



PILLAGED PRESERVES

Livestock in National Parks and Wilderness Areas

Andy Kerr and Mark Salvo

Livestock grazing is currently permitted in thirty-two units of the national park system and, under the provisions of the 1964 Wilderness Act, is not restricted in any area on the basis of its status as designated wilderness. This notable exception to the preservation goals of national parks and wilderness areas is due to a combination of factors: western history; the political power of stock growers; the public's general unfamiliarity with pristine native grasslands and deserts; and a conservation movement that has traditionally disregarded public lands livestock grazing in favor of other issues.

Andy Kerr of the Larch Company writes, consults, and agitates on environmental issues. He spent twenty years with the Oregon Natural Resources Council, the group that helped make the northern spotted owl a household name. Disguised as a hiking book, his Oregon Desert Guide: 70 Hikes is a plea and argument to preserve more than 7 million acres of public lands.

Mark Salvo serves as grasslands and deserts advocate for the American Lands Alliance in Portland, Oregon, where he coordinates American Lands' campaign to protect the sage grouse, the "spotted owl of the desert."

Domestic livestock grazing in the National Wilderness Preservation System is—in all cases—inimical to the wilderness concept. Nevertheless, it is allowed. Livestock grazing in the national park system is—in almost all cases—inimical to the purpose of national parks. Nevertheless, it is allowed. Livestock grazing is currently permitted in thirty-two units of the park system.¹ Six are Civil War monuments (grazing occurred at the time of designation, indeed at the time of the war) or units surrounded by sprawling urban landscapes and are not considered further here.

The political history of public land livestock grazing, wilderness, and national parks is closely intertwined. To understand the sequence of decisions to permit grazing in the wilderness and park systems is to appreciate the dilemma conservationists face in removing domestic livestock from these otherwise protected landscapes. In addition to lobbying, legislating, and agitating to remove livestock from present and future parks and wilderness, a less confrontational approach in the form of grazing permit retirement may be necessary to coax public lands livestock grazers from these lands.

Cowboy Power

Although livestock grazing on the public lands is ecologically destructive, economically irrational, and contrary to the wishes of the vast majority of the American people, it still occurs—even in the most sacred of national parks and wilderness areas. We believe there are four major reasons for the status quo.

1. *History*: Livestock (acting on behalf of cattle and sheep barons) were (ab)using the public lands for 50 to 150 years before any such lands were designated as parks or wilderness areas. Our political system usually grants great advantage to prior appropriation, and grazing is no exception.
2. *Political power*: Historically, cattle and sheep barons were extremely powerful politically and held public office in vast disproportion to their numbers. Our political system grants great advantage to the formerly

Livestock are allowed to graze in one of America's most beloved national parks—Grand Teton, in Wyoming—and are given priority over the needs of wildlife and the interests of visitors. Grizzly bears have been killed, and wolves have been captured and relocated, to protect these privately owned cattle.

powerful because the democratic system of checks and balances tends to resist change.

3. *Unknowning public.* Because cattle have been so pervasive throughout the American West for so long, few examples of ungrazed arid ecosystems are readily visible to the public. People are accustomed to seeing “cow bombed” landscapes. In contrast, examples of standing virgin forest are numerous, though not as numerous as clearcuts, and the public can easily appreciate the difference. Given the nature of arid lands, cow-damaged landscapes are often perceived as aesthetically pleasing, even though ecologically wounded.

4. *Unknowning conservation movement, apathy, and other priorities.* Most of the conservation movement knows little more than the general public about the ecological costs of livestock grazing. Historically, and to the present day, conservationists have chosen to ignore damage caused by livestock grazing to address instead what are perceived to be more acute threats to biodiversity. Efforts against logging, road building, mining, and development are higher priorities to most conservationists than livestock grazing.

Grazing in the National Park System

Prior to their designation as national parks or monuments, most National Park Service units were used for livestock grazing. In 1916, Congress passed the National Park Service Organic Act, creating the National Park Service and providing direction for managing the national parks.

The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except such as are under the jurisdiction of the Secretary of the Army, as provided by law, by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.²

The same law concedes grazing in parks:

Provided, however, that the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park.³

Before the creation of the National Park Service, the U.S. Army managed the parks with a definitive dislike for domestic livestock. The army excluded cattle from Yellowstone National Park after its establishment in 1872. The army also defended Sequoia National Park against livestock.

