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Ranching in the Ely Ranger District

The Ely Ranger District of the U.S. Forest Service was established in 1909 as part of the Nevada National Forest and has since been consolidated into the Humbolt-Toiyabe National Forest. The Ely Ranger District is located in eastern Nevada. The Forest Reserve was originally a part of the Department of Interior but was later placed in the Department of Agriculture when the Forest Service took control in the early twentieth century.¹ Prior to the Forest Service taking control of the land there was no real regulations that governed the land. When it took control of the land it was the first major step in the conservation movement. The Forest Service is entrusted with millions of acres of land and is divided into regions, districts, and forests. It was created to protect the watershed and protect the land from overgrazing.² The Forest Service manages the mountain forests and a large amount of grassland. It is responsible for making sure that the resources on the lands are managed effectively. Protection of the watershed takes on a greater significance in areas of the Ely Ranger District, where water is a scarce and very valuable resource. In the Ely District there have historically

¹ C.S. Tremewan, "A Brief History of the Forest Service in Nevada," Forest Service Intermountain Region (Region Four) Office, Ogden, Utah, file 1680-2008-0014. Archive abbreviated as "FSIR4" hereafter.

² Ibid.

been a number of people competing for a limited number of resources. It was and is the job of the Forest Service to make sure the resources go as far as possible.

Throughout the middle of the nineteenth century there were large numbers of settlers who were coming west for many reasons. Some came west looking for gold, some came with the railroad, some came for the free land that was available, and others were just looking for a sense of adventure. With the increase in the population of the west came an increased need for resources such as timber, water, and grazing lands. The myth that this nation had endless resources was being called into question.³

The livestock business started in the middle of the nineteenth century. The Civil War had just ended and many people were looking for a new start. The men and women who came across the plains with the railroad saw sheep and cattle raising as an opportunity to make money quickly.⁴ With no regulations on the land almost anybody could be in the business. The building of the railroad made transportation of the animals easier and so the industry became even more profitable. More people began heading west as transportation became more available. The land was being used up at a fast pace. The land was often times abused with overgrazing during this time as it was in high demand.

³ Paul Roberts, *Hoof Prints on Forest Range: The Early Years of National Forest Range Administration* (San Antonio, Tex.: Naylor, 1963), 2.

⁴ *Ibid.*, 10.

The way the land was handled by the Forest Service, as well as other national agencies, has been and continues to be a topic of hot debate among historians and range scientist. Thomas Alexander, a professor from Brigham Young University, has suggested that the Forest Service has had a rather smooth transition since they took over control in the early twentieth century. Most of his writings suggest that the Forest Service has changed and adapted to the changing needs of the people. He acknowledges that the Forest Service has had its share of troubles but believes that they have worked through them over the years. Debra L. Donahue, who has degrees in wildlife and range management from Utah State University as well as Texas A&M University, proposes that the ranges would be better off if the livestock was taken off them all together.⁵ She uses a survey of the public to show that the majority of the people would rather see the protection of wildlife and native plants than the continuation of the livestock industry.⁶ William Anderson, a range scientist, takes the opposite approach and argues that proper grazing is beneficial to the rangelands.⁷ He argues that grazing livestock is the cheapest and the most effective way to manage the forage on the public rangelands. Karl Hess argues in *Visions on the Land* that the best answer to the range management issue lies

⁵ Debra L. Donahue, *The Western Range Revisited: Removing Livestock From Land To Conserve Native Biodiversity* (Norman, University of Oklahoma Press, 1999), 3.

⁶ *Ibid.*, 6.

⁷ William Anderson, "Why Proper Grazing Use," *Journal of Range Management*, 22.5 (September 1969): 361.

in the transfer of power from the federal to the state level.⁸ He argues that putting management in the hands of the state would allow forest managers to more closely monitor the needs of the rangelands and make the changes that are necessary for them to be productive.⁹ This is a position that is shared by those who participated in the Sagebrush Rebellion, which will be talked about later on. Gary Libecap has a different and more controversial approach. In *Locking Up the Range* he argues that the best way to manage the range is to put it under private management.¹⁰ He claims that by giving individuals the land they will have greater incentive to manage the plot of land that they have been given. He also points out that this will save money the federal government money as they will not be in charge of managing thousands of acres of land.¹¹ This stance has drawn the criticism of many as most feel that the federal government would be loosing money if they gave away the land.

