

Taylor Grazing Act in Oregon

1934 - 1984



**U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management**

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"An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range; and for other purposes."

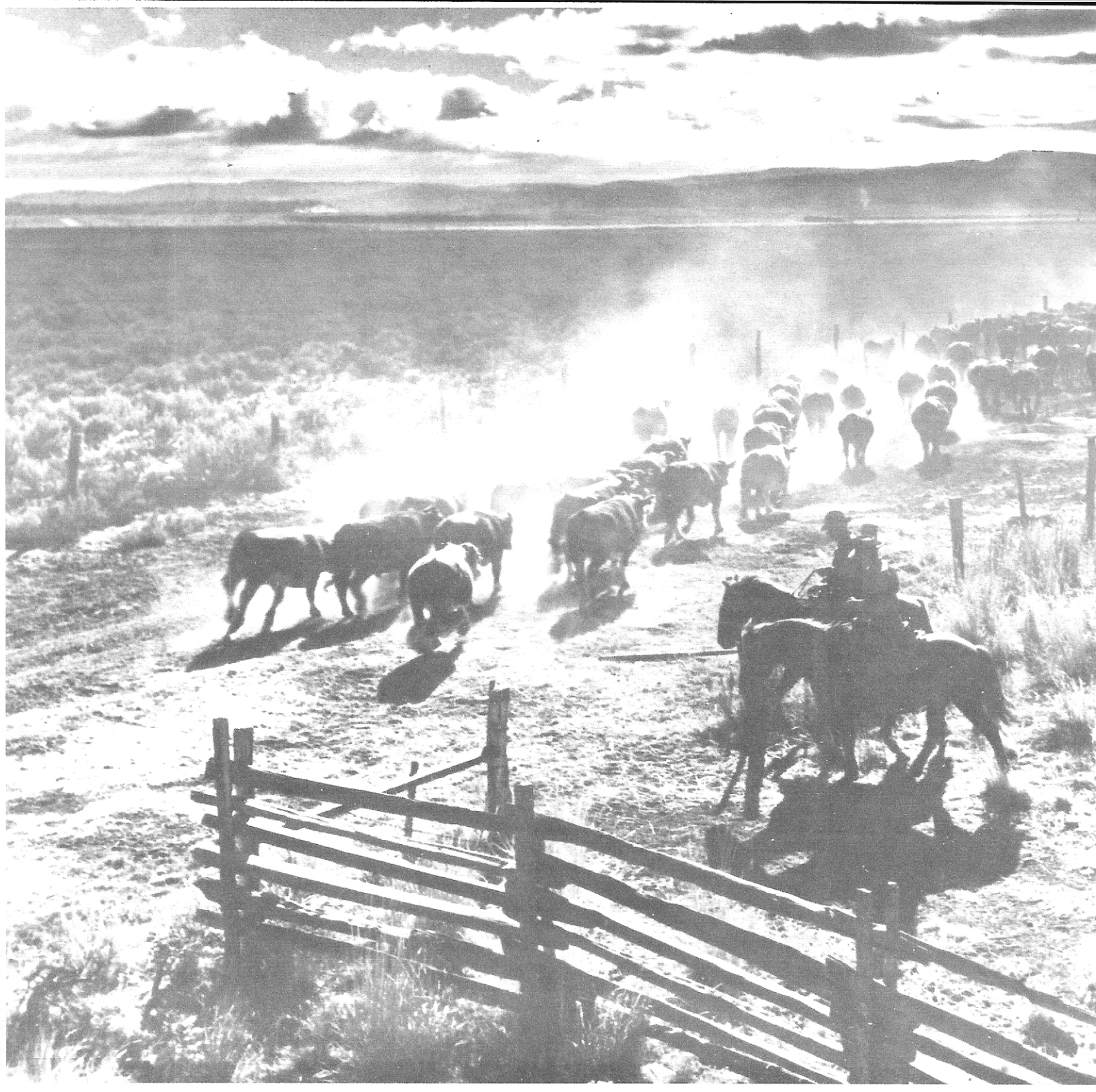
Preamble to the Act



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Introduction

Public rangeland management in the American West and Oregon has evolved in response to the economic and social needs of successive generations of Americans. The need for management was only perceived when the rangelands and the activities they supported were threatened. The increase in population in the United States and the change in understanding on how to manage public domain resources are the foundations for present policies and actions on the nation's rangeland.

Several waves of settlement and reform activity have shaped the course of rangeland management. Prior to 1930 Congress passed laws which generously distributed public lands and encouraged private enterprise. While stimulating migration and settlement, these land laws set the stage for bitter competition over public range resources. Conflicts arose between users; the range suffered from misuse and lack of management. To address these problems and the instability in the livestock industry, Congress enacted the Taylor Grazing Act in 1934.

Following World War II millions of Americans moved into the western states. This new wave of settlement occurred in a era of affluence and personal mobility. Although many of these residents were urban dwellers, they developed an intense interest in public domain lands. Many sought recreation in remote areas and began to demand that resources other than livestock be considered in management. Some supported wilderness preservation, special care for endangered species, air and water quality, and other concerns. Indirectly, these urban dwellers placed great demands on the public lands for mineral and energy resources -- and the accompanying transmission corridors -- needed to maintain their lifestyles.

The Federal Land Policy and Management Act (1976) addressed the concerns of a new generation of Americans. The Taylor Grazing Act sought to stabilize the livestock industry and improve the condition of rangelands pending their final disposition. The Federal Land Policy and Management Act broadened the mandates and was founded on the philosophy that the public lands were to remain the legacy of all Americans.

Taylor Grazing Act (1934)

In the depth of the Great Depression the Congress of the United States asserted control over the vast public rangelands of the American West. Until 1934 these lands had been administered by the General Land Office. The program of that agency had been to provide for the survey and disposition of the public domain under a series of laws intended to provide for the passage of federal lands into state and private ownership. Virtually no attention had been paid by the government to these remaining "public domain" lands as a national asset or as a heritage subject to wise management and stewardship.

The Taylor Grazing Act was the vehicle for withdrawing an initial 80 million acres from future filing or transfer to state or private interest. By 1936 this had been expanded to 142 million acres in 11 western states.

What did this law envision?

The Taylor Grazing Act of 1934 set the stage for the implementation of a series of actions relating to America's rangelands. It led to the establishment of grazing districts in areas where public lands were "chiefly valuable for grazing and raising forage crops" through the withdrawal of these lands from homestead entry. Under this law the Secretary of the Interior gained regulatory power to fix rules, regulations, and agreements to carry out the Act until the final disposition of public domain lands. The Act envisioned the development of "range democracy" by the creation of advisory boards, primarily of stockmen, who were to advise and recommend on all management decisions. The Taylor Act gave preference for grazing permits "to such bona fide settlers, residents, and other stock owners" who owned adjacent or nearby lands or water rights.

These measures were to carry out the Taylor Grazing Act. The long-term goals of this law were the improvement of range conditions and the stabilization of the western livestock industry. By 1934 both were in dire circumstances. Decades of unregulated and competitive use of the public domain had resulted in ecological crises in the West. Erosion, dust bowl conditions, depletion of water resources, growth of

brush, poisonous plants, and new but unpalatable grasses as well as years of conflict between competing user groups had all contributed to the crisis on the public rangelands. The Taylor Act was devised to end the cycle of economic decline for range users. It was perceived as yet another means of helping America come to terms with her heritage and marshal her resources for a better tomorrow.

