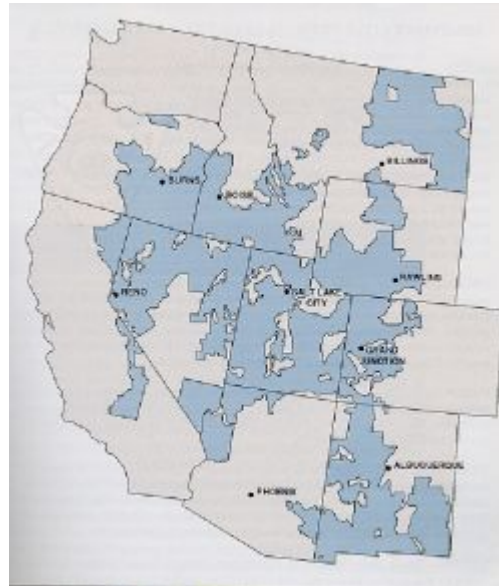


The Taylor Grazing Act

Background

The Taylor Grazing Act of 1934 (43 USC 315), signed by President Roosevelt, was intended to "stop injury to the public grazing lands [excluding Alaska] by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; [and] to stabilize the livestock industry dependent upon the public range" (USDI 1988). This Act was pre-empted by the Federal Land Policy and Management Act of 1976 (FLPMA).



Taylor Grazing Districts in 1937

(Opportunity and Challenge: The Story of BLM.
DOI, BLM, 1988. Washington: GPO.)

Introduction

Approximately 80 million acres of land valuable for grazing and forage crops were available to be placed into grazing districts authorized by the Taylor Grazing Act. To administer these grazing districts, Secretary of the Interior Harold Ickes created a Division of Grazing with Farrington Carpenter, a Colorado rancher, at the helm. Carpenter held a series of meetings with ranchers and state officials to determine grazing district boundaries. The first grazing district (Rawlins), was established in Wyoming on March 20, 1935; others soon followed. By June 1935, over 65 million acres had been placed in grazing districts. All the established grazing districts are still in effect today.

Secretary Ickes fired Carpenter in 1939 and replaced him with Richard Rutledge. With a new director, the Division of Grazing was renamed the U.S. Grazing Service. Rutledge wanted to establish an effective conservation agency. In order to achieve this, he laid out rules of conduct for his employees. Today, these standards are still the foundation of the Bureau of Land Management's mission. On July 16, 1946, the Grazing Service and the General Land Office merged to form the Bureau of Land Management. Following are some of those principles.

Self Reliance: There is often the tendency upon receiving a tough assignment to push it aside and wait until you can ask the boss a lot of questions concerning the way he wants the job done. This results in procrastination and in a leaning [sic] attitude on the part of the doer. Stand on your own two feet and take responsibility.

Organizational Attitude: No organization can be successful if cliques or jealousies exist. These things tend to retard and to break down the spirit of the organization. Likewise, feuds and personal fights are extremely detrimental and are bound to react upon someone. Troublemakers have no place in the organization. Rating officers must take recognition of such things. The ability to get along with and work with others, and the attitude toward others, are important factors in efficiency determination.

Public Service: Let's get firmly fixed in our minds at the outset that we are public servants, employed by the public and paid by the public from funds provided by taxation in some form. We are responsible to the entire public and are not bureaucratic bosses to work our will upon the public as we see fit.

Sharp Practices: There can be no place in the administrator's thoughts or actions for anything that approaches sharp practices. Stockmen are usually not as well informed as the administrator. Many times they are trusting, depending upon the administrator. There should be no tendency toward scheming or taking advantage of lack of information or ignorance. Your actions should always be square, with equity and fairness.

Mixing: This is somewhat akin to friendliness, although it goes farther. It is very necessary that an administrator mix with or contact all kinds of people, meetings, associations, church groups, and others. Be a part of the community.

Self-Justification: One of the very worst habits that an administrator can fall into is that of trying to justify his actions under all circumstances. If an administrator had made a mistake, the thing to do is to face the situation and correct the action. An administrator can lose the respect and confidence of his users very quickly by adopting an attitude of self-justification.

Capriciousness: The administrator should avoid actions which might be termed capricious. Any funny notion or foolish idea, or snap judgement, may take the turn of capriciousness. Keep your feet on the ground and remember that you are business men [sic], doing business.

Under the current grazing regulations (43 Code of Federal Regulations Part 4100), there are four differences in BLM's administration of livestock grazing on section 15 leases and section 3 permits.

Section 3 of the Act



Section 3 of the Taylor Grazing Act concerns grazing *permits* issued on public lands **within** the grazing districts established under the Act. It gave leasing preference to landowners and homesteaders in or adjacent to the grazing district lands. Permits were issued for not more than 10 years.

Base Property Requirements: Base property is land, owned or controlled by a BLM permittee, which serves as the permittee's base for a livestock operation. The land must be capable of producing crops or forage that can be used to support livestock for a specified period of time. Under a section 3 permit, the base property does not have to adjoin the public lands being used for grazing livestock.

Domestic Use Grazing Permits: Section 5 of the Taylor Grazing Act and the grazing regulations made provision for the issuance of free subsistence grazing permits on public lands inside a grazing district. There was no similar provision for free domestic use or subsistence grazing on the section 15 lease lands.

Distribution of Grazing Receipts: Receipts from grazing on section 3 lands are distributed three ways: 50% goes to range betterment projects, 37½% remains in the US Treasury, and 12½% is returned to the state. In Wyoming, the 12% is administered by the grazing advisory boards established under Wyoming Statutes 9-571 and 9-572.