During the late part of the nineteenth century there was no lawful regulation of the public rangelands.¹² The lack of regulation on the public lands was largely due to the fact that public domain was viewed as temporary. The majority of the public land would soon be under private settlement, therefore regulation was thought to be a waste of time and money.¹³ This attitude led the

⁸ Karl Hess, *Visions Upon the Land* (Washington D.C.: Cato Institute, 1992), 205.

⁹ Ibid.

¹⁰ Gary D. Libecap, *Locking Up the Range: Federal Land Controls and Grazing* (Cambridge, Mass.: Ballinger Publishing Company 1981): 32.

¹¹ Ibid.

¹² Roberts, *Hoof Prints on the Range*, 7.

¹³ Marion Clawson, "The Administration of Federal Lands," *Quarterly Journal of Economics* 53.3 (May 1939): 438.

stockmen of the time to put as many animals as they could on the range so that they could reap big profits quickly.¹⁴ The stockmen had no need to move their herds until the range had been depleted and could no longer support their animals. This practice was devastating to the ranges. The lack of regulation led to intense range wars that resulted thousands of animals and many people being killed.¹⁵

One of the first statements on range science was offered in the late nineteenth century by Frederick Coville, who graduated from Cornell University and was the Chief of the Division of Botany in the USDA. Coville had the idea that grazing, if managed, was a sustainable use of rangelands. If left unchecked, it could be destructive.¹⁶ This was part of a conservation movement which was started late in the nineteenth and reached a pinnacle in 1905 when the Forest Service was created.¹⁷ The Forest Service took control, with Gifford Pinchot at the helm, during the time when the battle for rangeland was at its highest point.¹⁸

Prior to the Forest Service taking control the west was full of competition for the best ranges. Only the ranchers who could impose their will on the others could be successful in maintaining land. Ranges were often secured by the shedding of blood and destruction of property. The conflict had reached the point

¹⁴ Roberts, *Hoof Prints on the Range*, 8.

¹⁵ Ibid.

¹⁶ James A. Young, "Range Research in the far Western United States: The First Generation," *Journal of Range Management* 53 (January 2000): 5.

¹⁷ Roberts, *Hoofs on the Forest Range*, 3.

¹⁸ Ibid., 7.

that stockman themselves hated the way things had become. This is pointed out by Albert F. Potter who was involved in the livestock industry during the 1890s.

He said,

Probably no class of men deplored the state of affairs more deeply than did the stockmen themselves, but they were victims of circumstance and governmental inaction with no course open to them other than the one they followed.¹⁹

The war for land in the west was hard on the people as well the land. The stockmen felt that he had to push the limits of the range in order to be successful in the business. In the height of the madness the Forest Service was created. One of the first goals on its agenda was to bring some kind of order to an area and industry that was in complete chaos.²⁰

Federal land plays a very vital role in the state of Nevada as 60.6 million acres, which is roughly 86.2% of the land, is owned by the federal government.²¹ The federal government controls a higher percentage of the land in Nevada than any other state except Alaska. Not all this is run by the Forest Service which is the land that we are going to look at it is important to show the valuable role that the national government plays out west even in the rural counties of Nevada. In Region 4 of the Forest Service, which covers the intermountain west and includes the Ely Ranger District, the problem of managing the ranges is

¹⁹Ibid., 8.

²⁰Ibid.

