



## The BLM is pressed by two factions

The Taylor Grazing Act of 1934 brought order to the range, dividing the 175-million acre public lands pie among the livestock grazers, with government playing the referee. But it didn't give the public a voice in the management of the range, and it didn't have the teeth to improve the range. A federal survey in 1975, 40 years after passage of the act, showed that large portions of the BLM rangeland were in poor or worse shape, with no improvement in sight.

An early attempt to break industry's control of BLM land came in 1972 when attorney Johanna Wald started working on the grazing problem out of the Natural Resources Defense Council office in San Francisco. "I spent the first two years trying to understand BLM range management, looking for experts, and finding out what an AUM (animal unit month) was. We came to believe that the BLM had obligations under the National Environmental Policy Act to look at site specific management of grazing. The BLM disagreed. They admitted the range was in poor shape. But each year they fell further behind in dealing with it."

Wald proved a quick learner. In December 1974, two years after taking on grazing, she helped win *NRDC, et al v. Rogers C.B. Morton, et al.* The court found the BLM in violation of NEPA and ordered it to prepare what was to become 144 individual EISs on livestock grazing throughout its 170-million acre rangeland.

Even after the lawsuit, she recalls, progress was slow. The first EIS, for Challis, Idaho, was inadequate from everyone's point of view. "The alternatives all called for the same number of cows. They never looked at the appropriateness of the land for cattle, or cutting the cattle numbers."

Resistance, she says, continued under the Ford Administration, which went to court to ask for a cutback in the EIS schedule. But, Wald says, the judge found "that the BLM hadn't justified delay while conditions on public lands continued to deteriorate."

That decision was followed by Congressional action. In part as a result of NRDC's grazing lawsuit, the Congress passed the 1976 Federal Land Policy and Management Act. For the first time, it required the BLM to manage the land under the principles of multiple use and to retain the land in federal ownership. FLPMA said recreation, water production, wildlife habitat, erosion control and other values counted in addition to grazing.

In 1978, the livestock industry got a bill it wanted: the Public Rangelands Improvement Act. Congress pledged to appropriate \$365 million over 20 years to improve the range, and tied the cost of grazing to the price cattlemen got for their beef. As a result, cattlemen today pay \$1.37 per animal unit month, way under the cost of private land. So industry got cheap grazing, but it did not get range improvement appropriations. Congress has proven stingy.

From the conservationists' point of view, the early Carter years were a golden age. Wald says, "The Bureau was trying to comply with NEPA and FLPMA in letter and spirit."



Johanna Wald

In part as a result, Wald says, "The livestock operators were outraged. This led Dean Rhoades, a rancher in Nevada and president of the Public Lands Council, to get the Sagebrush Rebellion going." Rhoades is called the 'Father of the Sagebrush Rebellion.' Wald is often referred to as his mother.

The Bureau took notice of the rebellion, which was an attempt to get the Congress or the courts to transfer BLM land to state ownership. "Even before Watt took over, the Bureau reacted to the Sagebrush Rebels. They cut back on attempts to make changes. I think they believed that if there were a legislative showdown on range, they'd lose."

The Bureau had reason for fear. Senator James McClure (R-ID) got Congress to limit reductions in livestock numbers under the grazing EISs. As a result, the EISs did not recommend large cuts. She says, "The average reductions from the EISs were small. In most cases, they were paper reductions where ranchers weren't running their full numbers allowed by a permit."

With the arrival of the Reagan Administration, the ranchers were able to go on the offensive. David Edelson, another NRDC attorney who handles grazing, says, "A year ago we tried to challenge the whole EIS process. We wanted the original 1974 judge to issue standards for the studies. But the judge said it had to be done on a case by case basis."

So NRDC chose a Reno, Nevada area EIS to take to court as a horrible example, filing the lawsuit in January 1984 on the grounds of lack of standards. "The Reno decision called for no reductions. It called for no action. It said they needed to gather more information even though they recognized serious resource problems. We say that when serious problems are shown, the BLM has to take positive steps."

That case is still active. But in spring 1984, soon after it was filed, the BLM issued new grazing regulations setting up Cooperative Management

Agreements. The CMAs will give selected ranchers 10 years to show they can do a good job of managing their range allotment. Edelson said, "In May 1984 we went into Sacramento federal district court to challenge the regulations."

"So far, the BLM has signed 19 CMAs. Supposedly, they want to see 20 to 30 percent of the allotments under CMAs." Edelson said the new regulations shut non-ranchers out of decisions by giving BLM managers the power to decide who can participate. The regs also no longer require grazing permits to be in step with land use plans. "FLPMA says land use plans must direct and control activities." But if the land use plans find grazing an inappropriate use, Edelson said, the new regs do not require cancellation of grazing permits.

Edelson sees the new regulations as an attempt to undo the 1974 grazing decision. "The court in 1974 said: do scientific analysis of range problems. Reduce where necessary. But historically the BLM was dominated by the livestock industry. The decision let the non-rancher public have a say. Since then, the ranchers have been trying to regain control. CMAs are the latest attempt to turn the clock back."

Wald sees NRDC's role as an attempt to empower the BLM. "There are a lot of fine people in the agency. They want to manage resources. We want them to. There are also a lot of fine livestock people, but they are not multiple use people."

Why fight so over BLM land? "It is true that in lots of places BLM land is dull and flat. But more than half of the wildlife has habitat on this land. More than half of the Pacific coast salmon pass through the public land to spawn. There are endangered species on it and important watersheds for cities and towns. Millions of people visit them to recreate." And much of this, she continues, is threatened by the siltation, erosion, and vegetation destruction caused by overgrazing or inappropriate grazing.

--Ed Marston