

# FEDERAL GRAZING REFORMS: POTENTIAL IMPACTS IN CALIFORNIA

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*PLEASE SEE THE AFTERWORD, ON PAGE 16*

*Congress and the Clinton Administration have sought to revise federal policies on public land grazing. Legislation pending in Congress differs significantly from reforms sought by the Administration, although the Administration softened its original proposal and dropped the proposed fee increases. California has many acres of federal land available for grazing, but the amount and impact of that grazing are modest by comparison with other western states, and the potential statewide impact of the grazing reforms is correspondingly small.*

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## INTRODUCTION

The cattle industry has a legendary association with the history of the western United States. Cattle-raising remains important to the economies of several states, and dominant in a few. Livestock operators have long grazed cattle, sheep, and other livestock on public lands, and still do so on millions of acres across the west, but times have changed. Grazing must now coexist with other uses of the land under the policy of "multiple use." That policy, expressed in federal law since 1960, governs management of vast expanses under the jurisdiction of the Bureau of Land Management (Department of Interior) and the U.S. Forest Service (Department of Agriculture). The Multiple-Use Sustained Yield Act of 1960 (P.L. 86-517, 74 Stat. 215: 16 U.S.C.) explicitly established the policy with respect to Forest Service lands. A similar policy governs BLM lands. The specific manifestations of "multiple use" depend on the nature and capacities of the land in

question. Some land is clearly able to accommodate recreation, fishing, logging, grazing, and other activities; some is not as versatile.

Grazing on public lands has been controversial for many decades for at least three reasons:

- Grazing--on private and public lands alike--can damage plant and animal communities, rivers, streams, and springs. However, well managed grazing can help to reduce fire hazards and control undesirable vegetation.
- Grazing fees are politically sensitive. Cattle interests argue for lower fees in order to maintain the viability of the industry. Cattle-dependent communities favor low fees to encourage their local economies. Environmental interests and critics of government budget policies and practices argue for higher fees that they believe to be more in line with market levels. Further, the expenses incurred by land management agencies (BLM and USFS) in managing rangelands may exceed the proceeds of grazing fees. The latter circumstance can, however, reflect land- and wildlife-management responsibilities that would exist even in the absence of livestock grazing.
- Multiple use of grazing lands is often made difficult in practice because the presence of cattle can interfere with alternative uses for recreation or environmental protection. On the other side of the coin, ranchers view multiple use requirements as interfering with management of cattle operations.

Each of these is a complex issue in itself, with well argued and often passionately held competing points of view. Each issue has been explored repeatedly in such public forums as congressional hearings and Interior Department public meetings. The sources listed in the bibliography to this paper provide background and address the issues surrounding grazing and rangelands.

Grazing is, of course, not the only activity that is controversial on federal lands. Logging, recreational vehicle use, mining, and hunting are among the other activities subject to controversy and criticism.

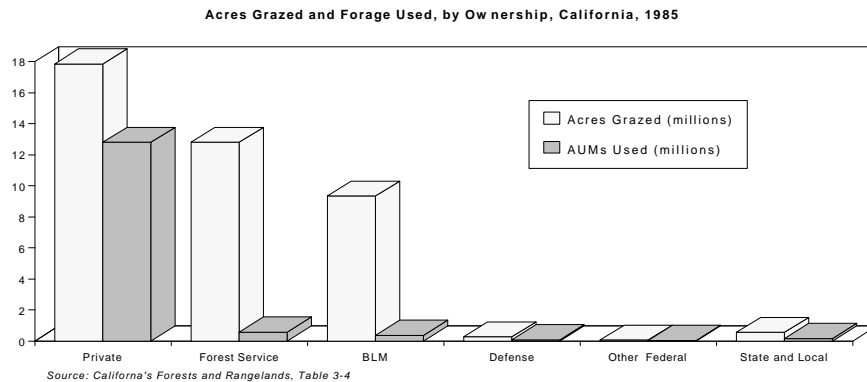
## **PUBLIC LAND GRAZING IN CALIFORNIA**

According to the California Department of Forestry's Forest and Rangeland Resources Assessment Program (FRRAP), grazing on public lands in 1985 made a relatively small contribution to total grazing in California, in terms of forage consumed.<sup>1</sup> Private lands