²¹ Glen D. Weaver, "Nevada's Federal Lands," *Association of American Geographers* 59.1 (March 1969): 24-49.

compounded by the demand for the rangeland. Region 4 was in charge of more land and more animals than any other region.²² Region 4 has far more sheep, which are a lot harder on the land than cattle, grazing on the land than any other region does.²³ The fact that so many people wanted to have their animals graze on the ranges in the region made it difficult to manage the range as the demand for grazing far outweighed the food supply.²⁴

Before the Forest Service took control of the land in Eastern Nevada in 1907, public grazing land was available on a first come, first serve basis. The Homestead Act supposedly protected those that built houses and maintained the land they lived on. However, often times even the land that had been homesteaded was used by the herds as they were passing through. The land that was not homesteaded was considered to be public domain and was open to all who wanted to use it. Good rangeland was in short supply as the arid climate of Nevada made it difficult for forage to grow. The people who could get their herds on the good land first had claim to that land. The stockmen would gain control over an area that was public domain by taking control of the water sources and the most productive grazing lands that were available.²⁵ This technique was very effective in the Ely Ranger District as well as other areas where water and good forage were in short supply. Once the stockmen had

²² Thomas G. Alexander, "From Rule of Thumb to Scientific Range Management: The Case of the Intermountain Region of the Forest Service," *Western Historical Quarterly* 18.4 (October 1987): 415.

²³ Ibid.

²⁴ Ibid

²⁵ Clawson, "The Administration of Federal Lands," 437.

established themselves in a certain area they often stayed there until the food was all gone or they were run out of the area. This practice was devastating to the ranges and often left them depleted and susceptible to major erosion. James Young states that by the end of the nineteenth century almost all the western rangelands were being used and in many instances abused.²⁶ William Rowley points out that

Before 1894 seventeen forest reserves with a total area of 17.5 million acres were under the Department of Interior and its agency, the General Land Office. What the department was supposed to accomplish with the reserves other than protect trees from depredation remained a mystery.²⁷

This to shows how poorly the resources were managed prior the Forest Service taking control.

The main problem that the Forest Service faced was achieving a balance between feeding as many animals as possible and protecting the native plants.²⁸ Overgrazing can wipe out certain species of plants as the animals will eat them or trample them before they can produce seed.²⁹ Overgrazing also allows the most fertile topsoil to be lost due to erosion, which allows for less forage to grow on the land. Mont Samuelson suggests that a range can be overgrazed for a number of years before it shows any direct signs of damage, but when it reaches

²⁶ Young, "Range Research," 5.

²⁷ Ibid., 4

²⁸ Mont H. Saunderson, "Economic Aspects of Western Range-Land Conservation," *The Journal of Land and Public Utility Economies* 16.2 (May 1940): 222.

²⁹ Roberts, *Hoof Prints on the Range*, 24.

a point it begins to deteriorate rapidly.³⁰ Once a range has been overgrazed its carrying capacity is greatly reduced. Even if all the stock was pulled off the land it would take a number of years for it to reach its initial carrying capacity again. Although overgrazing can be a major problem, the ranching industry is a major contributor to the economy of the state of Nevada. It is also a way of life that a number of people rely on to provide for themselves and their families.

William Anderson, who is a State Range Conservationist in Oregon, claims that proper grazing can actually help increase the amount of forage a range produces.³¹ He also argues that proper grazing is the most important and cheapest way to increase the amount of forage that range will produce. This is one reason why conservationists argue it is so important to find a balance between using and abusing the many federal lands that are available. Anderson also points out that rangelands that have not been productive can see an increase in the productivity of the range if proper grazing techniques are implemented.³²

The major players of the range battle are the people who use the area to run stock on the ranges as well as those who homesteaded the land. In 1906 the year just prior to when the Forest Service took control of the land in Eastern Nevada, overgrazing on the ranges had reached the point of almost total

³⁰ Ibid., 222.

³¹ Anderson, "Why Proper Grazing" 361.

³² Ibid.

devastation.³³ This proved to be a big problem for those who homesteaded the land and were forced to use the land adjacent to their homes. Transient sheep herders often brought their stock through in the spring and the sheep would eat or destroy all the summer range that was used by the homesteaders.³⁴ These transient sheep herders had virtually no expense to pay outside of the initial cost of the livestock.³⁵ They would follow the herds with their horses and wagon and wherever the sheep found food became home. This made the protection of the land a negligible factor to them as they would just go somewhere else when the food ran out.

