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LAND AND WATER LAW REVIEW

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AN ENVIRONMENTAL APPROACH TO THE PLLRC REPORT CONCERNING GRAZING

*William L. Reavley**

THE National Wildlife Federation has had an intense interest in the concept of the Public Land Law Review Commission from the beginning. We have watched its formation, have followed its work and have compared these processes to the ordinary administrative functions of the normal democratic system. The final *Report* contained in the publication "One Third of the Nation's Land," as a consequence, reads as expected.

In a letter to President Nixon relative to the *Report* Mr. Thomas L. Kimball, Executive Director of the National Wildlife Federation said in part:

We are dismayed and distressed at a basic conclusion taken in the Commission's *Report*, one which will determine how public lands will be administered for decades to come. The Commission would replace the time-honored and popular multiple use management concept, presently applicable to national forests and public domain lands, with a new principle of 'dominant use' management. Lands zoned for dominant timber production would be managed by Congressional mandate primarily on the basis of economic growth factors and maximum net returns to the Federal Treasury. Public land forage policies 'should be flexible, designed to attain maximum economic efficiency in the production and use of forage from the

* Director of Field Services, National Wildlife Federation, Washington, D.C.; B.S., 1940, Utah State University; M.S., 1942, University of Michigan. Mr. Reavley has had over twenty-five years of experience in dealing with public land problems.

public land, and to support regional economic growth,' the Commission says. Further, the Commission expresses the belief that 'mineral exploration and development should have a preference over some or all other uses on much of our public lands.

These statements, coupled with recommendations that some public lands be made available for disposition for grazing domestic livestock, intensive agriculture, mining, and some occupancy uses, lead us to conclude that the Public Land Law Review Commission contemplates a heavy emphasis on the commercial and industrial production aspects of public land management to the detriment, or even exclusion, of other important values, especially those of intangible, esthetic types such as those involved with outdoor recreation, particularly the use of public lands for scenic and wilderness enjoyment and wildlife appreciation.

In light of the foregoing factors, we hope and trust you will recommend continuation of the multiple use principle of public land management, giving fair and equitable treatment to all activities. We also hope and trust you will ask that Federal lands be retained in Federal ownership for management with career professional resource scientists developing flexible programs to meet ever-changing public needs.

To exchange the multiple use doctrine for the dominant use philosophy dictated by the political force of special user interests would go down in history as the greatest resource tragedy of the century. Only in the multiple use doctrine administered by professional resource managers can the public equities in public properties be safeguarded and managed wisely for the use of present and future generations of Americans.

Response to this letter to the President was made by Russell E. Train, Chairman of the Council on Environmental Quality, of the Executive Office of the President. The pertinent paragraph is quoted as follows:

I can assure you that the recommendations of this *Report*, as well as other environmental aspects of public lands not dealt with in the *Report*, will be thoroughly review by the respective agencies, the

Council on Environmental Quality and the White House before any actions are taken. Certainly the issues facing the Federal Government in the management and care of these lands is of such long-range importance that precipitant action by either the Congress or the Executive Branch would be unwise. The Points raised in the *Report* should be thoroughly debated and the public, particularly respected conservation organizations such as the National Wildlife Federation, should be sought out for comment.

Discussing range as a division, or segment of the public lands is difficult. Most any definition of range indicates that the majority of all lands under public ownership would qualify. Permittees on federal lands would define range as those 273 million acres of Federal land where cattle and sheep are permitted to graze. Man tends to view land and its products in terms of what it will do for him. This view, which separates man from his environment, is now producing concrete evidence that man, the dominant force on this earth, may by his failure to count himself as a part of the ecosystem, be hastening his own doom.

Although there is language in the PLLRC *Report* that would tie all the resources together into an ecosystem, the majority of recommendations for actual management does so on the basis of standards that have little or no relationship to the whole. Using the range or managing it on the basis of economic return is the same fallacy that has deteriorated plant systems and the soil base since man domesticated grazing animals.

The First Annual Report of the Council on Environmental Quality reports:

Overgrazing, widely practiced during the latter part of the 19th and early parts of the 20th century—and still a problem today—has dramatically affected these lands. The semiarid and arid climate of the West has added to the destruction. Dry years have usually coincided with falling market prices. And when that has happened, cattle and sheep ranchers short of cash have often overstocked already depleted ranges. Much of this land, particularly the vast pub-

lic domain, remains today in desperate condition, as wind, rain, and drought have swept over them and eroded their exposed soils. Although the effects of overgrazing in rich pastures or prairie farmland can be quickly corrected, the process is often irreversible on the limited soils and arid climate of much of the public lands.¹

In spite of these well known facts, the thrust of specific recommendations 37 through 45 of the PLLRC Report seem to be an attempt to equate economic values for private individuals on lands owned publicly where over-all long range public values should be paramount. The problem of devising an equitable system has long been with us. The specific PLLRC recommendations indeed have for the most part been suggested previously by permittees and their representatives. To those familiar with the rhetoric the recommendations constitute a rehash of the whole question and presents no new approach.

