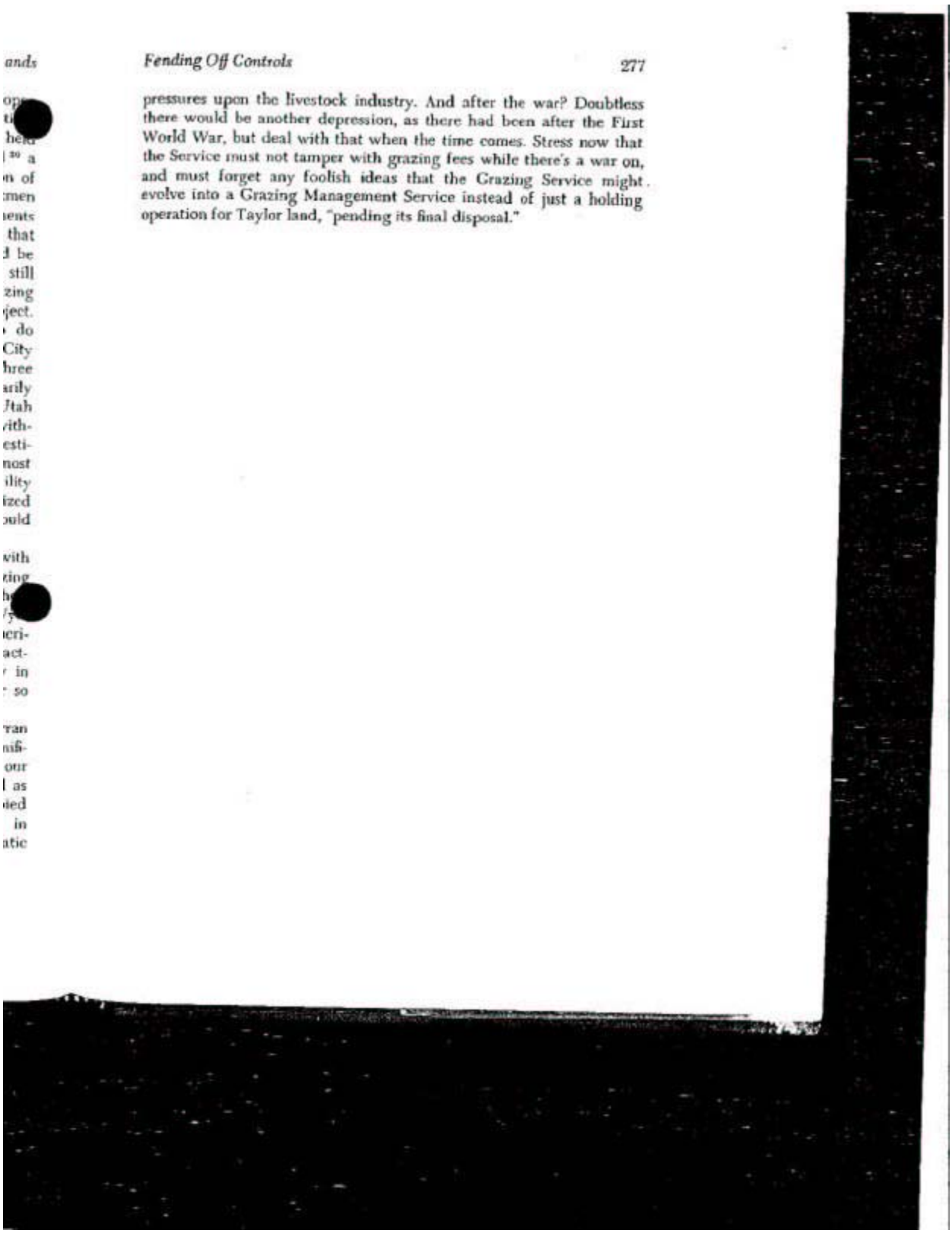
white man, one time at least, will wake up and open his heart, open his eyes, to the needs of the Indians. . . ." There were no questions by McCarran after Pawwinnee finished. Another hearing was held in Washington in June 1943 at which Interior officials presented [20] a plan under which the whites in Utah would surrender a fraction of their grazing to benefit the Indians. However, where white stockmen lost grazing they were to be compensated with range allotments somewhere else close to their home bases. McCarran remarked that this would give someone a headache, and he suspected it would be Rutledge. The outcome left no one satisfied and the problem still alive. McCarran chided both the Indian Service and the Grazing Service for what he felt had been poor handling of a touchy subject.

Considerable testimony adduced at various points had to do with mining claims. There had been a great to-do at Salt Lake City in November 1943 about the withdrawal of approximately three million acres of grazing land where mining interests were primarily benefited; few stockmen participated, for, in fact, the southerly Utah lands involved supported little vegetation. Some of the lands withdrawn were believed to contain vanadium and uranium. The testimony was filled with suspicion and speculation—there were almost 150 pages of it in all—but of course none touched on the possibility that the uranium, in particular, would become publicly recognized soon as critically important; in less than two years the world would learn of the detonation of the first atomic bomb.

At other places mining claim testimony had to do mostly with whether claimants were fraudulently filing in order to gain grazing rights which they could use themselves or lease to nearby ranchers at a profit. The rich shale oil deposits of the Colorado–Utah–Wyoming areas that have since been the subject of extensive experimentation in search of an economically successful method of extracting the oil, were touched upon in passing. It was done mainly in relation to whether shale leases had been obtained from Interior so surface grazing values might be fraudulently exploited.

This chapter has leaned rather heavily upon the McCarran hearings and their influence in searching out meanings and significances regarding the uses of Taylor lands during the first part of our full participation in World War II. It is clear from them, as well as other sources consulted, that even as the nation was preoccupied with war's demand and stringencies, McCarran and his allies in Congress would do what they could to relieve or prevent bureaucratic

pressures upon the livestock industry. And after the war? Doubtless there would be another depression, as there had been after the First World War, but deal with that when the time comes. Stress now that the Service must not tamper with grazing fees while there's a war on, and must forget any foolish ideas that the Grazing Service might evolve into a Grazing Management Service instead of just a holding operation for Taylor land, "pending its final disposal."



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Look at the Range, Not the Cow

"The public is increasingly unhappy with us," read a 1970 memorandum [1] from the chief of the Forest Service to his staff. "This will continue until we get balance and quality into our program, as well as public involvement in our decisions." Such language might be expected in a showcase trial of dissidents in a dictatorship, but in a message to personnel from our chief forester? Yet it was so.

"Many employes have recently expressed concern on the direction in which the Forest Service seems to be heading," it began. "I share this concern. Our programs are out of balance to meet public needs for the environmental 1970s and we are receiving criticism from all sides." The cure, Chief Edward P. Cliff went on, lay in part in the age old remedy of "more money and people."

At no point did this extraordinary message refer specifically to livestock or grazing. Rather, Cliff seemed concerned about getting more national forest timber cut and on the market to help meet national housing needs. And his wish to initiate "public involvement" appeared to reflect a desire to ward off additional court cases [2] and other doings that challenged Service actions, chiefly with respect to the clear-cutting of trees in conspicuous places and to commercial recreational ventures on national forest land.

I do not conclude that the absence of reference to grazing meant all was as the public should have it in that area of Service activity. In 1970 grazing on national forests no longer engaged the concentrated attention it once received from the nation's conservation community, and both the industry and the Service seemed happy to have it that way. Of course, the report [3] of the Public Land Law

Review Commission had been issued and in some places was critical. It doubtless was a factor. I hold that belligerent actions by both veteran conservation groups and militant new environmental organizations had jabbed a deeply embedded nerve center of the Service and roused it to defensive response.

In grazing matters the previous decade and a half had been relatively calm out on the western range. The livestock associations no longer agitated constantly for additional privilege through legislation. There was little more for them to agitate for. Through what Walter Hickel called [4] the "buddy" system the industry and the Service had grown chummy. The latter was laying on few directives the former could consider adverse, and it was spending money as freely as Congress appropriated it on range improvements and rehabilitative measures; it was furnishing detailed guidance on range use but was not cutting down AUMs of grazing routinely where the land was in bad condition. The slight but regular annual decline in range use that came about did so mostly on the initiative of ranchers who had business reasons for slacking off or who quit entirely. Either would allow the Service to let an allotment lapse or be reduced in numbers or time without affecting a going concern. Such cuts as were initiated by the Service were often a consequence of the development or expansion of a campground or something else related to recreation.

Today Service officials say the trend of its ranges is up—which may be a regional truth or valid in favored smaller areas, but does not change the persistent reductions that show in the statistics. It would be strange if at least some of the ranges had not responded to the yearly infusions of rehabilitation funds since the Anderson–Mansfield Act became law. Yet the Service has not so far stabilized animal unit months of use at a maintainable figure, nor has it managed to bring about and sustain a servicewide increase. Numbers rise slightly in this or that category here or there on occasion, then slide gently downward again.

The places where an upward trend may be found seem to relate to where the foundation forage and weather prospects were better to begin with, and where field officials made better starts toward reductions to grazing capacity levels before the great change in policy took place. To make a point in this regard we return to Region 2, Wyoming and Colorado. At Denver in 1972, Deputy Regional Forester Crane used language [5] indicating that major reduction efforts had been to obtain later spring starts, which he considered the

Spaced water tanks help spread use of skimpy forage, near Desert Range Experiment Station, Utah, 1957. *USFS photo*

principal element. He conceded that basic range had been superior in Region 2 to that found in certain other national forest areas, because of the quality of the native grasses, and soil and moisture conditions. "Once we cut the seasons back, along with reductions in numbers," said Crane, "it was amazing how the forage came back."

These were precisely the measures Sandvig and his associates had commenced, insisted upon, and been purged for. And there is further evidence. A letter [6] from Sandvig quoted one he had received in the early 1970s from an unnamed Forest Service official stationed in western Colorado.

"I'm known as a 'Sandvig man' in Region 2," the letter read. "Because of this some of the older stockmen and I get together and talk about you. . . . Floyd Beach [one of the more intransigent association leaders] . . . once agreed with me over a beer that . . . *you forced the livestock man to look at his range instead of his cows*" (italics added).

This should be linked to Sandvig's stated [7] philosophy:

Cattle in good condition on range sprayed in 1962 to kill sagebrush, Salmon National Forest, Idaho, 1964. *USFS photo*

When I saw violations of solid principles of range ecology I felt it deeply, that this can't go on, that it defeats everything we've been taught, and violates natural laws . . . . Why should anyone do such things . . .? Over the long run it does not benefit the stockman dependent on forage for his livelihood. He is in the business of growing grass that he markets through the stock he raises to sell. The more grass he can grow the more stock he will have to market. I was seeing decreases in the forage crop on a wholesale scale, and in every way I could I tried to bring that message to my associates . . ., and to whoever would listen. . . .

The requirement that everyone concerned with livestock must "look at his range instead of his cows" has been implicit in nearly every communication I have had with Forest Service officials in recent years. It was so with Crane, and in exchanges[8] with Frank Smith, director of range management until his retirement in February, 1975. Dutton came close to saying it in his repeated declarations[9] that the Service had always been too optimistic in allotting seasons and numbers. Why, seventy years after the service's be-

multiple uses found on national forests. When the Multiple Use and Sustained Yield Act was at hearing stage the departmental attitude —doubtless put in draft form by the Service—was lukewarm. Assistant Secretary E. L. Peterson [12] said "recognition of wilderness, and wildlife habitat as beneficial uses . . . , and a requirement that the national forests be administered under principles of multiple use and sustained yield *may be* found advantageous" (italics added), which does not read like overwhelming enthusiasm.

Then Chief Forester McArdle muddied the hearing waters somewhat by presenting [13] a forty-year long-range program proposal for which he wanted congressional blessing. Priority goals would be "desirable watershed conditions and a sustained high level production of forage." He talked at length, but dwelt throughout on range betterment, after which the chief livestock spokesman present, Edwin Marsh of Salt Lake City, executive secretary of the National Woolgrowers Association, yearned [14] aloud for dominating legislation "like that proposed by stockmen several years ago."

It is tempting here to diverge and comment on the fact that watershed protection was in the original directive given the embryo Forest Service in the organic Forest Reserves Act [15] of 1897, and that sixty-two years later the chief forester was saying that compliance with the Service's initial marching orders would require an additional forty years.

Conservation organizations at the hearing warmly endorsed the multiple-use idea, which may have helped bring the committee's attention back to the legislation before it. When the bill was signed into law it was intended to assure equal consideration by the Forest Service for "outdoor recreation, range, timber, watershed, and wildlife and fish purposes." It must be said that in the annual report for 1960 the Service praised [16] the multiple-use concept more warmly than Peterson did at the hearing. Whether it had misgivings for the future, though, is questionable. I have found no overt criticism of the act, which undoubtedly has resulted in close scrutiny of Service actions since then by each interest—basic or splinter—to make sure it was getting not one whit less than its fully equal share of attention.

Two other laws must be regarded as also tending to lessen Service flexibility. They were the act [17] creating a National Wilderness System and that [18] authorizing a Wild and Scenic Rivers System, both made law in 1964. Most of the statutory wildernesses so far established have been national forest land, corresponding generally to previously established areas administratively labeled "wilderness,"

"primitive," or "wild." There has been controversy on these, usually concerning boundaries or permitted use. Wilderness advocates have wanted certain acreages, commercial interests have opted for others, and the Service has had its own ideas as to where lines should be drawn. Similar problems have been encountered with respect to the Wild and Scenic Rivers System, with about the same line-up of interested parties.

Anderson–Mansfield solidified and regularized an internal Service policy that practically eliminated imposed livestock grazing reductions. Multiple Use and Sustained Yield made mandatory what had previously been discretionary handling of the multiple resources of the national forests, and the uses to which they were put. Legalizing wilderness and wild and scenic rivers put new and different duties in official laps. All had their individual measures of impact on the livestock use of the forests, and all but Anderson–Mansfield were restrictive to a degree. Each caused more field work and paper work.

I have not looked into other of the multiple uses, but have sensed how cumulative weight has burdened those bearing responsibility for managing national forest ranges. Charles A. (Chic) Joy succeeded Walt Dutton as director of range management in 1953 and retired in 1967. Before he died in 1972, Joy was interviewed [19] on tape by Herb E. Schwan for the Conservation Center of the Denver Public Library. I dubbed the Joy interview, and have listened to it more than once, to capture his earnestness, his tonal inflections, his careful choices of words to express thoughts without openly criticizing a Service he obviously loved. Even in retirement he sounded as though still under Service discipline, he was trying hard not to appear disloyal.

Chic Joy was a happier man in the field than in Washington, and he referred in guarded terms to his dissatisfaction with range policies imposed over his objections. And he longed for a return to times when permittees were "not so politically minded." Washington had been "a trying experience," though he conceded that a tour of duty there would be enlightening to men who had served only in the field. Closed doors in Washington were much on his mind, a lack of communication with superiors and between branches of the Service who should be working closely together to avoid friction where functions impinged.

Speaking of Ed Cliff, who was his superior both as assistant chief for national forest administration and as chief forester, Joy said:

My boss and I got along; he never bothered me or me him.