The commitment of the Taylor Act to a broad set of environmental concerns was not precisely stated, yet the law called for the "orderly use" of the range, the weighing of "the fullest information and advice concerning physical, economic, and other local conditions," considering "the seasons of use and the carrying capacity of the range," and, later, the inclusion of a wildlife representative on each grazing district's advisory board. This law lifted up management concerns on public lands, including mining, water use, and public access. Above all the Taylor Act ended the unrestricted livestock grazing on public lands. Henceforth permits and leases would be the rule of the day.



Range Industries in the Oregon Country

The importation of livestock to the Pacific Northwest had commenced as early as the 1790's. When English explorers visited the Spanish settlements at Nootka Sound on Vancouver Island and at Neah Bay, Washington, in 1792, they found cattle, sheep, goats, and hogs. Indians had imported livestock as well. Grasping the tremendous new mobility afforded by horses, the natives of the Plains became adept riders and breeders of horses in the years following the explorations of Francisco de Coronado in the 1540's. Eventually descendants of these animals obtained from the Spanish reached the Columbia Plateau where they thrived on the lush, blue-bunch wheat grass. Within a matter of a century the Indians had developed the hardy Cayuse and Appaloosa breeds.

The Spanish colonies disappeared from the Northwest Coast before 1800 and the Indian livestock, limited in numbers, had little impact on the range. By the 1820's, however, the Hudson's Bay Company had

embarked upon a program of agriculture to support its fur traders and trappers and to generate additional profits. This British company imported sheep, cattle, and hogs. It quickly proved that these animals could thrive both east and west of the Cascades. By 1836 the total cattle at all of the fur posts numbered an estimated 1,000 head.

A series of significant infusions of new livestock occurred in this period. In 1837 drovers brought nearly 600 head of Mexican cattle northward into Oregon from the central valley of California. Beginning in 1841 overland emigrants, more than 3,000 in 1845, brought with them their livestock from the Missouri and Mississippi valleys. The "cattle column" of the 1843 emigration drove more than 2,000 head of livestock into Oregon. In 1846 a total of 500 sheep and 4,976 horses, cattle, and mules crossed the Barlow Road to enter the Willamette Valley. The build up of the region's livestock industry was assured.





Basic to this growing enterprise were markets. The mining booms of southwestern Oregon in 1851-56, the Fraser River country of British Columbia in 1858, the Clearwater mines in 1861, and the diggings at John Day in Central Oregon, on the Salmon River and the Boise Basin in Idaho, and the Owyhee region in the 1860's all contributed. A generation of hungry miners, devoted to grubbing for gold and not possessing the time nor the energy to provide for their own food, eagerly purchased the livestock of the region's growers.

The flow of gold seekers east of the Cascades led thousands to perceive the potentials of that region. By the late 1860's a rush of another variety was underway. The children of Oregon Trail pioneers--surrounded by expensive lands in the western Oregon valleys--poured over the mountains to the east to take up lands in the Plateau and Basin sections of Oregon. The Homestead Act of 1862, affording free title to 160 acres for those who met the required "proofs," helped spur this migration. Above all, the lush grasslands of the river courses and the margins of the lakes of south-central and southeastern Oregon drew the would-be ranchers.

The migration of people and livestock into the region east of the Cascades accelerated in the 1870's. Cattle barons out of California, including the firms of Fairchild and Dorris, Devine and Todhunter, and Miller and Lux saw the unmatched opportunity for grazing around the remnant lakes. The rush was on. Settlers, cowboys, and hired managers of outside investors scrambled for control of the Harney Basin, Warner Valley, Klamath Basin, Goose Lake watershed, lush Chewaucan and Sycan marshes, and the thousands of square miles of bunch grass on the uplands from the Columbia to the arid stretches of northern Nevada and northeastern California.

On April 20, 1871, a writer summarized the course of events very simply:

As the Willamette Valley settles up and the old families find half a dozen boys to provide for, it is a very common thing to send some of them east of the mountains to locate, and eastern Oregon is becoming every year more and more a stock raising

country, which is its natural use. The cattle of the Willamette are purchased when young and taken up the Columbia, and are brought back several years after, well fatted beef for the butcher stalls of our cities.

This correspondent might well have added that the military wagon roads via the Santiam and Middle Fork of the Willamette emerged as key arteries of livestock movement in this era.

The burden on public domain lands mounted in the 1870's as more and more investors sought to exact their profits from free grazing on unpatented lands. By the fall of 1874 more than 6,000 head of sheep and 2,000 head of cattle were in the Summer Lake drainage. In less than ten years the developers of these ranges had overstocked them and set the stage for "hard times."

Problems of the Open Range

The inducement to produce more and more livestock was fostered in Oregon in the 1880's by the development of transcontinental railroad connections via the Columbia Plateau. For those who were venturesome the railhead of the Union Pacific at Winnemucca, Nevada, had, since 1869, afforded yet another means of shipping livestock to distant markets. In 1882 alone, the firm of Todhunter and Devine shipped 7,000 cattle from Grant County to the markets of California.

In addition to the potentials of railroad and steamboat transportation, the United State government encouraged filings on public domain lands throughout the latter nineteenth century. In Oregon the government granted hundreds of thousands of acres to road companies to induce these firms to construct and maintain several routes, among them the Oregon Central Military Wagon Road and the Cascade Mountain-Willamette Valley Wagon Road. Although construction languished, the transfer of public lands to these private investors occurred at an impressive rate. Many of these acres passing into private ownership were lush grasslands of the "oasis" settings east of the Cascades.

Congress further encouraged settlement on marginal lands in the American West with the passage of the Timber Culture Act (1873), Desert Land Act (1877), Timber and Stone Act (1878), and grants of swamplands and other public domain tracts for educational support to the states. The Swamp Land Act of 1850 proved to be of major significance in the development of the range industry in Oregon. Under this law and its amendments, Oregon governors could select swamplands for transfer to the state either on the basis of the notes of surveys or through sending out inspectors for a personal reconnaissance. A scramble was underway for these valuable lands.

"The most unblushing frauds have been practiced in the selection of alleged swamp lands by parties claiming as purchasers of swamplands from the State," wrote the William A. J. Sparks, Commissioner of the General Land Office, in his assesment of the situation in Oregon in the 1880's. False surveys,

bribery, and coercion prevailed in many parts of central and southeastern Oregon as owners of large herds sought to gain a monopoly over fertile pastures and water resources. The stage was set for conflict between the "cattle barons" and the homesteaders, between the itinerant sheep raisers and the permanent residents raising cattle and horses.

At the heart of the problems besetting Oregon's rangelands and comparable other areas of the American West in the late nineteenth century was the heritage of frontier practice. In 1792 Congress had prescribed "the open woods and uninclosed grounds within the territory shall be taken and considered as the common pasture or herbage of the citizens thereof saving to all persons their right of fencing." Although this law was for the Northwest Territory of the upper Ohio and Mississippi valleys, it validated a practice that would extend across the continent. The eventual conflict arose when competition over the public domain became so intense as to produce bloodshed.