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<sup>1</sup>Data comparing the contribution of rangeland grazing to that of feedlots were not available for this report. That comparison is difficult to measure, however, and subject to *widely* varying interpretations. It is probably safe to say that a small percentage (certainly under 5 percent) of all slaughtered cattle, in terms of total weight, may be attributed to public rangeland grazing, while a much larger percentage (possibly more than 50 percent--although this, too, is disputed: see below) of all beef cattle spend at least some time on public rangeland before slaughter. The contribution of public rangeland grazing, therefore, may be viewed as relatively unimportant from the first perspective, and of great importance from the second to the

were far more productive than public lands in that year, both in gross terms and on an acre-for-acre basis. Although these figures are a decade old, the basic picture they show remains generally unchanged.



<b>Acres Grazed and Forage Used by Ownership, 1985</b>				
<small>Source: California's Forests and Rangelands, Table 3-4</small>				
	Acres Grazed (millions)	AUMs Used (millions)	AUM %	
Private	17.9	12.8	91.1	
Public				
<i>Forest Service</i>	12.8	0.6	4.0	
<i>BLM</i>	9.3	0.4	2.8	
<i>Defense</i>	0.3	0.1	0.6	
<i>Other Federal</i>	0.1	0.0	0.3	
<i>State and Local</i>	0.6	0.2	1.1	
<i>Total Public</i>	23.0	1.2	8.9	
<b>TOTAL</b>	<b>40.9</b>	<b>14.0</b>	<b>100.0</b>	

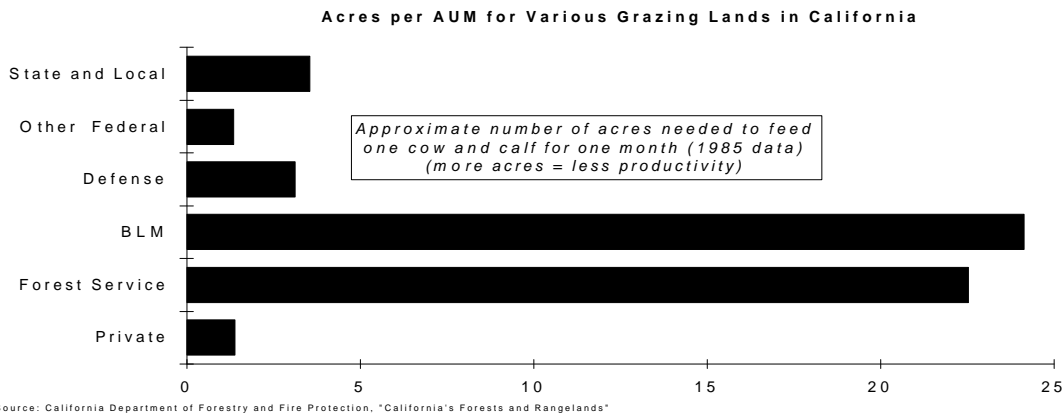
Although public lands (federal, state, and local) in 1985 provided about 56 percent of the state's total grazed acreage, those lands provided less than 9 percent of the forage consumed, measured in animal unit months (AUMs).<sup>2</sup> Private grazing lands, therefore, are on average much more productive than public grazing lands, acre-for-acre.<sup>3</sup>

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extent that the public rangeland phase is not replaceable by feedlots or private rangelands or pastures. Further confusing the question of what proportion of cattle graze on public land, a report in the December 22, 1995, issue of *Capital Press* ("Beef subsidy jab stokes tempers," by Ed Merriman, pp. 1-2) quotes an industry spokesperson as saying "A very small percentage of cattle--less than 1 percent--graze on public lands."

<sup>2</sup>The Forest Service uses "head months" rather than "animal unit months" (defined below). Divide AUMs by 1.2 to compute HMs. Conversely, multiply HMs by 1.2 to compute AUMs. According to the California Department of Forestry and Fire Protection, an animal unit month (AUM) "is the quantity of forage needed to sustain one mature cow for a month. . . . An AUM may also support five sheep or six deer for one month." (*California's Forests and Rangelands*, p. 99.) Other sources specify that an AUM meets the needs of one cow and one calf for a month.

