

A New Epic: North Dakota's Little Missouri National Grassland*

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And now to a greatly neglected topic in American public-land history: the New Deal's Land Utilization Program. I want to look particularly at the largest of the 19 national grasslands it created.

These are the old farm and ranch lands whose drought-blasted occupants Franklin Roosevelt wanted to relocate to places like the Columbia Basin. Almost nothing came of that notion, but the federal government did buy the lands that many of these people owned. The people took their none-too-generous government checks and went away, just as many of them would have gone away had there been no L-U program. As a social welfare scheme, in short, the L-U program was a very modest success, at best easing the departure of people from land that could no longer support them adequately. When it comes to *real* purposes, on the other hand, the L-U program was such a success that it remains the best model we have in this country for seeing what an enlightened national land policy looks like.

Perhaps the prime purpose of such a policy must be to take care of lands that are physically unstable or economically unproductive. These are the places likely to be abused by owners hoping to squeeze out a few more dollars before the land is effectively ruined. Such lands can be left in private hands, either to be further degraded or abandoned or set aside as somebody's speculative dream. Ideally, however, most of these lands should be put in a public-land reserve that grows apace with technology itself, that absorbs lands no longer needed because our requirements can be met with fewer, more intensively used acres. Handled in this way, such a reserve amounts in the aggregate to a reconstitution of much of this continent as it was several centuries ago.

Such a reserve is what the L-U program tried to provide on a modest initial scale. It is also what Congress nipped in the bud. Yet this was not a case of Congress triumphantly bashing New Dealers: the phrase "a new epic" comes neither from Franklin Roosevelt nor from any of the intellectual drivers of the New Deal. It comes from Arthur Hyde, who was Herbert Hoover's secretary of agriculture. Hyde (and Hoover, as a matter of fact) strongly supported the idea that the federal government should buy submarginal lands and restore them to grass or trees in federal ownership.

The L-U program, in short, was not the brain child of Big Government advocates, and even though the Little Missouri National Grassland was the L-U program's grandest achievement, the visible federal presence on it amounts to little more than small brown-and-white metal signs asking motorists, especially hunters, to respect the private lands that are intermingled here with public ones. Which lands are which, there is no way of saying without recourse to

records or documents. Instead, you cross a cattle guard and drive for miles through open range that is almost primeval. Now and then, you see ranch houses. They are not in the least impressive; often, they are in conspicuous need of paint, as though the owner's priority was the fine bulls grazing nearby. If the day is hot, groups of Herefords are bunched up here and there in the shade of the ash trees that grow in the occasional ravines, where there is water. Mostly, you think to yourself that this is one of the rare places on the Great Plains where fences have not yet won their war against the idea of a place without limits, which is to say their war against the Plains.

The grassland roads are paved not with asphalt or concrete but with scoria, a naturally baked clay. It makes a surprisingly good all-weather surface, though it looks as if somebody had put a million flower pots on the road and driven a convoy of trucks over them. You're likely to see some trucks, too, probably loaded with equipment for the oil fields that paid the taxes that bought the scoria. Still, you won't find the local ranchers very grateful. Many of them say that they liked the old dirt roads better, even though they were often impassable when wet. "If I had wanted access," a rancher will say, "I wouldn't have moved here in the first place."

These are the Little Missouri badlands, after all. Though the word is used popularly, "badlands" is a technical term, referring to the erosional forms produced by rain falling on soft sedimentary rocks in a climate dry enough that those rocks are unprotected by vegetation. The result is a characteristically wild topography, with fluted cliffs descending to benches that extend laterally to yet other flights of cliff. It's not the kind of country likely to appeal to people who want neighbors close by.

The Little Missouri badlands sheathe the Little Missouri River, which flows north and then east to the Missouri River, its impounded parent. Coming upon the badlands from the north or south, as the river does, the change is gradual, almost imperceptible: the ground gets rougher little by little. Coming at them from the east or west is a different story: fields of wheat or sunflowers extend to the brink of a cliff substantial enough that the driver taking a tractor over the edge will no longer have anything to worry about in this life. At the edge of the badlands, you overlook a wilderness 20 miles wide and 100 long.