The tensions between homesteaders and stockmen were mirrored in the developments of Oregon's Harney Basin in the 1880's. Peter French and Dr. Hugh James Glenn then owned the P Ranch and the adjacent Diamond Ranch, properties Glenn had never even visited. The P Ranch alone extended 75 miles north and south and, at places, measured 20 miles wide. One visitor noted: "Here are rich and beautiful homes for 500 families with ample stock range for all. Glenn and French hold this vast property of land by right and undisputed possession." Disgruntled homesteaders, however, did contest this tenure and one, in 1897, murdered French.

The major era of conflict on the open ranges of Oregon occurred in the years 1900-1918. Among the sources of bitterness was the tightening of grazing opportunities in forest areas which, by 1906, had been transferred by executive order into a system of national forests. The Forest Service began limiting livestock in forested areas. It instituted permit and fee programs to the irritation of ranchers who, for as many as 30 years, had grazed their livestock without restriction. A second area of conflict developed between cattlemen and sheep raisers. The cattlemen, usually owning a land base on which they paid taxes,

reacted with fury to migrant sheepmen who drove in their flocks. Some sheepmen appeared to have no land base of their own and owned no water rights. Their flocks denuded the land and moved on leaving a legacy of ill will and anger.

Repeatedly during the years prior to World War I the ranges of Oregon and other parts of the American West were the settings for "warfare" between sheep and cattle raisers. The conflicts ran from fistfights to wholesale slaughter of flocks of sheep. On occasion, the troubles resulted in bloodshed as when on April 20, 1918, cattle drovers murdered O. T. McKendrie at Dry Prairie in Klamath County. McKendrie was a sheepman and woolbuyer of the firm of Tyron and McKendrie of Klamath Falls. His death was the culminating event in more than a decade of sheep killings and tensions in the Klamath Basin.

The drive for profits, the boom years for sale of horses during World War I, the lack of any management of the range by the General Land Office, and the overstocking of areas outside of the new national forests had contributed to the sheep and cattle "wars." More significantly these events had led to a serious depletion of rangeland resources. Thousands of acres were overgrazed, accelerating the spread of juniper and woody shrubs. Cheat grass and other introduced species moved in to replace the bunchgrass. Vast tracts were subjected to wind and water erosion and but limited effort was made to save the thin topsoil in these areas.

Pressured by eager homeseekers and rangeland investors, Congress continued to provide further measures for disposing of the public domain. The Enlarged Homestead Act (1909) and the Stock Raising Homestead Act (1916) had attempted to come to terms with arid conditions in the American West. The former expanded the land available to an individual settler to 320 acres; the latter act doubled it to 640 acres. To the established livestock raisers these laws were troublesome. They drew in tremendous new rush of homeseekers in the years 1910-1919, significantly reduced the tracts for unrestricted grazing on the public domain, and encouraged farming which often failed. The turning over of the established sod and

introduction of agriculture in many areas set the stage for the "dust bowl" conditions of the 1920's.

While some stockraisers took advantage of the new laws to file on properties to control range and water resources, many more saw lands that they had once freely used filed upon by homeseekers who fenced the range, closed off the stream courses, and initiated farming that threatened to alter the ecology of the area. Increasingly by the 1920's the stockmen turned to their local associations to discuss common problems, frustrations, and actions. At times their discontent was voiced against the policies of the Forest Service; on other occasions their meetings were held to plan common action to protect the range on which most were dependent.



Heavy grazing resulted in big sagebrush monocultures.

Early Efforts to Manage the Range

On June 25, 1910, Congress passed the Withdrawal Act. This law permitted the President to withdraw public lands from any type of public entry for "power sites, irrigation, classification of lands or other public purposes." It was not a conservation measure nor did it provide any funds for the management, development, or "classification" of withdrawn lands. This law nevertheless became a vehicle through which the General Land Office and the Geological Survey eventually were to identify and assess rangelands in many parts of the American West.

George Otis Smith, director of the Geological Survey, argued in 1911 that the federal government should come to terms with public domain lands in part by reserving "title in the people of all resources the utilization of which is conjectural or the need of which is not immediate." Smith's views in 1911 were remarkable. Few public officials had suggested that federal lands should be held for the common good of the country. His arguments suggested that the lands needed to be classified as to their condition and potentials and that, as an eventual outcome, they be managed. However, the Interior Department had virtually no experts in these areas. The government agronomists and agricultural economists were mostly all in the Department of Agriculture.

The U. S. Forest Service, in the Department of Agriculture, pioneered in rangeland management early in the twentieth century. In spite of tensions and disagreements, cattlemen and forest rangers worked out fees, erected drift fences, improved water resources, and experimented with new grass crops. By 1914 the Forest Service claimed that range areas within the forest reserves could carry more livestock than a decade before. Further, nomadic herders had been lessened in number, ranch property adjacent to the forests had increased in value, cattle were in better health and condition for market than those grazing outside the forest on public lands, and a 35% return on fees had been passed onto the states.

By the 1920's, however, the claims of range improvement or stabilization appeared premature or erroneous. In that decade a mounting crisis was occurring on public lands outside of the forests. Associations of both sheepmen and cattlemen recognized this and feared that further allocation of these lands under the various homesteading acts would break up the range into unmanageable or uneconomic small tracts. As early as 1918 they petitioned the Secretary of the Interior to suspend the Stock Raising Homestead Act. The advent of years of drought, a serious depression in livestock sales, and mounting animosity toward the Forest Service as it cut the numbers of livestock permitted to graze to reclaim depleted areas sharpened the interest of stockmen in charting a new course in range management.

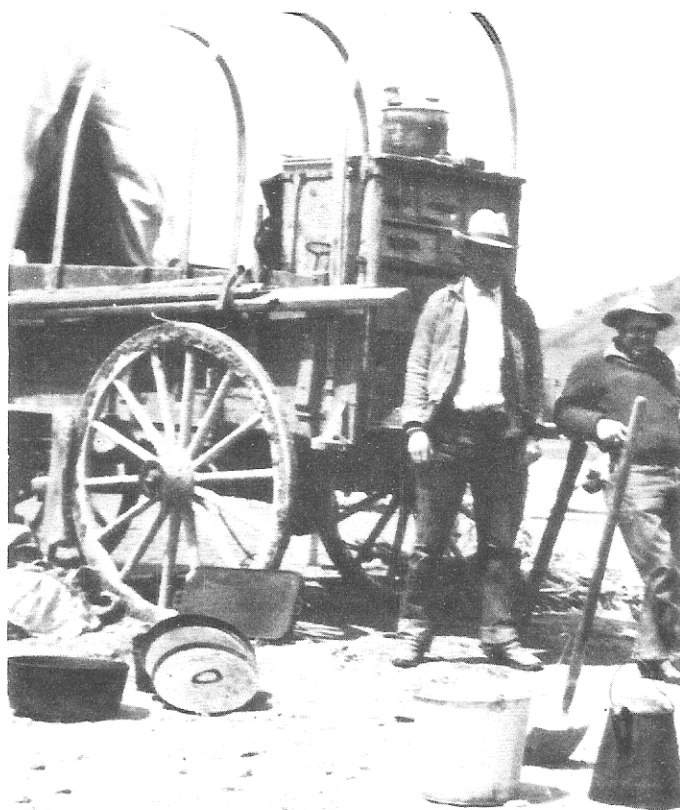
One alternative, endorsed by President Hoover, was to turn over nearly 235 million acres of public lands in the West to the states. "For the best interest of the people as a whole, and people of the western states and the small farmers and stockmen by whom they are primarily used," he wrote, "they should be managed and the policies for their use determined by state governments." Hoover's plan, however, found little support in the western states because he did not include mineral resources. Many state government leaders questioned the value of taking the public domain lands if the minerals were to be reserved to the federal government.

