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A COMMENT ON THE WILDERNESS DEBATE: A RANCHER'S VIEW*

BEEF: FRIEND OR FOE?

I am a rancher on public lands and an environmentalist. There are groups within the environmental community that would consider those two designations a contradiction. However, I am concerned about the quality of the water that I drink, and the safety of the foods that my family consumes. I am concerned about the quality of the air I breathe, as well as for the habitat that is impacted by my activities. As a rancher, my main source of income depends upon the quality and quantity of grass. It is a renewable resource that must feed my cows this year and into the foreseeable future.

President Theodore Roosevelt, who did much to create our park systems and the U.S. forest system, ranged in the Dakota badlands. It was during his term of office that a split occurred which fragments the environmental community to this day. "Roosevelt's chief forester, Gifford Pinchot, is credited with having first used the term 'conservation' in its present context. Pinchot became the leader of the nation's Forest Service and along with Roosevelt, he advocated a utilitarian, 'wise use' approach to conservation. In this, Pinchot and Roosevelt came into conflict with representatives of another school of thought, called preservationists represented by Muir. . . ." Roosevelt, Pinchot, and Muir are all great names of the environmental movement, but are individuals that represent the battle between the conservationists and preservationists.

On May 23, 1989, at the "Public Lands Forum: Wilderness Issues" seminar co-sponsored by Senator Pete V. Domenici and the Natural Resources Center of the University of New Mexico, Jim Fish, founder of the Public Lands Action Network, stated that he wanted to see all cattle removed from public lands. This, a preservationist position, was countered by a statement from Stewart Udall that "the best cattlemen are the best conservationists." Ranchers have been involved in the conservation movement from the beginning. Since the start of the Soil Conservation Service in the 1930s, ranchers have served on the District Boards to

*I would like to express my thanks to Leonard Padilla of Albuquerque, New Mexico for his wise corrections in wording and grammar.

1. *Conservation of Natural Resources*, in 16 The New Encyclopedia Britannica 666 (1988).

conserve and protect our natural resources. What will our policy be in the future for our public lands in relation to the cattle industry?

In April, grazing fees on federal lands once again came up for discussion in Congress. To summarize a newsletter from the New Mexico Department of Agriculture, "The general sentiment at the hearings was the desire to adjust the base of the Public Rangeland Improvement Act (PRIA) fee formula upwards. The main reason given for this adjustment was to increase revenue to the Treasury and help reduce the deficit."² In other words, Congress will once again be debating what is a fair fee for a rancher to pay to run a cow on federal lands.

A particularly interesting part of the newsletter were some quotes given by preservationist groups at a Congressional hearing in Washington on April 11, 1989. Johanna Wald, senior attorney for the Natural Resources Defense Council (NRDC) stated that "they would like to see grazing fees on public lands raised to a level that would 'economically remove livestock from the public lands.'" Steve Johnson, of Defenders for Wildlife, requested that "all public rangeland receiving less than 8 inches of rainfall should be 'removed from the pressures of grazing.'"³

Allen Torrell, an economist from New Mexico State University, states that the Congressional Budget Office wants to raise the PRIA base to \$7.80 per animal unit month (AUM, which is the equivalent of the consumption of feed to maintain a grown cow for a month). This raise would put grazing rates on federal lands in New Mexico well above the rates on private lands.⁴ It appears that Johanna Wald may have her wish come true.

How are grazing fees calculated now? The formula is: grazing fees = $(\$1.23) \times [(weighted\ average\ rental\ per\ month\ to\ pasture\ cattle\ on\ private\ lands\ in\ 11\ Western\ States + weighted\ average\ annual\ selling\ price\ for\ beef\ cattle\ in\ the\ Western\ States - production\ costs\ to\ raise\ the\ cattle) \div 100]$.⁵ In other words the base rate is not \$1.23 and if raised to \$7.80, it will be \$7.80 multiplied by the figure in the second half of the equation. "The \$1.23 figure is the base economic value of grazing on public rangeland established by the 1966 Western Grazing Survey."⁶ The market forces of private leases, and income, minus costs, are then added into the formula. The rationale for the existing formula is to recognize the cost of production, beef prices, and the ability of the rancher to pay.