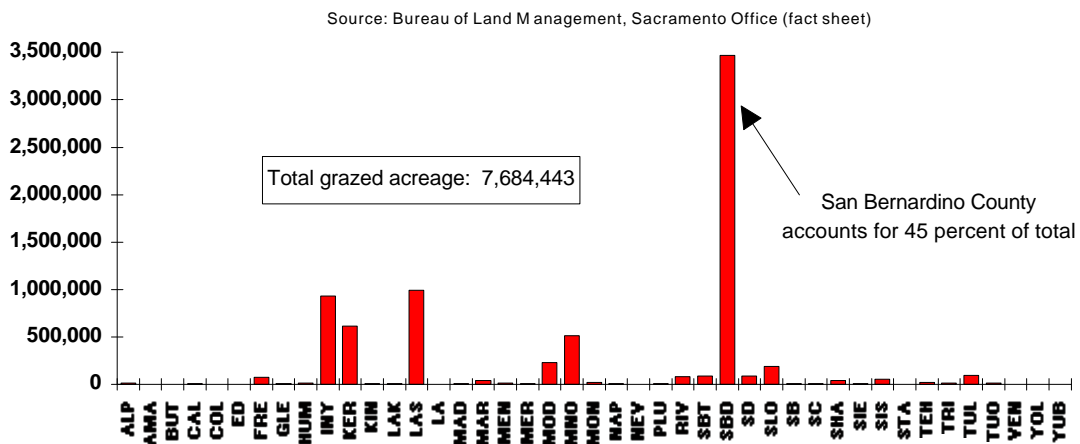
<sup>3</sup>Figure 3-35B in FRRAP, *California's Forests and Rangelands*, shows production (in animal unit months, AUMs) from private and public lands for each of 8 regions of California.



As of 1993, BLM grazing acreage was far from uniformly distributed across the state. San Bernardino County alone accounted for 45 percent, and Inyo, Mono, and Kern counties for nearly 27 percent.<sup>4</sup> Most of those lands are desert, or nearly desert.

The Desert Protection Act of 1994 (P.L. 103-433), which turned much Mojave Desert land over to the National Park Service, will apparently not immediately affect the use of that land for grazing. If grazing *were* to be substantially reduced or eliminated on those lands, the gross public land grazing statistics for California would change markedly as a result. As of November 1995, however, it appears that grazing use of that land will continue at a level and under conditions comparable to those under the former BLM jurisdiction. Northern California's Lassen County (with nearly 993,000 acres) accounts for nearly 13 percent of the BLM grazing acreage in the state. Comparable figures--that is, on a county-by-county acreage basis--were not available for Forest Service lands.

**BLM Acres Grazed in California, 1993  
by County**

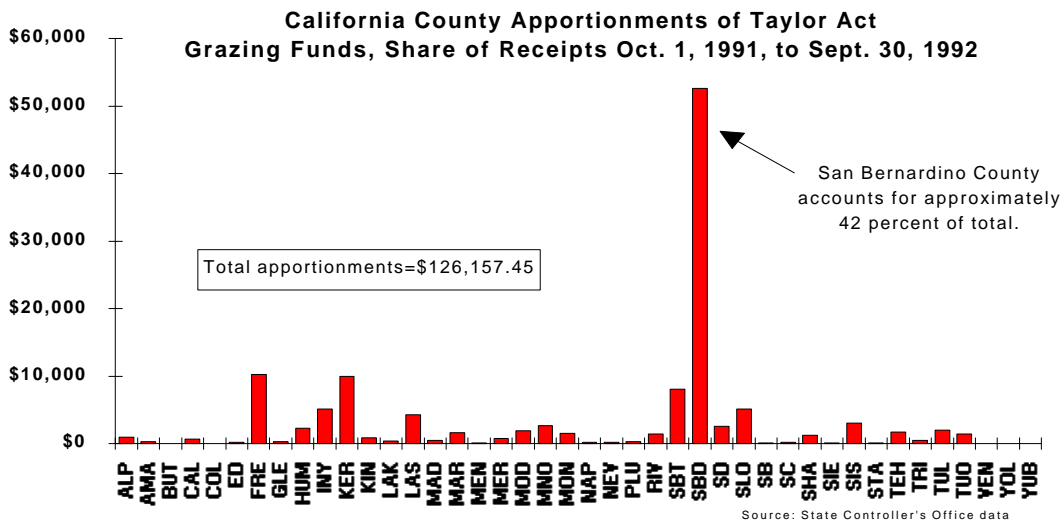


<sup>4</sup>Bureau of Land Management statistics for 1993.