Yet even here, in the Little Missouri badlands, settlers once came and tried to make a living. That was the great and original epic, after all. Theodore Roosevelt was among them, with his ranch headquartered at Medora, but he came early, at a time when nobody bothered to own land and when the range was treated as an open commons. Roosevelt left after the mortally cold winter of 1886, and he knew better than to try again. Other Americans didn't. Scores of them, mostly newcomers arriving after the turn of the century, are listed in the records of the new Billings County Courthouse, which was paid for by the same people who gave the badlands those scoria roads.

Some of these newcomers were big, with money. Typically, they would build a ranch around a half a dozen square miles sold to them by the Northern Pacific, whose land grant ran across North Dakota. Here, in the records, is an 8,000-acre ranch covering sections 7, 17, 19, and 21 in one township (the odd numbers are the tip-off to railway property) and a half-dozen more odd-numbered sections in neighboring ones. Trace the title back and you come upon Theodore Roosevelt himself, signing the railroad's patent in 1906.

This new generation had no idea what it was letting itself in for. How could a rancher hope to survive in the face of the droughts that would come to this part of the country? How would his land fare when he tried? Worse, the records show not just ranchers but would-be farmers coming and idealistically filing on their hallowed 160 acres. Here is Konrad Wollmann, with a quarter of section 12, township 143 north, 99 west. He's lucky, because that's on the arable plains just east of the breaks. So long as the rains hold, he has a chance. But here is Nora Esby. She's in section 28, 141 north, 100 west. That's squarely in the badlands. And here is one Jacobsen, on the southeast of 28, 141 north, 102 west. That's badlands, too. Jacobsen's patent is signed by Warren Harding, but the president's signature on a piece of paper won't help Jacobsen. It's common knowledge out here that a cow in the badlands needs three acres a month. That leaves Jacobsen and the other farmers around him with land enough for four cows and little or no ground for crops.

Western congressmen were alarmed by the prospects. At a hearing in 1932, the commissioner of the General Land Office was asked if homesteaders were "being led to believe that there is sufficient water in these sections." The commissioner (you can see his hands calmly folded on the witness table) leaned forward and said, "We make no representations, of course. The entering onto the public lands is on the theory of caveat emptor." Another congressman protested. Such a policy, he said, was "almost a criminal mistake upon the part of our Government."

It wasn't congressmen alone who were worried. Over in the USDA's Bureau of Agricultural Economics Lewis C. Gray was laying the intellectual foundations of the Land Utilization program. His personality remains largely hidden, but his views on American public-land policy are clear. "We have," he wrote, "by and large, believed that it was wise to turn over all lands to private owners as rapidly as possible, in the firm conviction that once in private hands land would automatically be utilized for the best purpose."

It wasn't so, Gray argued. Experience had shown how foolish it was to coerce "all land into private ownership with virtually no restrictions." In some parts of the country private ownership worked well, but in others--and preeminently on the Great Plains--it did not. Land was not always resilient; on the Great Plains it was particularly fragile, prone to erosion and to permanently reduced productivity. The owners of such land would be forever tempted to abuse their

property, even if they knew better. Often, when times were bad, they had little choice.

Gray's solution was simple. The federal government should survey the nation's stock of what Gray called "submarginal" land. It should then buy 5,000,000 acres of that land for \$45 million. And that was just the first year: Gray's idea of a pilot program was one that lasted 15 years, involving the federal purchase of 75,000,000 million acres and costing \$675 million.

Remarkably, Gray's proposal was welcomed by Herbert Hoover's secretary of agriculture. Arthur Hyde was struggling with surpluses, and he wrote in 1930 that "the remedy of overextended agriculture is to control production, and the place to control it is where returns are lowest." It was only logical, therefore, for Hyde to recommend "extensive public ownership of lands that can be made to serve their higher purpose in no other way." What Hyde meant by the phrase "higher purpose" isn't quite clear, but he seems to have been talking about lands that should have been left alone in the first place. Appearing before a national conference on land utilization, he said, "We have come now to the time when we should write a new epic--the epic of adjustment, of regrouping, of retirement from cultivation of lands which the pioneer subdued, but which stubbornly refused to yield to his grandchildren a reasonable standard of living."

It's a wonderful idea, though Gray disguised it in the cloak of social welfare. He wrote that he wanted to "aid in the rehabilitation of hundreds of thousands of rural families who are victims of maladjustment." Yet neither Hyde nor Gray asked how those victims could best be helped. Instead they simply called for federal purchase of the land these people owned. Under the welfare disguise, in other words, the real concern was taking care of land at risk.

