



The National Public Lands Grazing Campaign

by Mark Salvo and Andy Kerr

DOMESTIC LIVESTOCK have done more damage to western federal public lands than the bulldozer and chainsaw combined. Not only have livestock been degrading the landscape longer than developers, miners, and loggers, they have also grazed nearly everywhere. Cattle, sheep, horses, and goats chew and defecate their way through grasslands, deserts, and forests managed by the Bureau of Land Management (BLM), U.S. Forest Service, U.S. Fish and Wildlife Service, and the National Park Service. A huge body of scientific literature describes how these livestock threaten sensitive species, trample vegetation, steal forage from native wildlife, accelerate soil erosion, spread noxious weeds, alter natural fire regimes, and reduce water quantity and quality.¹

The federal grazing program operates at a loss, costing taxpayers at least \$500 million annually.² This figure includes direct program costs and millions of dollars spent each year—

on emergency feed, drought and flood relief, and predator control—to support public lands grazing.

In addition to being ecologically destructive and economically irrational, federal public lands grazing makes negligible contributions to western state economies and domestic beef supplies. Less than 3% of livestock producers in the United States (approximately 27,000) have permits to graze federal public lands.³ These lands supply less than 2% of total feed for livestock in the United States⁴ and provide less than 3% of American beef.⁵ Public lands ranching jobs represent only a fraction of 1% of employment in eleven western states, while income from public lands ranching is less than half of 1% of total income for those states.⁶

Challenging the status quo

The National Public Lands Grazing Campaign is a multi-year, multi-organization effort to end abusive, fiscally wasteful live-

stock grazing on federal public lands. A steering committee representing conservation activists and organizations across the West is coordinating the campaign, which is working to:

- educate the American people about the ecological, economic, and social harm caused by public lands livestock grazing;
- hold public lands graziers accountable for their activity through full enforcement of environmental laws; and
- amend federal law to allow the voluntary buyout of federal grazing permits.

PUBLIC EDUCATION. Most Americans are unaware of the damage that livestock grazing causes to public land and resources. Among other educational activities, the campaign will promote and help distribute a book, *Welfare Ranching: The Subsidized Destruction of the American West* (to be published by Island Press in 2002), featuring nearly 400 pages of articles and photographs that provide a portrait of public lands grazing from its historical roots in the cowboy myth to its present burden on taxpayers, ecological impacts, and social harms. [A pre-publication excerpt from *Welfare Ranching* appears on page 52 of this issue.]

ENFORCEMENT AND ACCOUNTABILITY. If properly administered, current federal statutes—including, but not limited to, the Endangered Species Act, Clean Water Act, National Forest Management Act, and the Federal Land Policy and Management Act—would dramatically reduce or possibly even eliminate public lands grazing. Member organizations in the campaign and other conservationists are increasing enforcement efforts through administrative appeals, litigation, species listing efforts, and by participating as interested parties in new federal land management planning processes.

LEGISLATIVE AND ADMINISTRATIVE REFORM. The National Public Lands Grazing Campaign is advocating for legislation to allow permanent retirement of federal grazing permits voluntarily relinquished by public land grazing permittees in exchange for compensation. The campaign is also seeking administrative reform to allow third parties to facilitate permanent permit retirement.

Federal grazing permit buyout

Central to our effort is the creation of a federal grazing permit buyout program: we support legislation that authorizes—and funds—the federal government to purchase current grazing permits from willing sellers, retire the permits, and reallocate forage to wildlife and watersheds. Participants in the program

would still own their “base properties,” the private lands to which the federal grazing permits are attached, and could use their cash windfall for any purpose. Some might choose to reinvest in ranching by purchasing more private grazing land elsewhere, some might start new businesses such as a hunting guide service or bed and breakfast, and some might retire.⁷

Current law generally requires agency managers to transfer grazing permits to other ranchers upon the resignation or retirement of the previous permittee. (Permits are cancelled without permittee consent in rare cases by court order or when Congress so directs, such as within a national park.) However, there are examples where conservation organizations, livestock operators, and land managers have worked creatively within the bounds of current law to retire permits. In some cases, Congress has also passed legislation that explicitly authorized permit retirement on specially designated land.