Between 1985 and 1993, federal land grazing in California declined substantially in terms of both acreage and animal unit months. Part, if not most, of this decline probably resulted from California's drought of 1987-92.

Several of California's more rural counties are much more highly dependent on public land grazing than is the state as a whole. Where cattle raising is an important part of the local economy, and especially where cattle raising is also heavily dependent on public land grazing, the rules governing use of that land may have disproportionate impact. Restrictions on AUMs, fee increases, and other changes may become as important to the *local* economy and social structure as they are on a *statewide* basis in those western states that are most dependent on federal grazing lands. Those areas must cope with the impacts of policy changes affecting all federal grazing lands, but do not give the issue statewide prominence, as they are sparsely populated and form a small part of a large, multifaceted state.

Under the Taylor Grazing Act of 1934 (48 U.S. Statutes at Large 1269; 43 U.S.C. 315, *et seq.*), a portion of federal grazing fees goes to the states, for distribution to counties. For FY 1991-92, a \$126,157.45 share of federal grazing fees went to California's counties, as shown in the chart below. The chart illustrates the wide variation in amounts of federal grazing among California's counties and shows how clearly San Bernardino County dominates the distribution of funds, as it does the acreage devoted to grazing.



In a county of more than 1.5 million population, however, even this disproportionately large amount of federal land grazing is of relatively little county-wide impact. Grazing fee receipts for 1991-92 constituted about 0.001 percent (one one-thousandth of a percent) of San Bernardino County's government receipts.<sup>5</sup> County-wide impacts are larger in

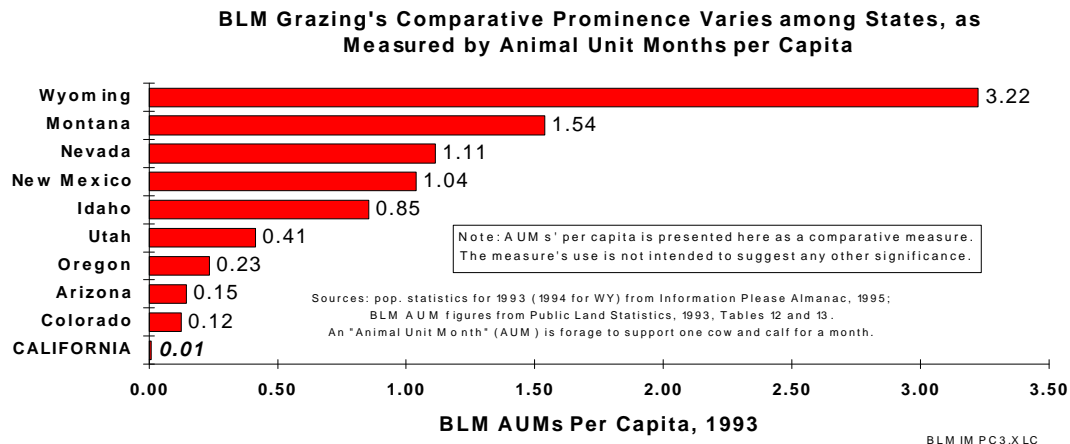
<sup>5</sup>The county revenue figures used in this paragraph reflect not just county government revenues, but also the revenues of the cities, schools, special districts, and redevelopment agencies within the respective

percentage terms in sparsely populated Inyo County (under 19,000 population, grazing fees equal to about 0.006 percent of county receipts), little San Benito County (about 41,000 population, grazing fee receipts equal to about 0.007 percent of total county receipts), and remote Lassen and Siskiyou counties (about 30,000 and 45,000 population, respectively, and 0.005 and 0.002 percent of total county receipts, respectively). Fresno and Kern counties, with populations over 700,000 and 600,000, respectively, and large, diverse agricultural economies, are not heavily affected by their distant second- and third-place shares of federal land grazing activity pictured in the chart above. Grazing fee receipts for 1991-92 constituted about 0.0004 percent (four ten-thousandths of a percent) of both Fresno and Kern County's total receipts.