Secretary Hyde wasn't the only one who picked up Gray's idea. President Hoover in 1932 said that the government should seek "to avoid the cultivation of land that contributed to the poverty of those who lived on it." There's the disguise again: taking care of the land in the name of caring for people. And here's the underlying motivation: at Hoover's insistence, the Republican platform that year included the extraordinary statement that "the national welfare plainly can be served by the acquisition of submarginal lands for watershed protection, grazing, forests, public parks, and game reserves. We favor such acquisitions."

Hoover, of course, never got a chance to implement the program, but his successor did. In his acceptance speech in 1932, Franklin Roosevelt said, "Why, every European nation has a definite land policy and has had one for generations. We have none." And what did he propose? In his heart Roosevelt was prepared to go even further than Gray and not only buy submarginal land but impose controls on the use of private land. Speaking in 1937, for example,

Roosevelt said: "Some of my friends who talk blithely about the right of any individual to do anything he wants with any of his property take the point of view that it is not the concern of Federal or state or local government to interfere with what they miscal 'the liberty of the individual.' With them I do not agree and never have agreed, because unlike them, I am thinking of the future of the United States." In that same drought-struck year, Roosevelt appointed a Great Plains committee under the chairmanship of Morris Cooke, the engineer who, with Gray, had been responsible for the *Report on National Planning and Public Works* of the National Resources Board. Roosevelt knew he could rely on Cooke, and the committee's report in due course stated what Roosevelt himself believed: "We must change the attitude of millions of people who hold that ownership of land carries with it the right to mistreat and even to destroy their land."

But how intervene? Education seemed essential, but education was a slow business, with a limited role for the federal government. In practice it was simply easier to buy abused land and set it right. And so Roosevelt found his way to Lewis Gray. In 1933 a Land-Policy Section was set up within the Agricultural Adjustment Administration. Gray was put in charge of it and given \$25 million to buy 10,000,000 acres. Two years later, the organization was transferred to the Resettlement Administration, newly set up in the USDA under Rexford Tugwell. Gray's office was folded into the new organization and given another \$20 million.

By 1936, Gray and his staff were at work nationwide on more than 100 L-U projects. About 9,000,000 acres had already been either acquired or put under option to the government. The Resettlement Administration reported officially that "the Federal Government has never before undertaken to acquire so large an amount of land in so short a period, and the volume of work involved has placed an unusual burden on the various administrative agencies affected."

Most of the acquisition work was concentrated in the Great Plains, with side attention to the Ozarks, and work was especially focused on the Dakotas, where crops and forage grasses were failing catastrophically. In the summer of 1934, boundaries were laid out for a land-utilization project in the Little Missouri badlands. The administration reported to Congress two years later that it planned to spend about \$2 million acquiring 700,000 acres in Billings County and its northern neighbor, McKenzie.

There was no shortage of willing sellers. The owner of the railroad-based ranch sold his 8,000 acres to the government for \$14,000. Homesteaders sold out for even less, often for only a dollar an acre.

But unlike the Forest Service in the Southern Appalachians, it was not Gray's intention to buy out every landowner within the boundaries of the L-U projects. He had no intention of establishing a fully blocked-up federal

grassland with nobody around to use it. Instead, he wanted domestic livestock grazing in accordance with a grazing-management plan. He had to have surviving ranchers to own those livestock.

A Jeffersonian dedicated to a "wide diffusion of farm ownership," Gray set out to determine how many families the badlands could support at a reasonable standard of living. He calculated that gross returns to a ranch in the badlands ought to approximate \$2,000 a year, not too dissimilar from the \$1,100 net worked out as the target for settlers on the Columbia Basin Project. The average annual return to the 400 or so landowners in McKenzie County in 1934 was only half that, so Gray set out to cut their numbers in half. In one 90,000-acre part of McKenzie County, there had been 70 families when acquisition began: by 1938 only 30 remained. In another part, with 30,000 acres, there had been ten families; three were left in 1938. In a third, with 40,000 acres, 10 of 20 families remained.

The Resettlement Administration was supposed to help these people re-establish themselves, but a government survey prepared in 1941 for one part of the project found that about a third of the 120 families there had simply taken up farming at the north end of McKenzie County, near the Missouri River. (Presumably, they settled on the large stock of tax-defaulted land there.) About a fourth of the people started farming out of state, chiefly in Montana and Minnesota. About a sixth were working as laborers in other states, principally Washington, Oregon, and Montana. No subsequent inquiries seem to have been made into the status of their "rehabilitation."