The chief was in my office perhaps one or two times in my seven years there and the assistant chief only five or six times. . . . One division director seldom knew what the others were doing. . . . We and Research were located next door to each other, and we got along fine. . . . The chief was more or less sealed off from the directors of divisions . . .; he was limited in his sources of information. Nowadays it is hard for a [division] director even to get to his assistant chief. We had to go through assistants to the assistant chief.

The spare words, spoken in a monotone, disclosed how disturbed Joy was because of the impenetrable walls of bureaucracy that had been built and that, he felt, hemmed him in and blocked him from easy access to and consultation with responsible superiors when range problems piled up. A Pennsylvania Deutsch friend used to say of something that had overgrown itself, "It iss too big oudt." So has the Forest Service grown—too big out—too sprawling a bureaucracy, unable to maintain close liaison within itself or with the general public who, collectively, are owners of the National Forest System. The ailment is not limited to Washington. Here is Joy again: [20]

"In my younger days we'd spend three or four weeks on the range, camping. We'd cook our bacon and eggs for breakfast and move on. When we got back we'd make out a Service report and go to town for more groceries. Now it is hard for a ranger to go more than two or three days before he has a crisis of some kind. Questions concerning appropriations, personnel, or something else have to be met."

Personnel numbers have swollen in all segments of the Service. One account [21] notes that a supervisor at a conference at forest headquarters did not recognize the name or face of one of his own rangers. Joy commented: [22]

"Should the pendulum swing back? I'm not sure. We do need more qualified men on the ground."

In context, it appears that Joy meant that there was a need for more knowledgeable people actually on horseback and in pickup trucks and four-wheel-drive vehicles, out talking with and demonstrating range truths to permittees, rather than putting more bodies at desks piled high with papers that might or might not be read or, if read, acted upon. Joy spoke of the proliferation of paper work brought on by the increasing emphasis on rehabilitation and the complex system of allotment management that was evolving.

"My assistant chief [Cliff] was not sympathetic to [prevailing

methods of] range management survey; so we got into allotment analysis. I argued against it. So did a couple of men in Research. If you get 3–400 rangers doing allotment analyses they will all be different. Before I left Washington I found a lot of field men were projecting analyses. I know that by 1967 on some national forests analyses had been projected four or five times and likely would be done a sixth."

He was skeptical that rangers could make perhaps one grazing allotment analysis the hard way, on the ground, diligently following all the involved instructions, and thereafter need only to feed old data into a computer to calculate what range conditions and trends would be five or more years later. That, he was convinced, was no substitute for getting out on the ranges to observe vegetative and other changes first hand. Near the close of Schwan's interview with him, Joy mused that one day "there must be a reckoning on some of these things."

Sandvig questions whether the "reckoning" Joy envisioned will come of the Service's own volition; he feels external forces will have to apply sufficient pressure to overcome what he considers today's inertia. In one communication[23] he said he feared both the Forest Service and BLM were "pinning their hopes" for optimum range conditions "on miracles." No miracles have been passed and no such outside pressure has appeared to weigh on the Forest Service up to now. Militant environmental groups concentrate on the precise boundaries of areas to be proclaimed wilderness or to be included in the list of wild or scenic rivers. They raise questions of the propriety of allowing corporate interests to install an elaborate resort in a specific western national forest area. They wrangle over clear-cutting of timber in large blocks, fearful of accelerated erosion as well as unsightliness before soil-building new growth comes along. In recent years almost the only outcry from the conservation community directly related to national forest grazing has been over questions involving fees; whether they were too low, or protesting postponement by the land-managing agencies of next year's increment. The chief exception to this was the unanimity with which Wayne Aspinall's H. R. 7211,[24] which would have granted grazing a dominating place wherever it was the chief use being made of public lands, was opposed. Conservationists feared a dominating use policy would be substituted for the existing multiple use principle.

I find it small wonder that Chief Cliff was constrained to send out his 1970 memorandum, and doubt if corrective action taken as

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Look at the Range, Not the Cow 239

a result of it before his retirement in 1972 has brought results he would consider adequate or Chic Joy would approve. So the Service lumbers along, moving slowly and ponderously. It has many voices to which it must listen. It continues to listen intently when the livestock industry whispers in its ear. It did so at the start of 1975, agreeing apparently without objection—as did the Bureau of Land Management—when the stockmen's leaders requested that the year's normal raise in the planned progression toward fair market value grazing fees be held in abeyance. With all the prerogatives the stock industry enjoys, there does not seem to be much need for it to ask wesern members of Congress to bullyrag the Service, as was so common in prior years. The Service has become preoccupied with its mounting paper work and cryptic computer symbols. And the ranges are given annual injections of rehabilitative money that, no matter where or in what volume spent, seem unable to check the inexorable decrease in forage production that is reflected in annual records of dwindling animal unit months of grazing use.

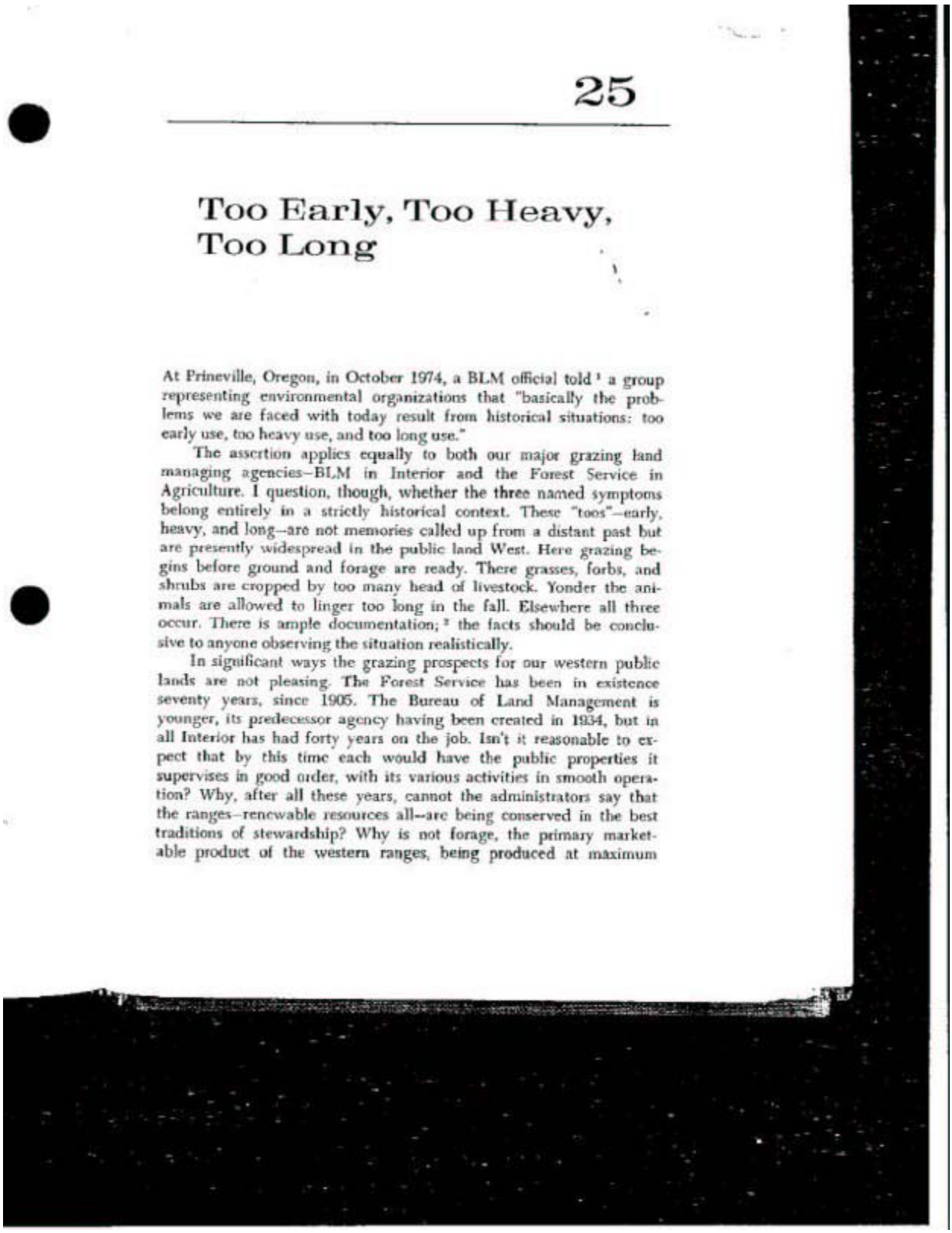
25

Too Early, Too Heavy, Too Long

At Prineville, Oregon, in October 1974, a BLM official told [1] a group representing environmental organizations that "basically the problems we are faced with today result from historical situations: too early use, too heavy use, and too long use."

The assertion applies equally to both our major grazing land managing agencies—BLM in Interior and the Forest Service in Agriculture. I question, though, whether the three named symptoms belong entirely in a strictly historical context. These "toos"—early, heavy, and long—are not memories called up from a distant past but are presently widespread in the public land West. Here grazing begins before ground and forage are ready. There grasses, forbs, and shrubs are cropped by too many head of livestock. Yonder the animals are allowed to linger too long in the fall. Elsewhere all three occur. There is ample documentation; [2] the facts should be conclusive to anyone observing the situation realistically.

In significant ways the grazing prospects for our western public lands are not pleasing. The Forest Service has been in existence seventy years, since 1905. The Bureau of Land Management is younger, its predecessor agency having been created in 1934, but in all Interior has had forty years on the job. Isn't it reasonable to expect that by this time each would have the public properties it supervises in good order, with its various activities in smooth operation? Why, after all these years, cannot the administrators say that the ranges—renewable resources all—are being conserved in the best traditions of stewardship? Why is not forage, the primary marketable product of the western ranges, being produced at maximum



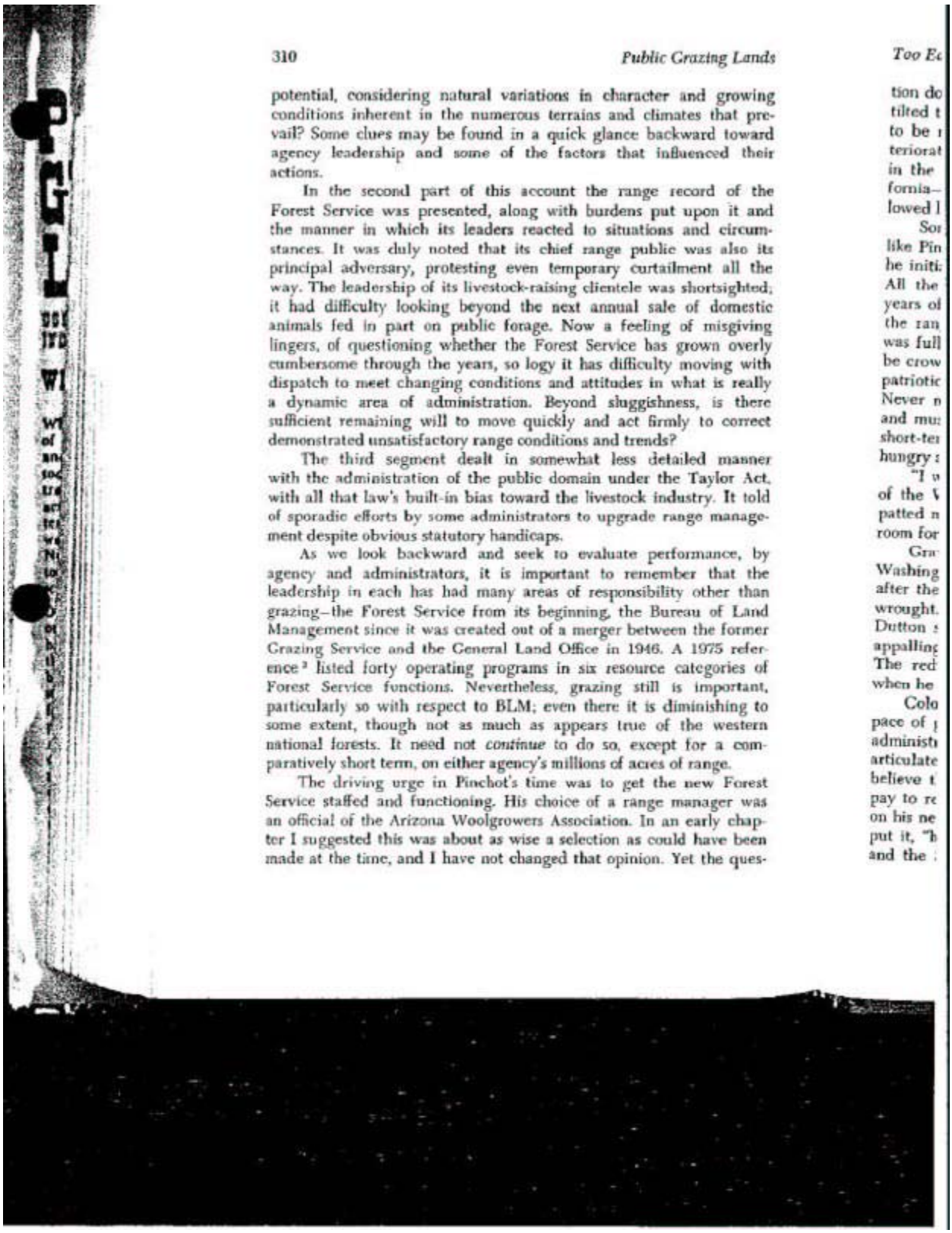
potential, considering natural variations in character and growing conditions inherent in the numerous terrains and climates that prevail? Some clues may be found in a quick glance backward toward agency leadership and some of the factors that influenced their actions.

In the second part of this account the range record of the Forest Service was presented, along with burdens put upon it and the manner in which its leaders reacted to situations and circumstances. It was duly noted that its chief range public was also its principal adversary, protesting even temporary curtailment all the way. The leadership of its livestock-raising clientele was shortsighted; it had difficulty looking beyond the next annual sale of domestic animals fed in part on public forage. Now a feeling of misgiving lingers, of questioning whether the Forest Service has grown overly cumbersome through the years, so logy it has difficulty moving with dispatch to meet changing conditions and attitudes in what is really a dynamic area of administration. Beyond sluggishness, is there sufficient remaining will to move quickly and act firmly to correct demonstrated unsatisfactory range conditions and trends?

The third segment dealt in somewhat less detailed manner with the administration of the public domain under the Taylor Act, with all that law's built-in bias toward the livestock industry. It told of sporadic efforts by some administrators to upgrade range management despite obvious statutory handicaps.

As we look backward and seek to evaluate performance, by agency and administrators, it is important to remember that the leadership in each has had many areas of responsibility other than grazing—the Forest Service from its beginning, the Bureau of Land Management since it was created out of a merger between the former Grazing Service and the General Land Office in 1946. A 1975 reference[3] listed forty operating programs in six resource categories of Forest Service functions. Nevertheless, grazing still is important, particularly so with respect to BLM; even there it is diminishing to some extent, though not as much as appears true of the western national forests. It need not *continue* to do so, except for a comparatively short term, on either agency's millions of acres of range.