### CALIFORNIA IN COMPARISON TO OTHER WESTERN STATES

Public land grazing has a larger social and economic impact in the other states of the western United States than in it does in California. California has a large population and area, and a large and diverse economy. As a result, public land grazing assumes a smaller statewide role in California than in less populous states with sparser populations and smaller, less diverse economies.

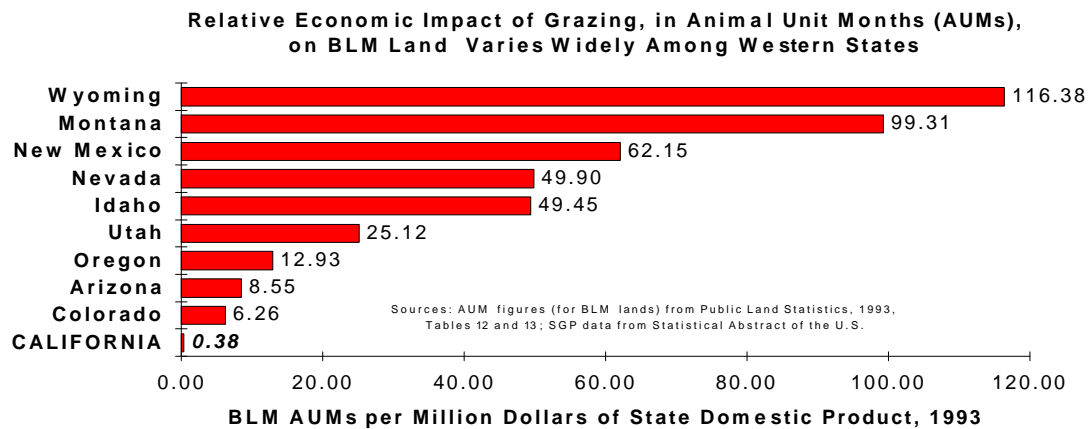
A loose comparative measure of the importance of federal land grazing to the respective states is AUMs per capita. The more AUMs per capita, the more financial, social, and political impact federal lands grazing should have within the state, other things being equal. The following chart shows this statistic for BLM lands under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, *et seq.*).



A similar measure, showing a somewhat different comparative level of impact, is an index composed of BLM AUMs divided by millions of dollars of state domestic product (SDP). This index has little or no independent meaning, but gives a *comparative* view of the economic impact of BLM grazing, state-by-state.

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counties (*California Statistical Abstract* 1995, Table M-13). County government revenues *per se* are around one third to one fourth of this total.



By both of these measures (AUMs per capita and AUMs compared to SDP), BLM grazing is of much more intense statewide importance in other western states than in California. Even Colorado, the least intensely involved of the other western states, is about 12 to 16 times as strongly affected as California, according to these informal indexes. Wyoming, the most intensely involved state, is more than 300 times as strongly affected as California. For that reason, the issue nationally is driven by the interests of states other than California that have large expanses of federal grazing land. Although the distribution of Forest Service and Bureau of Land Management grazing lands differs among states,<sup>6</sup> the comparative statistics are broadly comparable.

The extensiveness of federal lands on which grazing is permitted in California--millions of acres--draws attention from the comparatively small number of AUMs on those lands and the comparatively modest statewide social, financial, and political impact of such grazing in California.<sup>7</sup> Of course, statewide figures do not measure the impacts on specific *counties* within California, some of which are more dependent on public land grazing than is the state as a whole. By the same token, however, most of those are sparsely populated counties, with correspondingly limited impact on statewide priorities and on the state's political viewpoints as expressed in Washington, D.C. Although San Bernardino County has significant grazing, the economic importance of that activity is relatively modest in a

<sup>6</sup>For example, national grasslands (Forest Service) provide significant grazing in some states, and little or none in others. Forest Service land AUMs in California exceed BLM AUMs (on the basis of data available for 1993), but remain small in comparison with the state's population and overall economic activity.