While Hoover's proposal was under study, Benjamin H. Hibbard published in 1930 "A National Land Policy to Conserve Land Values." Hibbard forcefully summed up ideas that had been current for some time. He advocated stopping sale or entry on government lands of doubtful value, revestment of land on the range that was not suitable for crop production, curtailing further reclamation projects, and planting of forests or creating wildlife refuges on the lands taken back by the government.

The recommendation of Professor Hibbard and the findings of the Public Land Committee in 1931 set the stage for a firm commitment to land management. The Committee, appointed by the President, recommended: "All portions of the unreserved and

unappropriated public domain should be placed under responsible administration or regulation for the conservation and beneficial use of its resources." It advocated rigorous use of the Withdrawal Act and the transfer of grazing lands to the states, if and when they were able to administer such properties. All remaining lands were to be placed under organized management by the government.

Clearly the years between 1918 and 1931 were ones in which Americans grappled with the problems of the western range, the need for resource management, and the deteriorating economic condition of the range industries. The crisis of the dust bowl, the general depletion of grasslands, and the Great Depression which began for other sectors of the economy in 1929, became further impetus for finding a solution.



Taylor Act and Oregon Stockmen

The Taylor Grazing Act of 1934 was one of a series of "reform" measures passed during the New Deal. In the 1930's the United States entered a remarkable new cycle of activity wherein the government expanded rapidly in size and function. As in the Progressive Era at the turn of the century, concern was raised for the status of resources and their stewardship. The nation's public rangelands were henceforth to be restored and managed by the Grazing Service of the Department of the Interior.

Prior to the Taylor Act an area of 108,804 acres in the watersheds of Mizpah and Pumpkin creeks in Montana had been set aside for cooperative management. This tract was one where dozens of claimants under the Enlarged Homestead Act had met disaster. Most of the land by the mid-1920's was abandoned, however stock growers retained 8,081 acres. The region was overgrazed and clearly depleted—it could provide for only 2,300 head of stock. In 1928 Congress set up the Mizpah-Pumpkin Creek management unit. The State of Montana, private owners, and the federal government were to participate jointly in restoring and controlling this range. Other areas were designated in Montana, Utah, and California by 1931.

By 1933 Oregon stockraisers were looking at similar alternatives. On June 14, 1933, stockmen in the eastern part of the Klamath Basin, especially in the Lost River watershed in Langell Valley, formed the Southern Oregon Grazing Association. Henry C. Gerber, secretary, summed up many decades of concern when he wrote the next month:

"As the conditions now exists, most all the government land open to grazing is being used by itinerant sheep men who do not pay taxes in this section of the country and who own or rent very little land, thus making it almost impossible for land owners in this section to enjoy the privilege of grazing their livestock on any public domain. It is our intention that the taxpayers and land owners should have a prior right to a portion of this land

and enjoy some protection from transient bands of livestock."

These south-central Oregon stockraisers viewed with alarm the bill introduced later that year by Congressman Walter Pierce of Oregon to permit the Fremont National Forest to expand its boundaries five miles in any direction to take in timberlands on public domain lands. Years of disagreement with the Forest Service over grazing fees and livestock allotments had soured relationships between many stockmen and the Department of Agriculture. They were determined to try to stop further loss of grazing opportunities on public domain lands.

Henry Gerber said:

As the situation now exists, the officials in charge of the grazing in the Forest Reserves make certain laws regarding the time limit allotted for grazing purposes. Regardless of the feed situation in any territory, or the economic condition of the country, they absolutely refuse to deviate from their set laws in order to help the stockmen survive.



Representative Edward T. Taylor

In December, 1933, the Southern Oregon Stockraising Association petitioned President Franklin Roosevelt and Congress to withdraw public lands east of Langell Valley to create in Oregon a grazing unit comparable to those in Montana, Utah, and California. Many of the signers of the petition had resided in the Klamath Basin for more than 50 years.

The Southern Oregon Stockraising Association was thus organized, meeting, and ready for action when in June, 1934, Congress passed the Taylor Grazing Act. The petition of this organization the preceeding December had summed up much of the initial intent of the Taylor Act. These Oregon stockmen had said that creation of their own grazing reserve would "not only protect and conserve the forage growth on the lands in question, but at the same time will be of inestimable benefit to the stockmen using the lands along the line of the district and stabilize the livestock industry." These twin concepts of management of the range and stabilization of the industry were inherrent in the new law.



Grazing District No. 1 in the United States

On September 12, 1934, President Roosevelt appointed Farrington R. Carpenter, an attorney and rancher from northwestern Colorado, as first Director of the Division of Grazing, later to become the Grazing Service. Carpenter's task was to create this new agency in the Department of the Interior and implement the Taylor Grazing Act. He was uniquely qualified to carry out this mission. Carpenter was a superb storyteller, an easy-going but tough-minded westerner, a man savvy to the livestock industry and to national politics. While he could speak in folksy, "one-of-the-people" phrases, he was a graduate of Princeton University and Harvard Law School.

Carpenter knew that the Taylor Act was not going to be easy to implement. "This act was a tremendous surprise and very antagonistically received in the West," he later recalled. Except in Utah where the Mormon religion had fostered a sense of cooperation, few stockmen were accustomed to working jointly with the government in any satisfying way for land management. Carpenter also did not expect much guidance from his boss. "The Secretary of the Interior, Mr. Ickes, was an eastern man," he recalled. "He didn't know which end of a cow got up first. He didn't know anything about the west and he didn't know what to do with the Taylor Grazing Act." Farrington Carpenter figured he did.

During the summer of 1934 Henry Gerber of the Southern Oregon Stockraisers Association had kept up a lively correspondence with the Department of the Interior. The government officials of the Investigations Bureau at Interior knew clearly that at least one group of stockmen in the American West were ready to try cooperation to find a solution to their problems. A coincidence of events was thus ready to fall into place. As Carpenter and his new staff went on the road to hold hearings with stockmen on the implementation of the Taylor Act, they knew they had a "ready made" Grazing District and potential advisory board in Oregon's Klamath Basin. As the hearings were held in the West in October, stockmen began to grasp the potentials under the law. Many were willing to give it a

try and thus the decisions were made to set up the districts.

Years later Carpenter reflected on the crucial hearings of October 11, 1934, in south-central Oregon. "I often think of those days in Klamath Falls when we thot the Forest Service was going to gobble up the open range," he wrote to Henry Gerber in 1968. "We beat them to it & your District was No. 1 for the United States." On another occasion Carpenter again referred to that moment. "Please give my best regards to your neighbors who are old enuf to remember me," he wrote to Gerber, "and be assured that I will always have an especially warm spot in my memory for Grazing Dist. No. 1 in Oregon (and also 1st in the U.S.) its kinda like a fellers first love."