The driving urge in Pinchot's time was to get the new Forest Service staffed and functioning. His choice of a range manager was an official of the Arizona Woolgrowers Association. In an early chapter I suggested this was about as wise a selection as could have been made at the time, and I have not changed that opinion. Yet the ques-



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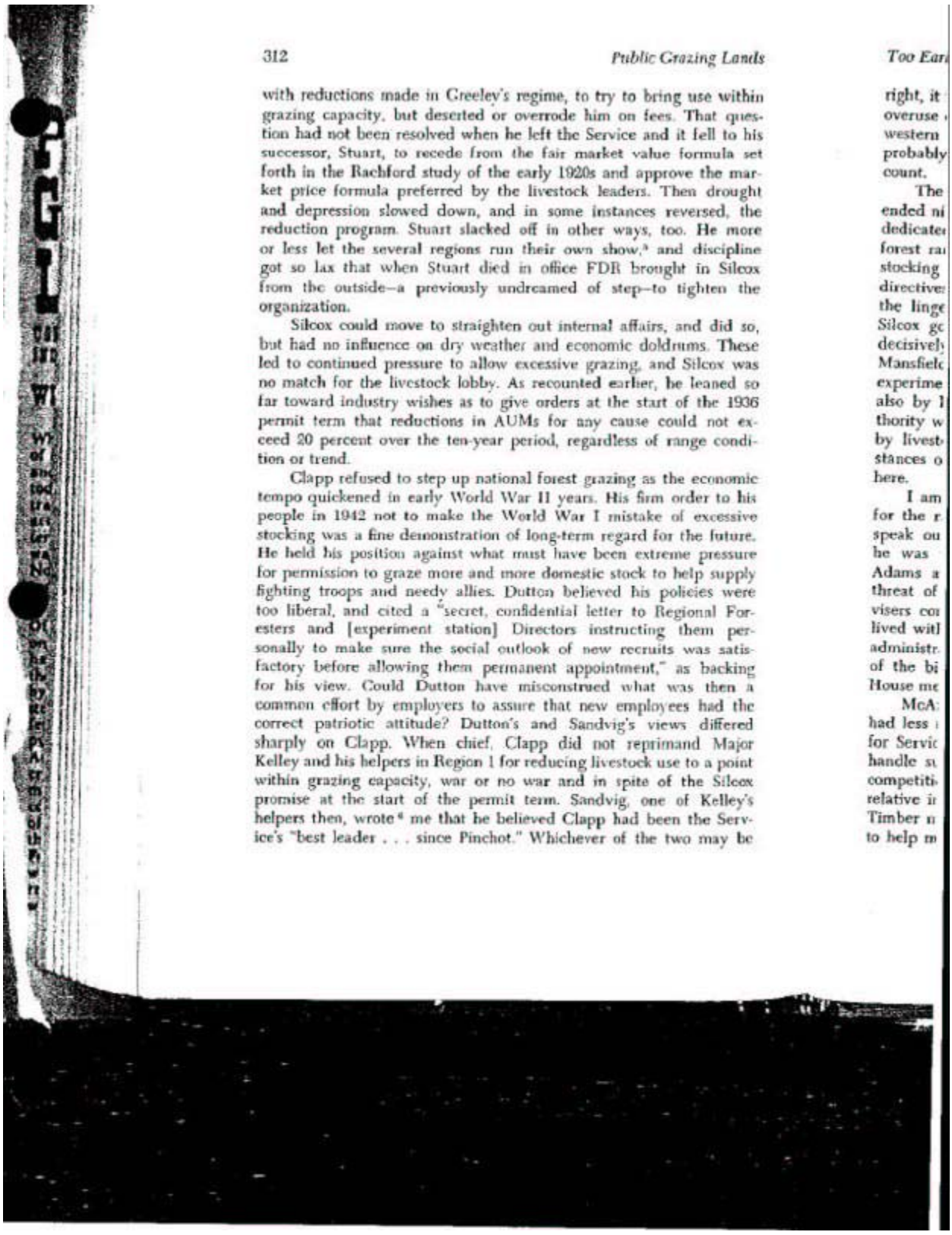
tion does rise of whether that manager, Albert Potter, might not have tilted toward his former business associates when close decisions had to be made. The record shows that, despite clear evidence of deteriorated ranges resulting from many years of unrestricted grazing in the nineteenth century—before that in the Southwest and California—the Service found it agreeable to increase the AUMs of allowed livestock use annually until after World War I ended.

Some of this came in the years under Pinchot's successor. Graves, like Pinchot, was mainly interested in forestry. It is to his credit that he initiated cutbacks in grazing after the disaster of the war years. All the liberties the livestock industry took in the boom-and-bust years of the 1870s and 1880s could not equal the havoc wrought on the ranges in that world war. It was devastating, and government was fully as responsible as industry. It insisted that ever more stock be crowded upon the allotments. The entire nation was swept up in patriotic fervor. We were Making the World Safe for Democracy. Never mind that the environment being depleted was all we had and must serve our needs for all time; that was subordinated to the short-term production of red meat, wool, hides, and tallow for which hungry allies and the defense establishment clamored.

"I well remember," Walt Dutton wrote [redacted] me, "when the long arm of the Washington office reached out to me in the hinterland and patted me on the back for having made a good showing in reporting room for more livestock on the Whitman forest."

Graves likely spent much time in the war years close to his Washington desk, and only became concerned enough to act when, after they ended, his field men sent in persuasive reports of damage wrought. The full extent was not recognized even then, it seems. Dutton said it was "much later" before many officials "realized the appalling damage" that wartime overstocking had brought about. The reduction program Graves initiated was just getting started when he retired in 1920.

Colonel Greeley, also primarily a timberman, maintained the pace of grazing cuts begun by Graves. Dutton called him "a gifted administrator" who "had a logical mind and doubtless was the most articulate chief of all." When Greeley, then, had the effrontery to believe that fees should be comparable to those permittees had to pay to rent private pasturage, he felt the heel of the cowboy's boot on his neck and the sheepherder's dog nipped at his heels. As Dutton put it, "he never got the support he needed from the White House and the Secretary's office." Administration superiors didn't interfere



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with reductions made in Greeley's regime, to try to bring use within grazing capacity, but deserted or overrode him on fees. That question had not been resolved when he left the Service and it fell to his successor, Stuart, to recede from the fair market value formula set forth in the Rachford study of the early 1920s and approve the market price formula preferred by the livestock leaders. Then drought and depression slowed down, and in some instances reversed, the reduction program. Stuart slacked off in other ways, too. He more or less let the several regions run their own show,[5] and discipline got so lax that when Stuart died in office FDR brought in Silcox from the outside—a previously undreamed of step—to tighten the organization.

Silcox could move to straighten out internal affairs, and did so, but had no influence on dry weather and economic doldrums. These led to continued pressure to allow excessive grazing, and Silcox was no match for the livestock lobby. As recounted earlier, he leaned so far toward industry wishes as to give orders at the start of the 1936 permit term that reductions in AUMs for any cause could not exceed 20 percent over the ten-year period, regardless of range condition or trend.

Clapp refused to step up national forest grazing as the economic tempo quickened in early World War II years. His firm order to his people in 1942 not to make the World War I mistake of excessive stocking was a fine demonstration of long-term regard for the future. He held his position against what must have been extreme pressure for permission to graze more and more domestic stock to help supply fighting troops and needy allies. Dutton believed his policies were too liberal, and cited a "secret, confidential letter to Regional Foresters and [experiment station] Directors instructing them personally to make sure the social outlook of new recruits was satisfactory before allowing them permanent appointment," as backing for his view. Could Dutton have misconstrued what was then a common effort by employers to assure that new employees had the correct patriotic attitude? Dutton's and Sandvig's views differed sharply on Clapp. When chief, Clapp did not reprimand Major Kelley and his helpers in Region 1 for reducing livestock use to a point within grazing capacity, war or no war and in spite of the Silcox promise at the start of the permit term. Sandvig, one of Kelley's helpers then, wrote[6] me that he believed Clapp had been the Service's "best leader . . . since Pinchot." Whichever of the two may be

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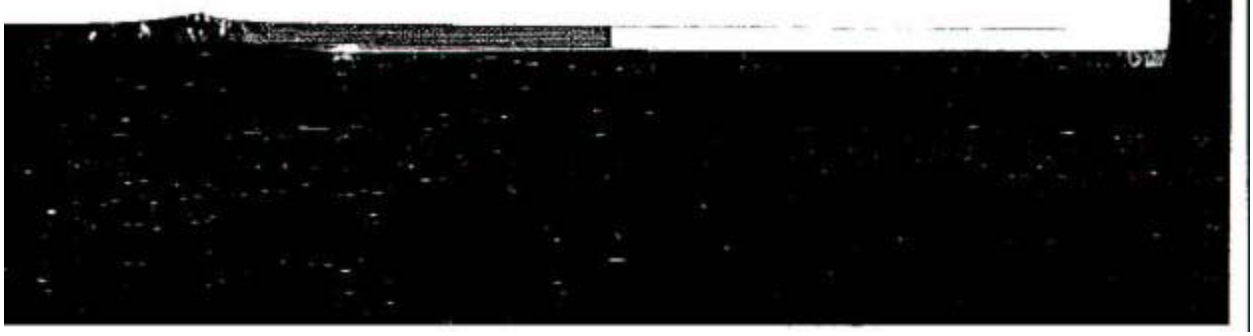
right, it is unfortunate for the ranges that aggressive action to reduce overuse during those critical years was spotty to nonexistent in other western regions; Region 1 stood out sharply then and, overall, is probably still in better shape than most others involved in this account.

The Watts regime began bravely in 1943, with high hopes, and ended nine years later in turmoil and unhappiness for service officials dedicated to principles of moderation in grazing use of national forest ranges. He did not abandon Clapp's position on conservative stocking in wartime, and as the 1946 permit term neared he issued directives to cut deeper, to the bone if necessary, in order to repair the lingering damage from earlier times and undo the harm the Silcox go-easy policy had brought about. He probably encouraged decisively the thinking that was translated later into the Anderson-Mansfield rehabilitative law, motivated in part by the promise of experimental work carried out in CCC days. He likely was spurred also by hope that, after passage of the law, actions under its authority would stop the complaining and pressuring being carried on by livestock spokesmen and others supporting them. The circumstances of his closing years, related in Part II, need no elaboration here.

I am convinced McArdle basically wanted to do what was best for the ranges but was handicapped politically. When he tried to speak out against the stockmen's authority grab bill, H. R. 4023, he was muzzled and handcuffed by Ezra Benson and Sherman Adams at the behest of Barrett and Company. Later, under the threat of head-hunting patronage devices, or perhaps because advisers convinced him later modifications of the legislation could be lived with, he came out in approval. Either way, he remained under administrative and congressional and industry pressure until the last of the bills of the sequence was killed in conference by adamant House members.

McArdle was by bent and experience a research specialist. He had less range background than Cliff, who then was assistant chief for Service functions that included grazing, and in general let Cliff handle such matters. In his regime range began to get increasing competition for front office attention. Recreation was ballooning in relative importance and in numbers of people to be accommodated. Timber management trended toward marketing ever more stumpage to help meet a rising demand for housing and other wood products.



These and many other forest activities were locked in place with passage of the Multiple Use and Sustained Yield Act of 1960, and McArdle probably was glad when he reached retirement age in 1962.

The Cliff concepts of range management—detailed, intricate, involving much paper work and avoiding cuts wherever possible—evolved in the Watts and McArdle years and reached today's complex level[1] in his own decade as chief. He had been a range man much of his career, and had a strong desire to see his own management ideas made official practice. By the time he became assistant chief he was in a strategic position for that purpose, for he could then give orders rather than merely make suggestions. Cliff had what Dutton called a "homey personality that stood him in good stead in dealing with committees of Congress or his own organization"—and with the lobbies of the various industries which, by the nature of the resources in his charge, he encountered in day-to-day activities and operations. My view is that no previous chief had the opportunity Ed Cliff enjoyed to exercise prolonged influence over national forest range use—ten years as assistant chief and another decade as chief forester.

A fundamental tenet of the Cliff formula was that through almost exclusive dependence on rehabilitative devices and techniques, soil erosion could in time be halted and forage production be increased to its natural peak. Best of all, it could be done that way without reducing the rate of grazing through mandatory downward adjustments. Cuts angered permittees and roused the industry lobby. Cliff wanted to get along with both. If permittees saw fit to quit their preferences, and their ranges or parts of them could then be put to other uses without industry protest, well and good; that would help speed the processes of recuperation. The records I have seen disclose no strong or widespread actions in the Cliff years to bring range use by livestock within grazing capacity, in which he differs little from most of his predecessors. Dutton commented that Cliff "had little to do with grazing policy except to maintain the status quo" while he was chief. True enough; the policies had been set in the late Watts years and in the McArdle era, when Cliff sat at their right hands. Dutton also notes that in Cliff's regime "there was a period of relative calm in relations between stockmen and the Forest Service." On the other side, forest officers who opposed Cliff policies feel—or felt, as this refers also to men now dead—quite differently about him. Nevertheless, Ed Cliff retired in 1972 proud of

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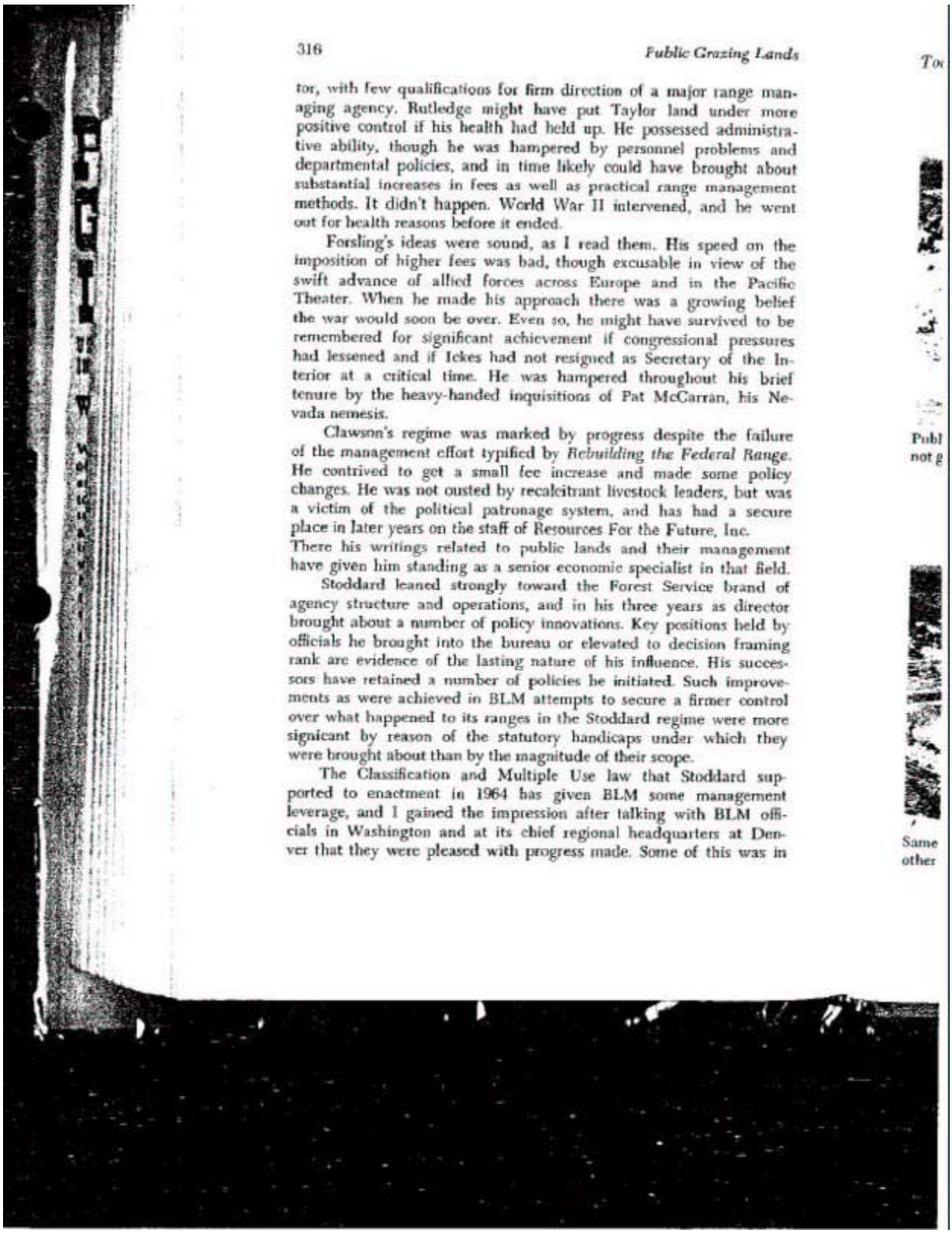
his range record, and took with him the Agriculture Department's highest citation for meritorious service.