<sup>7</sup>Although public land grazing is a small matter *statewide*, it is "dominant in several mountain counties" (these counties are rural and sparsely populated) and vitally important to a number of individual ranchers. The California Farm Bureau Federation (CFBF) considers the federal grazing issue to be important for that reason: large impact within certain areas of the state. (Jack King, personal communication.) A CFBF information sheet on the pending federal grazing legislation, however, is almost silent on the issue's direct impact on California, instead reciting general factors in the issue and statistics that encompass all of the western states. (Bruce Blodgett, National Affairs & Research, CFBF, "Public Lands/Grazing Legislation," September 1995.) A news report on KCRA (Channel 3, Sacramento), on November 27, 1995, examined cattle raisers' concerns about the current and anticipated changes in grazing rules and limits. The report dealt with the issue's impact in Nevada, making no mention whatsoever of any California connection or impact.

county of more than one and a half million population, a population that is largely concentrated in the predominantly suburban, urban, and industrial corridor that runs from Redlands, San Bernardino, and Fontana to Ontario, Upland, and Montclair.

## **"RANGELAND REFORM '94"--THE CLINTON ADMINISTRATION'S PROPOSAL**

What cannot be measured by grazing statistics is the environmental impact of grazing, especially in riparian areas and other fragile ecosystems. Concern for this impact--and for assuring multiple use of grazing lands--lay behind the "Rangeland Reform '94" proposal.

In brief, the core of the proposal is summarized in its abstract:

BLM and the Forest Service are proposing to change policies and regulations within their federal rangeland management programs. These actions are intended to improve and restore a significant portion of rangeland ecosystems and to improve and maintain biodiversity, while providing for sustainable development on lands administered by the two agencies. The two agencies are also proposing to revise the formula used to determine fees charged for grazing livestock on federal lands in the 17 western states.<sup>8</sup>

The draft EIR examined five management alternatives:

1. Current Management (No Action) [to retain *status quo* as of 1994]
2. BLM-Forest Service Proposed Action [described further below]
3. Livestock Production [focusing on enhancement of livestock production use of grazing lands]
4. Environmental Enhancement [emphasizing environmental values while retaining grazing at a level consistent with environmental protection]
5. No Grazing [abolishing livestock grazing on the federal rangelands]

The proposed action (alternative 2) encompassed "national requirements for managing rangeland ecosystems on BLM lands" and Forest Service formulation of "standards and guidelines for rangeland management . . ."<sup>9</sup> It also encompassed stricter requirements (than existing rules) with respect to leasing, disqualification of leaseholders, and so on, and allowed "conservation use [that is, non-grazing use] for extended periods when needed to meet resource management objectives."<sup>10</sup> In short, the proposed action emphasized environmentally-oriented management of rangelands, but less so than Alternative 4, which called for both regional *and* national guidelines and standards.

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<sup>8</sup>Department of the Interior Bureau of Land Management and Department of Agriculture Forest Service, *Rangeland Reform '94 Draft Environmental Impact Statement* (not dated but approximately June 1994), abstract (preceding table of contents).

<sup>9</sup>*Rangeland Reform '94 Draft EIS*, Table S-2.

<sup>10</sup>*Ibid.*



The draft EIR examined seven fee alternatives, including the existing formula (Public Rangelands Improvement Act, or PRIA, formula), a regional fee system, and competitive bidding, among others. The selected alternative, the BLM-Forest Service Proposal, "would adopt a fee system using a 1991 base value (\$3.96), updated annually by a Forage Value Index. The \$3.96 base value represents a midpoint in the range of two base values, \$3.25, derived from the 1966 Western Livestock Grazing Survey, and \$4.68, derived from the 1983 federal Land Forage appraisal (updated in 1992)." An appendix to the EIR discussed the alternative in detail. The \$3.96 fee would have been a \$2.10, or 113 percent, increase over the then-current fee of \$1.86 per AUM, and an even larger increase over the \$1.61 fee in effect under the PRIA formula after the administration dropped its fee proposal.<sup>11</sup>

The Administration's reforms, modified in response to some of the criticisms voiced in a series of public meetings on the package, went into effect on BLM land as of August 22, 1995. The Public Lands Council (a coalition of farming and ranching organizations) filed suit to stop implementation on the grounds that the rules exceeded legal authority. According to a report in *Capital Press*, "Oral arguments on the suit are scheduled Jan. 19 in a Cheyenne, Wyo., federal court."<sup>12</sup> Between the pending suit and the pending legislation (see below), the status of the reforms is uncertain.

