

22 J. Land Use & Envtl. L. 299 (2006-2007)  
 Federal Rangeland Policy: Perverting Law and Jeopardizing Ecosystem Services; Donahue, Debra L.

[Purchase Short-Term Access to HeinOnline](#)

Prices starting as low as \$29.95

Short-term subscription options include access for 24 hours, 48 hours or 1 week to HeinOnline's Law Journal Library. This includes access to more than 1,450 Law Journals

Prices starting as low as \$29.95!



Already a Subscriber?

[Login to HeinOnline](#)

[What Is HeinOnline?](#)

[Learn More About the Law Journal Library \(pdf\)](#)

We also offer annual subscriptions to universities, colleges, law firms, organizations, and other institutions. To request a quote please visit <http://home.heinonline.org/subscriptions/request-a-quote/>

Please note: the content in the Law Journal Library is constantly changing and some content has restrictions as required per the license. Therefore, please review the available content via the following link to ensure the material you wish to access is included in the database. For a complete list of content included in the Law Journal Library, please view <http://www.heinonline.org/HOL/CSV.csv?index=journals&collection=journals>

**FEDERAL RANGELAND POLICY:  
 PERVERTING LAW AND JEOPARDIZING ECOSYSTEM  
 SERVICES**

DEBRA L. DONAHUE\*

I.	INTRODUCTION .....	299
II.	CASE STUDY: INVASIVE WEEDS.....	303
	A. <i>A Summary and Critique of BLM Weed Control Proposals</i> .....	303
	B. <i>The Specific Case of Cheatgrass</i> .....	313
	C. <i>A Proposal</i> .....	318
III.	PUBLIC RANGELAND ECOSYSTEM SERVICES AND THE LAW .....	321
	A. <i>Multiple Use and Sustained Yield</i> .....	322
	B. <i>FLPMA's "No Degradation" Requirement</i> .....	347
	C. <i>PRIA and "The Goal" of Rangeland Management</i> ....	348
IV.	CONCLUSION .....	352

I. INTRODUCTION

In 2000 the federal Bureau of Land Management (BLM) warned that a "large part of the Great Basin lies on the brink of ecological collapse."<sup>1</sup> The BLM attributed the "downward spiral of ecological conditions" on 75 million acres of public lands in the Great Basin to invasive plant species (primarily cheatgrass) and fire,<sup>2</sup> and it related fire and vegetative conditions to livestock grazing.<sup>3</sup> About the same time that BLM issued this dire warning, the first issue of a new journal devoted to biological invasions was re-

\* Professor of Law, University of Wyoming College of Law.

1. BUREAU OF LAND MANAGEMENT, THE GREAT BASIN: HEALING THE LAND 1, 35 (2000) [hereinafter HEALING THE LAND]. See also Great Basin Restoration Initiative, Executive Summary ("The Great Basin is facing a crisis. A century ago, it consisted of a network of dynamic ecosystems that supported diverse species of plants and animals. Today . . . [it] has arrived at the threshold of a critical, and potentially permanent, change."), <http://www.fire.blm.gov/articles/exec.htm> (last visited June 21, 2007). The Great Basin, also known as the Intermountain Region, "includes most of Nevada, the western half of Utah, lower third of Idaho, the southeast corner of Oregon and a narrow strip of eastern California." HEALING THE LAND, *supra* at 9.

2. HEALING THE LAND, *supra* note 1, at Letter to Reader (statement of Acting BLM Director, Tom Fry).

3. *Id.* at 12 (noting that "changes in wildland fire" and grazing are "related," that early livestock grazing led to the decrease of native perennial grasses and invasion of cheatgrass, and that removal of biological soil crusts by livestock facilitated the invasion of exotic plants).