Unfortunately, this was not the case for the homesteaders as they were tied to the land and if the forage ran out they were forced to sell out.³⁶ In several instances this conflict got out of control. One such incident happened in northern Elko County in the fall of 1906. Dan Wallace had homesteaded right on a creek that was often used by the transient shepherders to water their herds. The shepherders refused to recognize that Wallace had any rights whatsoever to the land, when they saw that Wallace was gone they put their sheep right in his meadow or garden and tore down any of his fences that got in their way. One day Wallace came home when this was going on and a fight broke out. The fight ended with Wallace shooting one of the herders after he got hit in the head with the butt of a rifle. The man who owned the sheep later tried to prevent Wallace

³³Tremewan, "Brief History."

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

from selling his cattle but Wallace and the other stockman in the area raised enough money to take the case to trial and got the case dismissed.³⁷ In another instance residents of the White River Valley relied on the Forest Service to protect their range from transient sheepherders. In 1909 when their range was being considered for elimination from the Forest Service the residents claimed that, if eliminated, it would be hard on the stockmen as the transient herders would move in and destroy the range.³⁸ Many residents of Eastern Nevada were pleading for the Forest Service to protect their lands from the transient sheep herders.

The majority of the transient sheep herder populations were Basques who came from Northern Spain and Southern France. The Basques, or Boscós as they were sometimes called, often came to Nevada in family groups to find a sheep operation to work for until they could get enough money to buy a herd of their own.³⁹ In the Taylor Mountains of Elko and White Pine Counties the Basque population had obtained a significant foothold. Frank, a Basque who worked with Mrs. William Griswold had a band of 6,000 sheep. Reno, also Basque, had two bands of sheep, and Zubri was also a Basque who was running two bands of sheep in this area.⁴⁰ Nineteen hundred and nine was first year that a significant number of Basques had been seen on this range. F.A. Mcdermid,

³⁷ Ibid., 4.

³⁸ Rudolf Diffenbach, "Boundary Report for the Nevada National Forest White Pine Division," 1909, FSIR4, file 168-2009-0160-001.

³⁹ Joxe-Mallea Olaetxe, "Carving Out History: Basque Aspens, 2001, FSIR4, File 1680-2009-0328

⁴⁰ L. Von Wernstedt, "Unfavorable Report on the Taylor Mountain Area Elko and White Pine Counties," 1911, FSIR4, file 1680-2004-0160-008.

who himself ran between 6,000 and 8,000 sheep on this same range, had allowed Mrs. Griswold to begin using the land to run her sheep. Mr. Mcdermid made sure that he used the range wisely, and it was feared that the Basques were going to overgraze it. He was pretty sure that he could handle the situation on his own and keep everyone happy.⁴¹

In 1912 the residents of Nye County, Nevada petitioned the Forest Service headquarters asking them to put part of the Pancake Mountain Range under the protection of the Forest Service.⁴² Upon further research into this area, John C. Brown, who worked as a ranger for the Forest Service in 1912, found out that the people who had signed the petition wanted the Forest Service to protect the range from being destroyed by sheep so that they could continue to raise cattle there.⁴³ Although there has been and still is a battle between the cattle and the sheep ranchers both are important to Nevada's economy and the rest of the country as well.

The Forest Service tries to find the maximum number of animals that the ranges can support so that it can continue to use the range for years to come. After surveying the west side of the Egan Range in the early twentieth century, forest ranger R. Rosenbleuth, noted that, while the range had been badly overgrazed, and a lot of the water sources had been destroyed, proper regulation and protection of resources would allow the range to support the number of stock

⁴¹ Ibid.

⁴² S. Chas Williams, "Petition to the Supervisor for a Forest Reserve," 1911, FSIR4, file 1680-2009-0160-001.

⁴³ John C. Brown, "Unfavorable Report on the Pancake and Hot Cake Ranges Nye County Nevada," December 1912, FSIR4, file 1680-2009-0160-003.

that had been using it.⁴⁴ This was the case with a number of the ranges. The problems that a large portion of ranges faced had far more to do with poor management than with the number of animals using them.