In the winter of 1917–1918, after the passage of the Organic Act, then Interior Secretary Franklin K. Lane sent a letter to Park Service Director Stephen Mather implementing a new grazing policy. The Lane letter author-

ized cattle grazing in parks in “isolated regions not frequented by visitors” and where “natural features” would not be harmed.⁴ It forbade sheep in the parks, however.

The Organic Act and the Lane letter codified grazing in the National Park System.⁵ Given the era, one can understand the allowance of limited cattle grazing, especially considering wartime pressures for beef production and the newness of the National Park Service. The agency had yet to establish itself as a sustainable bureaucracy capable of demanding adequate funds from Congress, commanding public support, and setting its own course.

The grazing provision in the Organic Act remains on the books today, although, mercifully, it has been mitigated by administrative regulation that disfavors livestock grazing:

- (a) The running-at-large, herding, driving across, allowing on, pasturing, or grazing of livestock of any kind in a park area or the use of a park area for agricultural purposes is prohibited, except:
 - (1) As specifically authorized by Federal statutory law; or
 - (2) As required under a reservation of use rights arising from acquisition of a tract of land; or
 - (3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.⁶

“Historic scene” generally refers to park system units associated with colonial times or the Civil War. A hostile administration could overturn this regulation.

Grazing in the National Wilderness Preservation System

When Aldo Leopold, the nation’s greatest ecological thinker and cofounder of the Wilderness Society, wrote his management proposal to establish the nation’s first formally protected wilderness area in the Gila country of New Mexico, he grandfathered in livestock grazing. Forest Service historian Dennis M. Roth noted:

In May 1922, Leopold, now assistant district forester in Albuquerque, made an inspection trip into the headwaters of the Gila River. When he returned, he wrote a Wilderness plan for the area that excluded roads and additional use permits, except for grazing. Only trails and telephone lines, to be used in case of forest fires, were to be permitted.⁷

Regarding the Gila, Leopold’s biographer Curt Meine added: “Some cattle grazed there, but Leopold considered this an asset in that frontier grazing operations were themselves of recreational interest. The cattlemen, too, would benefit by the exclusion of new settlers and hordes of motorcars.”⁸

Meine also observed that Leopold was seeking ranchers as allies in his efforts to regulate hunting as part of an overall game management regime, which included predator control at the time. This was before Leopold killed his last wolf and watched the “fierce, green fire” die in its eyes.⁹ However, as with wolves, Leopold’s thinking on livestock grazing evolved. Meine noted that “in his later years, he would place increasing emphasis on Wilderness as a ‘land laboratory,’ a place to understand how biotic communities are able to function

in a state of health.” After visiting de facto wilderness in northern Chihuahua in 1936–1937, Leopold wrote:

I sometimes wonder whether semi-arid mountains can be grazed at all without ultimate deterioration. I know of no arid region which has ever survived grazing through long periods of time, although I have seen individual ranches which seemed to hold out for shorter periods. The trouble is that where water is unevenly distributed and feed varies in quality, grazing usually means overgrazing.¹⁰

Leopold’s change of heart could not save the wilderness system from hungry livestock. Once the precedent favoring grazing was established, it became impossible to change later in more formalized Forest Service wilderness rules. As Roth noted:

Grazing is the oldest and best-established use of national forest areas. Until the 1920s, grazing fees were the largest source of income from all national forest system lands. Stockmen were a potent political force in the West and exerted their power whenever the Forest Service threatened to raise grazing fees or cut back on overgrazing. Under these circumstances the Forest Service had allowed controlled grazing in Wilderness areas under the L-20 and U Regulations.¹¹

The first draft of what became the Wilderness Act, written by Wilderness Society Executive Secretary Howard Zahniser, characterized livestock grazing in wilderness as a “nonconforming” use that should be terminated “equitably.”¹² In subsequent versions of the bill, Congress stated that “grazing of domestic livestock . . . may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable” (emphasis added).¹³ However, the final language in the Wilderness Act of 1964 states “the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture” (emphasis added).¹⁴

At the time the Wilderness Act passed in 1964, conservationists were more concerned about ongoing Forest Service attempts to declassify existing administrative wilderness areas to allow new road building and logging than they were about the continued grazing of livestock. Robert Wolf, who served on the staff of Senator Clinton Anderson (D-NM), then chair of the Senate Interior and Insular Affairs Committee, says Anderson went along with the compromise to ensure passage of the wilderness bill. Anderson, a former secretary of agriculture, knew that grazing was subject to reduction for purposes of conserving range condition. Anderson also felt that grazing was increasingly uneconomic and would decline in the future.

