

Ranching In The West: Setting the Record Straight



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Ranching In The West – It is time to set the record straight.

Who Owns The West?

The federal government owns nearly half of the land in Western states, compared to only 4% east of the Mississippi River. This creates a unique set of issues and challenges for those who make a productive life on the land.

History – Livestock Grazing on Federally Administered Land

What is most commonly known as “public land ranching” has become a contentious issue in the modern American West. The practice is most accurately called “livestock grazing on federally administered land,” since the rights to the land’s natural resources, such as water, grass, and minerals, were mostly claimed as the lands were settled in the late 1800s. Those rights for use have been passed down, sold, and otherwise transferred among individuals and business entities, and remain in place to this day.

- In other words, those resources are not “public,” even though the land is administered by the federal government.

- This concept is what is known as “split estate,” which was proposed by President Theodore Roosevelt.

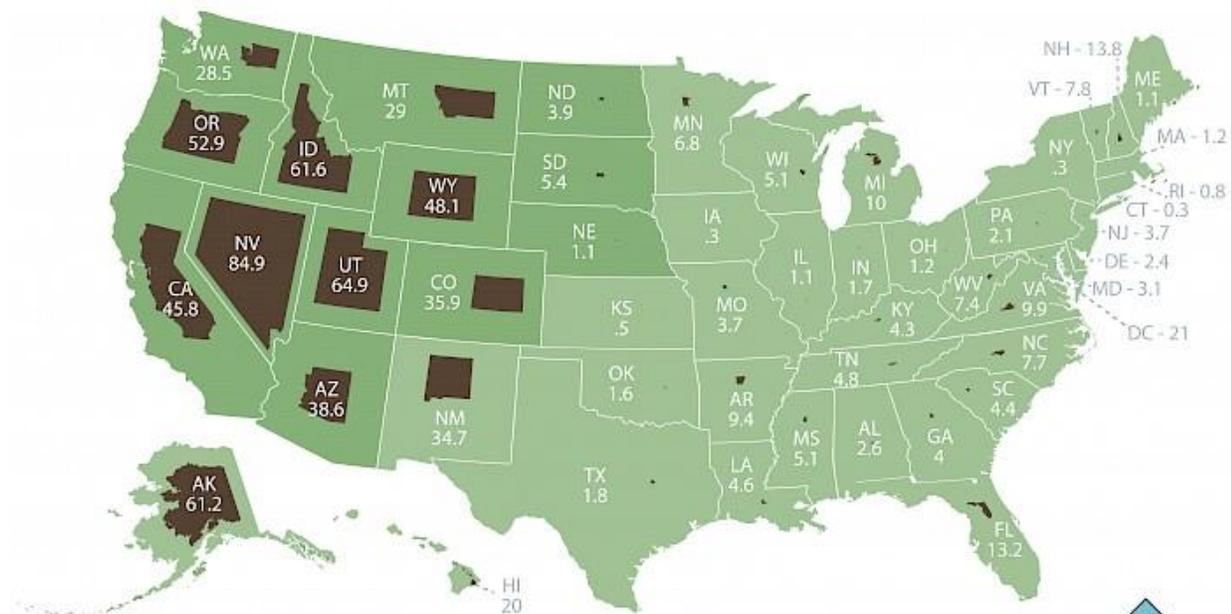
To understand the practice of grazing on federal lands and its role in today’s society, one must first consider the settling of the West and its importance in a developing nation.

Settling The West

Settling the West and accessing its plentiful resources was of great importance in building the United States, but it was a task not suited for the faint of heart. To encourage settlement, the government passed several acts. In this day and age, the immeasurable strength and courage of the explorers and settlers are difficult to even comprehend. A great many of the original homesteaders couldn’t handle the trials and tragedies of frontier life. Those that stayed had a rare combination of determination, skill, and luck that laid the foundation for the West we know today.

WHO OWNS THE WEST?

FEDERAL LAND AS A PERCENTAGE OF TOTAL STATE LAND AREA



Source: Congressional Research Service, Federal Land Ownerships: Overview and Data, 2014.