My basic conclusion, after a good many years of observation and study, is that when the Service did try to impose a firm will upon the industry its successes were few and short lived; most often it was outsmarted, adroitly countered, bulldozed—or cajoled—into positions and policies more to the livestock leadership's liking. In time it tired and sought methods of administration that would not bring recrimination, or was led by officials who agreed with industry points of view.

The Service's reluctance to act promptly and straightforwardly has been especially noteworthy in the twin matters of raising fees to fair market value of the forage consumed, and of reducing AUMs of use to safe grazing levels. On fees the agencies are sometimes loitering on the way but slowly approaching something that resembles fair market value. On grazing levels, side effects more than imposed official will have brought many of the reductions that have been made in the last twenty years or so. Of late, Forest Service reasons for such mandatory reductions as have taken place have included the rise of recreation and conversion to its uses of what once was grazing land, the need for more forage to feed standing big game herds, and the reversion to solid timber stands of what used to be lightly wooded range.

Over on the other side of Washington, in Interior's BLM, the story differs substantially but parallels that of the Forest Service in two important respects. The livestock industry rides herd on the agency more than vice versa, and the three basic elements of too early, too heavy, and too long persist. Though Congress had before it the latest of the several bills[8] for an organic law that have been introduced in recent years, BLM in the spring of 1976 was still saddled with the one-sided Taylor Act, little changed from its 1934 form. The new legislation, if not weakened prior to passage, should give the agency ample power to act in the public interest, and there have been symptoms in recent times that indicate BLM could emerge as a strong bureau. A principal weakness, as I see it, is that it is committed, much like the Forest Service, to courses that seek to avoid cuts in livestock numbers or time at all costs and put virtually the entire burden of correcting bad range situations on the taxpayer-at-large.

In retrospect, Carpenter shows up as a stockman's administra-



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tor, with few qualifications for firm direction of a major range managing agency. Rutledge might have put Taylor land under more positive control if his health had held up. He possessed administrative ability, though he was hampered by personnel problems and departmental policies, and in time likely could have brought about substantial increases in fees as well as practical range management methods. It didn't happen. World War II intervened, and he went out for health reasons before it ended.

Forsling's ideas were sound, as I read them. His speed on the imposition of higher fees was bad, though excusable in view of the swift advance of allied forces across Europe and in the Pacific Theater. When he made his approach there was a growing belief the war would soon be over. Even so, he might have survived to be remembered for significant achievement if congressional pressures had lessened and if Ickes had not resigned as Secretary of the Interior at a critical time. He was hampered throughout his brief tenure by the heavy-handed inquisitions of Pat McCarran, his Nevada nemesis.

Clawson's regime was marked by progress despite the failure of the management effort typified by *Rebuilding the Federal Range*. He contrived to get a small fee increase and made some policy changes. He was not ousted by recalcitrant livestock leaders, but was a victim of the political patronage system, and has had a secure place in later years on the staff of Resources For the Future, Inc. There his writings related to public lands and their management have given him standing as a senior economic specialist in that field.

Stoddard leaned strongly toward the Forest Service brand of agency structure and operations, and in his three years as director brought about a number of policy innovations. Key positions held by officials he brought into the bureau or elevated to decision framing rank are evidence of the lasting nature of his influence. His successors have retained a number of policies he initiated. Such improvements as were achieved in BLM attempts to secure a firmer control over what happened to its ranges in the Stoddard regime were more signicant by reason of the statutory handicaps under which they were brought about than by the magnitude of their scope.

The Classification and Multiple Use law that Stoddard supported to enactment in 1964 has given BLM some management leverage, and I gained the impression after talking with BLM officials in Washington and at its chief regional headquarters at Denver that they were pleased with progress made. Some of this was in

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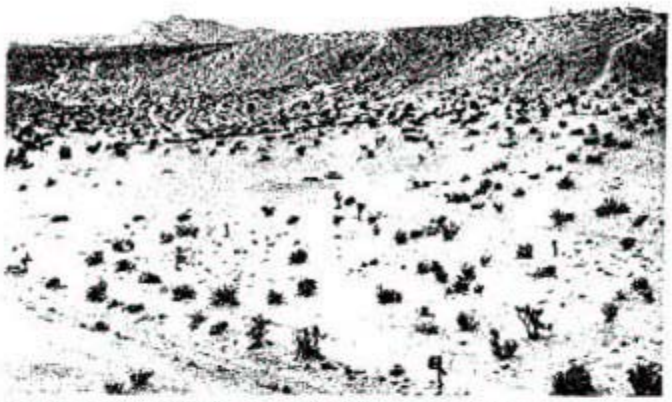
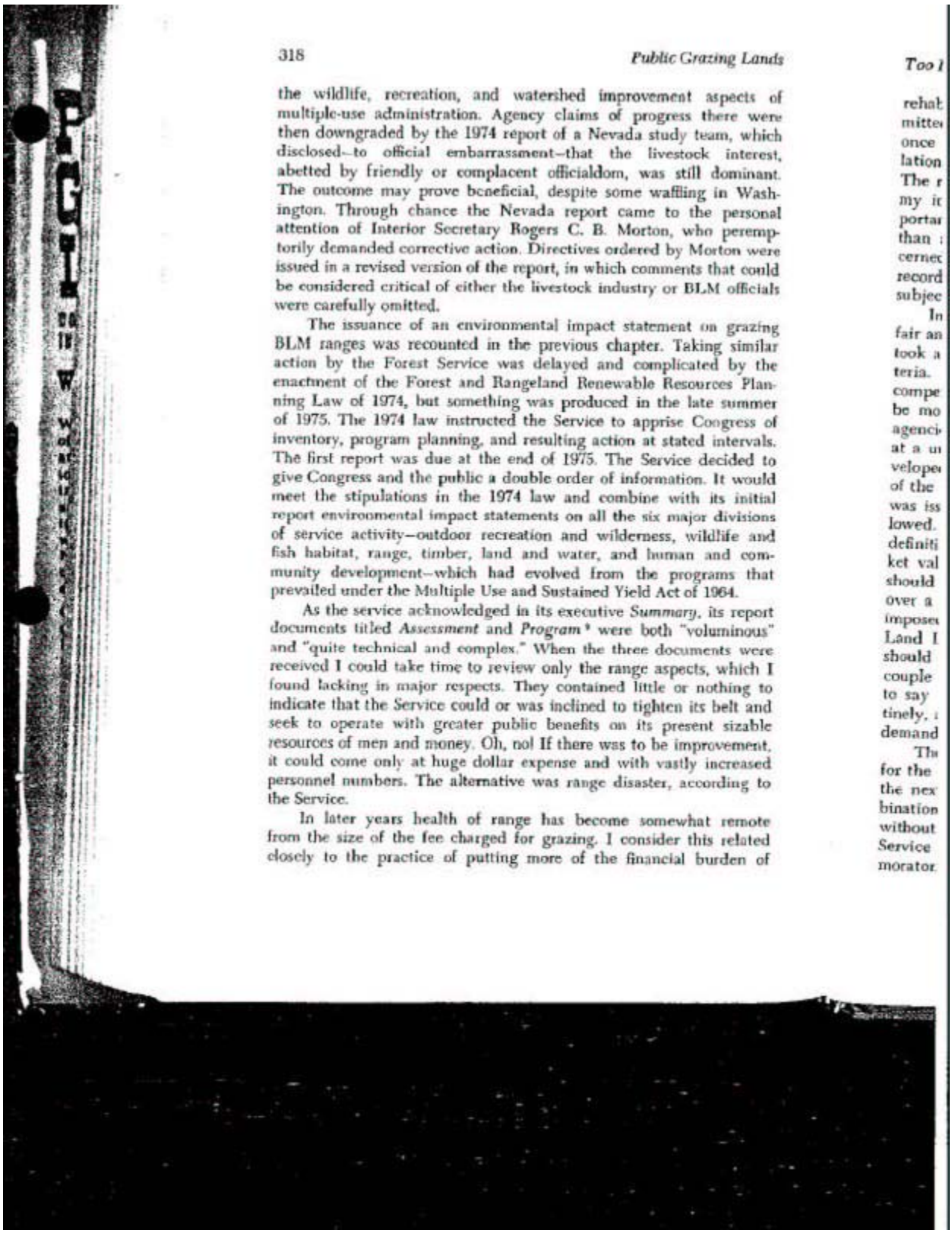
Too Early, Too Heavy, Too Long 317



Public domain in California before off-road vehicle use became popular, year not given. *BLM photo*

Same public domain area, showing scars of heavy use by motorbikes and other off-road vehicles, 1974. *BLM photo*



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the wildlife, recreation, and watershed improvement aspects of multiple-use administration. Agency claims of progress there were then downgraded by the 1974 report of a Nevada study team, which disclosed—to official embarrassment—that the livestock interest, abetted by friendly or complacent officialdom, was still dominant. The outcome may prove beneficial, despite some waffling in Washington. Through chance the Nevada report came to the personal attention of Interior Secretary Rogers C. B. Morton, who peremptorily demanded corrective action. Directives ordered by Morton were issued in a revised version of the report, in which comments that could be considered critical of either the livestock industry or BLM officials were carefully omitted.

The issuance of an environmental impact statement on grazing BLM ranges was recounted in the previous chapter. Taking similar action by the Forest Service was delayed and complicated by the enactment of the Forest and Rangeland Renewable Resources Planning Law of 1974, but something was produced in the late summer of 1975. The 1974 law instructed the Service to apprise Congress of inventory, program planning, and resulting action at stated intervals. The first report was due at the end of 1975. The Service decided to give Congress and the public a double order of information. It would meet the stipulations in the 1974 law and combine with its initial report environmental impact statements on all the six major divisions of service activity—outdoor recreation and wilderness, wildlife and fish habitat, range, timber, land and water, and human and community development—which had evolved from the programs that prevailed under the Multiple Use and Sustained Yield Act of 1964.

As the service acknowledged in its executive *Summary*, its report documents titled *Assessment* and *Program*[9] were both "voluminous" and "quite technical and complex." When the three documents were received I could take time to review only the range aspects, which I found lacking in major respects. They contained little or nothing to indicate that the Service could or was inclined to tighten its belt and seek to operate with greater public benefits on its present sizable resources of men and money. Oh, no! If there was to be improvement, it could come only at huge dollar expense and with vastly increased personnel numbers. The alternative was range disaster, according to the Service.

In later years health of range has become somewhat remote from the size of the fee charged for grazing. I consider this related closely to the practice of putting more of the financial burden of

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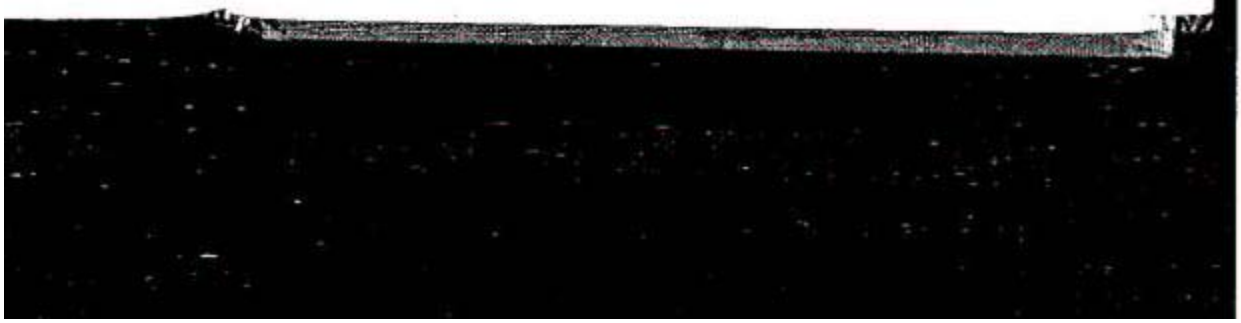
rehabilitative work on the general taxpayers, less on the range permittee. Knowledgeable former officials have told [30] me more than once that fees have been of minor importance in dealings and relationships between the Forest Service and the users of its ranges. The record seems to differ from these views, though at least one of my informants emphasized somewhat that he referred to the importance of fee changes to the activities of the ranger force rather than any headquarters group. Where Taylor land grazing is concerned, fees unquestionably have been major items of dispute. The record indicates that in time both agencies became sensitive on the subject, reluctant to take corrective steps.

In 1951 Congress directed [31] all federal agencies to prescribe fair and equitable fees for goods or services furnished. Neither agency took action then, presumably arguing that their fees met those criteria. In 1958 the Comptroller General recommended [32] that fair compensation be obtained for use of federal lands, and that there be more consistency in grazing fees charged by the administering agencies. His report asked for a joint study by the agencies to arrive at a uniform fee system. A preliminary outline for a study was developed [33] in July 1960, but no further steps were taken as the Bureau of the Budget began a *Natural Resources User Charges Study*, which was issued in 1964 as a directive that included guidelines to be followed. Thereafter an interdepartmental grazing fee group began a definitive investigation that, three years later, suggested a fair market value for federal forage was $1.23 per AUM. The full amount should not be charged at once, though, but on a step-by-step basis over a period of years. The first annual increment was to have been imposed for 1968, but the livestock industry protested. The Public Land Law Review Commission was well along with its work and should report not later than June 30, 1970. That would only be a couple more years, so why not wait to see what PLLRC might have to say on the subject? The conservation community protested routinely, and the agencies routinely acceded to the livestock industry's demand for more delay.

