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## Feature Article:

# Rangeland Issues Before the 99th Congress

Adela Backiel

"As I listened to the debate this afternoon I reflected that members of this body could go back into the debates of Congress 25 or 26 or 28 years ago, and not only find everything that has been said against this bill here this afternoon, but 20 times more. . ."

John Andrew Martin, of Colorado  
House of Representatives  
Congressional Record, April 10, 1934  
during debate on the Taylor Grazing Act.

Federal land issues revolving around the use of forests and rangelands have been a continuing source of political controversy since the federal government began managing and regulating public lands, as witnessed by the above quotation. Because of certain issues' tendency to recur, debates of the past often can be used to predict future issues.

As a case in point, rangeland management matters again will be in the forefront of federal land discussions during the 99th Congress because of December 31, 1985 deadlines for three statutory provisions: (1) expiration of the formula that sets the fee charged for grazing livestock on federal lands and a report to Congress carrying recommendations for future grazing fees; (2) the expiration of grazing advisory boards; and (3) a report to Congress on the results of an experimental rangeland stewardship program.

These three deadlines likely will call additional rangeland problems to attention. Some will be recurring, others will be new. They will include management of riparian areas associated with rangelands, range improvement funding, wild horses and burros and the public land management planning process.

## BACKGROUND

Rangelands comprise 770 million acres, or 34 percent of the nation's 2.3 billion-acre land base. Over half of these rangelands are managed by the federal government. Two agencies administer approximately 87 percent of this vast territory: the Bureau of Land Management (BLM) of the Department of the Interior, which is responsible for 346 million acres of lands classified as range, and the U.S. Forest Service of the Department of Agriculture, which manages approximately 54.4 million acres suitable for livestock grazing.

### *Multiple Use*

Generally, lands administered by the BLM and the Forest Service are managed under multiple-use principles that consider the relative values of the various land resources, though not necessarily maximizing dollar returns for them nor requiring that any one particular area be managed for all, or even most, uses. Uses of public rangelands include, but are not limited to, domestic livestock grazing, fish and wildlife habitat, recreation, preservation and maintenance of cultural and historical sites and areas, leasing and development of energy and mineral resources, timber harvesting and wilderness.

*Use producers federal lands*  
Livestock grazing is a long-standing traditional use of these lands. Forest Service and BLM lands provide 2 percent of the total feed consumed by cattle in the United States; in the west, these lands supply about 17 percent of all livestock forage. During the 1982 grazing year, some 31,000 farmers and ranchers grazed livestock on these lands. This represents approximately 8 percent of the 386,000 livestock producers in the 16 western states and 2 percent of the 1.6 million cattle producers in the U.S. In fiscal year 1983, BLM administered grazing licenses,

permits and leases for 10.5 million animal-unit-months (AUMs) of authorized grazing use, which brought in approximately \$16.7 million in receipts. (An AUM is a unit measuring the amount of forage necessary to sustain a 1,000-pound cow, or its equivalent in sheep, for one month.) On national forest rangelands, permits and leases allowed for 6.9 million AUMs of grazing, amounting to approximately \$10 million in receipts.

Although the cattle and sheep grazed on public lands do not dominate the nation's livestock industry, public lands complement private grazing lands for approximately one-third of the western ranches that graze sheep or cattle and provide a significant portion of total grazing in certain western states. Many western ranchers claim that they would not have economically viable operations if public rangelands were unavailable to them; consequently, federal grazing permits are considered to be very valuable.

The statutory privilege of grazing livestock on these federal lands is still generally based on traditions and qualifying factors established in the early history of public land management: the original permittee or lessee must have had a prior history of land use; the current permittee must retain ownership of sufficient "base property" to shelter and feed stock adequately and must have access to water. Grazing permits or leases are issued for a 10-year period; current holders generally have first priority for renewal. BLM and the Forest Service generally maintain the management prerogative of deciding when and how much livestock can be grazed through control of the leases and permits. They also allocate available forage among livestock, wildlife and wild horses and burros through a land management planning process. Range goals and guidelines of the two agencies are generally similar. The manner in which some of the planning and management decisions are made, however, varies and often leads to different public perceptions, influence and attitudes toward the two agencies' rangeland management and stewardship.