For more information, visit: www.publiclandscouncil.org



Keeping The West

In many cases, the descendants of those families that rose to the challenge of settling, surviving, and thriving in the frontier are still ranching today. This has come at immense multi-generational personal sacrifice that can only be justified by a deep and abiding love of life on the land. For it to be even suggested that they no longer have a place because “things change” is not only a disgrace and a dishonor to the very foundations of our nation, but also a danger to our economic base and food security in an ever-growing society.

Acts By The Government to Encourage Settlement

Several acts were passed by the government at different points in time to encourage people to head West, settle and make the land productive.

Homestead Act of 1862

This act was signed into law by President Abraham Lincoln. It offered 160 acres to those who would build a home and farm for five years. Settlers also had the option to buy the land after six months for the price of \$1.25 per acre. This resulted in 80 million acres of western land being settled and claimed by 1900. If the settlers couldn't make it for five years, the land reverted to the government to be offered again.

Desert Land Act of 1877

While the 160 acres available through the Homestead Act was sufficient for a functional operation in states with ample rainfall to grow good grazing forage, like Kansas and Nebraska, it soon became apparent that it was not enough land for settlers of arid western states. Thus, the Desert Land Act offered 640 acres. The Desert Land Act of 1877 amended the Homestead Act and specifically encouraged the settlement and cultivation of arid and semi-arid lands in states like Wyoming and Nevada.

Stock-Raising Homestead Act of 1916

Later, the Stock-Raising Homestead Act of 1916 would also offer settlers 640 acres of western land that was deemed of no value except for livestock grazing and the growing of forage. Following the split estate concept, the government retained the mineral rights on those lands. In the most arid parts of the high desert, 640 acres is not enough for a viable operation, and thus, ranchers also grazed unclaimed land near their base properties.

Water Rights

It is important to understand the role of water rights in the settling and claiming of these lands. Many water claims were made prior to land claims under the Homestead Act or Desert Land Act and made all the difference in the ability of a homestead to succeed or fail. Betty Fussell wrote: "In the arid West, which at the beginning of the nineteenth century was named the Great Desert, water is the key to life, liberty, and property, which are more or less the same thing."

First In Time, First In Right: Prior Appropriation Water Rights

Before water regulations were put in place by individual states, settlers had a well-established system of "first in time, first in right" claims to water.

- The first person to put water to beneficial use has the right to use the water first, even if they are located downstream from other users.
- This practice became known as establishing "prior appropriation rights."
- Those first claimed water rights are known as vested water rights, and they are highly valuable and sought after, as is the property surrounding the water source.

- It was this water right ownership that helped develop areas of the west into productive family ranches that help to feed our country to this day. Those rights are tangible and owned assets that have been passed down, transferred, or sold through the decades.

Mining Act of 1866

Even though it is titled the Mining Act, it solidified ranchers' water rights and land usage. The Act stated that "rights to the use of water for mining, agricultural, manufacturing, or other purposes... shall be maintained and protected." The law also protects the right to convey water to where it can be put to beneficial use, such as through ditches and canals, as well as a surrounding fifty-foot right of way and forage right. Further, the law states that "homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water rights."

Taylor Grazing Act

In the early 1900's, regardless of how vested water rights shaped the use of the unclaimed range, the lack of formal organization and regulation of grazing resulted in less than ideal resource management and range wars. Thus, the Taylor Grazing Act of 1934 was passed to bring order to ranching unclaimed land in the west. Grazing districts were created and the land within them could no longer be claimed under the Homestead Act.

Bureau of Land Management (BLM)

Following the Taylor Grazing Act, the Bureau of Land Management (BLM) was created in 1946 with the mission "to sustain health, diversity, and productivity of public lands for the use and enjoyment for present and future generations." Their multiple use mandate includes:

- Energy development
- Mining
- Recreation
- Wildlife sustainability
- Livestock grazing

Multiple Use Yield Sustained Act (MUYSA) and Federal Land Policy and Management Act (FLPMA)

The Multiple Use Yield Sustained Act (MUYSA) of 1960 and the Federal Land Policy and Management Act (FLPMA) of 1976 specifically reinforce the multiple use mandate for federally managed lands, ensuring that all Americans have a place, whether it be recreational or commercial. As well as countless recreational opportunities, BLM lands carry thousands of leases for gas, oil, coal, renewable energy, minerals, and helium. Currently, the BLM oversees grazing on 155 million acres, with around 18,000 permits.