In the early nineteen hundreds when the Forest Service was moved into the Division of Agriculture, livestock were grazing on four-fifths of the National Forest lands.⁴⁵ James Young points out that around 85% of these lands had been overgrazed.⁴⁶ These numbers meant that the Forest Service was inheriting a problem that they did not create but had to clean up.

One problem that the Forest Service faced in cleaning up this problem is the fact that the stockmen who were using this range had developed set operating cost and budgets that were based on the numbers of livestock that they owned. This made any large or immediate reduction in numbers of livestock difficult, even in areas where the range had already been destroyed.⁴⁷ The Forest Service was sensitive to the needs of the ranchers but they also had to protect the ranges that were being destroyed at an alarming rate.

There have been a few cases in which people object to the Forest Service managing the land. In one of these cases, the residents of White Pine County signed a petition claiming that that a forest reserve would be “Of no

⁴⁴ R. Rosenblueth, “Favorable Report on the Proposed Additions to The Nevada National Forest After Careful Reexamination,” 1912, FSIR4, file 1680-2009-0260-006.

⁴⁵ Young, “Range Research,” 2–11.

⁴⁶ Ibid., 2.

⁴⁷ Saunderson, “Western Range-Land Conservation,” 222.

benefit and injurious to their intentions.”⁴⁸ The majority of the residents of eastern Nevada welcomed the support of the Forest Service.

The forest rangers often kept in close contact with the herders to keep track of the number of stock that were on the range at any given time. While in general they cooperated rather well, sometimes the herders would try to deceive the rangers. Former ranger Archie Murchie recounts about how he went with a herder to count a herd of sheep in the early 1930s and he thought he had an accurate number. Years later he found out that the herder took about a third of his sheep just over the ridge so that he would be under the allowed limit and avoid any fine.⁴⁹

Tremewan points out that the Forest Service generally let the people who were on the land the year before continue running their stock on the land for the first year after it assumed management in the early part of the twentieth century. The carrying capacity of the area in the forest had been established at 230,000 sheep, 27,000 cattle, and some horses. In 1908, which was the first year under its protection, Region 4 of the Forest Service had applications for 560,000 sheep, 32,000 cattle, and 8,000 horses, since this number of animals had used the range the previous year.⁵⁰ This shows the extent of overgrazing that was taking

⁴⁸ E. A. Hendix, “Petition Against Any Further Southern Movement in White Pine County,” February 4, 1910, FSIR4, file 1680-2009-0160-001.

⁴⁹ R. F. King, *The Free Life of a Ranger: Archie Murchie in the U.S. Forest Service, 1929–1965* (Reno: University of Nevada Oral History Program, 1991), 142.

⁵⁰ Tremewan, “Brief History.”

place in the Nevada National Forests. This was a real problem that needed to be taken care of sooner rather than later.

One way forest managers tried to control the overgrazing was by meeting with all the applicants and trying to find a feasible solution that would work well for everyone. Tremewan tells of one meeting that the Forest Service had with applicants in Elko on March 9, 1909. This meeting was attended by many the applicants as well as the representatives from the region headquarters in Ogden. The meeting lasted two long days. In the end the Forest Service cut a significant number of sheep, cattle and horses off the range. Every ranch owner was given an allotment for his cattle and every vested sheep owner was given an allotment set aside for them until they were ready to make use of it.⁵¹ These allotments hushed most of the criticisms the Forest Service faced and eliminated the spring race to try and obtain the best lands.

During the 1910s and into the 1920s, managers of Region 4 began to take a more scientific approach to the way they managed the ranges.⁵² Starting in 1910 the Forest Service began conducting a number of studies to try to determine the best time to allow stock on the range in order to increase the number of animals it could let on the range with out causing damage. Prior to these studies there had been very little if any research that had been done on the ranges. It wanted to phase out the guess work and replace it with research so that it could maximize the value of the ranges.

⁵¹ Ibid., 6.