The first increase under the new formula actually was applied for the 1971 grazing season, and step rises were imposed in each of the next three years. In 1975, though, the industry used the combination of inflation and recession as leverage and, apparently without much difficulty, secured the acquiescence of both the Forest Service and the Bureau of Land Management to at least a one-year moratorium. I have been informed [34] that this does not mean fair



market value, as described, and will not be achieved by the target year of 1980—only that the 1975 increment was delayed, to be applied at an unspecified later date.

Two questions have been left dangling. One is whether the price agreed upon, after exhaustive discussions with industry spokesmen, actually amounts to the fair market value of the forage being consumed on federal land. A definition is called for, and the Forest Service supplied one: [16] It is "the amount the prospective user of a product is willing to pay for that product—in this case the value of the use of the public grazing resource to the livestock owner." That seems clear enough, though it smacks somewhat of the "all the traffic will bear" thought that was berated in congressional inquiries of the 1940s; so the Service went further. It said adjustment should be made "for differences in the cost of services provided on private lands by the landowners, but not provided on public lands." Then the method used to reach a correct fee, after adjustment, was "to determine the total cost of operation to the user on private leased grazing land . . . and to subtract from this . . . the total non-fee cost of operation to the user on public rangelands."

Was the $1.23 arrived at under this formula truly fair market value of national forest and Taylor Act grazing land? In 1974 the cost of private range rental in Colorado averaged [17] $5.51 per month per cow. The permittee in 1975 would have paid $1.60 for grazing national forest land, which would have been the annual increment plus a figure added to compensate for inflation—if there had been no moratorium. Up to now the leading conservation organizations have not complained that the fees are unduly low.

The second question: Why did it take so long for the two agencies to bring corrective change to the grazing fee system? If it is considered that the recommendation of the Comptroller General had validity and should have been followed forthwith, bringing about the change consumed about twelve years. However, 1964 seems a more realistic year to choose for calculations, and that means a seven-year time lapse before application of the new fees. My conclusion is that the agencies continued to be reluctant to tackle the industry they were supposed to supervise, and procrastinated somewhat. It is ruefully recognized that it was no easy thing for them to counter all the objections that can be produced by the livestock lobby. The industry went so far as to challenge the new system in court, where it was beaten.[17]

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Whether the issue be fees paid for goods and services, or reductions in use consistent with range condition and trend, the leaders of that part of the livestock industry that operates on western public lands have repeatedly contested affirmative action by the agencies. Truly fair market value for forage is still a good many years ahead. So is the achievement of range quality that approaches natural potential.

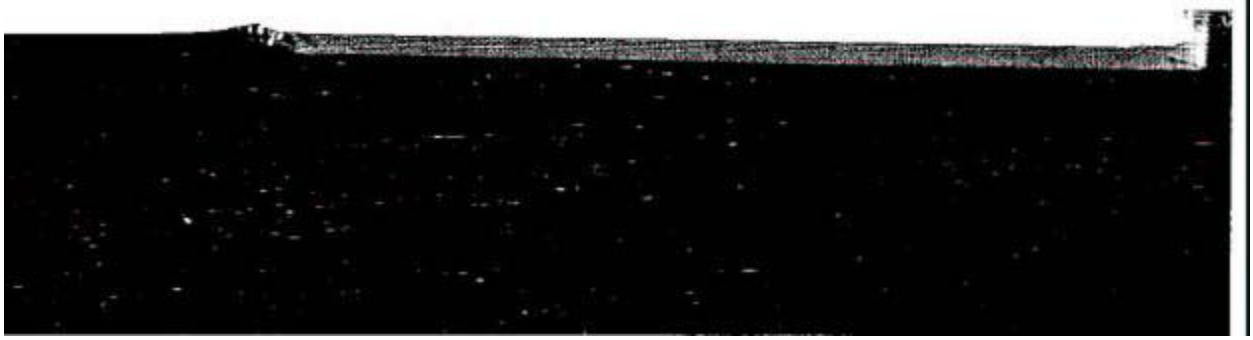
The Forest Service is entangled in a complicated system of range management that entails large expenditures of appropriated funds for rehabilitative measures, with few grazing concessions by permittees. AUM cuts for protection are rare. BLM is wedded to the similarly complex allotment management plan technique in which rest-rotation, usually over a five-year cycle (which the Forest Service also uses), is a prime factor. AUM reductions are minimal, regardless of range condition and trend. In a sample plan studied by the Prineville visitors referred to at the start of this chapter,[18] it was found that a permittee who had an allowable of 11,000 AUMs of grazing would use 46 percent of the total between April 1 and May 31 when, the report said,[19] "grasslands are most vulnerable to damage." The report expressed opinion that the heaviest grazing should not occur during "the most critical period of the grazing season" without reference to range readiness.

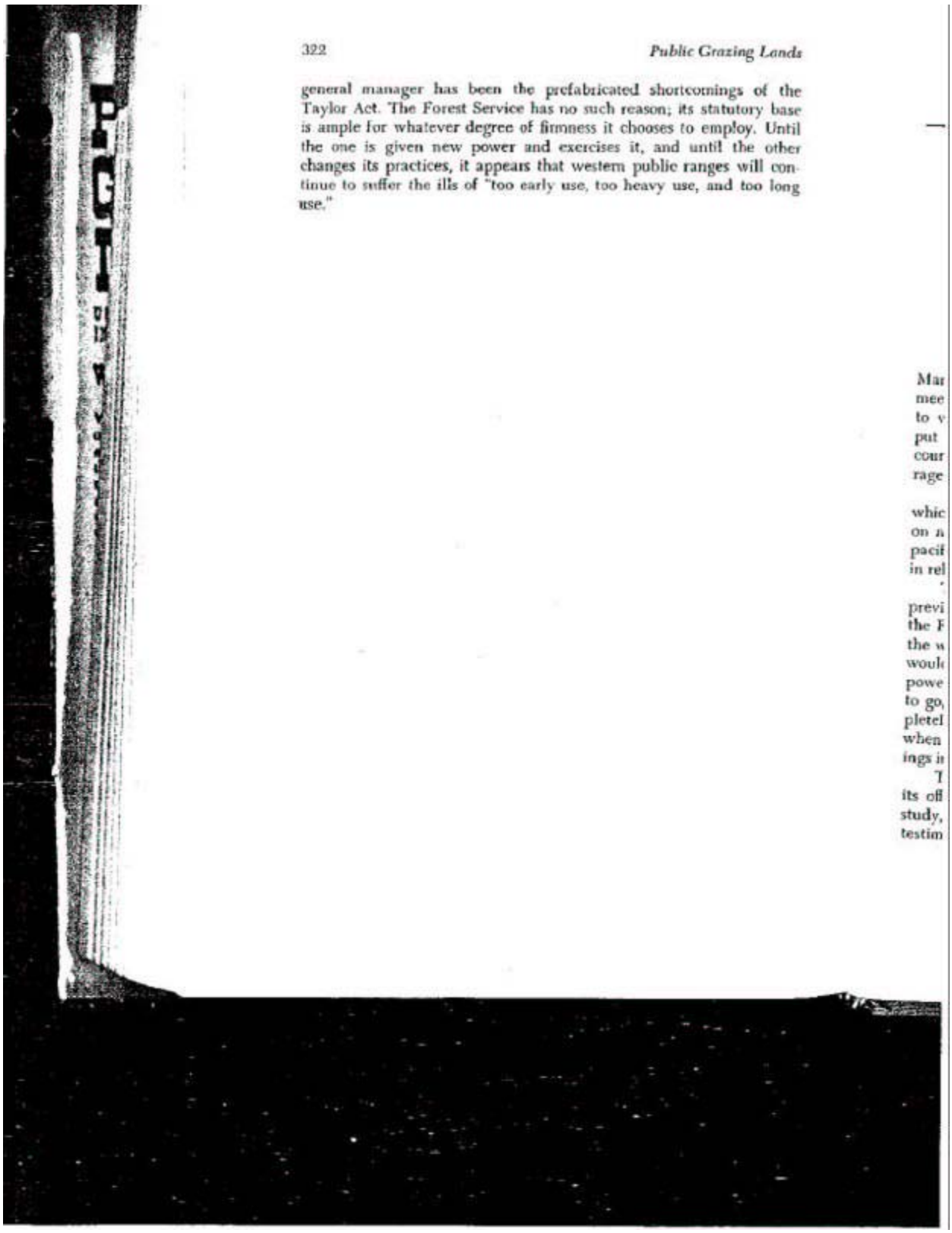
As far back as 1949 a treatise[20] on vegetation management contained the following statement:

"From the very nature of [vegetative] climax and succession, development is immediately resumed *when the disturbing cause ceases*, and in this fact lies the basic principle of all restoration or rehabilitation" (italics added).

Perhaps it is indicative of the dilemma of the two agencies as well as the public owners of the lands that authorities on both sides of the question of how best to manage ranges quote the above passage to support their views. Hormay[21] repeats it in his prescription of rest-rotation as a cure for western ranges. Sandvig[22] does so in discussion of the Prineville findings. He emphasizes that the cow is the "disturbing cause" of poor range and, if climax vegetation is a logical goal, the cow should be removed or allowed to graze only in moderate numbers that do not inhibit desired succession, until full vigor returns.

In fairness to BLM, it must be reminded once more that for at least the last forty years a powerful reason for being less than a firm





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general manager has been the prefabricated shortcomings of the Taylor Act. The Forest Service has no such reason; its statutory base is ample for whatever degree of firmness it chooses to employ. Until the one is given new power and exercises it, and until the other changes its practices, it appears that western public ranges will continue to suffer the ills of "too early use, too heavy use, and too long use."

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In Wyoming there are 62,500,000 acres of land. Public land equals 35,800,000 acres. Private land equals 26,725,000 acres.

Wyoming Livestock Roundup (March 20, 2000) states "About 56.5 percent of Wyoming land area or 34.6 million acres are controlled and operated by 9200 ranches and farms."

This is 8 million acres of public and state land that belongs to the people of this state. **Can we afford to let the state that is controlled by Republicans block us out or steal any more of our public lands?**

What they're worth

Here are the restitution values, set by the Wyoming Game and Fish Department, for individual animals.

Species Value

Antelope $3,000
Bear-Black $5,000
Bear-Grizzly $25,000
Beaver $125
Bighorn Sheep $15,000
Bison $6,000
Blue Grouse $300
Bobcat $550
Cottontail Rabbit $200
Deer-Mule $4,000
Deer-Whitetail $4,000
Elk $6,000
Furbearing animal (not otherwise designated) $120
Game-Fish $100
Grouse-Ruffed $300
Grouse-Sage $300
Grouse-Sharptailed $300
Duck $150
Goose $250
Mourning Dove $100
Rail, Snipe, Coot $100
Sandhill Crane $250
Moose $7,500
Mountain Goat $12,500
Mountain Lion $5,000
Partridge-Chukar $300
Partridge-Hungarian $300
Pheasant $300
Snowshoe Hare $200
Squirrel-Fox, Grey and Red $200
Wild Turkey $500
Wildlife-all other not specified $10-$100
Wolf $1,000

Monday, April 28, 2003

Casper Star-Tribune

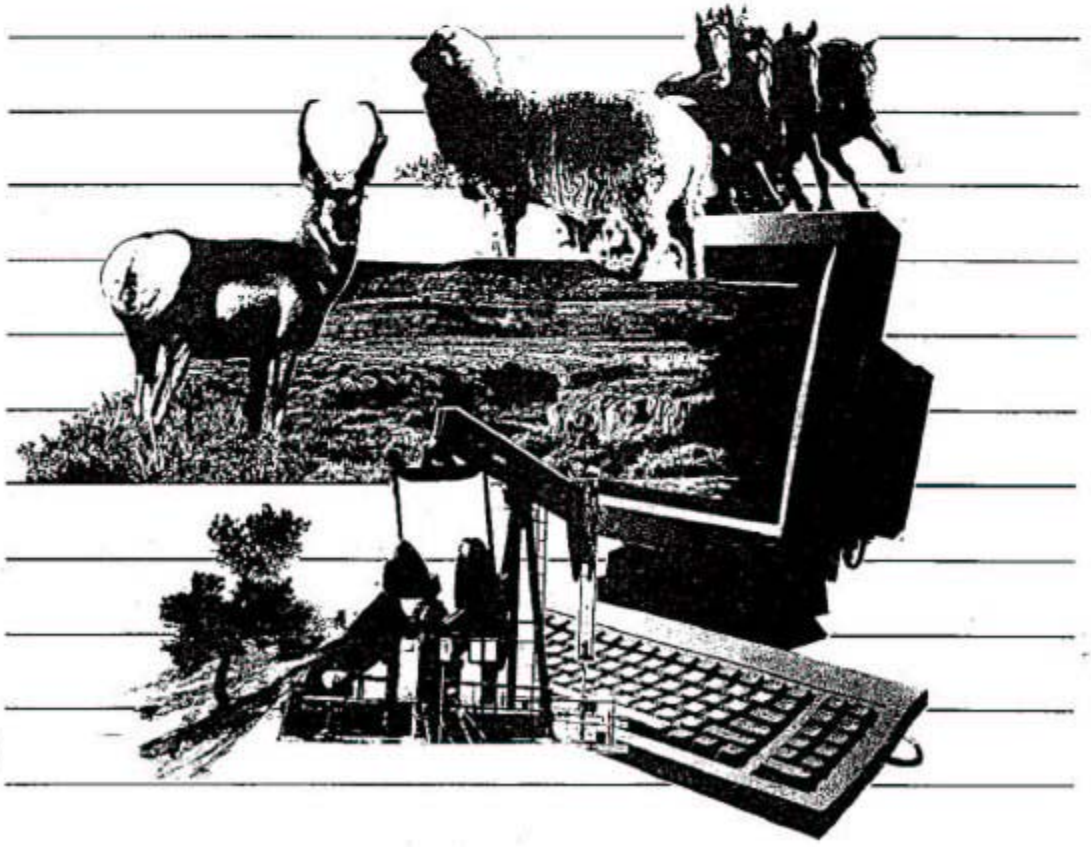
Would like to see a update on these big game populations.