United States Forest Service (USFS)

The United States Forest Service (USFS) is the other federal agency that oversees grazing on federal lands. Its origins date back to 1876 when the United States Department of Agriculture was given the task of assessing forests in the US. After several shifts and expansions, President Theodore Roosevelt placed the care of the forests into the newly formed USFS in 1905. The USFS currently manages grazing on approximately 102 million acres, with 5,800 permits.

Grazing Allotments

With the founding of these organizations, grazing preferences were formally attached to the deeded base properties of established ranchers who were making beneficial use of rangelands, sectioned into parcels of land known as allotments. It is interesting to note that grazing preferences cannot be taken away as long as the rules of the Stock Grazing Homestead Act of 1916 are followed. Removal, reduction, or suspension of a grazing preference is subject to due process.

Grazing Allotments Are Not Free or Low Cost

The fact is that even while ranchers possess the grazing preferences that have been handed down or sold with base properties over the years, they still must pay for use every year and must follow the stocking rates, duration of grazing, and utilization rules of the overseeing agency.

- Stocking rate is the number of animal unit months (AUMs) permitted on an allotment. An AUM is one cow and her calf, one horse, or five goats or sheep.
- Duration of grazing is the time period in which the allotment will be grazed.
- Utilization is the percentage of forage livestock consume.
- Grazing fees are based on grazing of a specified number of animals for one month, known as an animal unit month (AUM). The fee is set yearly by a formula established by the Public Rangelands Improvement Act (PRIA) of 1978 and continued by a 1986 executive order by President Reagan. It uses a base value that is adjusted according to lease rates for private land grazing leases, beef cattle prices, and the cost of livestock production. The minimum fee is \$1.35 per AUM.
- The cost of AUMs differ greatly from federal lands to private lands. On federal lands, ranchers bear the costs of things like weed control and development and maintenance of fences and water resources but pay less per AUM. On private lands, the landowner bears those costs and so the price of an AUM on private land is more.

Responsible Grazing Is Essential to Family Ranches

Conditions and circumstances such as drought or wildfire affect whether or not ranchers can turn out, but a good rancher truly does not need outside encouragement to use his grazing

rights responsibly; if a rancher damages an allotment, it will affect the ability to turn out in following years and hurt the operation's bottom line.

The sustainability of grazing on federal lands is easily demonstrated by the fact that the majority of ranchers engaging in the practice are on multiple-generation ranches that have been grazing the same land for decades. In addition, the grazing of federally managed lands has many and varied far-reaching benefits, contrary to common misconceptions perpetuated by special interest groups.

Environmentalism NGOs Intentionally Paint a Skewed Picture

It is common for environmentalist NGOs to state that most or all of grazing on federal lands is done by "big ag" or "corporate ag." It is important to note that incorporation is just a business structure often utilized by family farms and ranches for business purposes. The USDA classifies family operations as being "organized as a sole proprietorship, partnership, or family corporation." Family operations make up 96% of farms and ranches in the United States.

For years, environmental extremist NGOs such as Western Watersheds Project (WWP) and Center for Biological Diversity (CBD) have tried to paint the grossly and intentionally skewed picture that ranchers utilizing resources on federally managed lands are "taking advantage". Nothing could be farther from the truth. As described previously, ranchers pay to use the grazing preferences they already own and they also pay out of pocket for improvements such as fencing, water source maintenance, and weed control. Public lands grazing has numerous benefits for society, the economy, and the environment, contrary to the NGO's narrative.

Benefits of Grazing Allotments to The Public

Most of the ranches in the West were established by settlers who persevered in the face of unimaginable trials where most people could not. That these ranches remain functional and productive benefits all Americans in a number of ways.

Utilizing an Otherwise Unusable Resource

- The definition of "rangelands" encompasses many types of land--grasslands, shrublands, wetlands, tundra, and deserts--that are grazed by native wildlife and livestock but are unsuitable for other productive uses.
- Groups pushing a vegan lifestyle often state that land should be used to grow food for humans instead of for livestock. The vast majority of the rangeland in the west is unsuitable for any use other than livestock grazing. Much of the terrain is rough and steep, and also because of soil type and water scarcity, cannot support the farming of crops.
- Proper grazing management is unique in its role in keeping the rangeland resource in optimal condition for all other land users, including wildlife, all while providing essential products.