⁵² Alexander, "From Rule of Thumb to Scientific Range Management," 410.

The first part of the program that was implemented was that all the employees were required to have an education in some aspect of the field they were going to be working in. They also had to pass the civil service examination.⁵³ The employees had to have a basic education and be able to read and write at a reasonable level. The range managers now had to become familiar with scientific methods because that was the only way that they could be successful in the new system.⁵⁴ The range managers were now watched very closely and were held accountable for how they managed their area of the range.⁵⁵ Prior to these changes the majority of the managers had little education and often times had close ties to the livestock industry. These changes were not just about managing the rangelands, they were also about changing the way that the organization would run as a whole.⁵⁶ The wholesale changes that the Forest Service went through at the beginning of the twentieth century were unlike anything that had been seen by any other federal agency.⁵⁷

As is often the case with new policies, it took a while to put these into action. As Thomas Alexander points out, most of the area in Region 4 did not reach the ideal numbers of stock on the range until late in the 1950s.⁵⁸ He explains that a large number of the initial forest officers had a background in

⁵³ Ibid., 410.

⁵⁴ Ibid., 411.

⁵⁵ Ibid., 414

⁵⁶ Ibid., 410.

⁵⁷ Ibid.

⁵⁸ Ibid.

ranching, this led them to help the stockmen out any chance they could.⁵⁹ They also overestimated the number of animals that the ranges could support. During World War I the emphasis on range conservation was put on the back burner. The ranges were overstocked to produce the meat necessary to meet the demand.⁶⁰ Cutting the amount of animals that used that range required the cooperation of all parties involved.⁶¹ The range managers had to convince the stockmen and the government that cutting the stock was necessary for the health of the ranges and also to the health of the animals that they were raising. The stockman failed to believe the evidence and denied that overgrazing was taking place at all.⁶² All these factors are just some of the issues that the Forest Service had to work through in order to preserve the rangelands.

To argue their point that the ranges had sufficient food supply, the stockmen would point to the constant weight of their stock that had been grazing on the range.⁶³ The stockman figured that as long as the livestock maintained their weight that the range must be producing enough food for the number of stock that they had using it. If the stock were maintaining a healthy weight the stockman had no motivation to cut their herds down. It was not until they saw the weight of the animals start dropping that they had reason to worry, but by then it was too late; the damage had already been done.

⁵⁹ Ibid.

⁶⁰ Ibid., 415.

⁶¹ Ibid., 412.

⁶² Ibid., 413.

⁶³ Clawson, "The Administration of Federal Lands," 442.

In the 1930s the Forest Service began conducting experiments to determine what effect the animals were having on the range. The researchers determined that they could control the runoff water. They also conducted studies on the plants designed to help them know when the animals could be aloud on the range and how extensively they could graze.⁶⁴ The studies also showed that if the vegetation was removed more than once a year it was hard for the range to recover. The Forest Service also tried to re-plant areas of the range that had been devastated. The attempt to replant was not as successful as they hoped it would be.⁶⁵

The goals of the Forest Service are, first, to protect both public and private lands so that they can continue to produce as they should. Second, it does all that it can to help the livestock industry to remain profitable. Third, it limits the amount of public control to allow the individuals the most freedom possible. Lastly, it seeks to eliminate the inequality between those that use the land for profit those that use it for recreational purposes.⁶⁶ The lands that are used for ranching are generally not good for raising crops. They are too high, too steep, or too rocky to produce crops so they are used for ranching.⁶⁷

In the 1930s the Federal Government passed the Taylor Grazing Act. This act was put in place to protect the public rangelands from overgrazing while

⁶⁴ Alexander, "From Rule of Thumb to Scientific Range Management," 414.

⁶⁵ Ibid.

⁶⁶ Clawson, "The Administration of Federal Lands," 437.