Section 15 of the Act

Section 15 of the Taylor Grazing Act concerns issuing grazing *leases* on public lands **outside** the original grazing district boundaries. It states that "The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated . . . to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe . . ."

Base Property Requirements: As described under "Section 3" above, base property is land, owned or controlled by a BLM permittee or lessee, which may serve as a base for a livestock operation. The land must have the capability to produce crops or forage that can be used to support the livestock authorized for a specified period of time. The base property supporting a section 15 grazing lease must adjoin the leased public lands unless no applicant owns adjoining lands. In most cases, the base property for a section 15 lease adjoins, surrounds, or is intermingled with the leased public lands.

Preference Lease Rights of Isolated Tracts: The Taylor Grazing Act and the

current regulations provide for giving a preference to applicants having base property which adjoins or corners the public lands they apply to lease. The preference right to lease the whole tract is given where the public lands consist of isolated tracts embracing 760 acres or less. This lease preference is available for a period of 90 days after the tract has been offered for lease.

Domestic Use Grazing Permits: Under Section 15, no provision for free domestic use or subsistence grazing on the section 15 lease lands is made.

Distribution of Grazing Receipts: The receipts from grazing on section 15 public lands are distributed two ways: 50% goes to range betterment projects and 50% is returned to the state. In Wyoming, the portion returned to the state is distributed back to the counties in which it originated under state statute 9-570.

From 1934 to 1968, grazing use on the 16 million acres of Section 15 public lands was authorized under 10-year leases. Grazing fees were assessed on an acreage basis. Lessees were required to pay the lease regard-less of whether or not they actually had livestock on the leased lands. No provisions were made for refund or nonpayment due to drought, fire, or other factors.

In August 1968, regulation changes were implemented to place the Section 15 public lands under "multiple use management" (43 CFR 4125.1-1). Key changes made to the regulations are as follows.

1. Allowed for joint use of the leased area by two or more lessees.
2. Prohibited locked gates or other actions by the lessee to prevent or interfere with lawful public use of the public land.
3. Established a framework for cooperation between BLM and lessees to develop allotment management plans aimed at improving resource conditions.
4. Established construction standards for fences and other projects constructed by the lessees to assure multiple use objectives were met.
5. Changed grazing fee charges from an acreage basis to payment for forage consumed as measured by animal unit months (AUMs).

Federal Land Policy & Management Act of 1976

The Federal Land Policy and Management Policy Act of 1976 (FLPMA) was passed to establish policy for managing BLM-administered public lands. To ensure long-term stability and use of BLM-administered public lands by the live-stock industry, FLPMA authorized 10-year grazing permits and required a two-year notice of cancellation. The Act also directed grazing advisory boards (formed under the Taylor Grazing Act) to guide the BLM in develop-ing allotment management plans and allocating range betterment funds.

Unlike the Taylor Grazing Act, FLPMA did not distinguish between grazing permits and leases. In sections 401 through 403 of FLPMA, which deals with grazing management on the public lands, the term "permit or lease" appears over 25 times together and never as only "permit" or "lease." The clear intent of Congress is that BLM's grazing administration on all public lands be consistent for both permits and leases.



The BLM's grazing regulations were changed in July 1978 to eliminate separate sections addressing administration of section 3 permits and section 15 leases. This made the regulations consistent with the language of FLPMA in that no distinction is made between permits and leases.

Selective Management Policy

The BLM's selective management policy is used extensively in administering grazing leases. The selective management policy requires that BLM apply its limited workforce and budget to those lands providing the greatest potential for improvement and public benefit. Grazing allotments are separated into three management categories: "I" (improve), "M" (maintain), and "C" (custodial). Generally, leases consisting of small, isolated tracts of public lands are managed custodially. BLM's major emphasis on the custodial leases is with various administrative actions such as billings, lease renewals, and transfers. On the larger blocks of public land that offer the best opportunity for multiple use management initiatives, BLM works with the grazing lessees to take actions or authorize uses to achieve various resource management objectives. In other words, the BLM's management and administration of custodial or "C" category allotments is similar to the old (pre-1968) section 15 leases. Administration of grazing on the larger blocks of public land in the "I" and "M" categories is similar to administration of section 3 permits.

Standards & Guidelines

Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management became effective August 21, 1995 in accordance with the Department of Interior's final rule for grazing administration. The development and application of these standards and guidelines are to achieve the four fundamentals of rangeland health outlined in the grazing regulations (43 CFR 4180.1). Those four fundamentals are: (1) watersheds are functioning properly; (2) water, nutrients, and energy is cycling properly; (3) water quality meets state standards; and (4) habitat for special status species is protected.

Standards address the health, productivity, and sustainability of the BLM

administered-public rangelands and represent the minimum acceptable conditions for the public rangelands. The standards apply to all resource uses on public lands. Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management practices at the grazing allotment and watershed level. The guidelines are management practices that will either maintain existing desirable conditions or move rangelands toward statewide standards within reasonable timeframes.

The standards for Wyoming were developed in cooperation with the Wyoming Resource Advisory Council, the State of Wyoming, and BLM staff. The BLM's current selective management policy serves as a base for the allotment review along with other allotment priorities. Over time all grazing allotments will be addressed for standards and guidelines.

Grazing Regulation Changes

Other changes that became effective August 21, 1995 that occurred with the Department of the Interior's final rule for grazing administration are:

- Management of the public lands in section 3 and section 15 are now the same.
- The distribution of grazing fees remains the same as it was under the Taylor Grazing Act.
- Leases are issued for section 15 and permits are issued for section 3.
- Livestock being leased from/or pastured for someone else are subject to a surcharge.