Rural Economies and Resources—Helping to Feed the World

- With over half of the West's land being federally owned, grazing is essential for the survival of the rural economies. The Department of the Interior has found that the grazing of federally administered lands contributes more than \$1.5 billion to the US economy annually.
- The cost to the BLM of managing ungrazed lands is more than double the cost of managing grazed land. Grazing saves the BLM approximately \$750 million dollars each year.
- Livestock grazing utilizes the uniquely renewable rangeland resource, literally converting grasses that are unusable by humans into delicious, nutritious food and numerous byproducts used in hundreds of everyday items. About 40% of the nation's beef cattle spend time on public lands, as do 50% of the nation's sheep herds.
- Most recent statistics show 31.7 million beef cattle and 5.2 million sheep in the United States.
- With the world population expected to reach 9 billion by 2050, our need for food will increase by more than 100%. Much of land that is easily suitable for farming is already being farmed in the US so meeting this need will be a daunting task. Continued utilization of rangelands to produce food will become increasingly vital, it also works to prevent the deforestation that would be necessary to convert enough land to farmland to support an expanding population.

Open Space Instead of Development

- It is estimated by the USFS that 6,000 acres of open space are lost in the United States every day to development. The practice of grazing federal lands allows the base properties attached to the allotments to continue ranching operations, rather than being lost to irreversible development. A study by the Center for American Progress found that "development on private lands accounted for nearly three-fourths of all-natural areas in the West that disappeared."

Carbon Sequestration

- Properly managed livestock grazing helps renew the landscape by helping seed distribution, aerating, and fertilizing soil. Further, holistic grazing practices can actually restore and regenerate decertified lands. Chris Mehus, ranching director at the Western Sustainability Exchange, explained how carefully managed rotational grazing sequesters carbon: "Higher stocking densities on pastures, shorter grazing periods, longer rest periods – all those things equate to healthier plants, a greater plant diversity, and more plants on the soil surface, which equates to more roots in the soil, which means more carbon sequestered."

Mitigation of Wildfire Threats

- Properly managed grazing greatly mitigates fire danger by reducing fuel loads. Early and late season grazing substantially reduces the amount of extremely combustible cheat grass, which is a hardy and prolific non-native grass which has been found to actually double the likelihood of fire.
- Wildfire is recognized as the greatest threat to wildlife species, such as the sage grouse. The late Grant Gerber of Elko, Nevada, researched the effects of fire on wildlife. He found that, at the very least, three vertebrate animals live per acre on rangelands, with many more in forested areas. Gerber visited the aftermath of Arizona's Bear Wallow fire of 2011, which has been Arizona's largest and worst fire to date, burning 538,049 acres. Gerber found and documented that over 1.5 million vertebrate animals had needlessly perished—along with countless insects and incalculable plant life.
- Wildfire creates a massive CO2 output: in 2018, scientists estimated that wildfires have emitted 8 billion pounds of CO2 per year for the past 20 years—roughly 5 to 10 percent of global CO2 emissions.
- Ranchers create associations of volunteer firefighters that save the government millions of dollars in fire-fighting costs. By being located close to the lands they graze and having a personal investment in the well-being of the land, first-responder volunteer firefighters that can get a newly started fire out quickly are an invaluable resource. In 2018 alone, firefighting cost the government \$3,143,256,000.

Wildlife and Public Use

- Ranchers invest a great deal of time and money into rangeland improvements that benefit other land users and native wildlife.
- Water resources developed and maintained by ranchers are often the only water available for wildlife, especially during drought years when creeks dry up completely.
- Native wildlife like elk, antelope, and deer benefit from mineral supplements put out for livestock.
- Weed control funded and performed by ranchers helps the native plants to thrive, which in turn benefits native wildlife.
- The building and maintenance of fences keeps livestock in appropriate areas to help facilitate targeted grazing goals that enhance the overall natural landscape.
- Properly managed grazing can enhance and improve wildlife habitats. For example, specifically timed cattle grazing in areas of the Great Basin has been shown to improve height and volume of bitterbrush that is vital to deer. Also, some studies show that sage grouse have been found to prefer the nutritious regrowth of grazed forbs over the mature, dried forbs of ungrazed lands. Grazed lands also tend to have higher populations of the insects that are vital for sage grouse chicks first months of life.