In 1980, Congress again took up the matter of wilderness grazing in the Colorado Wilderness Act, stating that:

The Congress hereby declares that, without amending the Wilderness Act of 1964 . . . with respect to livestock grazing in National Forest wilderness areas, the provision of the Wilderness Act . . . relating to grazing shall be interpreted and administered in accordance with the guidelines contained under the heading “Grazing in National Forest Wilderness” in the House Committee Report . . . accompanying this act.¹⁵

This is a very unusual provision of law. It states that Congress is not amending the Wilderness Act, but it effectively does. It also incorporates, by reference, language in a committee report. As with all obtuse, confounding, and unclear congressional language, there are reasons for this.

In 1980, the conservation community was fighting dreaded “hard release” legislation. Such legislation would have prevented the Forest Service from ever again considering wilderness designation for roadless areas. If enacted, the agency’s final environmental impact statement on its second Roadless Area Review and Evaluation (RARE II) would stand for wilderness areas for all time. A compromise was struck in which Congress enacted “soft release” language, which prohibited further wilderness consideration for a specified time. Part of the compromise was what became known as the “Colorado grazing language.”

The Colorado grazing language entrenches livestock interests in our national wilderness preservation system.¹⁶ It ratifies, in stronger terms, the grandfathering of livestock grazing in wilderness areas. It expands the Wilderness Act grazing provision to include wilderness areas managed by any federal agency. It allows the use of motorized equipment to service livestock and the construction of new fences and water developments in wilderness. It allows for increased numbers of livestock, and any authority previously conferred on the secretary of agriculture to require reasonable regulation of grazing to protect wilderness values is weakened. Finally (and incredibly), the Colorado language states that there is no restriction on domestic livestock grazing—no matter how reasonable—in any wilderness area as a result of its designation as such.¹⁷

Current Congressional Trends

Every relevant wilderness bill enacted by Congress, except one, has included language to provide for livestock grazing.¹⁸ In 2000, the Steens Mountain Cooperative Management and Protection Act set a new direction—it created, in southeastern Oregon, the nation’s first wilderness area that explicitly excludes domestic livestock. As the Oregon congressional delegation debated wilderness designation for the Steens, Oregon conservationists were adamant that livestock be removed from the fragile mountain meadows and federally designated wild and scenic rivers that descend from three sides of the mountain.¹⁹

For the national park system, congressional grazing policy has slowly improved. In 1994, Congress enacted the California Desert Protection Act. While grazing in the new Death Valley National Park and Mojave National Preserve was permanently grandfathered (at no more than current levels and subject to Park Service regulations), authority was granted to the National Park Service to acquire base properties (those private lands to which federal grazing permits have traditionally been attached) in order to end grazing on adjacent park lands.²⁰

With fits and starts, Congress has also begun setting a time-certain end to grazing in some new parks. In 1999, Congress established the Black Canyon of the Gunnison National Park, grandfathering livestock grazing in the park (1) for the lifetime of the individual permit holder in the case of an individual permittee; or (2) for the lifetime of the individual permit holder, or dissolution of the partnership or corporation, in the case of a commercial permit holder.²¹

Until recently, rangelands have received scant attention from conservationists. Conservation efforts have focused on forests, and issues such as habitat fragmentation have been described in terms of forest islands in a sea of agriculture. Yet rangelands, defined here as wildland landscapes in which the dominant plants are not trees, make up roughly 70 percent of the terrestrial surface of the earth. . . . Without rangelands, the biodiversity of the world and of North America would be quite incomplete.

— Reed F. Noss and Allen Y. Cooperrider,
*Saving Nature's Legacy: Protecting and
Restoring Biodiversity*, 1994

Below the Providence Mountains, Mojave National Preserve, California. When this preserve was established in 1994, existing Bureau of Land Management grazing permits were permanently grandfathered in—a political concession to livestock industry advocates.

52–53: Cattle “moonscape,” Grand Staircase–Escalante National Monument, Utah.