By this time, however, the acquisition program had been stopped cold by a hostile Congress. Perhaps it was inevitable: few things put Americans on the warpath faster than restrictions on land use, let alone programs of federal land acquisition. Gray must have felt that he himself had become a victim, this time of the backlash aimed at the planners with whom he was surrounded. He made little secret of wanting to stay away from Tugwell in particular. Laurence Hewes, Tugwell's personal assistant, later recalled that "we felt that the austere elderly gentleman took a condescending attitude toward our work. He wanted to buy submarginal land and retire it from use; we insisted that, first, the people living in the submarginal area be considered; Gray just wasn't concerned with this aspect and quite plainly he had small liking for the Tugwell label on his program." That's an exaggeration of Gray's views, but it does suggest the difference in emphasis between Gray, concerned chiefly with land, and the New Dealers, concerned chiefly with people.

Besides, Tugwell had so many enemies that any program under his control was in jeopardy. He resigned in 1936 and was replaced as undersecretary by M. L. Wilson, but the shift was hardly an improvement from Gray's point of view. A failed homesteader and later an extension agent from the Northern Plains, Wilson was as romantic as Roosevelt. He was opposed, he wrote, to the "crass

materialism and the shallowness of the Jazz Age. I want to destroy all this.... This is no way for people to live. I want to get them out on the ground with clean sunshine and air around them, and a garden for them to dig in.... Spread out the cities, space the factories out, give people a chance to live." A more naked opposition to progress is hard to find among prominent federal officials.

Gray must have wondered how long his program could survive in such a climate, and he must have felt particularly vulnerable because the Resettlement Administration relied on funds given to it directly by Roosevelt, rather than by Congress. Tugwell's assistant, Hewes, writes of old hands saying at the time that there was danger here. One man in particular told Hewes: "I know you're independent of Congress right now because the President gave Relief Act money to Rex without even asking Congressional approval. I don't know why and I'm not sure it's wise." Hewes goes on to say that he "never knew whether the President deliberately planned it that way as major political strategy or whether he just wanted Rex to have a free hand."

The crisis came when Tugwell pushed for passage of what became the Bankhead-Jones Farm Tenant Act in 1937. Hewes writes that Gray had supported passage of that law because it included a provision giving Gray \$50,000,000 for land acquisition. Once the bill became law, Hewes writes, Gray took "his program" out of the Farm Security Administration and brought it back to his old home, the Bureau of Agricultural Economics. But the Tugwell stigma remained. Congress refused to appropriate more than \$20 million. And that was it, the end of the L-U program. By the time it was over, Gray had succeeded in buying 11,000,000 acres, roughly a seventh of what he had called for as a "demonstrational" project in 1934. There would be no more.

Still, the government had now spent \$2.5 million acquiring more than a million acres in or near the Little Missouri badlands. The lands lay in a north-south belt along the river for a distance of about 18 townships, or roughly the hundred miles of badlands. The belt was narrowest near Medora, where the Little Missouri cuts deepest and the badlands are narrowest. The badlands are only about 24 miles wide here—say, four townships--and the government bought almost everything except the land along the river itself, which often remained as ranch headquarters. To the north and south, the purchase net was thrown wider, to a breadth of six townships in the south and eight in the north. These were rolling prairies rather than badlands, and here the government bought between a third and two-thirds of the private land. It came away with a patchwork, not a tidy checkerboard like a railroad land grant, but a jumble of sections, half-sections, and quarters.

What was to be done with the land? Tugwell had said that the acquired lands should be turned "into forests, grasslands, parks, wildlife districts, or any other public reserve which seemed appropriate." Seventy thousand acres of the

wildest badlands were accordingly turned over to the Park Service to form what is now the Theodore Roosevelt National Park. Nearly a million acres remained.

The logical choice of an agency to administer these lands was the federal Grazing Service, which had been set up after the passage in 1934 of the Taylor Grazing Act. That law allowed the interior secretary to establish grazing districts on unreserved public-domain lands, but the service might have taken over these acquired lands, too, organized them in districts, and begun issuing grazing permits that would have protected the land against overgrazing.