## **S. 852--THE CONGRESSIONAL RANGELAND REFORM PROPOSAL**

In contrast to the approach taken by the Clinton Administration proposal, especially as originally announced, grazing reform legislation introduced in Congress emphasized continuity of the right to grazing on public land and a fee formula that would limit increases. The formula pegged the AUM fee at one half of one percent of the three-year average value per head of cattle sold for slaughter. On an annual basis, the fee would be 6 percent of the per head value, a percentage deemed "fair" by ranching interests. The fee is not related to the market value of the forage or to the costs of managing public rangelands, and the authors of the law did not intend it to be. Market-based mechanisms for setting forage fees (including competitive bidding) have been considered and rejected by Congress and by BLM/Forest Service in the past.

Some critics viewed the bill as completely turning public lands over to grazing and grazing interests. This is essentially the mirror image of the grazing interests' view of the Rangeland Reform '94 proposals. That view was that the proposals would decimate cattle-raisers dependent on public land grazing and do great economic damage to cattle-dependent communities in the West, virtually driving grazing off the range. Senator Pete Domenici, however, who introduced the bill, denied that that was the intent. Amendments to the bill before it emerged from the Senate Committee on Natural Resources and the

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<sup>11</sup> Arguments over grazing fees bring a wonderful comparative lucidity to medieval disputations over the number of angels who could dance on the head of a pin. One key difference is that the theologians did not send bills based on the results of their analyses. Rangeland managers do.

<sup>12</sup> "Grazing bill gains momentum," *Capital Press*, December 15, 1995, p. 2.

Environment clarified the continuation of "multiple use" as the guiding principle for public lands.

The bill, which was reported out of committee at the end of July, 1995, had not been acted on by the full Senate as of November. Senator Domenici introduced a revised version of the bill on November 17, 1995 (this one identified as S. 1459), which was passed by the Committee on Energy and Natural Resources, unchanged, on November 30.<sup>13</sup>

According to a summary issued by the Public Lands Council,

In an effort to gain the support of Western democrats, outdoor sports enthusiasts and environmentalists the bill was reworked to strengthen the multiple-use and access provisions of the bill. The bill's language was tightened up considerably, shortening it to 31 pages. This streamlined bill continues to safeguard environmental, recreation, permittee and agency needs. . . . Although there was considerable discussion of the proposed changes, no amendments were offered by members of the committee. The committee favorably voted the bill out of committee by voice vote.<sup>14</sup>

According to an Associated Press report published in *Capital Press* (agricultural weekly newspaper serving the Pacific Northwest):

The bill would continue to give ranchers a significant role in developing land management plans, but also include participation from non-ranching interests. It also would allow greater public participation than an earlier version of the bill.

The report cites opposing opinions on the bill<sup>15</sup> and on the grazing fee it includes, an increase from the current \$1.61 per AUM to \$2.10. Senator Dale Bumpers (D-Arkansas) deemed the increased fee to be "still far below what [it] should be to give a fair return to the federal government."<sup>16</sup>

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<sup>13</sup>As of December 27th, no further action on the bill was reflected in the Congress's online service, "Thomas."

<sup>14</sup>Public Lands Council, "The Public Rangelands Management Act Fact Sheet," December 6, 1995.

<sup>15</sup>Opinions on grazing management sometimes express sharp differences with rangeland managers as to how the system works. A full-page advertisement in the *New York Times* (national edition) of December 13, 1995, denounced S. 1459 for allowing 15-year leases, among other reasons. However, Bureau of Land Management grazing managers see long lease terms as increasing their leverage to assure compliance with conditions and restrictions imposed to minimize environmental damage from grazing. BLM officials see the threat of cancellation of a lease with many years yet to run as far stronger than the possible non-renewal of a short-term lease. They believe that grazers who do not plan to adhere to mandated restrictions could take a short lease, do significant damage over a few years, and then leave before BLM could even take action to cancel whatever period remains after discovery of the malfeasance. (Jim Gianola, Bureau of Land Management grazing specialist, Carson City, Nevada, personal communication.)