Challenges

No matter where livestock is raised and grazed, there are normal challenges like weather and market fluctuations. However, ranchers who graze their livestock on western federal land face additional challenges that are at best unnecessary, but all too frequently dangerous and destructive to the rangeland ecosystems as a whole.

The numbers of livestock on federally managed lands has declined by more than 70% since the 1970s due to a number of factors, most stemming from well-intentioned but convoluted policy change that created “analysis paralysis” within government agencies, stifling management and opening the doorway for environmentalist NGOs “sue and settle” practices.

Increase in Wildfire: Putting Land & Livelihoods At Risk

- While the last half-century has seen a drastic decline in the number of livestock on federal lands, there has been a dramatic increase in wildfire frequency, intensity, and duration.
- By the BLM’s own admission, some areas have been left with as much as 1000% fuel load after they were grazed. This, combined with dry, hot summers and numerous ignition sources, makes for a “perfect storm” of conditions for the pattern of unbelievably devastating wildfires burning every year.
- It is common for ranchers to have to wait two years or more to turn out after range burns, regardless of on-the-ground conditions and the actual state of recovery. Cheat grass is often the first to grow in a burned area, thus perpetuating the fire cycle. This is a risk that can easily be mitigated by targeted livestock grazing, an option that government agencies are currently exploring.
- An executive order was issued by President Trump in December 2018, “Promoting Active Management of America’s Forests, Rangelands, and other Federal Lands to Improve Conditions and Reduce Wildfire Risk.”

Radical Environmental Groups

- Environmentalist NGOs buy out and retire grazing permits.
- It is common practice for environmentalist extremist NGOs to take advantage of the National Environmental Protection Act, Endangered Species Act, and Equal Access to Justice Act for financial gain, filing frivolous lawsuits and effectively paralyzing sustainable, science based multiple-use range management.
 - These lawsuits bog the agencies down in unnecessary procedure and paperwork, preventing necessary work from being done.
 - These lawsuits keep livestock off the range, allowing the fuel load and wildfire risk to increase exponentially, at great risk to the very wildlife the NGOs claim to want to protect.

Learn more about the NGOs and their lawsuits here: <https://protecttheharvest.com/what-you-need-to-know/overview-of-environmental-ngos/>

Overpopulation of Rangeland Horses

- The overpopulation of wild horses has left many ranchers unable to utilize their grazing preferences. The Wild Horse & Burro Act of 1971 established the appropriate management level (AML) as approximately 27,000 horses that could exist in “thriving ecological balance” with livestock and native wildlife. However, there are now approximately 90,000 wild horses and burros on the range, creating a multi-faceted crisis with no end in sight.
- The totally preventable overpopulation crisis has been completely caused by wild horse “advocacy” groups filing lawsuits to prevent effective management of on-range horses. The effects have been not only the destruction of many ranchers’ grazing preferences, but an animal welfare emergency for the horses who have eaten themselves out of house and home in some areas and are suffering immensely.
- Ranchers are under continual intense scrutiny for the potential effects livestock may have on native wildlife, but the resource decimation caused by wild horses remains unaddressed in the face of litigation from wild horse “advocacy” groups that are not held accountable for the detrimental results of their legal actions.

Read more about the issue here: <https://protecttheharvest.com/what-you-need-to-know/animal-welfare-crisis-on-american-rangelands/>

Protect The Harvest Supports Common Sense Management

The original multiple use intent for federal lands has sadly been lost in red tape and litigation at the hands of environmentalists over the years, at great harm to ranchers, rural economies, wildlife, and ironically, the environment itself. Protect The Harvest supports both federal agencies and ranchers as they work together to restore a true multiple-use balance on federal lands. We cannot afford to lose the West to those who had no stake in settling it, or those who value panhandling for donations over balanced, sound, science-based rangeland management.

Western journalist Andy Rieber wrote: “If American taxpayers value landscapes unbroken and unburned, they should tip their hats to the ranchers. These hard-working men and women aren’t on “welfare.” They are fundamental to the welfare of America’s wide-open West.”