2. Torrell, *Federal Grazing Fee Update*, 12 *Agri. Info.*, May 1, 1989 at 3.

3. *Id.*

4. *Id.*

5. Payment of Fees, 43 C.F.R. §§4100-4130.7-1 (p. 6) (Dept. of the Interior, Bureau of Land Management, Circular No. 2604).

6. *Id.*

At the Public Lands Forum in Albuquerque, Jim Fish claimed that ranchers who run their cattle on public lands are receiving a subsidy at the taxpayers expense. An article entitled "A Public Beef" by Dyan Zaslowky, claims that, "[t]he grazing fee does not nearly cover the government's costs of managing public lands. . . . The Bureau of Land Management (BLM), which administers 60 percent of the public rangeland, and the United States Forest Service, which administers the other 40 percent, calculate their costs at about \$4.50 per AUM."⁷ Those agencies are now charging \$1.86 per AUM, based on the formula described earlier, which changes from year to year. A study released by NMSU claimed that the value of forage was a little less than \$4.00 per AUM on private leases in New Mexico in 1987.⁸ Should public land ranchers pay more?

The study from NMSU states that:

[r]anch budgets prepared for all areas of New Mexico, during 1986 indicated the rate of return on investment for all areas of New Mexico, during 1986 for most ranch sizes was below the 2-3% rate that reflects long-term investment returns realized by western livestock producers. Based on cost and return estimates for 1986, New Mexico ranchers cannot afford to pay more in grazing fees. . . . Higher grazing fees will probably never be justified based on returns from the livestock enterprise.⁹

In other words, any increase will put many existing ranchers out of business.

There is little comparison between the \$4.00 charged for private leases and the \$1.86 per AUM charged for public leases. The rancher on public lands is responsible for much of the construction and maintenance of improvements such as erosion control structures, fences, corrals, and windmills for water. They must pay for salt (and supplements if the cattle need them), as well as supply all the labor. Often, on private leases, these things are supplied for that \$4.00 figure. If my cows are in the wrong pasture, a government cowboy doesn't bring them back. If my windmill is broken, the government doesn't pay for the repair. In a private lease, these are either included in the price, or the lease amount is reduced. Another important difference between a lease on private land or public land is an ability to restrict access to private lands and decrease thoughtless and expensive vandalism.

Whether or not the costs incurred by the BLM and Forest Service are

7. Zaslowky, *A Public Beef*, 19 Harrowsmith, Jan.-Feb. 1989, at 39-47.

8. New Mexico State University, *Economic Considerations for Setting Grazing Fees on New Mexico State Trust Lands* (1989) (Special Report 81).

9. *Id.*

covered by grazing fees is, in large part, up to the groups that want to raise those fees. The taxpayer has demanded an increasing amount of services from federal agencies, such as an environmental impact statement (EIS) for all grazing lands. The EIS requires staff knowledgeable in wildlife biology, archeology, minerals, economics, recreation, and range. The costs of time and personnel are included in the rates of the grazing fees, yet the studies benefit the whole spectrum of public land users. I can use a personal example involving a dirt erosion control structure that I installed on BLM land at my expense. A BLM official had to travel 120 miles one way to inspect the site to determine the feasibility of the project and process the cooperative agreement. An engineer then studied the project and an archeologist subsequently surveyed the area. A biological study was done to ensure that no endangered species were involved. Then, an environmental impact statement was produced. Thus, for a simple erosion control structure that took half a day to build, we are talking about weeks of government expense. However, this unnecessary expense in the management of grazing lands is not attributable to the BLM nor to the ranchers, but rather to the demands of the laws created by the taxpayers which increase the costs of the government agencies.

Another argument made by preservationists is that, since less than five percent of the nation's beef supply comes from federal lands, there will be little ill effect if cattle are taken off those lands. Cattle numbers are at the smallest point within the last 25 years.¹⁰ Can we afford a further reduction in numbers? Also, I question the validity of the five percent figure since many livestock producers raise cattle on private land, but depend on federal leases to make their operations viable. For instance, a rancher may run cows on private irrigated pasture for much of the year. However, in order to raise hay on private land during the growing season, a rancher may need a federal lease for only four months. The reduction in beef production would be far more significant than it appears to be looking at only the four month period.