## HISTORICAL PERSPECTIVE

Before the creation of the first "forest reserves" in the 1890's, use of the public domain was largely unregulated. The forerunner to the Forest Service, the Division of Forestry in the General Land Office of the Department of the Interior, began to regulate domestic livestock by requiring permits for grazing on the new forest reserves to help control overgrazing. In 1905, when control of the forest reserves (renamed the national forests) was transferred to the Department of Agriculture, the Forest Service began to charge a fee for livestock grazing on national forests. The average first fee was \$.05 per AUM for the 1906 grazing year.

The remaining public domain continued to be available and unregulated livestock grazing was permitted until enactment of the Taylor Grazing Act in 1934, which sought to remedy deteriorating range conditions caused by overuse and severe drought. The U.S. Grazing Service in the Department of the Interior, became responsible for management of these lands until it merged with the General Land Office in 1946 to become the BLM. Although the first fee charged on these public lands was also \$ per AUM, the average Forest Service fee had been raised by that time, to \$.13. Over the years, the two agencies' grazing administration policies continued to be dissimilar with their fees being set on a different basis and with Forest Service fees generally being higher.

The 1950's and 1960's, however, brought mounting pressure to establish uniform fees for both the Forest Service and the BLM and the executive branch began to emphasize receipt by the federal government of fair market value for the use or sale of its land and resources. Congress agreed by passing the Federal Lands Policy and Management Act of 1976 (FLPMA), which mandated that "the United States receive fair market value of the use of public lands and their resources unless otherwise provided by statute."

For grazing fees, however, FLPMA asked the secretaries of Agriculture and the Interior jointly to conduct a study to determine the value of their grazing lands and to recommend a grazing fee that was "equitable to the United States and to the holders of grazing permits and leases."

This 1977 Grazing Fee Study recommended an increase in fees based on fair market value. It also prompted a congressional review of rangeland management and policy which led to the establishment of new, specific guidelines for BLM and Forest Service management of federal rangelands in the Public Rangelands Improvement Act of 1978 (PRIA). Included in the act was a grazing fee formula to be used by both agencies on a seven-year basis from 1979 through 1985. The secretaries were directed to evaluate the fee formula again during this time and to report their findings to Congress by December 1985, along with their recommendations for a fee schedule for 1986 and subsequent years.

Although the debates on the Taylor Grazing Act indicate that the western representatives recognized that their hopes that the federal lands someday would be relinquished to the states were unlikely to be realized, it was not until the passage of FLPMA in 1976 that federal policy with respect to the remaining public domain lands was expressly declared to be one of retention in federal ownership, rather than disposal. In addition, FLPMA directed the BLM to administer the remaining western public lands

for multiple uses and established a land management planning process that would provide the framework to guide management of all rangeland resources. The Forest Service also received specific planning guidelines for national forests in 1976 through the National Forest Management Act (NFMA), an amendment to the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA).

Passage of FLPMA underscored a major change in how public lands were perceived. As already noted, the act provided for national multiple use management goals on the majority of federal rangelands which, for the most part, had been traditionally managed for the single purpose of livestock grazing. Thus, since enactment of FLPMA and the environmental movement of the 1970's, a much broader group of public land users has evolved—users who are concerned about and want involvement in decisions regarding the management of these federal lands. This broadening of interest, which stems, in part, from the recognition of the intrinsic value of the rangelands with regard to a wide spectrum of uses, is one of the major reasons for increased attention to and concern about these lands.