Grazing permits issued under the Taylor Grazing Act of 1934 allow permittees the *privilege* to use publicly owned forage. The permits do not convey a *right* to graze federal lands. This distinction was intended by Congress in the act,⁸ articulated in agency regulations,⁹ restated in federal grazing studies,¹⁰ confirmed by scholars,¹¹ and upheld by the Supreme Court as recently as 2000.¹² Federal grazing permits are revocable, amendable, non-assignable 10-year licenses that do not convey property rights.

Despite their indefinite (and sometimes volatile) nature, grazing permits have carried a market value since the passage of the Taylor Grazing Act, which created exclusive grazing allotments out of the public commons. Permit value is recognized by the real estate market,¹³ Internal Revenue Service,¹⁴ banks,¹⁵ and economists¹⁶ (and, of course, permittees). The value of grazing permits is sustained by a preference system that advises federal agencies to reissue grazing permits every 10 years to the same permittee if the operation is in good standing. The expectation that public lands livestock operations will retain their permits for as long as desired—and that such permits will be routinely transferred to any new owner of the base property (as long as the new owner agrees to graze the public allotment)—has encouraged ranchers to rely on their value for financial planning purposes. For better or worse, permits have become part of ranch value. Presently, many public lands ranches are burdened by long-term debt, poor debt/equity ratios, and limited income.

To encourage participation in a voluntary permit buyout program, the National Public Lands Grazing Campaign proposes compensating grazing permittees and leasees at a very

generous \$175 per animal unit month (AUM). (Livestock use is measured in animal unit months, which is the amount of forage necessary to feed a cow and calf for one month.) Although this rate is more than the fair market value for grazing permits,¹⁷ over time it would still deliver tremendous savings to the federal treasury (taxpayers), financial liberation for many public lands ranchers, and incalculable ecological benefits. At this rate, the payback to the taxpayers would take seven years. Considered another way, if voluntary permit buyout legislation is enacted, livestock grazing can be ended for an average of \$13.45 for each public lands acre retired by the program.

Some conservationists argue that taxpayers should not have to pay ranchers to stop abusing, and profiting from, public lands. This is a good point. But we shouldn't have to pay to *continue* that abuse either, and that's what taxpayers are doing—at over half a billion dollars annually. We believe it is preferable to offer a one-time lump sum payment to public lands ranchers to leave the public domain rather than to continue to pay them forever to stay.

Support for permit buyout is increasing, and not only in the conservation community. There is some interest from the Bureau of Land Management and upper echelons of the Bush adminis-

tration. Some land managers are retiring permits now, although the law discourages it. Free-market think tanks are supportive of the concept, although conservationists and libertarians differ on the details. Recognizing the limited success of our past strategies regarding public lands livestock grazing, the National Public Lands Grazing Campaign invites the conservation community to support and actively work for passage of legislation that creates a voluntary permit retirement program. We believe such a strategy is a socially compassionate, administratively efficient, politically expedient, and ecologically responsible way to end abusive livestock grazing on federal public lands.¹⁸ ☺

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Andy Kerr (www.andykerr.net) is the director of the National Public Lands Grazing Campaign. A pragmatic conservationist, he believes there is no limit to the good that can be done with other peoples' money. ☞ More information on the National Public Lands Grazing Campaign may be found at www.publiclandsranching.org. To subscribe to a campaign listserv, send an e-mail message to: campaign-subscribe@yahoogroups.com.