Grazing Service Management in Oregon, 1934-1946

During the summer of 1934 the Department of the Interior began planning for widespread participation under the Taylor Act. Crucial to the success of this measure was the support and cooperation of range interests throughout the American West. Education was a major factor and thus in September and October, government officials held a round of public meetings in Oregon. The goals were to bring together cattle and sheep interests in a common forum and establish a sense of shared purpose in the range that would be expressed in the local Grazing Advisory Board.

Following preliminary meetings conducted by representatives of several divisions of the Department of the Interior, Carpenter came to Oregon to preside over the next round of public hearings. In his easy manner, Carpenter fielded questions, explained draft regulations, and insisted: "It is entirely up to the local people to decide which they want to do." Carpenter and the Interior staff, however, hammered away at the new reality: the public domain rangelands were now under management; no longer would there be free and unregulated use.

In the first months under the Taylor Act considerable attention was focused upon eligibility for range allotments. The key question was how near was "near," for the law had vaguely prescribed priority of range use for those who were **near** the Grazing District. "Pretty soon I began to see that near is everywhere," recalled Carpenter. "Near was anywhere they started from and got into the grazing district." This matter was addressed in lengthy debate. Finally Carpenter said: "When you can't solve anything, if you can invent some words that they can't answer they'll sit down and take it and they'll think it's solved." So the formula of "nearest," "nearer," and "near" was put in place.

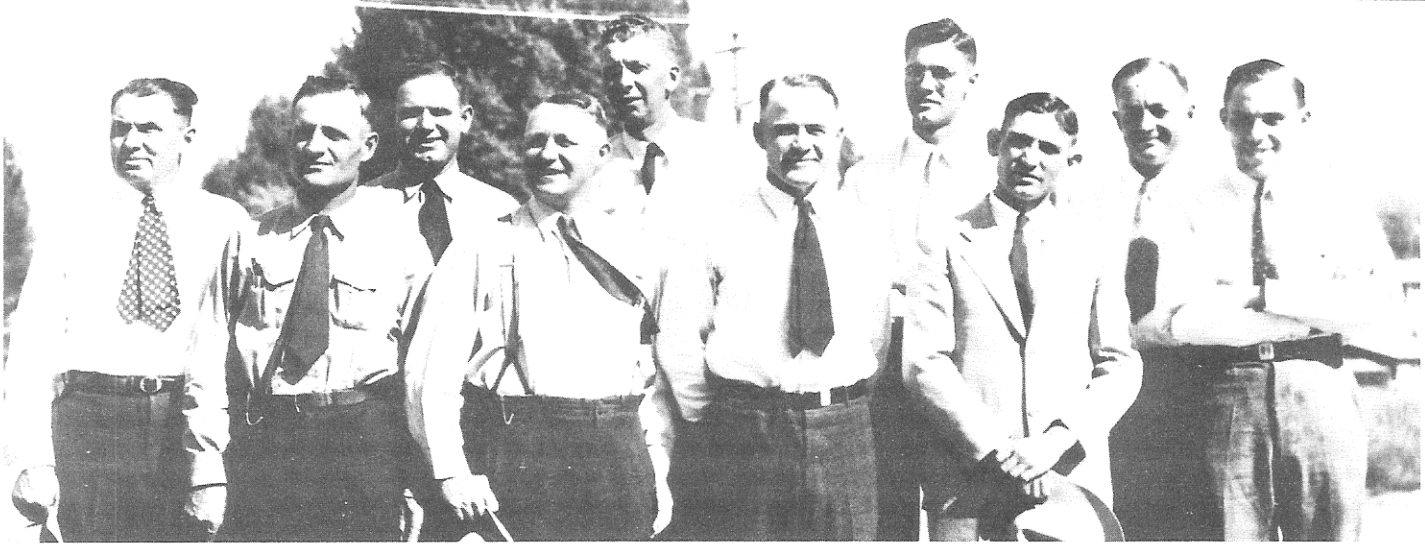
In Oregon, as in other western states, the Grazing Service faced the immediate need to classify the lands under its jurisdiction. Range Examiners went to work to discover the status of lands: those which were

patented, under filing for proof, or clearly in the public domain. These men had to gather data on the size and location of the 'base' owned by range users, the extent of their use of the public domain in the years 1929-34, and the location of that use. Not until such information was in hand could the Advisory Boards wrestle with an equitable allocation of grazing privileges.

While grazing matters for Oregon were initially managed out of Boise and Reno, the local stockowners set up their Advisory Boards. All of these were functioning by December, 1935. Oregon's districts included No. 1, Bonanza; No. 2, Basin or Burns (Lake and Harney counties); No. 3, Vale; No. 4, Jordan; No. 5, Crooked River or Prineville; No. 6, Baker; and No. 7, Echo. Influential ranchers such as Herman Oliver in the John Day region, John S. Horn and Henry Gerber in the Bonanza area, Paul Brattain and Walter Lehmann of Lake County, J.C. "Pat" Cecil of Suntext, Sam Ross of Jordan Valley, W.W. Scott of Vale, Fred Phillips Sr. of Baker County, and others helped lead this effort.

To coordinate management, help implement the rules and regulations, and shape the activities in the various units, the Grazing Service named five district graziers in 1935: Paul Stafford (Bonanza and Basin or Burns), Martin H. Galt (Vale), Samuel Robert Bennett (Jordan), Charles Parcell (Crooked River or Prineville), and Virgil Starr (Baker and Echo). The graziers were responsible for the emerging Taylor Act projects on nearly 13,000,000 acres in Oregon. During the first year they and the Advisory Boards approved 1,173 grazing licenses for a total of 643,721 head of livestock: 420,991 sheep, 197,676 cattle, 25,036 horses, and 18 goats. Clearly the Taylor Act was not the cattle owners' monopoly of public lands.

In early 1936 Oregon was established as a separate region and Marvin Klemme, an Oklahoman recruited into the Grazing Service as one of Carpenter's original 20 regional graziers, was named to head up the Oregon operation. He set up shop, at first, in his room in Burns' Welcome Hotel. His first staff consisted of a secretary and a range inspector.



Some of the first officials of the Division of Grazing in Oregon at Burns in 1937. Left to Right: Paul Stafford, Charles Parcell, G.L. Hankins, Paul Crouter, Clarence Gulvison, Martin Galt, Maurice Zimmerman, Marvin Klemme, Warren Sholes, Roland Davidson.

By 1936 the Grazing Service had 37 grazing districts or 80,000,000 acres under management in 11 western states. It had issued more than 15,000 licenses for over 8,000,000 head of livestock. When the Taylor Act was amended on June 26, 1936, Congress added another 62,000,000 acres to this Division's responsibility. The Taylor Act lands had grown to 142,000,000 acres and included virtually all public domain lands suitable for grazing use.

Not all Oregon range users were willing to abide by the Taylor Act. Joe Odiago and Cleto Achabal persisted in use of the range without appropriate licenses. When arrested, they challenged the constitutionality of the law. Judge John H. McNary of the U. S. District Court of Oregon, however, ruled in 1935:

It is settled by the highest judicial authority that, "All public lands of the Nation are held in trust for the benefit of the whole country" and that the Constitution vests in the Congress all the rights incident to the private ownership of such lands.