## CURRENT ISSUES

The three 1985 legislative deadlines have brought rangeland matters once again to the attention of Congress, as we have noted. Following are brief explanations of seven issues which likely will be involved in consideration of rangeland problems in the 99th Congress. These issues were among those identified and discussed at a Federal Rangelands Workshop, convened by the Congressional Research Service of the Library of Congress, in October and December, 1984. The workshop brought together 28 diverse organizations interested in rangeland policy and management to identify areas of concern and to develop legislative options that Congress might consider in addressing them. A summary report of the workshop proceedings will be available this summer.

### Grazing Fees

Grazing fees always have been a source of contention between range managers and the many range users. Generally, livestock interests want to keep fees to a minimum to protect their livelihood. Many fear they could go out of business if fees increase too much. Ranchers hold fast to the current fee formula because it relates to current market conditions, or an "ability to pay." The livestock industry also points out that the public lands are significantly less productive than private lands and that recent estimates evaluating the public rangelands do not accurately reflect the costs of grazing and livestock operations on them.

Conservation groups and others interested in deficit reduction want to raise fees to a level they believe more closely approximates fair market value, because fair market value is viewed as the best measure of equity. Also, conservation groups tie low fees to overgrazing by domestic livestock, deteriorated range condition and the inability of rangelands to achieve their productive potential.

The 7-year trial formula established in PRIA which expires this grazing season (March 1986) uses a base level (\$1.23 per AUM) adjusted by indices that are tied to the livestock markets and production costs. In 1980, the fee was at its highest at \$2.35. The fee has decreased ever since because the associated market indices have decreased; the fee in 1984 was \$1.37 and is \$1.35 for the 1985 grazing season.

The 1985 Grazing Fee Study, mandated by FLPMA to be delivered to Congress no later than December 31, 1985, will include an evaluation of the current grazing fee and alternative grazing fee options, and an administration recommendation for future grazing fees. A draft of this study, minus recommendations, was released on March 28, 1985 for a 30-day public comment and review period.

### Grazing Advisory Boards

Some form of grazing advisory boards have operated in conjunction with BLM and the Forest Service since the agencies' early years to assist them in managing the federal rangelands. Over the years, the laws and regulations governing advisory activities have often changed. Currently, there are three bodies that counsel the agencies on land policy and management: grazing advisory boards, district multiple use advisory councils and the National Public Lands Advisory Council.

Grazing advisory boards can be established by a land managing agency upon petition of the grazing permittees and lessees. These boards "are composed of livestock representatives who have grazing leases or permits in the associated district and function to offer advice and make recommendations . . . concerning the development of allotment management plans and the utilization of range-betterment funds." At present, 50 of the 53 BLM districts have grazing advisory boards; 41 of the 88 national forests that offer livestock grazing also have them. Authorization for these boards expires on December 31, 1985, in accordance with FLPMA.

The two other advisory groups are associated only with BLM lands and are permanent entities established by FLPMA. The district multiple use advisory councils are composed of local citizens who represent the major multi-

ple use interests concerning land management and use. The National Public Lands Advisory Council advises the secretary of the Interior, through the director of BLM, on resource use issues of national scope that are related to BLM land and resources.

Congress must either let authority for the grazing boards expire or decide how they should be reauthorized. At issue is the validity of having a single-use board advising agencies that manage the land for multiple uses. Although both the grazing advisory boards and the multiple use councils operate at the local management levels, they differ in their charters and effectiveness. The duties of the multiple use councils include developing recommendations concerning use, classification, retention, disposal or other aspects of public land planning and management. And, although they are not precluded from giving advice on the same grazing and range matters as the grazing advisory boards do, they are not as active or effective.

Many organizations also contend that the advice given by the grazing boards is not accepted by the agencies as merely advice, but is implemented by the agencies with little change. Moreover, because these boards advise on the spending of range funds and the planning for management of grazing allotments, many interests feel that they have undue influence over the managing agencies, biasing them to manage the lands for livestock grazing, as opposed to the multiple uses prescribed in FLPMA and the National Forest Management Act.

