

**Cows and Clean Streams: Proposals for Increasing  
Federal Control of Public Range Grazing**

by Jeff Albert

Center for Environmental Studies, Brown University

18 May 1992

**ABSTRACT**

The federal government issues permits to approximately 26,500 owners of domestic livestock to use roughly 300 million acres of publicly-owned western rangeland as grazing forage for their private herds. The program -- which is heavily subsidized by taxpayer dollars -- is administered by the Bureau of Land Management (BLM) in the Department of the Interior and the Forest Service (USFS) of the Department of Agriculture. Agency submissiveness and industry resistance have characterized the roughly 90 years of grazing regulation on the public range, with natural resources bearing the cost.

Since the latter portions of the 19th century, overgrazing and unmanaged livestock operations have decimated rangelands in the eleven coterminous western states (California, Nevada, Arizona, New Mexico, Utah, Colorado, Wyoming, Montana, Oregon, Washington, and Idaho). Depletion of vegetative cover has caused accelerated desertification throughout much of the region, with the worst of the effects being observed on public rangelands.

Range scientists and range users (ranchers, hunters, fisherman) often disagree about the ecological condition of western rangelands because the study of rangeland environments has not reached the stage where universally agreed-upon criteria for ecological soundness have been developed. It is thus helpful to look to water quality as a less ambiguous indicator of whether substantial range damage is taking place. Of particular concern are the streamside "riparian" ecosystems which make up roughly one percent of the land area but support 70-80% of its terrestrial plant and wildlife species.

The BLM and USFS are authorized to manage public range grazing primarily by three federal laws -- the Federal Land Policy and Management Act of 1976 (FLPMA), the National Forest Management Act of 1976 (NFMA), and the Public Rangeland Improvement Act of 1978 (PRIA) -- and their implementing regulations. These and earlier statutes have given the agencies ample authority to insure that the ecological integrity of the range be maintained. At the same time, however, they have afforded the agencies considerable regulatory discretion, and owing to industry pressure, federal control has been historically minimal.

One potential remedy to the failure of public range grazing regulation is to invoke the Clean Water Act. Impairment of streams by soil erosion caused by permitted livestock operations may result in exceedences of ambient water quality standards -- particularly those for turbidity, temperature, and suspended solids. The water quality approach is limited, however, by the absence of clear federal authority to regulate nonpoint sources of water pollution.

Case law precedent does indicate, however, that such sources should not be allowed to cause exceedences of numerical water quality standards, particularly on federal lands. Out of such a position is developed a legal strategy for convincing the federal government to more stringently control water quality impacts from livestock.

An analysis of pending revisions to the Clean Water Act with respect to public range grazing is also included.

More general considerations of the grazing program are also addressed, among them socio-economic, philosophical, and cultural aspects.