But there was a problem: the Grazing Service was in the Interior Department, and the L-U program was in Agriculture. The interdepartmental rivalry was keen, especially since the Agriculture Department's Forest Service had opposed passage of the Taylor Act on the grounds that it would weaken the government's authority over the public lands by allowing local ranchers to help determine grazing policy.

In 1936, moreover, the Forest Service had published a report on the western range. In it, Agriculture Secretary Henry Wallace spoke of the "astonishing degree to which the western range has been neglected." This infuriated Harold Ickes, who, as the interior secretary, was responsible for the General Land Office under whose jurisdiction the lands mostly lay. The body of the Forest Service report went on to urge a huge program of federal land-acquisition, with management in the hands, naturally, of Agriculture. Its authors wrote that "with present very approximate knowledge and with a very large program of public range land acquisition indicated as desirable, a minimum of 125 million acres appears to be a conservative initial program." Lewis Gray would have applauded, but Congress would have nothing to do with the proposal. Neither would Ickes. And so it was that Agriculture would not consider giving Ickes control of the L-U lands.

Another choice was to turn the L-U lands over to the Forest Service, but though the Forest Service had allowed grazing on the national forests for decades, it worked primarily with trees, and trees would remain a scarce commodity on the L-U lands. Besides, the Forest Service had the reputation of being tough on ranchers. Gray and M. L. Wilson, who was by then the undersecretary of agriculture, wanted a less adversarial relationship.

That left as the only plausible candidate the Soil Conservation Service. Since its creation in 1935, the SCS had conceived of itself as an advisory rather than a managerial organization, but the Great Plains were so closely associated in the public mind with soil erosion that the SCS could not duck the opportunity to show how they should be managed. In 1938 it took over slightly more than 7,000,000 acres of L-U lands, including those along the Little Missouri. It quickly set up its own land-management division. Range supervisors were sent out to prepare management plans.

The SCS demolished old ranch buildings. With help from the Civilian Conservation Corps, perimeter fences were built. (The posts came from local junipers that took decades to regenerate.) On the rolling prairies, the SCS reseeded grass on old wheat fields: it was particularly fond of crested wheat grass, then a new introduction to the United States. (Though tenacious and valuable as an early season forage, crested wheat grass matures into a tough "wolf grass," as the ranchers say. It's no longer planted. Surviving patches are therefore a good indicator of where the SCS worked, and, indirectly, of old fields.)

Areas close to water had been especially overgrazed for many years. In such places SCS inspectors found bunch grasses growing on pedestals of soil from which the surrounding ground had been washed away. The solution was to install stock-watering ponds in areas remote from water, so cows would be enticed into areas they had never, or only occasionally, grazed. Most important perhaps, though paid little attention at the time, the SCS got rid of miles and miles of property lines and fences. In their place it recreated immense common pastures, often including 50,000 acres as open as the land Teddy Roosevelt had known.

It was clear from the outset that the long-term health of the range demanded that a limit be put on the number of animals allowed to use it. There seems to have been no quarrel when the SCS set the carrying capacity of the badlands at three acres for each animal-unit-month, or, to put it another way, thirty-six acres a year for one cow and calf. Apportioning those rights among the surviving ranchers, however, was complicated. The first thing the SCS did was decide not to deal with the ranchers directly. Instead, it would deal with associations of ranchers; the associations, in turn, would be responsible for dealing with their members. (The influence of M. L. Wilson is evident here, for in his Montana days he had been interested in a rangeland-management experiment known as the Mizpah-Pumpkin Creek Grazing Association. A group of Montana ranchers secured there the agreement of the Interior Department to the pooling, for the use of association members, of all the lands, public and private, within eight townships, subject to grazing plans approved by the department.)

The ranchers of McKenzie and Billings counties were told that if they wanted to use the federal lands they would have to organize themselves into similar associations. North Dakota passed a law in 1937 allowing such associations, and the SCS gave the ranchers suggested articles of incorporation. The ranchers quickly complied, and both the McKenzie County and Medora grazing associations are alive and well today.

They are not large organizations measured by the membership lists: neither has ever had more than about 200 members. Measured by land, it's a different story: the McKenzie Association, the larger of the two, controls more than

800,000 of McKenzie County's 1,300,000 acres. Of the land it controls, 500,000 acres are federal. The rest is private and state land intermingled with the federal.