NOTES

- To review the most pervasive and destructive use of the public domain, see Debra L. Donahue, 1999, *The Western Range Revisited: Removing Livestock from Public Lands to Conserve Native Biodiversity*, Norman, OK: University of Oklahoma Press (history of BLM public lands grazing); Lynn Jacobs, 1991, *Waste of the West: Public Lands Ranching*, Tucson, AZ: Lynn Jacobs (environmental, economic, and social impacts of federal grazing program); A. J. Belsky, 1987, The effects of grazing: Confounding ecosystem, community, and organism scales, *American Naturalist* 127: 870–892 (ecosystems); A. J. Belsky and D. M. Blumenthal, 1997, Effects of livestock grazing on stand dynamics and soils in upland forests of the interior West, *Conservation Biology* 11: 315–327 (upland forests, soil); A. J. Belsky, A. Matzke, S. Uselman, 1999, Survey of livestock influences on stream and riparian ecosystems in the western United States, *Journal of Soil and Water Conservation* 54(1): 419–431 (streams, riparian areas); T. L. Fleischner, 1994, Ecological costs of livestock grazing in western North America, *Conservation Biology* 8: 629–644 (ecosystems, riparian areas); D. Wilcove, D. Rothstein, J. Dubow, A. Phillips, E. Losos, 1998, Quantifying threats to imperiled species in the United States, *Bioscience* 48(8): 607–615 (endangered species); J. L. Gelbard and A. J. Belsky, 1999, Contributions of livestock grazing to exotic plant invasions in rangelands of the Intermountain West, *Conservation Biology* (in press) (invasive species); J. Horning, 1994, Grazing to extinction: Endangered, threatened and candidate species imperiled by livestock grazing on western public lands, Washington, D.C.: National Wildlife Federation (sensitive species).
- K. Hess and J. H. Wald, 1995, Grazing reform: Here's the answer, *High Country News* 27(18).
- Grazing permits for BLM and Forest Service allotments (includes sheep growers and accounts for permittees who operate on both BLM and Forest Service allotments). USDI-BLM, USDA-Forest Service, 1995, Rangeland reform '94 final environmental impact statement, Washington, D.C.: USDI-BLM, 3, 26; see also P. Rogers, 1999, Cash cows, *San Jose Mercury News* (Nov. 7): 2S (reporting 26,300 permittees on BLM and Forest Service allotments).
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- These jobs represent 0.06% of total employment for the western states

- containing the bulk of federal grazing allotments (AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY). P. Rogers, 1999, Cash cows, *San Jose Mercury News* (Nov. 7): 1S; L. Jacobs, 1992, *The Waste of the West: Public Lands Ranching*, Tucson, AZ: Lynn Jacobs, 354.
- Federal grazing income represents 0.04% of the aforementioned states' total. T. Power, 1998, *Lost Landscapes and Failed Economics: The Search for a Value of Place*, Washington, D.C.: Island Press, 184–185.
- See A. Kerr, 1998, The voluntary retirement option for federal public lands grazing permittees, *Rangelands* 20(5): 26–29 (simultaneously published in *Wild Earth* 8[3]: 63–67).
- 43 U.S. Code, sec. 315b.
- See, e.g., 36 Code Fed. Reg. 222.3(b).
- USDI-BLM, USDA-Forest Service, 1995, Rangeland reform '94 final environmental impact statement, Washington, D.C.: USDI-BLM, 125.
- D. Donahue, 1999, *The Western Range Revisited: Removing Livestock from Public Lands to Conserve Native Biodiversity*. Norman, OK: University of Oklahoma Press, 38.
- Public Lands Council v. Babbitt, 2000, 529 U.S. 728, 741.
- J. M. Fowler and J. R. Gray, 1980, *Market Values of Federal Grazing Permits in New Mexico*, Las Cruces, NM: New Mexico State University, Cooperative Extension Service, Range Improvement Task Force.
- L. A. Torell and J. P. Doll, 1991, Public land policy and the value of grazing permits, *Western Journal of Agricultural Economics* 16(1): 174–184.
- M. Salvo, 2001, Forest Service escrow waivers: Collateralizing federal grazing permits for private debt, in *Welfare Ranching: The Subsidized Destruction of the American West* (in press).
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- Approximately \$75 per animal unit month across the West. A. Kerr, 1998, The voluntary retirement option for federal public lands grazing permittees, *Rangelands* 20(5): 26–29 (simultaneously published in *Wild Earth* 8[3]: 63–67).
- See M. Salvo and A. Kerr, 2001, Permits for cash: A fair and equitable resolution to the public land range war, *Rangelands* 23(1): 22–24.