

1978 Public Rangelands Improvement Act

43 U.S.C. §§ 1901-1908, October 25, 1978.

Overview. This Act establishes a national policy and commitment to improve the conditions on public rangelands, requires a national inventory and consistent federal management policies, and provides funds for range improvement projects. It also amends the Wild Free-Roaming Horses and Burros Act and the Federal Land Policy and Management Act of 1976, both of which are summarized in this book.

Findings/Policy. Congress found 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 so are in an unsatisfactory condition; these rangelands will remain in an unsatisfactory condition and some areas may decline further under current levels of management and funding; unsatisfactory conditions on public rangelands contribute to soil loss, desertification, siltation and salinity and negatively impact the quality and availability of water, fish and wildlife habitat, and the value of land for recreational and aesthetic purposes; these conditions can be addressed by an intensive public rangelands program involving significant increases in levels of management and funding; it is in the public interest to charge fees for livestock grazing permits and leases on public lands which reflect annual changes in the costs of production; the Wild Free-Roaming Horses and Burros Act needs certain amendments to avoid excessive administrative costs and facilitate the adoption or disposal of excess horses. Congress established a national policy and commitment to: inventory and identify current public rangeland conditions and trends; manage, maintain and improve the condition of public rangelands; charge a fee for public grazing use which is equitable and reflects production cost changes; continue the policy of protecting wild free-roaming horses and burros while facilitating the removal and disposal of excess numbers that pose a threat to themselves, their habitat and other rangeland values. National grasslands are exempted from the Act. §§ 1901 and 1907.

Selected Definitions. Range condition: the quality of the land reflected in its ability in specific vegetative areas to support various levels of productivity in accordance with range management objectives and the land use planning process; relates to soil quality, forage values, wildlife habitat, watershed and plant communities, the current state of vegetation in a site in relation to its potential, and the relative degree to which the kinds, proportions and amounts of vegetation in a plant community resemble the desired plant community. Rangelands or public rangelands: lands administered by the Secretary of the Interior through the Bureau of Land Management or the Secretary of Agriculture through the Forest Service in the 16 contiguous western states (Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming) on which there is domestic livestock grazing or which the appropriate Secretary determines may be suitable for domestic livestock grazing. Secretary: Secretary of the Interior unless otherwise designated. § 1902.

Rangelands Inventory and Management. The Act requires the Secretary of the Interior and the Secretary of Agriculture to develop, update and maintain on a current basis an inventory of range conditions and a record of trends of conditions on the public rangelands. This information is to be made available to the public. The Secretary must manage the public rangelands in accordance with the Taylor Grazing Act, the Federal Land Policy and Management Act, and other laws consistent with the improvement program of this Act. The goal of the management must be to improve the conditions of the public rangelands so they become as productive as feasible under the values and objectives of this Act. § 1903.

Range Improvement Funding. No less than 80 percent of funds appropriated for the Act must be used for on-ground range rehabilitation, construction and maintenance of range improvements, and training of personnel. The Secretary must distribute funds as advisable after careful consultation and coordination with district grazing advisory boards, advisory councils, range user representatives and other interested parties. The Secretary must give priority to entering into cooperative agreements with range users or user groups for the installation and maintenance of on-ground range improvements. The Act requires the Secretary to have an environmental assessment record prepared on each range improvement project prior to the use of funds. The project may be constructed unless the Secretary determines that it will have a significant impact on the quality of the human environment, in which case an environmental impact statement will have to be prepared under the National Environmental Policy Act prior to the expenditure of funds. § 1904.

Grazing Fees. The Act established the formula by which the Secretaries of Agriculture and the Interior were to charge fees for domestic livestock grazing on public rangelands for the grazing years 1979-1985. Executive Order 12548, February 14, 1986, extended the use of this formula beyond 1985, setting a maximum of \$1.35 per animal unit month. § 1905.

Experimental Stewardship Program. The Act directs the Secretary of Agriculture and the Secretary of the Interior to develop and implement an experimental program to provide incentives or rewards to holders of grazing permits and leases whose stewardship results in improved range conditions. This program must explore innovative grazing management policies and systems that might provide incentives to improve range conditions. The Secretaries are required to report the results of this program to Congress in December 1985, along with their evaluation of the fees established by the Act and other grazing fee options, and their recommendations for fees in subsequent grazing years. § 1908.

Appropriations Authorized. This Act authorized Congress to appropriate \$15,000,000 annually for fiscal years 1980-1982; an amount no less than the amount authorized for 1982 for fiscal years 1983-1986; and an amount at least \$5,000,000 more than the amount authorized for 1986 for fiscal years 1987-1999. These funds are in addition to other federal funds available to the Secretary under other laws for range improvements. § 1904.