⁶⁷ Ibid.

still allowing them to be used and enjoyed.⁶⁸ The Taylor Act was heavily promoted by the conservationist of the time with Theodore Roosevelt being one of the biggest proponents of the act. The Taylor Act divided the range into districts so that they could be managed more closely. The act also instituted a grazing permit system. Only those who had been given a permit to graze were allowed to use the land for grazing purposes.⁶⁹ The residents of the area were given first priority for the permits. The next priority was those who had previously used the land and were established in the area. Those who were given a permit were charged a small fee. The fee could be refunded in case of drought or fire or any other circumstances that cause the range to not produce.⁷⁰ A portion of the fees was reinvested into the range to make much needed improvements to the water sources that had been destroyed.⁷¹ A portion of the fees was also given to the county where the district was located so it could make the necessary improvements.⁷² The act also added the Department of Grazing, which was to work with the Forest Service to ensure that the range was managed properly.

Some felt the Taylor Act was a necessary step for the country to take. President Roosevelt, who was at the head of the conservation movement, said of the act,

⁶⁸ Virgil Hurlburt, "The Taylor Grazing Act," *The Journal of Land and Public Utility Economics* 11.2 (May 1935): 203–6.

⁶⁹ *Ibid.*, 204.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

The passage of this act marks the culmination of years of effort to obtain from Congress the express authority for Federal regulation of grazing on the public domain in the interests of the national conservation and of the livestock industry.... The Federal Government has taken a step in the interest of conservation, which will prove of benefit not only to those engaged in the livestock industry but also the nation as a whole.⁷³

Virgil Hurlburts pointed out that the livestock industry in general was also very much in favor of the act, besides the fact that they now had to pay for a privilege that they had been enjoying for free. The act guaranteed that those who were granted grazing permits would be able to keep the permits for ten years before they had to re-apply. This was intended to give the people running the stock more incentive to make improvements to the land.⁷⁴ The fact that the permittees now had their own piece of land gave them the incentive to take care of it. This incentive was lacking prior to this act. The act also help eliminate the competition for the rangeland as the stockmen were all given there own piece of land. The Taylor Act was the first step to establish some kind of order to how the public land was grazed.

The time had come when it was necessary for the government to do something to help preserve the ranges that had been devastated by overgrazing and lack of control. The public land had fallen to the tragedy of the commons. The ranchers that were using land they had no ownership of, therefore, no one

⁷³ Ibid.

⁷⁴ Ibid., 205.

felt like it was their responsibility to take care of the land. In 1939, Marion Clawson pointed out that the public land could support far fewer animals than it could at the time that it was settled in the mid to late nineteenth century.⁷⁵ It takes a number of years for a range to regenerate itself even if all grazing is stopped. This makes managing the ranges all the more important of a responsibility for the Forest Service to uphold.

In the middle of the twentieth century the federal government was forced to cut resources. This rendered the Forest Service less able to enforce the grazing regulations that had been established with The Taylor Act.⁷⁶ The Federal Land Policy Management Act (FLPMA) of 1976 stated that the land that was unclaimed public domain was to be controlled by the federal government.⁷⁷ A year later Nevada decided to try to pass a law that put the unclaimed lands back under the management of the state. They claimed that when they were admitted into the union that they were supposed to have been admitted on equal footing with all the other states in the union. Nevada argued that having 86% of their land under federal regulation made them inferior to the eastern states that rarely had above 10%.⁷⁸ Nevada was not the only state that was trying to take control of their lands from the federal government. By 1980 Utah, Arizona, and

⁷⁵ Clawson, "Administration of Federal Lands," 440.

⁷⁶ Maitiland Sharpe, "The Sagebrush Rebellion: A Conservationist's Perspective," *Rangelands* 2.6 (December 1980): 233.

⁷⁷ David H. Leroy and Roy Eiguren, "State Takeover of Federal Lands: The Sagebrush Rebellion," *Rangelands* 2.6 (December 1980): 230.

⁷⁸ *Ibid.*

Wyoming had enacted legislation similar to that of Nevada's.⁷⁹ The legislation of all the states was eventually shot down. Most historians agree that it is a good thing that the legislation failed because none of the states had the money necessary to manage the land.