#### Experimental Stewardship Programs

PRIA provided for the development and establishment of experimental stewardship programs (ESPs) to foster innovative and improved federal, state and private cooperation and coordination on federal rangelands. The secretaries of Agriculture and Interior are to report the results of these programs to Congress no later than December 31, 1985. One of the program's primary purposes was to explore an incentive program for grazing permittees whose stewardship results in range improvement. Participating permittees may pay up to 50 percent of their grazing fees in the form of on-the-ground range improvement.

An ESP involves a consortium of range users on commingled public/private rangelands that are used for a variety of purposes. Management on these lands is on a consensus basis; all participating parties must agree with all management schemes, techniques and experiments. Three ESPs function on both BLM and Forest Service lands: the Modoc-Washoe in northwestern Nevada and northeastern California; the Challis in east-central Idaho and the East Pioneer in southwestern Montana. In addition, the BLM has about 13 other individual programs that involve fewer people and less land which also will be re-

viewed in the report to Congress.

Most ESP participants and critics believe that the three joint Forest Service/BLM programs have proved beneficial in resolving management conflicts. But many critics do not believe that all the environmental and biological results can yet be tallied. They feel more time is needed to document these results on rangelands. At issue is whether this scheme, or any kind of cooperative management program, divests the agencies too much of their authority to manage the lands in the public interest and whether multiple uses are fully represented in management decisions.

In general, the ESP has developed into much more than originally envisioned by Congress. Although it may not be applicable in every area, the ESP shows signs of being an innovative approach to land management.

#### Range Improvement Funding

Range improvements are defined in law as projects or programs designed to "improve production of forage; change vegetative composition; control patterns of use; provide water; stabilize soil and water conditions; and provide habitat for livestock and wildlife." Two funding mechanisms exist for range improvement work: money appropriated to the agencies through the regular appropriations process and the Range Betterment Fund, which is composed of 50 percent of the grazing fees collected by the BLM and Forest Service. The fund is to be used for on-the-ground range rehabilitation, protection and improvement. In addition, permittees and lessees may cooperate with the agencies in improvement efforts through contributions of money, time, labor and materials.

At issue is the question of whether funds are spent on projects that benefit resources other than livestock, particularly riparian zones and fish and wildlife habitats, because the grazing advisory boards, as discussed earlier, recommend to the agencies how these monies should be spent.

#### Wild Horses and Burros

Wild horses and burros are protected and managed on federal lands under the Wild, Free-Roaming Horse and Burro Act of 1971, as amended. Populations of these animals are increasing rapidly and, many say, are exceeding the land's capacity to sustain them as well as the domestic livestock and indigenous wildlife which share the rangeland. The managing agencies have authority to destroy sick, lame or excess animals, although there has been since 1982, a moratorium on the destruction of any animals. The animals may be adopted for a fee, but adoption demand has not kept pace with the increase in their numbers.

rs. There are currently an estimated 36,000 excess animals on federal ranges of which 8,300 are corralled and awaiting adoption. Appropriations for the general protection and maintenance of wild horses and burros tripled in 1985, primarily because of the increased costs for care and feeding of corralled animals.

Many diverse interests, including the livestock industry and some wildlife groups, have supported a proposed change in law to permit the agencies to sell the estimated 36,000 excess animals. Such a change was considered in the 98th Congress in S. 457, which was reported by the Senate Energy and Natural Resources Committee.

Animal humane groups, however, generally are opposed to this because they fear that many of the animals would go to slaughterhouses. In addition, these groups dispute the agencies' estimates of the number of excess animals and the existence of a problem. They contend that there is enough forage for domestic livestock, wildlife and wild horses and burros if the forage is allocated properly through the land management planning process.

#### FLPMA Planning

The 1970's saw enactment of various land use planning statutes. Many of the plans required in these laws are now coming of age; among them are the land use plans mandated by section 202 of FLPMA. These plans, called "resource management plans," are prepared as general land use allocation guidelines for certain areas where there are conflicting resource uses and issues on BLM lands.