U.S. Department of the Interior
Bureau of Land Management
Rock Springs District Office

Green River Resource Area Norman Gillespie 1992

Green River Resource Area Resource Management Plan and Draft Environmental Impact Statement

Volume 1 of 3



AFFECTED ENVIRONMENT

TABLE 3-22

BIG GAME POPULATION STATUS (1988-1989)

Species	Herd Unit	Objective Population	Current Population	Objective Harvest	Current Harvest
Deer	Baggs	18,700	19,100	3,900	3,300
	Hall Creek	5,600	5,407	1,250	996
	South Rock Springs	11,750	10,000	2,760	811
	Steamboat	4,000	3,704	470	312
	Sublette	12,500	37,776	2,500	3,533
	Uinta-Cedar Mountain	7,000	11,000	1,600	1,819
	Wyoming Range	38,000	55,908	5,000	3,918
Antelope	Bitter Creek	11,000	12,100	1,420	1,850
	Red Desert	12,000	11,700	2,200	1,900
	South Rock Springs	4,000	3,900	1,000	825
	Sublette	19,400	32,150	4,150	5,570
	Uinta-Cedar Mountain	5,500	6,840	1,375	1,230
	West Green River	3,000	3,000	750	670
Elk	South Rock Springs	600	850	—	262
	South Wind River	3,300	2,922	—	230
	Steamboat	500	548	—	100
	Uinta-Cedar Mountain	600	600	—	62
Moose	Lander	325	295	—	42
	Sublette	5,500	5,790	—	637
	Uinta-Cedar Mountain	600	520	—	31
	West Green River	*	30-35	—	0

* - no current objective

LAND GRAB

Freshman Congresswoman Barbara Cubin (R-Wyoming) is a strong states' r[illegible]advocate and a backer of those w[illegible]believe there is no legal basis for national forests, national parks or BLM lands. "The federal government doesn't have a right to own any lands except post offices and armed forces bases," Cubin argues.

How does Cubin propose to resolve the controversy? "I think what we have already done in the Contract With America is a start," she explains. "We are reining in the federal government. We are going to require regulatory reform, so that when Congress passes a law, the rules and regulations that are promulgated will more accurately reflect the law that is written, and the intent of that law, rather than letting the restrictions grow and grow every time a new bureaucrat comes on board. The Endangered Species Act, the Clean Water Act and the Wetlands Act have all drastically limited the use of land, and we intend to reduce the authority and power of the federal government to prevent it from intruding on individual rights and individual property rights. We have already started that process here in Congress."

While attacking federal laws that have hampered use of public lands throughout the West, Representative Cubin adds that her preference would be to exclude national parks, national forests and national monuments from state control. However, BLM land is a different story.

"Most of those lands are prairies and are obviously not the most favorable lands in terms of producing anything or having any natural beauty. Frankly, there is not a whole lot of recreation use on those lands, so it would have very little effect on tourism if they were given back to the states," she concludes.

Echoing that, Representative James Hansen (R-Utah) says, "I honestly believe that one of the most prudent things we could do is pass legislation that turns BLM land over to the states."

[redacted]

LAND GRAB

While acknowledging that "some ownership patterns of lands in the West may, in fact, be illogical, and perhaps land exchanges with states and localities can be made more efficient," Christopher Wood, policy analyst for the BLM, bristles at attempts to minimize the recreational importance of BLM lands. "More than $678 million in local spending was generated by recreation on BLM-managed lands in 1993 alone," he asserts. "What would happen to this golden egg if Western states and counties privatized those lands and sold them off to wealthy individuals for development or commercial use by multinational corporations?"

What also rankles Wood are the repeated claims by the vocal backers of states' rights that the public lands should be "given back" to the states under the Equal-Footing Doctrine.

"But in all this rhetoric," Wood explains, "is the basic legal fact that at no time have the Western public lands belonged to the states. They were acquired through treaty, conquest or purchase by the federal government, acting on behalf of all the citizens of the United States. When the Declaration of Independence was signed, seven colonies held claims to the unappropriated lands west of the Appalachian Mountains. By 1802, all seven had ceded those lands to the federal government, which set an important precedent: As territories entered the Union, land not specifically titled to the state remained under federal ownership, with millions of acres retained in the public domain for public use."

LAND GRAB

Beyond that, the government's suit against Nye County makes it clear that the supremacy and property clauses of the Constitution provide Congress, the Department of Agriculture and the Department of the Interior with the authority to manage public lands. The supremacy clause makes federal law paramount in matters that the Constitution reserves for the federal government, and the property clause gives Congress power to make rules and regulations regarding public lands.

Reinforcing that doctrine is the Federal Land Policy Management Act of 1973, which recognized the value of the public lands for the American people and required that they remain in public ownership unless otherwise provided for. States have been given certain rights under the act—law enforcement, water acquisition and regulation of fishing and hunting—as long as they do not conflict with federal law.

"Assuming those constitutional provisions did not exist, however," says Wood, "states' rights advocates would have to recognize that their claims to the land would be superceded by Native Americans and the 13 original states formed from the original British colonies, which were granted the entire area of the nation stretching from the Atlantic to the Pacific. Carried to its logical conclusion, that could mean that the state of Virginia would run from coast to coast."

Even Nevada's attorney general, Frankie Sue Del Papa, concedes that the states' rights movement's position

THIS LAND IS YOUR LAND

The Struggle to Save America's Public Lands

by Bernard Shanks

Preface

The federal lands, one-third of the United States, have always been more than just territory. They are a product of convictions embodied through history in an unusual nation founded with a great wealth of land. Their fate is harnessed to the forces of geography and politics; geography dictates the scattering of minerals, water, and scenery. Politics allocates the resources.

The land is now bound by hundreds of laws and countless political pressures, all intertwined with the ethics of the nation, for ultimately the management of the land reflects national values and morality. The public domain shaped the nation more definitively than laws, however, and the land molded generations of people. It shaped me and the ideas in this book, which are the result of more than twenty-five years of intensely personal involvement with the federal lands.

I was raised in the Middle West, where the federal domain long ago passed into corporate and other private hands. As a youth I wandered as a trespasser in fields and along a few polluted streams. As a teenager I traveled West and discovered the freedom of the land when I chased a jackrabbit across the New Mexican desert. Later I rode and hiked into many wilderness areas, astonished that a part of the frontier was left for me. I climbed some of the highest mountains and camped in isolated canyons and valleys of the public domain.

The vision I have of public lands as a welfare system managed for the benefit of an elite group did not come to me swiftly or as a tidy academic theory. It emerged during months of slogging work on forest fires, backcountry trails, and cabins. It came to me during months of splendid isolation on fire lookouts over-

looking the expanse of public lands, when I had the gift of time to think and read. This book grew from hundreds of trips and campfires on the public domain from north of the Arctic Circle to the Mexican border.

For several years I was a student of public resources. I also conducted research on the management of public lands, taught public-land policy in universities, and explored the dusty archives of libraries and government offices for insights. I have been a ranger and public-land manager, experiencing first-hand the pressure to compromise the future. I also worked in the industry of politics and have seen public resources doled out as political pork. The reality of the lands' management as I know it contrasts with the myths of "multiple use" of the public lands.

The history of these lands is a story of greed and waste. What is most disturbing is that the practices continue. Today most people think the federal lands are protected by government agencies. That is not the case. The agencies charged with protecting the public trust have a partnership with private developers. The essence of public-land management is to provide an economic subsidy to a handful of people and corporations. The public that owns the land is shortchanged.

It is ironic that as the public gained the leisure and means to enjoy the federal lands, urban life took them farther from both the land and the political allocation of it. Distance isolated most Americans from the daily loss of their resources. Most public activities on the federal lands are guided by rangers, visitor centers, and sanitized information on the "wise use" of public resources. Meanwhile, the historic pattern of exploitation has neither changed nor eased. In recent years it even accelerated; more public resources have been raided for private profit in the 1980s than in any comparable period in history. Yet because of the distance from urban America to the raw development, most people have lost touch with the fate of their lands.

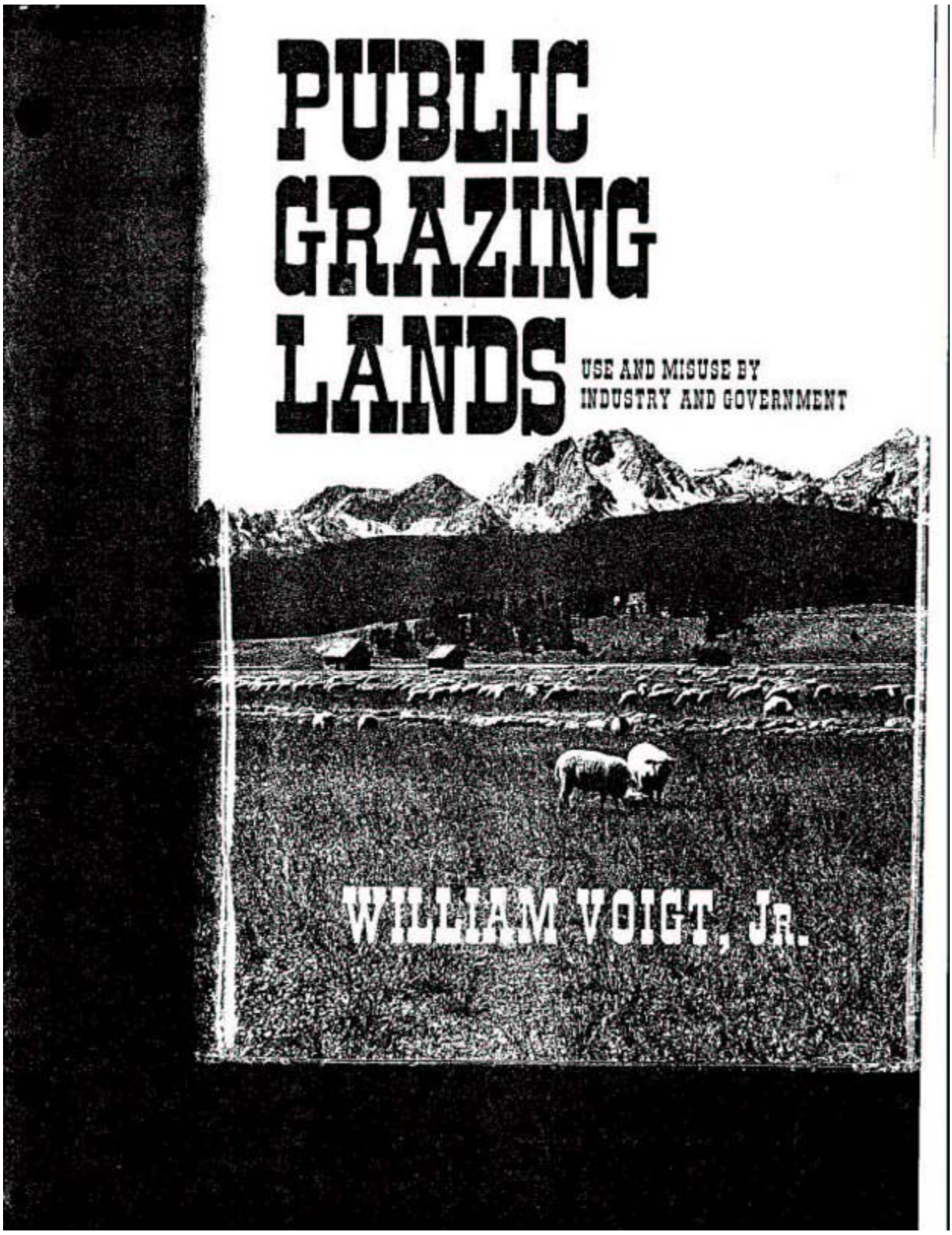
This book returns to the original ideas of the federal lands. It deals with the essential history and problems of public-land management. It has been shaped more by the land than by books or theories or bureaucratic reports.

The federal lands are this nation's most valuable assets, and their great resources are both physical and spiritual. Of all the American freedoms, the opportunity to be on open land is the one I consider most unique and most to be treasured. It is a

precious heritage for the future. The land is still shaping me and my son, and I hope it will shape what generations are yet to be born from the earth.

There are many books on the public domain. Some are bureaucratic apologies, some theoretical dissertations, others dry histories. This book is a compendium of sun, sweat, and work on the lands. It is the result of disillusionment, frustration, and anger. It calls for reform to make public-land management more democratic and fair. This hope has little basis in history, but instead arises from miles on the trail and nights around the campfire. This hope comes from the land.

Bernard Shanks
February, 1984


PUBLIC
GRAZING
LANDS
USE AND MISUSE BY
INDUSTRY AND GOVERNMENT
WILLIAM VOIGT, JR.

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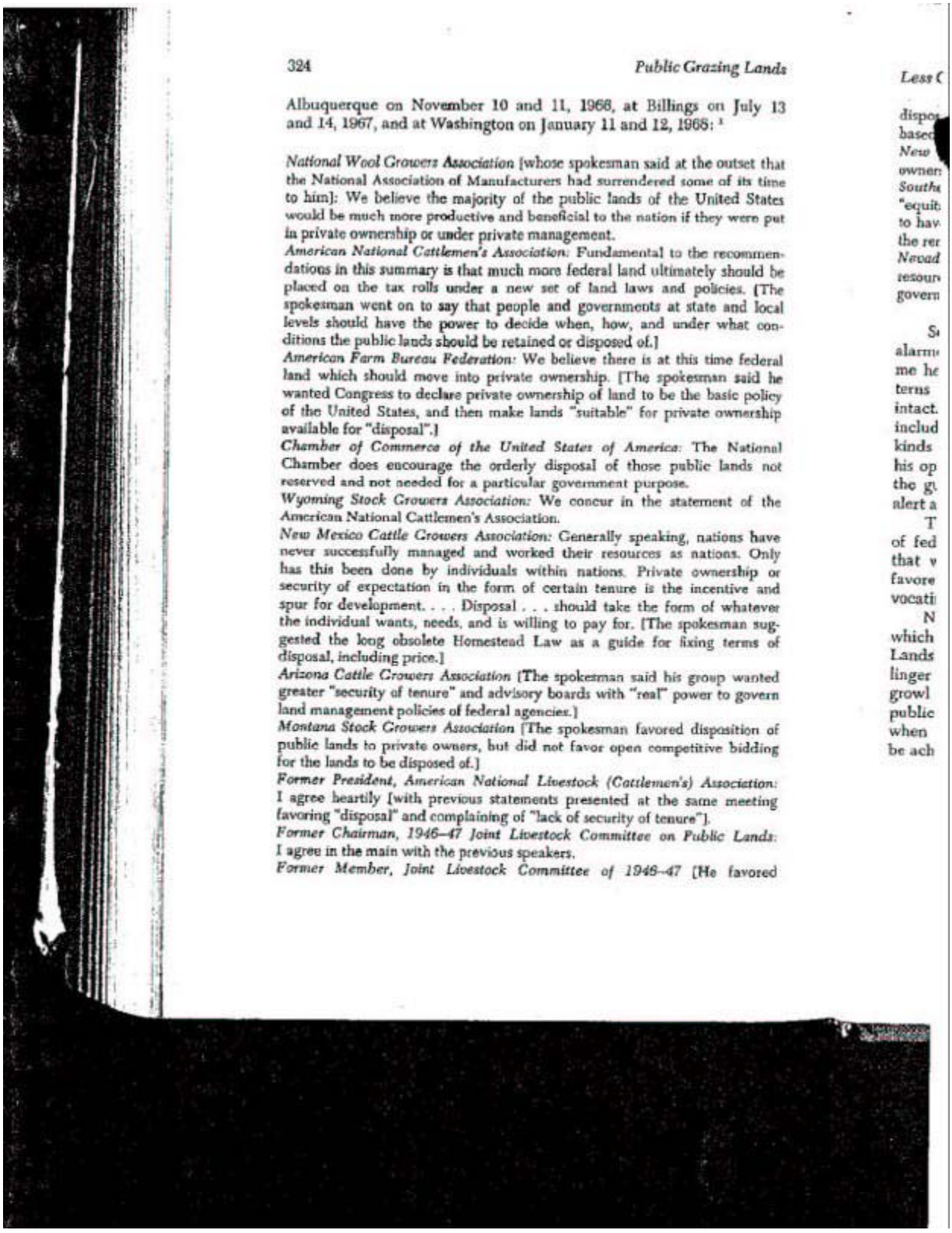
Less Growl Than Whimper

Many chapters ago this narrative began with a description of a meeting in Salt Lake City where a bold, aggressive movement to try to wrest the choicest remaining public lands from the public and put them in selected private hands was formalized and set on its course. Disparate forces in the conservation movement rose in outrage and the Great Land Grab came to a swift end.