The court upheld the authority of the Department of the Interior to implement the Taylor Act in Oregon.

This law provided for the construction, purchase, and maintenance of range improvements within the grazing districts and the potential use of 25% of all

grazing fees for such purposes. While this "return" of fees required approval by Congress, other mechanisms were employed in the 1930's to carry out these goals. They included the labor of the Soil Conservation Service, of the Bureau of the Biological Survey (later to become the U.S. Fish and Wildlife Service), the Geological Survey, and the Civilian Conservation Corps.

As an important aspect of utilizing human resources in the Great Depression, Congress had authorized the Civilian Conservation Corps and funded hundreds of CCC camps in the West. Unemployed young men, many from eastern cities, were sent to places like Camp Hart Mountain in the Warner Valley. The Grazing Service worked directly in identifying projects to be mounted by the CCC on the public lands of the West. The projects of these thousands of young laborers were crucial in managing the rangelands. The Civilian Conservation Corps, commanded by U.S. Army officers on detached assignments, constructed roads that created access for the first time to many remote areas in Oregon. The men stabilized streambanks, erected brush "check" dams in creeks, and built rock surrounds at springs. They erected hundreds of miles of drift fences, constructed corrals, built bridges, and laid telephone lines across a number of Grazing Districts.

CCC workers fought range fires, cut fire trails, initiated rodent control programs, grubbed out brush and trees, killed poisonous weeds, and laboriously harvested seeds for restocking of native grasses. They operated snow plows in winter to open roads to the range. They laid pipelines, erected buildings, and worked with the Biological Survey on the improvement of wildlife habitat. The CCC "boys" played a crucial role in implementing the programs identified by the Advisory Boards and the Grazing Service. Their labor in the years 1935-41 furthered the Taylor Act goal of stabilizing and improving America's rangelands.

Throughout its existence the Grazing Service followed the principal of cooperation. Always modestly staffed, this government agency had to depend upon citizen input, cooperative agreements, and assistance from other government programs like the CCC in order to carry out its work. By 1937 it had placed 49 grazing

districts under regulation, initiated range surveys, classifications, and improvements, and drafted a Federal Range Code. On March 14, 1938, the Grazing Service adopted the "Oregon Form" of cooperative agreements with local stock raisers. The new agreement was applicable to those districts where federal lands exceeded privately owned parcels. Under the "Oregon Form" the local association permitted its lands to be managed by the Secretary of Interior in the same way as the public lands. By the summer of 1938 a total of 22 cooperative agreements had been mutually approved. Congress authorized management of non-federal lands with the Pierce Act of 1938. This law permitted leases, for grazing purposes, of state, county and private lands within grazing district boundaries. The unique spirit of shared interest and cooperation under the Taylor Act was evident in these programs.



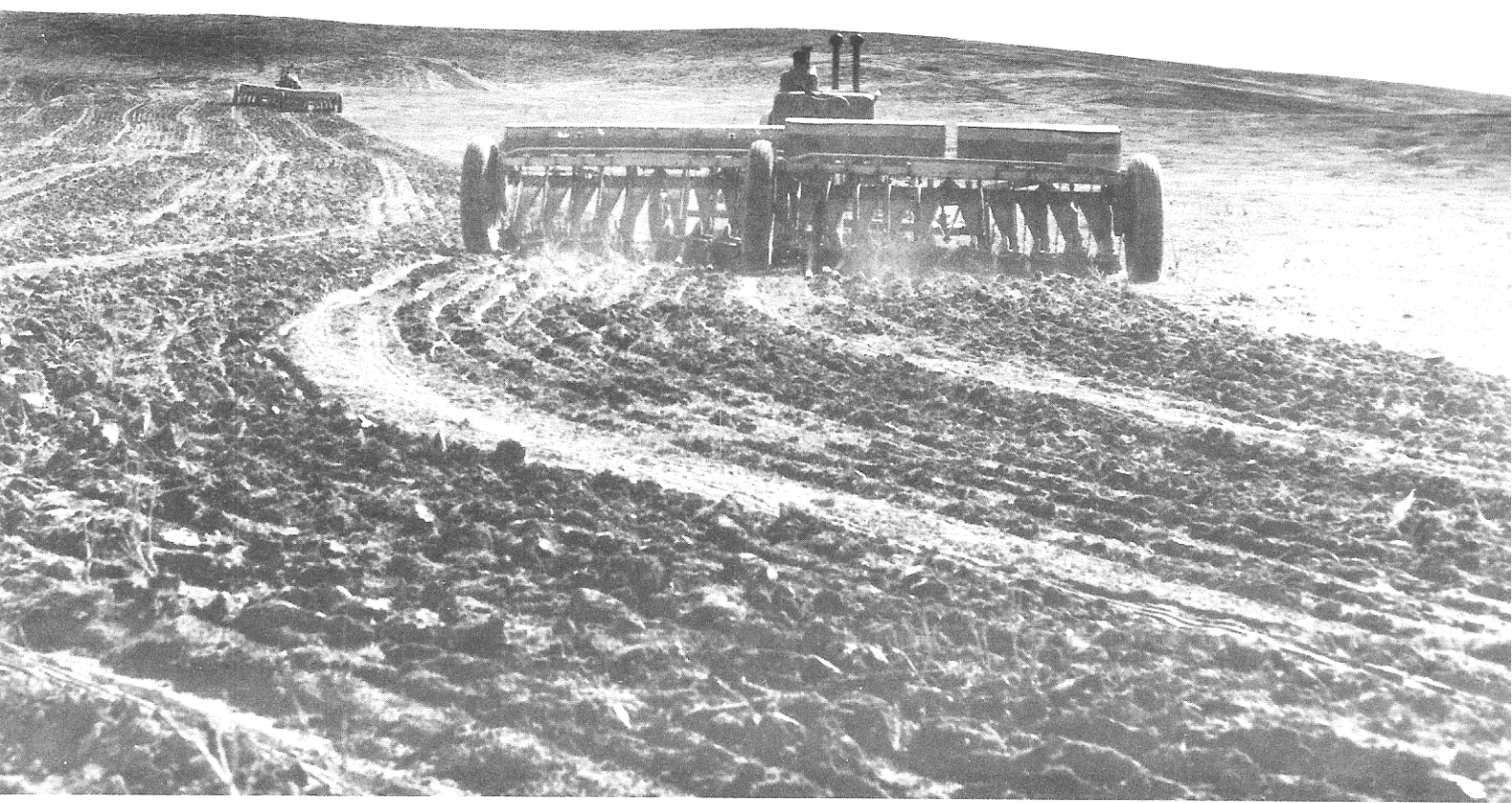
BLM & Range Management, 1946-1976

On July 16, 1946, the General Land Office, dating from 1812, and the Grazing Service, established in 1934, merged to form the Bureau of Land Management (BLM). The successor agency took over the responsibilities and the personnel, including cadastral survey, of its predecessors. The BLM did so in a time of tempest about the management of western rangelands. Its administration increasingly had to respond to public demands about land use and management. A variety of interests—grazing, mining, recreation, hunting, fishing, wilderness preservation, saving wild horses and burros, providing for endangered species, air and water quality—persuaded Congress and the President to alter the responsibilities of the BLM. Gradually this agency gained mandates to do far more than envisioned in the Taylor Grazing Act of 1934.