About 1940, the associations with advice from the SCS began issuing grazing permits to their members. To get one, a rancher had to demonstrate "prior use" of the range. Second, he had to demonstrate "dependency," that is, a need to use federal lands to support his herd. Third and trickiest, he had to have enough land of his own to take care of his livestock for the four winter months each year when the public lands were to be closed. Determining this base, called "commensurability," was, and remains, complicated. One acre of irrigated alfalfa is judged to provide eight animal-unit-months of commensurability, so that a rancher with 100 cows can establish commensurability with fifty acres of irrigated alfalfa. At the other extreme is ordinary range land, of which three acres are needed to establish commensurability for a single animal-unit-month. Here, a man with 100 cows needs 1,200 acres to provide the 400 animal-unit-months he needs to establish commensurability.

Most of the permits issued in 1940 have changed hands since then, but few of the permits have had their grazing allowances modified at all: permits that specified 240 cow-calves for eight months a year in 1945 almost invariably specify exactly the same number now. Yet the Little Missouri Land-Utilization Project did not settle down to a quiet future. From the beginning, there was friction between the ranchers and the government, and it has gotten progressively worse as the years have gone by.

One rancher told me bitterly that the government had "cheated" his father, who had been told that he needed 40 acres of deeded land for his "headquarters." A few years later, when permits were issued, the SCS had told him that he lacked commensurability. The result was that he had to go out and buy land all over again. Until 1939, the SCS intended to operate the commons year-round, so the rancher's story is at least plausible. Ironically, the SCS eventually decided to help other ranchers who lacked commensurability by assigning to them exclusive use of certain federal tracts that would be treated as part of their headquarters and would be included in calculations of commensurability.

Resentments continued to grow, and in 1954 the SCS decided that it had had enough. Forgetting about old bureaucratic rivalries, it turned over some of the L-U lands to the Interior Department's Bureau of Land Management, which had just been created to take over the work of the General Land Office and the Grazing Service. Most of the rest of the L-U lands, nearly 8,000,000 acres, were turned over to the Forest Service, which in turn disbursed them among other federal agencies until, by 1960, only 4,000,000 acres were left. These remnants were renamed the "national grasslands" and assigned for administrative

purposes to nearby national forests. The Little Missouri National Grassland, at a million acres the largest of the group, is run as part of Montana's Custer National Forest.

As might have been predicted, the tension level between the ranchers and the government rose sharply with the transfer of administrative responsibility, for the Forest Service quickly tightened the reins. As a result, the Forest Service is thought of today in the badlands as the enemy. I attended a meeting held in Watford City in 1988 by the National Association of Grassland Permittees, and the hostility was palpable. A young attorney from the Mountain States Legal Foundation was cheered when she accused the Forest Service of a "passive failure to defend you." Environmental groups, she said, were opposed to livestock grazing on public lands. They worked with their "favorite judges" to raise grazing fees and cut the budget for range improvements. She urged the ranchers to sue the Forest Service and to band together with other organizations to pay for the legal costs; she singled out the National Rifle Association as a possible partner. A half-dozen Forest Service representatives sat up front and looked very uncomfortable.

From the rancher's viewpoint the struggle with the Forest Service can be a matter of economic life and death. All of these ranches are small, because both the McKenzie and Medora associations have always imposed a 300-cow limit on their members. That's part of the Lewis Gray legacy, and it's maintained largely because the ranchers fear that they might lose control of things if they allowed big operators to move in.

But a rancher with 100 cows cannot make a living. One such ranch was up for sale while I was at the Watford City meeting. It lay on the rolling prairies and contained 190 acres of cropland and 720 acres of pasture. The price was \$42,000, based on \$200 an acre for the cropland and \$60 an acre for the range. The cropland would produce four month's winter feed for a hundred cows, and the pasture would support that herd, with calves, for another four months. In summer, the herd would get by on the federal grassland, but the permit to the grassland, though originally issued at no cost, was for sale now for \$48,000. The purchaser would also have to pay an annual grazing fee and would be assessed maintenance costs for fencing, salt, fire protection, and water.

The purchaser of the ranch might hope to raise 75 calves each year, but at 500 pounds each and sixty cents a pound, his gross income would not exceed \$30,000. Production costs would run about \$20,000, and that's without the mortgage. Like most of the ranchers here, the purchaser would probably get a 5 percent loan from the Farmer's Home Administration, but servicing a \$100,000 loan costs about \$10,000 a year. That wipes out the ranch's profit completely.