What is basically at issue behind the disagreements over the nature and intent of planning is the allocation of multi-resource uses, especially when these uses conflict with each other. Conservation, fish and wildlife and wild horse and burro interests question whether BLM is complying with the intent of the law because they do not believe that public comments are considered adequately in the planning process nor that resource uses other than livestock grazing are given fair and equal consideration. These groups also assert that certain rangelands allocated for livestock grazing are overgrazed and should be restricted to livestock use because of their deteriorated conditions.

#### Riparian Area Management

In western states, where water often is scarce, lands that are associated with water or streambeds, otherwise called riparian zones, attract and support various plants and animals, such as fish, wildlife and domestic livestock. Deterioration of many of these areas has been occurring since the early 1900's and often is attributed to human land use practices.

Many conservation and fish and wildlife circles contend that certain riparian areas are being irreparably damaged by livestock grazing and that specific statutory guidance and funding are needed for riparian area management and protection. Generally, livestock interests agree that riparian areas are fragile and that some may need special management considerations, although new statutory language probably is not necessary to accomplish these objectives. Innovative approaches to riparian area management need to be explored cooperatively among all groups, especially with regard to program funding.

#### Other Issues

Another issue that potentially could be considered in legislation in this Congress, but that was not discussed in detail at the CRS workshop, relates to water rights on BLM-managed federal grazing lands. Current BLM policies, in contrast to those of past years, permit private individuals to file for and perfect, under state law, private rights to water on the federal grazing lands. Private ownership of these water rights may well present problems to the federal land managers in carrying out legislated management objectives; for example, water may not be made available for livestock or wildlife, certain federal water uses may not be recognized under state law, or a grazing permittee who holds such a water right may not transfer that right to a subsequent permittee. Whether private citizens legally may hold these water rights depends on how one interprets the relevant federal laws, especially the Taylor Grazing Act.

#### LEGISLATIVE OUTLOOK

Although rangeland legislation has not yet been introduced in Congress, some general trends can be anticipated.

Grazing fees are likely to be the pivotal issue around which others will revolve, particularly in light of the current fiscal problems facing the federal government. Two recent government reports already have mentioned raising grazing fees to fair market value or at least to a point where they cover costs as a way to help reduce the federal deficit. The reports are the "President's Private Sector Survey on Cost Control" (The Grace Commission) and the Congressional Budget Office's 1983 report to the House and Senate budget committees entitled "Reducing the Deficit—Spending and Revenue Options."

Even though these issues often are individually discussed, it is difficult to separate one from the other. In reality, combinations of solutions to all of these problems must be packaged together to provide trade-offs among the many interests involved so that a broad-based coalition working towards a solution can be established.

Conservation, wildlife, fish and some general taxpayer groups generally will demand increased grazing fees to help reduce the deficit and to pay for more range improvement projects that benefit all rangeland resources. To minimize fees, or to keep the fee formula based on production costs and market conditions, ranchers and the livestock industry may find it helpful to accommodate certain land management concerns; for example, special provisions for riparian areas and possible changes to the structure and interaction of public land advisory groups and the public land planning process.

The significant role that public rangelands play in the

lives of people in the western states in conjunction with the current concern over budget deficits and certain range management practices ensures that vintage rangeland issues will face the 99th Congress alongside an interesting new crop.

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## Rangelands of the World—Developing Countries

*L.D. White, J.A. Tiedeman and F.E. Busby\**

Rangelands of the world are renewable resources vital to the survival of human and animal populations. The current famine in parts of Africa emphasizes the need for management changes by users of the resource. If changes or improvements are to reduce drought impact, emphasis must be placed on human understanding and management. Without involvement of the people who have used the rangelands for centuries, little progress can be expected. In fact, the problems often are intensified by "technological cures" that complicate future efforts.