<sup>16</sup>"Grazing fees clear hurdle," *Capital Press*, December 8, 1995, p. 19.

The House version of the bill (H..R. 1713) had not emerged from committee as of December 1995. A report in *Capital Press* of December 8, 1995, asserted that a "new grazing bill" may be introduced in the House, if Democrat co-sponsors can be found for the Republican-drafted bill.<sup>17</sup>

Modifications to the Clinton Administration proposals (especially the elimination of fee increases) may have reduced the urgency initially surrounding S. 852 on the part of western states' senators, but the revision in the Senate shows that the issue is still under active consideration.<sup>18</sup> A discussion with a San Bernardino County rancher suggested that even the administration's modified reforms are unacceptable to cattle raisers who rely on federal grazing lands, and that they are counting on S. 852 to pass in essentially its initial form.<sup>19</sup>

It appears that the final form of the grazing bill will be resolved on the floor of the Senate and House, and probably in a conference committee. The bill will ultimately have to resolve differences among eastern and western interests, environmentalist and ranching viewpoints, disputed views of what constitutes an appropriate fee structure and level, and competing views of the management role of the federal government with respect to the public domain.

## CONCLUSION

Neither the proposed nor the adopted federal grazing reforms seems likely to have a significant *statewide* impact on California, at least outside of the specific context of the cattle ranching business. Nor would either appear to have a significant impact in any but a few California counties. Even in *those* counties, however, the *actual* impact of the reforms does not necessarily appear at this time to be substantial, given the dropping of the large fee increase that had initially been proposed and revisions in the originally proposed environmental and management requirements.<sup>20</sup> However, this interpretation is disputed by ranchers, who see even the modified reforms as imposing substantial new burdens.

Long-term policy changes affecting use of federal grazing land in California might result from actions of Resource Advisory Committees (RACs, of which there are to be three in California) established under the reforms. At this point, however, any policy change is speculative, depending on who is appointed, how the appointees carry out their functions,

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<sup>17</sup>Patricia R. McCoy, "Congress likely to rethink various regulations," *Capital Press*, December 8, 1995, p. 5.

<sup>18</sup>At this point, S. 852 would *increase* grazing fees by about 30 percent, for with the dropping of the administration's proposal the fee fell to a floor level, currently \$1.61 per animal unit month. See Larry Swisher, "BLM to proceed with range reforms," *Capital Press*, August 18, 1995, p. 3. That article also reports that an effort to stay the Clinton Administration reforms passed the Senate, but never came to a vote in the House, allowing those reforms (as modified by the administration and with the fee increase removed) to take effect on August 21st.

<sup>19</sup>Dave Fisher, Personal communication, December 8, 1995.

<sup>20</sup>In fact, the AUM fee *decreased* between 1994 and 1995.

and how BLM and USFS respond to RAC recommendations. S. 852 is still on the table (a competing House bill also remains possible), and if enacted can be expected to undo some or all of the Rangeland Reform '94 policy changes.

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### *Afterword, October 1997.*

*I have posted this draft paper for whatever value it might have, without attempting to update any statistics or to bring the story up to date. (The paper was a finished product, but never published.) About the only additional point worth mentioning is that, at least for a while, the AUM fee fell even further than alluded to in footnote 18, bottoming out at, as I recall, \$1.35, an ironic outcome in a process originating in an administration effort to substantially increase the fees.*

*The real value of this little paper may be to show why fees for federal-land-grazing on millions of acres are a matter of so little policy concern in California compared to other states. The reason is demonstrated in some of the charts (those comparing relative impact among the states, pp. 6 and 7). In terms of impact per billion dollars of domestic state product, the issue is very small in California, but considerably larger in some other Western states. It is therefore strongly in the interest of U.S. Senators and Members of Congress from those states to seek low fees (in the interests of their constituents), but scarcely a matter that appears on the political radar screen of California's U.S. Senators and Representatives. States strongly desirous of low fees form a voting block of some significance, while other states do not share a strongly-felt inclination to seek higher fees.*

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