A decrease in the supply of beef may increase its price. What environmental effect would the reduction of land available for grazing and an increase in price have upon the remaining private lands in the West and the nation? The Conservation Reserve Program (CRP) has had tremendous success in taking highly erodible private agricultural land out of production. What pressures would exist to take land out of that program; to increase cattle numbers on private land with the possibility of overgrazing; or to use more inputs such as chemical fertilizer? How many private riparian and wetland areas would come under greater pressure to compensate for the loss of the public lands? If we can't meet the demand

10. Gentry, *Newsletter*, New Mexico Stockman, Mar. 1989, at 30.

for beef within the United States, will the third world countries such as Brazil, be encouraged to speed up the deforestation of their rain forests to increase livestock production? The consequences of taking cows off public lands may be of greater detrimental significance to the environment of the nation and the planet than it appears.

In New Mexico, as in most western states, the land is a checker board of various ownership with a section (or square mile) of private land adjacent to a section of federal land adjacent to a section of state land. In New Mexico, 34.3 percent of the land is federal, 12.1 percent is state, 9.4 percent is Indian and only 44.1 percent is private.¹¹ Much of the private land is in relatively small parcels surrounded by federal land. In 1987, agricultural production was one of the leading economic industries in the state (worth \$1.15 billion). Fifty-seven percent, of \$654 million of the figure, represents income from cattle and their calves. To take cattle off of public lands, as some preservationists suggest, would cripple the state's economy as well as the economy of the entire West. The article "A Public Beef" claims that, "the economic and political base of the West has begun to shift from the inconsistently profitable livestock business to the lucrative activities stemming from recreation and tourism."¹² In New Mexico, as in much of the West, recreation and tourism are just as important to the economy as livestock. However, it too is inconsistent. Talk to the people in the ski areas when it doesn't snow, or to the river outfitters when the river is low. The livestock industry on public lands is an important source of jobs and revenue in the West. For example, many state lands are surrounded by federal lands and could not support a viable livestock operation in their scattered locations. All revenue coming from the state lands go to help support our school systems. Many small towns would either cease to exist, or would be severely hurt if livestock are taken off of the surrounding lands. The demographic movement from the rural to the urban areas would only be increased, worsening the problems of those urban areas. An article entitled "Grazing Fees Should Be Reasonable" by Heather Smith Thomas, states that "PRIA's intent was to have a formula (public lands grazing fee) that assures continued economic stability of communities in the West."¹³

One of the main reasons given to get rid of cattle from federal lands is the fear that the United States is suffering from the same desertification that has occurred in Africa. In a book entitled *Holistic Resource Management*, the author brings up the interesting point that areas not grazed for extended periods are in worse shape than the areas grazed by cattle.

11. New Mexico in Maps 116 (J. Williams & P. McAllister eds. 1979).

12. *Supra* note 7.

13. Thomas, *Grazing Fees Should Be "Reasonable,"* Texas Farm & Ranch News, April 1989, at 10-11.

He shows dramatic pictures of desertification on the Sevilleta Wildlife Refuge in New Mexico; Chaco Canyon National Monument in New Mexico, not grazed by cattle for fifty years; and grasslands in the Petrified Forest National Park in Arizona taken off grazing for forty years.¹⁴ Cows have been removed, yet the wildlife was not able to reach a balance that existed before Columbus. The preservationists would have you believe that taking cattle off the land will improve the range. However, man has skewed the balance of nature. Can the buffalo herd that were replaced by cattle be returned to their original numbers? It is a pleasing thought until one realizes that all towns and cities would also have to be razed in order to allow the buffalo to reach their maximum natural balance. Many residents around Tucson blame the loss of grasslands surrounding the city on cattle. Yet the increased population of the area and the mining of groundwater (which has actually made the ground sink due to the lowering water table) are probably the most significant causes.

Cattle have a role on the public lands in the West. Intelligent utilization, or "wise use" of a renewable resource (grass) by cattle, should be continued on the public lands. Man has developed along the rivers such as the Rio Grande, a prime wildlife habitat. By developing waters for their cows, the public rancher has allowed wildlife such as antelope and elk to increase in historically inhospitable habitats. The vast majority of public ranchers are conservationists. They are stewards of the land not just for one year, but for decades and possibly generations. Their livelihood depends on maintaining and improving the conditions of the range.

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14. Savory, *Rest*, in *Holistic Resource Management* 133-150 (1988) (ch. 18).