This became known as the Sagebrush Rebellion. The rebellion was an attempt to get the federal grazing lands put under the control of the states. This movement was fueled by largely anti-federal feeling that existed in the most of the western states.⁸⁰ A feeling that developed because westerners felt like the federal government had too much control and they did not know what was going on in the west. The movement also got support from those that were using the land for mining, recreation, and other activities. The people taking part in this rebellion felt like the federal government was not doing a good job of managing the lands.⁸¹ They felt like they were not spending enough money on range improvements. They also felt that the Forest Service did not have the number of people necessary to cover the amount of land that needed to be covered.⁸² Some people wanted more grazing rights while others were concerned with the recreational aspect of the federal lands. The federal government was looking for a balance so that they could keep everyone happy or at least satisfied.

In recent years the number of grazing permits given out by the federal government has continued to decline. This is a trend which, if continued, could

⁷⁹ Ibid., 231.

⁸⁰ Sharpe, "Sagebrush Rebellion" 234.

⁸¹ Ibid., 233.

⁸² Ibid.

be devastating to the livestock industry. The ranching industry also helps overall economy in Nevada. One study shows that the market value of the ranches in Eastern Nevada had decreased by \$3,266,101 between 1980 and 1997.⁸³ This loss is felt by the state a whole, which has lost significant property tax revenue. Many ranchers are in danger of being put out of business. This is one reason they argue, why it is important to keep the numbers of grazing permits as high as possible without putting the land in serious jeopardy.

Overgrazing is not the only problem that the Forest Service faces today. In recent years off-road vehicle use has become a problem as well. If the vehicles stay on the designated roads and trails they do not cause any damage. It is when they get off road that they cause significant damage to the land. Other threats to the land include mining, diverting surface waters, and the spread of noxious weeds.⁸⁴

While no solution is likely to make everybody perfectly happy, the Forest Service has developed working solutions. It has done a large amount of scientific research and taken input from both sides of the story. It has kept the ranching industry profitable while maintaining the land. They have protected a large number of the watersheds which are valuable.

With more people continuing to come west to enjoy the open spaces and recreational opportunity, public land is being used up for residential

⁸³ Rob Pearce, et. al., "Impacts of Federal Land Livestock Reductions on Nevada's Economy," *Rangelands* 21.4 (August 1999): 24.

⁸⁴ Michael P. Domback, et. al., *From Conquest to Conservation: Our Public Lands Legacy* (London: Island Press, 2003): 52.

developments. These developments have a far greater impact on the lands biodiversity than grazing does.⁸⁵ While many studies have been and are being done to determine the effect that grazing has on the land, few studies examine the influence of low density residential development.⁸⁶ In a survey conducted in 2003 the residents of Nevada rated the importance of using public land for rangeland ahead of recreation.⁸⁷ The residents surveyed also felt that grazing was a practical method of vegetation management on the rangelands.⁸⁸

The controversy over the use public land is far from over. The demand to use the public lands is continuing to grow. Environmentalists would like to see the land preserved in its natural beauty. Stock growers feel that they have the right to continue to use the land to help them make a living. New claims are also being made to the land as all-terrain vehicle gain popularity people are always looking for new places to ride. The mining and timber industries also use public lands to make their living. Land that was once deemed as useless by almost all but the stockmen is now valuable to many. Over the past half century the number of animals grazing on public land has been cut in half.⁸⁹ The decline can be blamed on political economic and cultural changes.⁹⁰ The Forest Service will be at the forefront in deciding how the issues of public lands get used. This task

⁸⁵ Jeremy D Maestas Et. Al., "Biodiversity and Land-Use Change in the American Mountain West," *Geographical Review* 91.3 (July 2001): 509.

⁸⁶ Ibid.

⁸⁷ J. Kent McAdoo, "Public Opinions about Rangeland Resources in Northeast Nevada," *Rangelands* 25.4 (August 2003): 53.

⁸⁸ Ibid.

⁸⁹ Hess, *Visions upon the Land*, 12

⁹⁰ Ibid.

will not be easy as the demands on the land grow while the amount of land is going to remain the same.

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