Arid Lands—Questionable Policies

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From the very beginning, this country had an abundance of land but a shortage of cash. Early land disposal policies were influenced by the need for money to operate the government. Many sales laws, enacted from 1785 to 1891, were designed for the more humid portion of our country, and had little relevance in the settlement of the arid West. During the latter part of the 19th century the need for generating revenue was superseded by the need to encourage settlement.

Land Disposal

1862 Homestead Act. The first major law giving free land to individuals in the United States provided that individuals could gain ownership of their land by living on it for 5 years and making specified improvements. Tracts of 160 acres could be obtained by private individuals, either by living on the land for 5 years or by outright purchase for $1.25 an acre after a 6-months' residence. This law worked reasonably well for the disposition of the highly productive lands of the Midwest. It was pitifully inadequate, however, for the settlement of arid or semiarid regions. A family simply could not support itself on 160 acres. Many attempts were made to settle the semiarid plains. Some of the more favorable areas were settled. Other attempts led to increased wind erosion and eventual abandonment by the settlers.

Powell's Report. Major John Wesley Powell, in a report on the arid lands of the United States[1] given to Secretary of the Interior Carl Schurz in 1878, called for major reform of land and water laws in the West to conform with the realities of nature.

He reviewed the land disposal laws before 1878 and concluded that they were inadequate.

If divisional surveys were extended over the pasturage lands, favorable sites at springs and along small streams would be rapidly taken under the homestead and preemption privileges for the nuclei of pasturage farms.

Unentered lands contiguous to such pasturage farms could be controlled to a greater or less extent by those holding the water, and in this manner the pasturage of the country would be rendered practical. But the great body of the land would remain in the

[1]John Wesley Powell, *Report on the Lands of the Arid Region of the United States with a More Detailed Account of the Lands of Utah*, Washington, DC, U.S. Govt. Print. Off., 1878.

possession of the government; the farmers owning the favorable spots could not obtain possession of the adjacent lands by homestead or pre-emption methods, and if such adjacent lands were offered for sale, they could not afford to pay the Government price.

Powell's fears were justified. Congress did not totally reform the land disposal laws. Instead, they gradually increased the amount of land that could be acquired, each time offering a larger but still inadequate parcel of land.

Early 1900's Homestead Legislation. The enlarged Homestead Act of 1909 increased the homestead size to 320 acres in nine western States and provided that one-fourth of the land should be cultivated. However, as 320 acres were still inadequate to support a family, the act only led to further expansion of settlement into areas where farming was ecologically unsound. In 1912 Congress passed the 3-year Homestead Act of 1912, which shortened the required residence period to 3 years but failed to address the need for increased acreage.

In 1916 the Stock-raising Homestead Act was passed to encourage the settlement of those western lands not suited for cultivation. The act gave stockmen 640 acres, a square mile of land that was supposed to be large enough to carry 50 head of cattle. In reality, most areas of the West would carry 10 head or less a square mile on a sustained yield basis. With the size of range homesteads so grossly inadequate, less than half of the stock-raising homesteads were patented during the first 10 years that the act was in effect.[2]

Deterioration of Arid Lands. Despite Powell's warning, the land laws of our country contributed directly to the deterioration of the arid lands. The laws encouraged the settlers to convert good rangelands into poor croplands and to overstock rangelands. During the same period there were no regulations governing use of the public domain. Vast, landless livestock herds developed throughout the West. The result was severe depletion and erosion of land, and actual starvation among the settlers. The policies of the Federal Government to move the public lands into private ownership were inadequate. Other movements were afoot to establish reserves, or reservations, for various single uses of the public lands. Yellowstone National Park was established as a national reserve in 1872, and the setting aside of lands for parks and monuments continues to the present time.

Forest Legislation. The Forest Reserve Act of 1891 established a series of National Forest reserves separate from the remainder of the public domain. Later legislation, the Forest Reserve Act of 1897, provided for the administration and development of policies for the management of timber, forage, and other multiple uses. The authority to regulate use of the National Forests was included in the Organic Act of June 4, 1897. Regulations for administering these uses,

[2]L. Stoddart, Arthur D. Smith, and Thadis W. Box, *Range Management*, 3rd ed., New York, McGraw-Hill Book Co., 1975.

Settlements depend on what little water is produced in the dry mountains of the arid lands. Good watershed management is especially important.

including timber production and grazing, were initiated during the early part of the 20th century.

During the 1905 to 1930 period, many rules, regulations, and procedures were established for the orderly removal of timber, forage, wildlife, and other products from these public lands. However, most of these public lands were in the high-elevation and more humid portions of the arid regions of the West. The truly arid regions remained in the public domain, and use on them was not controlled.

General Land Office. All other matters dealing with the public domain were handled by the General Land Office. During the years following its establishment in 1812, it was devoted primarily to the disposition of the public domain. Later it administered the establishment of mineral leases and other land-oriented matters. It was not until the passage of the Taylor Grazing Act in 1934 that other uses on the public domain, such as grazing, came under control.

Public Management. Today the Forest Service manages about 25 percent of the public land, the Bureau of Land Management, about 62 percent, and the National Park Service, 4 percent. Other agencies managing the public domain include the U.S. Fish and Wildlife Service and the U.S. Department of Defense. The U.S. Fish and Wildlife Service has about 4.8 million acres of land reserved for specific uses dealing with the protection of wildlife habitat. The Department of Defense manages an area about

equal in size to that of the Fish and Wildlife Service. It is held for such things as military bases or bombing ranges and is not part of the land generally available to the public. Other agencies, such as the Bureau of Reclamation, Bureau of Mines, and Energy Research and Development Agency, have small amounts of land reserved for specific purposes.

Arid Lands Today

The cities of Denver, Albuquerque, Salt Lake City, Tucson, Phoenix, Las Vegas, and Boise dominate the arid region. They have developed into regional trade or retirement centers based primarily on mineral wealth or esthetic attributes. Capital from outside the arid region controls the politics and future of these metropolitan areas. They, in turn, control the destiny of the irrigable lands, the timber lands, and the pasturage lands.

Arable Lands. Small strips and fingers of arable lands were developed along the water courses and foothills where water is available. The establishment of farms and cities was geared directly to the amount and location of the water. Thus, as Powell has predicted, it was water, not land, that has determined how the West developed. Even after a hundred years, only small portions of the Western States are in private ownership.

Timber Regions. The high-elevation lands in America's arid West are largely in National Forests. They are managed under multiple-use objectives and their condition is highly variable from district to district. Most of them are more important for watersheds and recreation than for the traditional production of timber and forage. Much of the easily accessible old-growth timber was cut soon after settlement of the West, before the establishment of the National Forests. Timber was essential for housing and for the goods and services needed to support the early settlement.

The pasturage lands are in the best condition they have been in this century. Although there are still some areas in poor condition, scientific range management has been applied and, on balance, they have improved.

FURTHER READING

U.S. Department of Agriculture, *Basic Statistics—National Inventory of Soil and Conservation Needs 1967*, Stat. Bull. 461, 1971, 211 p.

U.S. Department of Agriculture, *The Nation's Range Resources—a Forest-Range Environmental Study*, Forest Service Resource Report 19.