Of the 500 million to 600 million people estimated to be inhabiting the arid or semiarid tropical and subtropical regions of the world, some 30 million to 40 million (approximately 8 percent) are believed to rely directly on "livestock-dependent" economies. These livestock-dependent people have been referred to as pastoralists. Some 20 million of them (55 percent) are in Africa, 10 million (29 percent) are in Asia, 5 million (15 percent) are in the Americas and fewer than one-half million (1 percent) are in Australia. In Africa, the countries with the largest number of pastoralists are, in descending order, Sudan, Somalia,

Chad, Ethiopia, Kenya, Mali and Mauritania—each of which possesses 1 million or more pastoralists, including men, women and children.

Because of limitations on rangeland usage and the lack of alternative employment, it seems reasonable to assume that many millions of people will continue to practice some form of pastoralism on these "pastoral" areas. In addition, many millions gain and will continue to gain their livelihoods from activities related to the rangelands of the world, such as animal product marketing, tourism, water usage and recreation.

\*Editor's Note: The portion of this article through the section headed "Range Science Education for International Students" was abstracted by F. E. Busby from the proceedings of the International Rangelands Resources Development Symposium of the Society for Range Management and the Cooperative Extension Service of Washington State University. The symposium was held in connection with the Society for Range Management's 1985 annual meeting. L. D. White and J. A. Tiedeman edited the proceedings. The balance of this article was written by Dr. Busby.

## CHANGES IN THE AMOUNT OF RANGELAND

The amount of rangeland in the world is expected to decline substantially in the next 30 years. Large amounts of rangeland in Africa and South America are presently being converted to farmland, and this trend is expected to continue until most of the potentially farmable land is put under cultivation. Rapid increases in the human population will necessitate the farming of all available lands on these continents. The expected rangeland-to-farmland conversion could decrease the amount of rangeland by 20 to 30% in Africa and as much as 40% in South America in the next 50 years. In some instances this conversion will be temporary and will cause degradation of the land resource.

In the developed countries of Europe and North America the rangeland base is expected to remain stable or to increase. In the United States, large amounts of rangeland in the central Great Plains, particularly in Colorado, South Dakota, Nebraska, and Kansas, were converted to farmland during the 1970s (USDA 1980). Low prices for beef relative to those for wheat caused this trend (Huszar and Young 1984). This trend has been reversed by the 1985 Farm Bill and the present (1987) low prices for grain. In the late 1980s, large areas of farmland are being converted back to rangeland in western portions of the Great Plains. In the southwest, particularly Arizona and New Mexico, large areas of farmland are reverting back to rangeland because of increased irrigation costs, loss of water to urbanization, and lowering of the water table (Cox et al. 1983).

In the early 1980s, there was considerable concern over the conversion of Great Plains rangeland to farmland (Huszar and Young 1984). Attempts were made to farm this area in the early twentieth century. The great drought and dust bowl of the 1930s resulted in a switch of much farmland back to rangeland. The concern that the dust bowl could be replaced in the late 1980s or 1990s was one reason for passage of the 1985 Farm Bill. In parts of Colorado and Nebraska there were reports during the early 1980s of severe wind and water erosion, degrading both range and farmland and driving inhabitants from their homes (Huszar and Young 1984). The 1985 Farm Bill has been successful in providing economic incentives for landowners to return to grassland highly erodible lands in the Great Plains.

Center-pivot irrigation systems were responsible for conversion of rangeland to cropland in the Great Plains, particularly in Colorado, Nebraska, Kansas, and Texas in the 1960s and 1970s (Supalla et al. 1982). Most of the land in these states is irrigated from the huge Ogallala aquifer, which extends from the Texas panhandle to northern Nebraska. This aquifer is rapidly being depleted, and already, much irrigated land has been converted back to rangeland due to a falling water table. Depletion of this aquifer is expected to result in considerably more farmland conversion to rangeland in the 1990s. California, Arizona, Nevada, Utah, and New Mexico are other states where, due to falling water tables, large areas of farmland will probably be converted back to rangelands in the next three decades.

In general, it appears that the amount of rangeland in the United States will probably increase in the next 20 to 30 years. In most developing countries of Africa

and South America, considerable reduction in rangeland. Regardless of these changes, the total amount of rangeland is expected to decline in type of land in the world.

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