A new approach is needed. Notwithstanding the passage of the Multiple Use Act, the basic practical management on public lands, in fact for all products and services, has been on the basis of dominant use as dictated through various means of a system where economics has been paramount. The prominent use of economics as a measurement for all things is being increasingly questioned.

In a recent report of a newly published book "The Human Environment and Business", by Henry Ford II, it was stated:

For Ford, the times are revolutionary. And the question is not simply whether business has done enough to improve the quality of society. Rather, it is whether business will be able to survive the challenges the next several decades will impose on it without losing its traditional freedom to make a profit.

As employees, people are wondering if they have given up too much of their time, their freedom and their dignity for the sake of the paycheck.

1. COUNCIL ON ENVIRONMENTAL QUALITY ANN. REP., 1 ENVIRONMENTAL QUALITY (1970).

As consumers, people are realizing that affluence can be a burden. Their cars and appliances break down, their plumbing leaks, their lawns get weedy, and getting things fixed is troublesome, expensive or even impossible.

As citizens, people can see that their material possessions have been purchased at a high cost in environmental pollution—dirty air, dirty water, ugly landscape.

Modern industrial society is based on the assumption that it is both possible and desirable to go on forever providing more and more goods for more and more people. Today, that assumption is being seriously challenged.²

These remarks, by an industrialist, clearly indicate that basing a viable society principally upon a monetary standard alone probably will not continue in the future. A partnership of government, industry and citizen action undoubtedly will be required to bring about increments of change.

Applying this to the range, congressional action or government regulation that would tend to perpetuate individuals or an industry on certain segments of the public lands would be antithetic to consideration of changing time and the need for flexibility. Even on the basis of economics one can demonstrate that this measurement of values is a changing phenomena. Dr. Keith Harmon, in a letter to President Nixon stated:

In particular, those few who have perpetually tried to circumvent the needs of the majority are not the same as those who receive the greatest good or contribute to the greatest economic return from the public lands. Mr. John A. Biggs, a member of the advisory council to the Public Land Law Review Commission, pointed this out to the Commission. The economic contribution of recreation on the public lands in 1963 was \$3.0 billion while that from fuel minerals was \$1.0 billion, timber was \$428 million, grazing was \$327 million, and non-fuel minerals were \$148 million. Projected economic returns for these public land resources by

2. Sholl, *What's Good for America is Good for Henry Ford II*, The Evening Star (Washington, D.C.) Aug. 5, 1970.

1980 are \$7.0 billion for recreation, \$1.7 billion for fuel minerals, \$644 million for timber, \$337 million for grazing, and \$181 million for non-fuel minerals. From the above data, it is obvious that the greatest good for the greatest number is recreation on public lands, and not grazing and mining, which have been the interests that traditionally try to dominate the uses of public lands.

What is now considered to be land of low productivity in total materials, the western range country may eventually become increasingly valuable for at least two other purposes. After the present wilderness areas on National Forest lands become rationed, regulated and thus artificial, perhaps the only place where an individual can truly seek solitude and freedom for a little while from the crushing crowds might well be on the wide open sparse land never before attaining much value by any measurement.

Another industry or attraction by society for these lands whose low productivity may be their attractiveness is the growing need to supply congenial elbow room and pleasant living conditions for the growing army of retired people. Continual unplanned growth in present retirement centers will mean a movement to more realistic, planned communities. The possibilities for such centers on lands now considered as range are excellent.

Additional examples could be brought forth in volume. However this is not the problem. What we should be seeking is a form of management on public lands that offers the best chance to provide for the greatest needs of a changing society insofar as we can practically project those needs into the future. Our best chance is through a system that provides for change, wherein the use of grazing by livestock can be phased out when necessary on a clearly defined priority system. This cannot be accomplished by perpetuating any industry or individual through legislation or regulation.

This system or new approach must have inherent safeguards which will guarantee management on a total ecosystem basis. This ecosystem should be fully understood through

research that considers the whole, rather than most previous research that has been on the basis of a single commodity or service.³ Once we know the basic elements of the ecosystem we can then manage for maximum returns of values of most importance to the whole society.

This approach would not encourage private investment on public lands. It would not provide tenure or security to individuals. It would not provide goods and services on the basis of a political system primarily but would do so upon the ability of the natural system to produce.

Economic stability of communities depending upon the frail and meager productivity of the bulk of western ranges can only be achieved by government management. These lands lack potential for private investment to the extent necessary to obtain maximum productivity for a well balanced return of products and services. A bid leasing system similar to methods long established, but with safeguard priorities for present users, has advantages over a permittee tenure system. The bid leasing plan would insure a utilization of forage not detrimental to the whole. It would provide for flexibility of use. It would initiate the basis of a more realistic financial program that has long been needed for research and management of range lands.

3. Blaisdell, *Range Research to Meet New Challenges and Goals*, 23 J. RANGE Mgr. 232, No. 4 (July, 1970).