Now perhaps it's clear why many ranch wives work at county offices or schools. It explains why many FHA loans are delinquent. And it explains why very few ranches are for sale: there's no market.

That's the context within which the Forest Service tries to manage the Little Missouri National Grassland. It's a perfect recipe for a tense relationship with ranchers, especially when cattle prices go down and the ranchers start falling behind on their mortgage payments. And it's the context within which, unfortunately, fences have begun reappearing in the badlands.

The ranchers want them badly, and the Forest Service has compromised its way toward capitulation. West of Watford City, for example, there was until 1963 a 40,000-acre pasture shared by 22 ranchers. The ranchers complained that cattle early in the season bunched up in the northern part. Later on in the season, ranchers from the south side drove their herds back onto the unused lands closer to their headquarters, but ranchers on the north side left their animals on the already grazed north side. A range rider tried to improve herd distribution, but the commons was too large for him to handle. The ranchers wanted, and the Forest Service agreed to, a fence splitting off a 15,000-acre pasture for the sole use of the northern operators. Predictably, that was not the end of the matter. The northern operators soon persuaded the Forest Service to divide the northern pasture with a cross fence, and by 1970 the southern operators had secured the subdivision of their part into three separately fenced pastures. It was not a unique case. The Custer Trail Common used to be a 65,000-acre pasture stretching from Medora to the southern boundary of Billings County. Today, it has been reduced to less than half its original size; what's left has been cross-fenced so that two permittees operate by themselves in a northern pasture. The six permittees using the southern section want to cut it into private slices.

The members of the Medora Grazing Association have been especially anxious to get the Forest Service to take many thousands of acres out of the common pastures altogether and assign them as "private allocations" to particular ranchers. The McKenzie Association members have done less of this, even though they appreciate the convenience it brings. The reason why they have not pushed for private allocations, however, is Machiavellian: they argue that common pastures bind the association members together, thereby uniting them in their dealings with the Forest Service.

But if the Forest Service has reluctantly allowed the breakup of the commons, it has at the same time encouraged another kind of fencing. Under the SCS, the common pastures were open eight months a year; the only thing regulated was herd size. Nowadays, under the authority of the Federal Land Policy and Management Act of 1976, the Forest Service has been developing "allotment management plans." (Although the power to develop "AMPs" is discretionary,

the Forest Service has by its own internal regulations made the plans mandatory on the grasslands.)

The management plans generally replace season-long grazing with "deferred rotations," in which a pasture is divided in thirds. Each third is grazed for a couple of months each year, but the time of grazing is staggered over a three-year cycle so that, one year in three, each acre is rested until the grasses set seed. It's an effective range-restoration technique, but it's one that requires more fencing, unless herd movement can be controlled by topography or herding or turning water points on and off. Usually it can't be, or ranchers don't want it to be.

Sometimes private allocations coincide with deferred rotation. There's a case like that off the main road that heads south from Medora. The ranch was established by the grandfather of the present rancher's wife. It covers 3,000 acres of deeded land but also carries a permit that hasn't changed since 1940, when the owner began grazing 240 cows eight months a year on federal land. Originally, most of the ranch's summer grazing was in a common pasture, but the rancher now has a private allocation. Instead of grazing the commons, he has exclusive grazing rights to 8,000 acres, 5,000 of which are federally owned. Under the terms of his allotment management plan, he is to divide his herd in two. The younger animals are to graze a part of the allotment that has been subdivided into four pastures, two of which are rested each year; the older animals are to graze on a different part of the allotment that is to be put on one of the Forest Service's three-pasture deferred rotations.

There are only two differences between such a ranch and the ranches that would have evolved in the badlands without federal intervention. One is that the range here is in better shape than it would be if the government had done nothing. That's because the Forest Service has insisted upon controls that few private owners would impose upon themselves. That's good, at least from the land's viewpoint. The other difference is that the ranches are smaller than they would be if Lewis Gray had never lived, if the L-U program had never existed, and if the association had never been created. That's good, at least from the ranchers' viewpoint. With the return of fencing, however, the most special quality of the badlands is being lost. True, a fence around a 3,000-acre pasture is not likely to be painfully intrusive. But there is no end to fencing, and, many ranchers would prefer still more of it. The sticky point in these grasslands is how to satisfy the public interest without making life impossible for the ranchers. No doubt there are plenty of people who want the ranchers gone, but there are probably even more Americans who have seen enough Westerns that they would deplore such a neutered West.

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