The Bureau of Land Management represented in 1946 a new direction in public land administration. Increasingly this agency hired specialists trained in soils, geology, wildlife, range conservation, and recreation. Since many public lands also possessed timber, forestry graduates, economists, and cruisers joined the staff. This agency was also compelled to respond to post-World War II demands for recreation use of public lands. Higher wages, increased personal mobility, paid vacations, and tourist promotion drew millions of Americans into the West.

Where once the public domain lands of eleven western states were perceived as having uses primarily only for mining and grazing of livestock, a new generation of Americans found in them a host of values not even imagined at the time of the Taylor Grazing Act in 1934. The Classification and Multiple Use Act (1964) mandated the administration of public lands for "outdoor recreation, range, timber, watershed





and wildlife and fish purposes.” This law set the stage for scientific land management wherein BLM specialists or hired consultants were to examine public lands and work out compatible, multiple uses.

In the 1960’s and the 1970’s many more Americans became aware of their cultural heritage. Programs in historic preservation and archaeology gained support. The BLM was ordered to take into account “cultural resources,” the prehistoric and historic sites on public lands. These unique places were to be calculated into assessments of environmental impacts by staff archaeologists. As energy resources became more expensive in the 1970’s, the BLM also had to face thousands of applicants for permits to drill for geothermal wells, natural gas, and oil. Others sought coal and shale oil resources. The increased sale of hydroelectric power necessitated the construction of massive new transmissions systems and rights-of-way across rangelands. These heritage and energy demands altered land management.

The ecology movement of the 1960’s and the 1970’s brought to public awareness the unity of the natural world. While some sought wilderness designations for recreation purposes, others wanted to save remaining “natural” environments. Congress passed a series of laws relating to potentially renewable resources: bald and golden eagles, wild and free-roaming horses and burros, endangered species, and fisheries conservation and management. Other laws set standards for air and water quality. As a manager of tens of millions of acres of public lands, the BLM had to shape its management in response to these orders.

As use of the rangeland resources on lands managed by BLM became more complex, managers turned to a formal planning system, including an environmental analysis process, to reach general resource use decisions. Under the National Environmental Policy Act (1969), as interpreted, the agency embarked in the mid-1970’s on a long-term, site-specific analysis of its grazing management programs.

The Taylor Act remained a governing factor in rangeland management in the years 1946-76. In general, the livestock owners saw the wisdom of

employing trained specialists in improving and using the public lands. While they disagreed about allocations for livestock and wildlife, and other details, they continued to work jointly for range improvements. The years under the BLM inaugurated a period of significant new construction of roads, springs, reservoirs, and reseeding. The BLM introduced a Halogeton Eradication Program and attacked larkspur, locoweed, and Mediterranean Sage. It expanded the program of aerial seeding inaugurated by the Grazing Service in the Vale District in 1946 and increased plantings of Crested Wheat Grass, Bulbous Blue Grass, and Tall Wheat Grass.

The BLM persisted in its efforts to carry out the Taylor Grazing Act in conjunction with new concerns and assignments. It had to respond to changing perceptions of the public domain, environmental concerns, economic realities, and legal responsibilities.

Public Rangelands in Oregon, 1946-1976

Among the things that persisted in Oregon through the merger of the General Land Office and the Grazing Service was the close working relationship among the stockmen and their advisory boards, the professional range managers of the new agency, and other users of the public lands. Dialogue over the administration of the nearly 13.6 million acres of range continued.

In 1946 some 1,500 permittees grazed about 220,000 cattle and 14,000 sheep on about 1,800 allotments. Range development and conservation projects continued to accumulate from the early days of the Grazing Service. By the late 1970’s the Bureau had constructed in Oregon more than 7,000 miles of fence, over 6,000 water developments, and seeded acres approaching 800,000.

Through the 1950s and into the 1960’s, range managers worked with stockmen and the grazing advisory boards to complete range studies and inventories. The findings led to new livestock grazing levels as the carrying capacity of each allotment was established. This adjustment period led to a landmark range management program in southeastern Oregon--the Vale Project.

The studies in Malheur County indicated that much of the nearly 4.5 million acres in the area needed rehabilitation. Range managers and ranchers in the district initiated one of the largest rangeland recovery projects in the world. While Congress appropriated \$10.5 million during the project's life from 1962 to 1973, ranchers and other users contributed substantially through labor and other management practices.

The idea, according to Max Lieurance, Vale District Manager from 1959 to 1971, "was to greatly improve range condition on part of the land and, using that acreage for alternative grazing areas, improve vegetation on the remaining lands through planned periods of rest from grazing pressure."

In the end, nearly a quarter of a million acres of sagebrush and weeds had been reseeded with hardy grasses. Some 2,000 miles of fencing were installed to establish pastures to be used in different rest-rotation grazing systems. Extensive water projects were developed to improve livestock distribution: 28 deep wells and storage tanks, 440 miles of pipeline, and 1,000 reservoirs and springs were developed. Special plantings were made on 58,000 acres to further

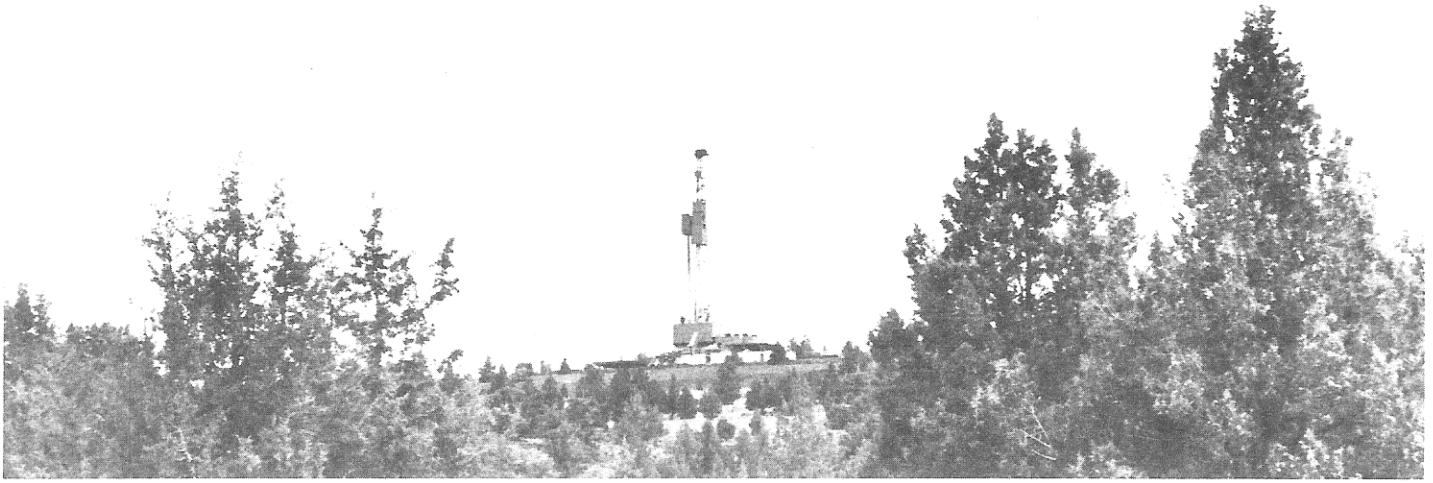
improve deer habitat in critical winter areas.