It was followed by the authority grab against the Forest Service, which succeeded. The Service acceded to livestock industry wishes on nearly all major issues. And despite increasing expenditures that pacify and placate, ranges in many areas remain underproductive in relation to potential.

The Bureau of Land Management, as Clawson was quoted previously as saying, has in some ways been more innovative than the Forest Service, but it has at no point truly been out from under the western livestock industry's thumb. One would think the industry would be content with its gains in influence, with its demonstrated power to move the agencies in whatever direction it seems to want to go, but that has not been so. That old yearnings seldom die completely but still have some life was demonstrated in the late 1960s when the Public Land Law Review Commission held public meetings in the West and in Washington.

Transcripts of what took place at those meetings were read at its offices while the PLLRC was still conducting later stages of its study, and the following are excerpts from and condensations of [illegible]mony presented at Salt Lake City on June 7 and 8, 1966, at



Albuquerque on November 10 and 11, 1966, at Billings on July 13 and 14, 1967, and at Washington on January 11 and 12, 1968: [1]

National Wool Growers Association [whose spokesman said at the outset that the National Association of Manufacturers had surrendered some of its time to him]: We believe the majority of the public lands of the United States would be much more productive and beneficial to the nation if they were put in private ownership or under private management.

American National Cattlemen's Association: Fundamental to the recommendations in this summary is that much more federal land ultimately should be placed on the tax rolls under a new set of land laws and policies. [The spokesman went on to say that people and governments at state and local levels should have the power to decide when, how, and under what conditions the public lands should be retained or disposed of.]

American Farm Bureau Federation: We believe there is at this time federal land which should move into private ownership. [The spokesman said he wanted Congress to declare private ownership of land to be the basic policy of the United States, and then make lands "suitable" for private ownership available for "disposal".]

Chamber of Commerce of the United States of America: The National Chamber does encourage the orderly disposal of those public lands not reserved and not needed for a particular government purpose.

Wyoming Stock Growers Association: We concur in the statement of the American National Cattlemen's Association.

New Mexico Cattle Growers Association: Generally speaking, nations have never successfully managed and worked their resources as nations. Only has this been done by individuals within nations. Private ownership or security of expectation in the form of certain tenure is the incentive and spur for development. . . . Disposal . . . should take the form of whatever the individual wants, needs, and is willing to pay for. [The spokesman suggested the long obsolete Homestead Law as a guide for fixing terms of disposal, including price.]

Arizona Cattle Growers Association [The spokesman said his group wanted greater "security of tenure" and advisory boards with "real" power to govern land management policies of federal agencies.]

Montana Stock Growers Association [The spokesman favored disposition of public lands to private owners, but did not favor open competitive bidding for the lands to be disposed of.]

Former President, American National Livestock (Cattlemen's) Association: I agree heartily [with previous statements presented at the same meeting favoring "disposal" and complaining of "lack of security of tenure"].

Former Chairman, 1946–47 Joint Livestock Committee on Public Lands: I agree in the main with the previous speakers.

Former Member, Joint Livestock Committee of 1946–47 [He favored

disposal, with the price to be paid by rancher-permittees for the land to be based only on its productivity of forage for grazing.]
New Mexico Farm Bureau Federation: Federal lands suitable for private ownership should be made available for disposal.
Southeast New Mexico Grazing Association [The spokesman said he wanted "equitable disposition of all classes of public lands", with grazing permittees to have a preferential right to buy, paying 10 per cent of the cost down and the remainder over 20 years with carrying charges of 3⅛ per cent.]
Nevada Taxpayers Association . . . cession of all public lands and their resources, except national parks and Indian Reservations, by the federal government to the states in which they are situated.

Some of my colleagues [2] in the conservation movement were alarmed by such statements. Clawson was less impressed. He told [3] me he believed that except for minor adjustments in ownership patterns that really should be made, the federal estate would remain intact. He said there are and always will be special interest groups, including recreationists and wildlife enthusiasts, who will want many kinds of favors, and they will keep on trying to get them. Much of his optimism, however, appeared to me to rest on the extent to which the guardians of the public estate, in and out of government, keep alert and stand ready to take needed defensive steps.

The PLLRC did exercise restraint in the matter of "disposal" of federal lands when it released its report in 1970. It suggested [4] that where a use of an area was "dominant," that use should be favored above others, but it refrained from any semblance of advocating a give-away or another land grab.

Now, close to thirty years after the Salt Lake City meeting at which the "Joint National Livestock Committee to Grab Public Lands" was formed, the yearning for a giant give-away appears to linger in a few places, but what once sounded like an overpowering growl now seems little more than a whimper. The nation's western public lands seem safely national. It remains to be seen, however, when or whether the full productivity of which they are capable will be achieved.

PUBLIC GRAZING LANDS

WILLIAM VOIGT, Jr.

What William Voigt calls the "use and misuse" of our public lands is one of the most acute and intricate problems facing this country today. He has written a penetrating account tracing governmental policies and industry actions responsible for the exploitation, deterioration, and only partial protection of upwards of 200 million acres of federal range. Nowhere else has this part of our national history been so accurately and painstakingly scrutinized.

Of the many assaults by commercial interests on the national resources of America, none has been more flagrant or self-seeking than the "Great Land Grab" of the 1940s, an effort by a small but influential group of western stockmen to take title to immense tracts of federally owned grazing lands, those of the public domain administered under the Taylor Act of 1934, and the National Forest System created in 1905. That episode ended a dramatic but short-lived victory for the forces of conservation. Soon the exploitative elements of the livestock industry were moving again, this time seeking to nail down control of the Forest Service, knowing that its subjugation would be followed by industry control of the ranges administered. The Service was indeed weakened and subdued.

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In more recent years the course of events has been more erratic and devious, but never far from the industry's policy of domination described by former Interior Secretary Walter J. Hickel in his book *Who Owns America?* as the "buddy system." The industry and the government officials who were committed to regulating that industry exchanged favors and accommodated each other.

Voigt pursues these themes from the beginnings to the present, calling the whole a "strange, complicated mixture of actions and motivations that encompass an original wealth of vegetative resources, a significant part of an industry that in the 1940s remembered wild and woolly earlier times and insisted on having its way ... and federal officials whose concepts of how best to manage the public estate Out There could vary 180 degrees."

Though grazing on public land is as old as the Republic, recognition of its excessive use, especially in the vast region between the 100th meridian and the Sierra Nevada that Bernard DeVoto called the "Interior West," was slow in gaining public attention. Voigt was an official of the Izaak Walton League of America, which took a leading role in bearing back the attempted "Land Grab" and opposing the various other assaults that followed. Although that attempt is long dead and not likely to be tried again, many public land grazing problems remain. Voigt makes it clear that exploitative land management practices that have persisted over the last century can be corrected and the downward trend of our national estate reversed only by firm governmental control, supported by an aware and involved public.

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5.1–10 acres; 21 percent, 10.1–15 acres; 19 percent, 15.1–25 acres; and 24 percent of the lands required more than 25 acres.[42]

The Forage Resource identified capital investment as the western livestock industry's "most significant influence . . . on the local and state economies." The western livestock industry as a whole (including both private and public land operations) ranked among the top three employers in eight of the eleven western states, but the number of ranches in the West had declined by 16 percent since 1940. Total grazing use of the public lands had been decreasing; declines of 9 percent in animal numbers and in forage consumption had occurred between 1947 and 1966 in the eleven western states. Cattle numbers on public lands, however, actually increased during this period, by 40 percent.[43]

A survey of permittees revealed that the larger operations derived more than 75 percent of their income from livestock production; operations with less than 151 animal units, however, averaged only 39.3 percent of income from livestock. Twenty-one percent of respondents reported using private grazing lands (other than their own) in addition to federal lands, at fees exceeding those paid for federal forage.[44]

The Forage Resource investigators noted that federal grazing policy "avoided the adoption of an economic efficiency criterion," instead "let[ting] social factors related to the range, small family ranches and local communities replace price (economic efficiency) as a means for resource allocation." As a result, "permitted ranchers obtained forage at a lower cost than those with no federal permits"; the "differential in cost was the source of the permits acquiring a capitalized value." Another consequence of federally subsidized grazing was smaller ranches. If permits were made available on the basis of competitive bidding, the study authors predicted, ranch sizes would more than double. The average, "break even"–sized cattle ranch was just over 200 head; ranches needed to be considerably larger—300 head or more—to break even in the Intermountain Region and Southwest. Furthermore, the "adjusted average cost of beef [Westwide was] just over the average selling price." These two facts meant that some "average-sized" ranches lost money. A large fraction of smaller ranches reportedly did "not cover their costs through ranching alone."[45]

Direct contributions of the livestock industry to income in eight western counties selected for study ranged from 12 to 24 percent. The researchers concluded that, "[l]ike farming generally, the livestock industry has contributed to the growth and the stability of the local community." Referring to the Taylor Act purpose of stabilizing the livestock industry, the investigators concluded, however, that any "reallocation policy that tends to increase the number of small ranchers will neither be doing the rancher, the industry nor the community a favor." The authors of *The Western Range* had recognized a comparable dilemma in the 1930s. They pointed out that the Forest Service's redistribution policy was, in some cases, actually destabilizing local communities by reducing permitted

numbers below minimum ranch sizes in order to issue grazing permits to new applicants. *The Forage Resource* authors characterized the basic policy issue in 1970 as: "can we stabilize the livestock economy and at the same time secure the maximum returns to the Government in the form of fees or rentals for the public grazing lands?"[46]

The final PLLRC report acknowledged that, "[w]ithout the privilege of grazing public lands, many ranches would cease to exist as economic units, or would be forced out of business due to the high cost of substituting other sources of feed." It nevertheless recommended that the federal government "receive full value for the use of the public lands and their resources," including the forage resource, without regard to the impact on permittees or, consequentially, on local communities. Just six years later Congress made this recommendation federal policy in FLPMA.[47]

The PLLRC's advice concerning other public lands resources sheds light on the relative values of public land uses. Its modern perspective on fish and wildlife resources and habitat foreshadows some of the current interest in biodiversity conservation. Expressing concern that fish and wildlife "be properly considered in the growing competition for public land resources," the commission stated:

> The Federal Government has a responsibility to make provision for protecting, maintaining, and enhancing fish and wildlife values on its lands generally *because of the importance of those values as part of the natural environment, over and above their value for hunting, fishing, and other recreational purposes.*
>
> Protection and propagation of rare and endangered species of wildlife should be given a preference over other uses of public lands. . . .

"Following preference to rare and endangered species," the commission continued, "preference should be given to the support of those species for which the public lands provide a critical or significant portion of the habitat." The PLLRC criticized the historical federal favoritism for game, over nongame, species, warning that the "resulting imbalance in resource management policy must be redressed." It further advised that "[f]ish and wildlife populations should be maintained at levels in consonance with the ability of the habitat to support them. . . . Public land vegetation should be managed so as to sustain wildlife populations. . . ."[48]

The PLLRC recommended that forage be allocated by statute to wildlife, both game and nongame species, and it implied that, where livestock grazing needs and wildlife management concerns collided, the wildlife objectives should take precedence. It was "convinced that predator control programs should be eliminated or reduced on Federal public lands." "While these programs may have been of some benefit to livestock operators," the commission stated, "they have upset important natural mechanisms for the population control of other species." It also urged that "key fish and wildlife habitat zones" be identified

public-land law has passed in the twentieth century over their united opposition. Westerners are the gatekeepers of all public-land law, arbiters of the public allotment.

The power of a key committee assignment is more than just an influence over formation of public-land policy; it reaches directly to agencies that manage the lands. A personal relationship develops between important committee members and top-level administrators. The directors of the National Park Service, Bureau of Land Management, and Fish and Wildlife Service must work closely with key members of Congress or find themselves hamstrung and useless. A Park Service director may receive a dozen phone calls from congressmen from all over the nation but will personally respond first to those who sit on the National Parks Subcommittee, regardless of the urgency of the calls or the political affiliation of the member calling. William Whalen, a former Park Service director, was once asked how he responded to a House Interior Committee chairperson. "If my chairman only lifted an eyebrow, I jumped," Whalen responded, only half-jokingly.

Adding energy policy to the Interior Committee's concerns in the 1970s began to erode western influence over public lands. Nevertheless, the national interest has never been fully represented in Congress.

The second major institution at the core of public-land problems today is the budgetary process, which often works contrary to principles of democracy. Members of the Appropriations Committee become specialists in certain programs. Like public-land committee members, those who concentrate on the federal-land budgets are usually from western states. They scrutinize items of personal interest and assure that programs beneficial to loggers, miners, and stock raisers are well funded. Funds for roads, capital improvements, timber sales, and mineral leasings are virtually always fully funded. Educational, aesthetic, wilderness, and non-economic programs are never adequately financed.

The budgetary process frustrates public concerns in another way: special amendments, or riders, are sometimes attached to appropriations bills, radically changing the direction of public-land policy. When western congressmen were offended that Teddy Roosevelt was protecting large blocks of lands as national forests, they wanted to pass legislation removing his power to

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reserve such lands. Roosevelt would obviously veto such legislation, so they attached it as a rider to the appropriations bill. Roosevelt was forced to sign the legislation or have the government agencies run out of funds. Further establishment of national forests from the public domain has been blocked since that time.

In another case, for many years conservationists attempted to enlarge the Grand Teton National Park in Wyoming to include the scenic valley known as Jackson Hole. The Wyoming congressional delegation refused to permit such legislation to pass, despite national support for it. John D. Rockefeller had quietly purchased 33,000 acres in Jackson Hole to be part of the new park. After years of waiting for Congress to act, all the while paying taxes on property he had no intention of developing or exploiting, Rockefeller threatened to sell his holdings. Franklin D. Roosevelt declared the valley a national monument under the authority of the Antiquities Act. The Rockefeller land was accepted as a gift to the American people and incorporated into the national monument. Local resentment against the monument and park was high. Congress passed legislation abolishing the monument, but it was vetoed by Roosevelt. Then in 1944 a rider was attached to the Interior Department budget; funds could not be used to manage or protect Jackson Hole National Monument.

A young local county commissioner, shrewd and ambitious, joined two other cattle ranchers and moved their livestock onto the monument's lands. Legally they were trespassing, but the Park Service was powerless to enforce its laws. The cattle grew fat at public expense. For seven years the rider was placed on the annual Interior Department budget. The commissioner testified before one congressional committee that people could camp or do anything they wanted in Jackson Hole National Monument without interference from the Park Service.

In 1950 a compromise bill passed Congress permitting Jackson Hole National Monument to become part of the Grand Teton National Park. The bill permitted "valid existing grazing" to continue and established a precedent to allow hunting in a national park. The county commissioner, Clifford Hansen, went on to become governor and then senator from Wyoming. Senator Hansen sat on the Interior Committee, and eventually the Park Service adopted the most unusual practice of any na-

tional park: Park Service employees used public land to raise the cattle of a U.S. senator. The cattle remain each summer in the park on irrigated public land, the shameful legacy of a budget committee member's control over public lands.

The practice of directing policy with a budgetary rider is also a major problem for the Bureau of Land Management. Congress undoubtedly wanted public lands to be well managed and protected when it passed the Federal Land Policy and Management Act in 1976. The BLM set out to control overgrazing and provide forage on the public lands not only for domestic livestock, but also for wildlife and wild horses. This policy required drastic cuts in the numbers of livestock in some areas to protect vegetation and soil from overgrazing and to stop desertification. But this policy raised a bawl of protest from cattle ranchers. Obviously legislation permitting overgrazing on the public lands would not pass Congress, so Idaho's Senator James McClure attached an appropriations rider to the Interior budget. It severely restricted the BLM's ability to control overgrazing on public lands; no more than a 10 percent reduction could be made in the grazing levels each year. Some areas needed a 50 to 80 percent, even a 90 percent, reduction in grazing to prevent soil erosion and protect forage for native wildlife. Cattle raisers protected their interests at the public lands' expense, because McClure was chair of the Senate Energy and Natural Resources Committee.

The third institution that remains a major problem in forming a rational and balanced public-land management policy is the office of the secretary of the interior. As a presidential appointment, the cabinet position is normally not considered prestigious and a high presidential priority. Only perfunctory public concern is expressed in the position, and that is largely from the West. When Interior Secretary James Watt was appointed in 1980, many industrial interests in the West expressed relief that a westerner was named. Yet the previous interior secretary, Cecil Andrus, was a former governor of Idaho and lifelong westerner. Most interior secretaries are from the West, and many, such as Andrus and Stewart Udall, have records as conservationists.

The problems with the office of the secretary are several. Congress has given the Interior Department cabinet post wide jurisdiction over public lands. The interior secretary has broad

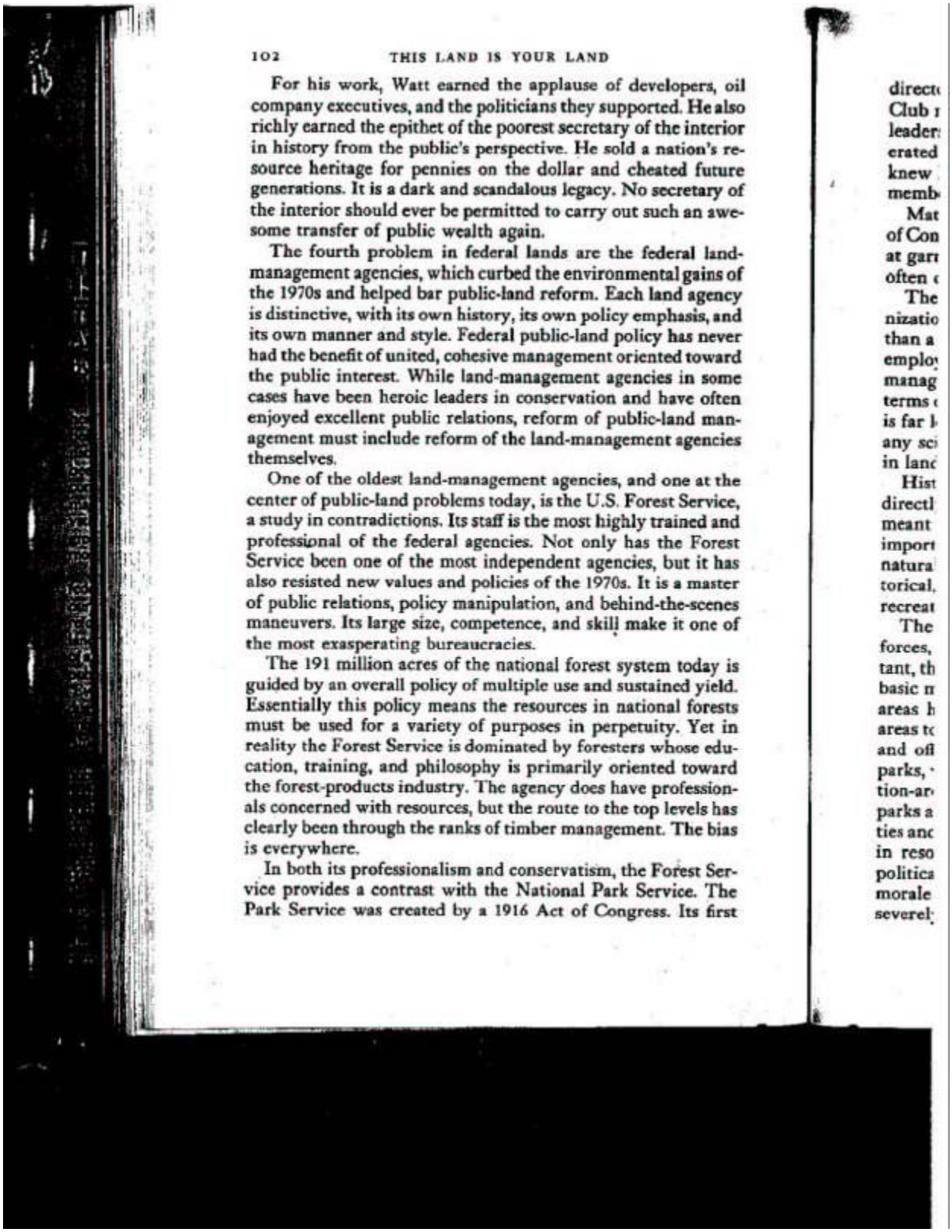
authority to set regulations and policies on most of the public lands, even handling mineral leasing on the national forests and other federal lands. The interior secretary makes development decisions involving hundreds of billions of dollars' worth of public resources with little oversight by Congress or any other public body. The secretary has virtually unlimited power to sell energy resources on the public land. It is a system that encourages scandal.

The classic case of abuse by an interior secretary was the Teapot Dome oil lease on 9000 acres in Wyoming. Secretary of the Interior Albert Fall, a former U.S. senator from New Mexico, was convicted of granting this lease for a $200,000 bribe given by Harry Sinclair of Sinclair Oil Company. The scandal haunted conservation for years and shamed the Harding administration.

But the most infamous example of a secretary of interior violating the sacred public trust of his office was James Watt. He earned the dubious distinction of being the most corporate-minded individual who ever held such an important office. With his zeal and extreme right-wing views, Watt quickly became a household word and an embarrassment to the Reagan administration. While he was widely condemned and ridiculed in cartoons and the press, he proceeded to carry out his plans. He cleared out Interior staff members devoted to conservation. He intimidated and threatened career professionals. But more important, he began massive regulatory reforms that served special interests and sacrificed the public interest in federal lands.

Watt had earned his living for years as an agent for western corporate interest. As the top executive in the Mountain States Legal Foundation, which represents big business's interests although it is euphemistically termed a "public interest" organization, Watt led the attack on many of the environmental gains of the 1970s.

Once in office, Watt set out to sell at bargain prices to the oil and mining industry virtually all the remaining public-land energy resources. Conservation had protected public lands and continental-shelf lands containing not only wilderness and parks, but the last reserves of energy resources—oil shale, coal, tar sands, geothermal sites, oil, and gas. Watt set out to transfer this vast public wealth worth more than a trillion dollars to private and corporate ownership.



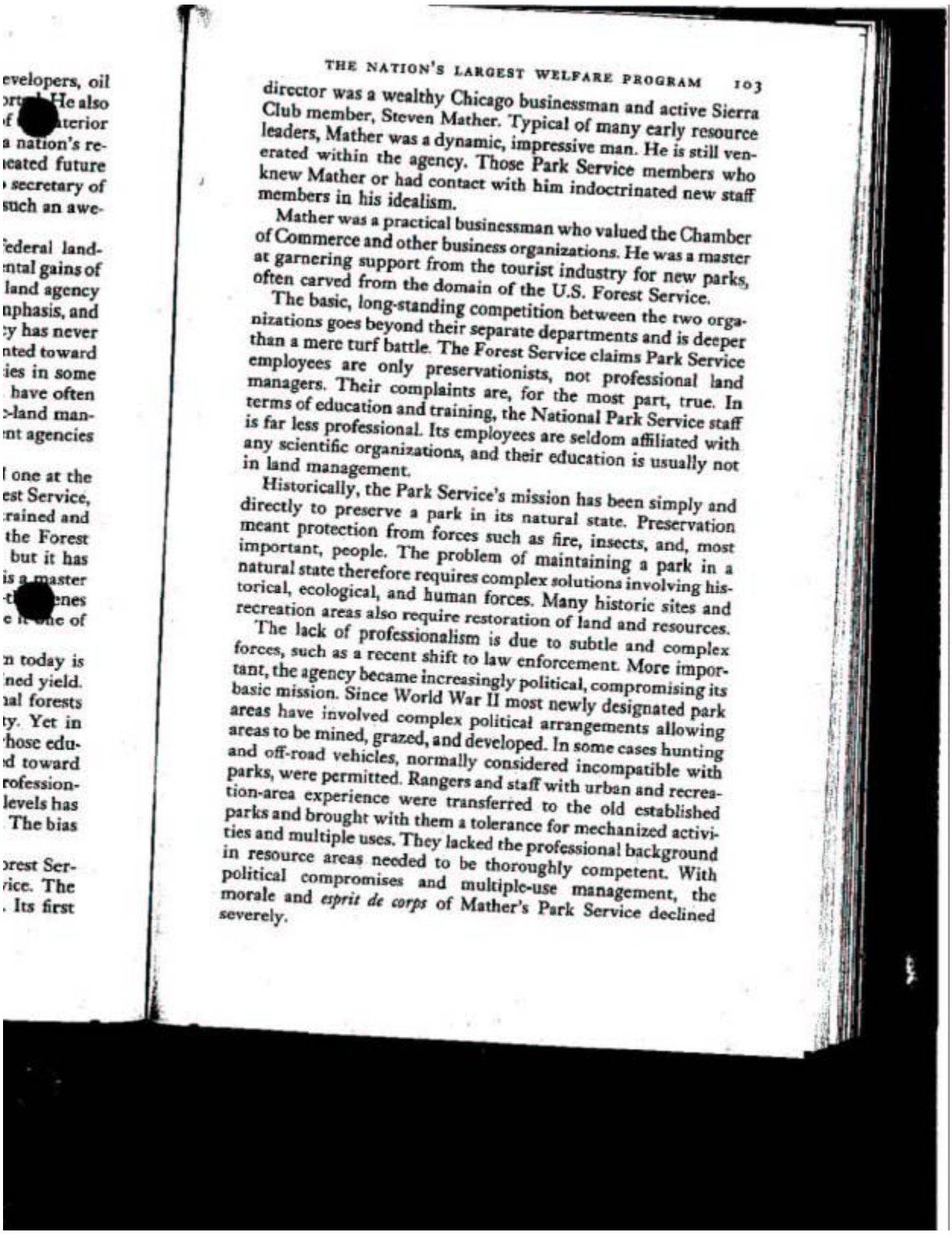
For his work, Watt earned the applause of developers, oil company executives, and the politicians they supported. He also richly earned the epithet of the poorest secretary of the interior in history from the public's perspective. He sold a nation's resource heritage for pennies on the dollar and cheated future generations. It is a dark and scandalous legacy. No secretary of the interior should ever be permitted to carry out such an awesome transfer of public wealth again.

The fourth problem in federal lands are the federal land-management agencies, which curbed the environmental gains of the 1970s and helped bar public-land reform. Each land agency is distinctive, with its own history, its own policy emphasis, and its own manner and style. Federal public-land policy has never had the benefit of united, cohesive management oriented toward the public interest. While land-management agencies in some cases have been heroic leaders in conservation and have often enjoyed excellent public relations, reform of public-land management must include reform of the land-management agencies themselves.

One of the oldest land-management agencies, and one at the center of public-land problems today, is the U.S. Forest Service, a study in contradictions. Its staff is the most highly trained and professional of the federal agencies. Not only has the Forest Service been one of the most independent agencies, but it has also resisted new values and policies of the 1970s. It is a master of public relations, policy manipulation, and behind-the-scenes maneuvers. Its large size, competence, and skill make it one of the most exasperating bureaucracies.

The 191 million acres of the national forest system today is guided by an overall policy of multiple use and sustained yield. Essentially this policy means the resources in national forests must be used for a variety of purposes in perpetuity. Yet in reality the Forest Service is dominated by foresters whose education, training, and philosophy is primarily oriented toward the forest-products industry. The agency does have professionals concerned with resources, but the route to the top levels has clearly been through the ranks of timber management. The bias is everywhere.

In both its professionalism and conservatism, the Forest Service provides a contrast with the National Park Service. The Park Service was created by a 1916 Act of Congress. Its first



director was a wealthy Chicago businessman and active Sierra Club member, Steven Mather. Typical of many early resource leaders, Mather was a dynamic, impressive man. He is still venerated within the agency. Those Park Service members who knew Mather or had contact with him indoctrinated new staff members in his idealism.

Mather was a practical businessman who valued the Chamber of Commerce and other business organizations. He was a master at garnering support from the tourist industry for new parks, often carved from the domain of the U.S. Forest Service.

The basic, long-standing competition between the two organizations goes beyond their separate departments and is deeper than a mere turf battle. The Forest Service claims Park Service employees are only preservationists, not professional land managers. Their complaints are, for the most part, true. In terms of education and training, the National Park Service staff is far less professional. Its employees are seldom affiliated with any scientific organizations, and their education is usually not in land management.

Historically, the Park Service's mission has been simply and directly to preserve a park in its natural state. Preservation meant protection from forces such as fire, insects, and, most important, people. The problem of maintaining a park in a natural state therefore requires complex solutions involving historical, ecological, and human forces. Many historic sites and recreation areas also require restoration of land and resources.

The lack of professionalism is due to subtle and complex forces, such as a recent shift to law enforcement. More important, the agency became increasingly political, compromising its basic mission. Since World War II most newly designated park areas have involved complex political arrangements allowing areas to be mined, grazed, and developed. In some cases hunting and off-road vehicles, normally considered incompatible with parks, were permitted. Rangers and staff with urban and recreation-area experience were transferred to the old established parks and brought with them a tolerance for mechanized activities and multiple uses. They lacked the professional background in resource areas needed to be thoroughly competent. With political compromises and multiple-use management, the morale and *esprit de corps* of Mather's Park Service declined severely.