The rangelands recovered dramatically. Native grasses responded to management more quickly than expected. Erosion decreased and water yield increased. The land's capacity to feed grazing animals on a sustained yield basis nearly doubled.

The project quickly gained international renown among range managers. Lessons learned from the project were applied bureau wide to improve rangeland management.

In the early 1970's, Oregon's districts began a series of multiple use planning projects and developed a management framework plan for each district. These general land use plans provided the managers and the public with long term direction for administration of all the resources found on the public lands. Currently these districts are completing the second planning cycle, that builds on the experience and progress made during the 10-year life of the early plans to establish goals and objectives to carry the agency and its land users into the next decade.

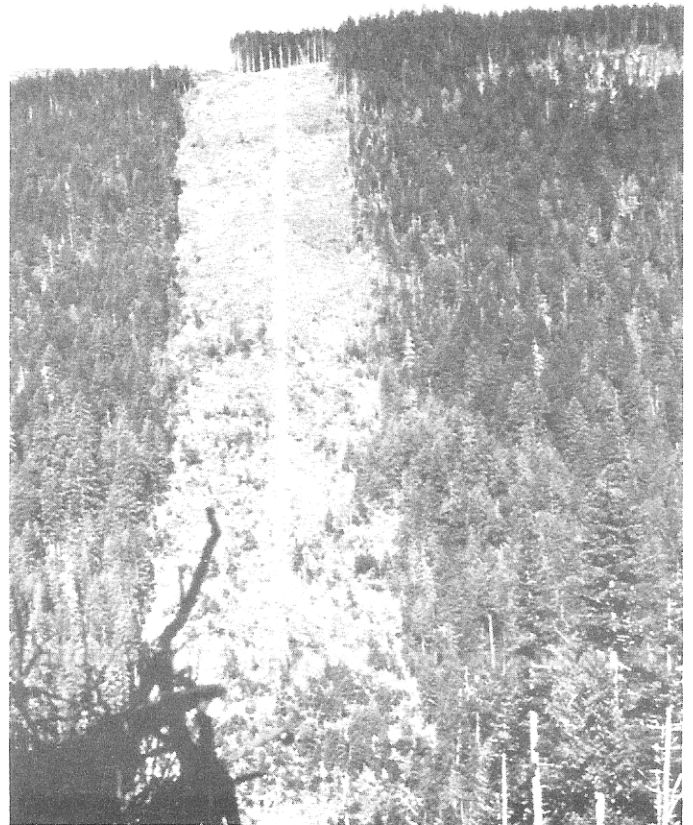




Rangeland Management, 1976-1984

In 1976 Congress enacted the Federal Land Policy and Management Act (FLPMA), sometimes referred to as the “organic” act for the BLM. This law was the product of an era very different from the 1930’s from which emerged the Taylor Grazing Act. The new measure was premised on the idea that the public lands of America were a permanent national heritage. The “unwanted” lands were now “wanted” and were to be administered in perpetuity. FLPMA affirmed multiple uses on public domain and reaffirmed the theme of cooperative management established by the Taylor Grazing Act. It required sustained yields, multiple use planning, wilderness designation studies, and control of mining operations.

The Public Rangelands Improvement Act (PRIA) of 1978 recognized that “vast segments of the public rangelands are producing less than their potential for livestock, wildlife habitat, recreation, forage, and water and soil conservation benefits” and were in an unsatisfactory condition. To raise the potentials for improvement of the range, Congress authorized more monies and affirmed the need for the BLM to implement the planning processes mandated by FLPMA.



Legacy of the Taylor Grazing Act

The Taylor Act in Oregon moved a considerable way toward the attainment of its stated purposes. It helped stabilize the livestock industry and virtually eliminated the conflicts between competing range livestock users that so characterized the early years of this century. It also took important steps toward replenishing a depleted resource: the rangelands of Oregon.

The programs under the Taylor Act mounted by the Grazing Service and the BLM were carried out in an atmosphere of cooperation, advice, and consent. The Advisory Boards played and continue to play an important role in the administration of public lands. The experience of the actual range users has been combined with the technical expertise of specialists to try to find solutions to common problems.

The Taylor Grazing Act was the critical forerunner of

modern management of public rangelands. It set up a means for the identification of orderly use, protection, and improvement of a resource. For 50 years it served as a guiding principle and solid base for modern management approaches. This law initiated a unique experiment in private and public cooperation in resource preservation and utilization. The concept worked. It was the product of the needs of its time. Not all of its mission was accomplished, but the rangeland of America is today in better condition as a result of this act than it was prior to its passage. As Howard Delano, a longtime Grazing Service and BLM range manager in Oregon, has said: "Few people can visualize today the conditions we worked under. Nobody had interest in those ranges. All you got was opposition of certain users who did not want to be regulated. The Taylor Grazing Act changed that." It created a firm foundation to build for the future.

Today rangeland management involves the close working of all interested in public domain lands. These





Interagency Range Tour in Vale District.

groups include the economic users such as livestock owners and miners, the public interest organizations committed to conservation and recreation, and public officials. The competition and conflicts between various users of the public domain have also grown steadily. The orders shaping the management programs of the BLM have changed markedly since 1934.

Rangeland management means responding to the demands and laws of today with the determination to be ready for tomorrow. For the BLM this has meant serving as arbiters between the many interest groups dedicated to having a say about the fate of public lands. This process has required drawing out all the voices and points of view, the weighing of costs and benefits, and coming to terms with trade-offs. Management today and in the foreseeable future is a process requiring wisdom, patience, and diplomacy. The great sage-covered plains of the American West have become more than a grazing land. They are, in a

very real sense, a metaphor for the diversity and dynamics of modern American life.



Max Lieurance, former Vale District Manager, addresses public meeting.

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50TH ANNIVERSARY OF THE TAYLOR GRAZING ACT

APPROVED BY CONGRESS, JUNE 28, 1934

THE TAYLOR GRAZING ACT MARKED THE BEGINNING OF AN ERA OF MANAGEMENT OF LIVESTOCK GRAZING ON THE WESTERN PUBLIC RANGELANDS. PRIOR TO THE ACT, COMPETITION FOR FORAGE HAD SPARKED CONFLICTS AMONG STOCKMEN AND LED TO SEVERE SOIL AND VEGETATION DAMAGE THROUGH OVERGRAZING. THIS ACT WAS AN EARLY NATIONAL CONSERVATION LAW DESIGNED TO PREVENT OVERGRAZING AND SOIL DETERIORATION, TO BRING ORDERLY USE, IMPROVEMENT AND DEVELOPMENT, AND TO STABILIZE THE LIVESTOCK INDUSTRY DEPENDENT UPON THE PUBLIC RANGE. TODAY'S WELL MANAGED RANGELAND IS A TRIBUTE TO THE VISION AND DEDICATION OF THOSE WHO WORKED FOR THE ENACTMENT OF THIS HISTORIC LEGISLATION.

**Inscription on Plaque
at the Jordan Valley Overlook
Interpretive Site**

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