Jim Cooper

Being the edited transcript of an interview by Mike Hudak

Issued as an extracanonical book of

Western Turf Wars: The Politics of Public Lands Ranching

Jim Cooper grew up in rural Michigan and graduated from Central Michigan University with undergraduate degrees in social sciences and biology. Motivated by his interests in hunting and fishing, he went on to complete a master's degree in fisheries management at the University of Michigan. Cooper began his resource management career in 1966 with the Montana Fish and Game Department as a project biologist at Fort Peck Reservoir. In 1970 he joined the Northern Region (R1) of the US Forest Service as a regional fisheries biologist working out of Missoula, Montana. During 1974–75 he temporarily transferred to the Bureau of Land Management as a fisheries biologist in the Wyoming State Office. In 1978 Cooper became the fisheries program manager for the Idaho Panhandle National Forests, then in 1980 became a staff officer to the forest supervisor of the Inyo National Forest (California). He transferred in 1987 to the Southwest Regional Office in Albuquerque, New Mexico, as a regional fisheries program manager. Cooper retired from the Forest Service in 1998 after twenty-eight years of service.

Jim Cooper made his remarks on the 27th of August 2003 in Sandpoint, Idaho.

Chapters

CHAPTER 1

Cooper's early life, formal education, and career

I grew up in a small Michigan town, slightly more than nine hundred people. My parents acquired a lake cottage when I was five. So until I left Michigan for Montana, I enjoyed the pleasures of living at a lake. I was interested in the outdoors because of that experience. I liked to fish. Liked

to hunt and walk in the woods. I remember saying to my dad, "Dad, I'd like to see what a virgin pine forest looks like." And, although I wasn't very old, I knew what a virgin forest was. At least I knew it's one that hadn't been cut, and I figured that it would have a lot of tall trees.

My dad told me there was no place in Michigan where you could find a virgin forest. Well, Michigan has an upper peninsula and a lower peninsula, and I said to myself, being twelve years old or thereabouts, "Surely there's someplace in Michigan where there's a forest of big trees."

But we did not have big trees where I lived. If I saw a hundred-foot-tall white pine, for example, that was really big, and there might only be one in the whole region. Most of the trees were very small because the timber industry, at the beginning of the 20th century and later, had cut all the larger trees in Michigan from head to toe. I can remember driving through vast areas of countryside where for miles and miles all you saw were stumps of the trees that had been cut. And all the stumps were maybe thirty, forty years old when I saw them in the 1940s. The stumps were quite large—two, three, four feet in diameter. And I thought, "How interesting those forests must have been." However, I always wanted to see the live trees. Not just all these thousands of acres of stumps.

In 1963, when I came out West for a summer job, I actually got to see some virgin forest with big trees just like there once were in Michigan. So I did get my desire fulfilled. That's part of my history as to why I have certain sensitivities to resource management, and to what happens when riparian habitat is destroyed or damaged.

Anyway, my higher education started at a small college, Central Michigan University, where I received a degree in social sciences and another degree in biology. From there I went to the University of Michigan and received a master of science degree in fisheries management.

My decision to go into fisheries management actually resulted from my greater enjoyment of hunting. I felt that if I went into fisheries I'd eventually "burn out." And I thought, that if I was going to burn out, I'd rather do so in fisheries than in hunting. And that actually came to pass. I still like to hunt more than I like to fish.

In 1966 I took my first permanent job in resources with the Montana Fish and Game Department.[1] I worked as a fisheries research project biologist at Fort Peck Reservoir for four years—a paradise from my point of view. It was a large reservoir of 249,000 acres, I believe. Very remote at that time. And with tremendous big game and bird hunting possibilities in the area.

From there I took a position as a regional fisheries biologist with the Forest Service in 1970 at the regional office in Missoula, Montana. Working out of there I visited and advised districts throughout the Northern Region, which at that time included eastern Washington, northern Idaho, Montana, and some of the grasslands in the Dakotas. I advised districts as to what impact their activities may have on the fisheries habitat and subsequently on fish.

The habitats were the concern of the Forest Service, and the fish were really the concern of the state game and fish departments. We had to work with them, because you really can't separate the fish from the habitat. But there were a lot of "states rights." So working with the states was very important from the standpoint of getting the proper management at the forest level.

1. The Montana Fish and Game Department is currently known as Montana Fish, Wildlife and Parks Department.

Eventually, when we were able to work together more closely we were less impeded by a dichotomy of responsibility. It still existed on paper, but we were able to work it out so that we could avoid turf battles. Fish and Game biologists could talk about habitat management, and I could talk about fish requirements with ease. It worked out pretty well that way.

Then after two years I was assigned to the Kaniksu National Forest in northern Idaho where I did similar work, but at the forest level.

In 1973 the Kaniksu, the Coeur d'Alene and the St. Joe National Forests were combined into the Idaho Panhandle National Forests. After that, my territory included everything in Idaho north of the Clearwater National Forest, and my job included programmatic activities.[2]

In 1980 I took a position as a staff officer on the Inyo National Forest in California where my responsibilities included watershed, wildlife, fish, range and a couple other smaller resources. My work now became mostly programmatic. I dealt more with budgets, and how to distribute and ask for them so that the districts could do on-the-ground work.

In 1987 I became a regional fisheries biologist in Albuquerque, New Mexico, where I remained until January of 1998 when I retired. This position involved working with all the forests in the region on a consultation basis. I did a lot of program planning, reviewing of plans, environmental analyses, and those sort of things. Plus, I worked on the regional budget—asking for money, explaining how we were going to spend it, and whether or not we had spent it properly.

CHAPTER 2

Livestock grazing on the Inyo National Forest during Cooper's tenure (1980–87)

My history in range management actually began in 1970, because some of the activities we dealt with in the Northern Region (R1) were with livestock, not just timber. And, at that time, there were not a lot of biologists in the federal government.

In R1 of the Forest Service, the region administered out of Missoula, I was the third fisheries biologist. And, I think, in the Forest Service overall, I was the twenty-seventh fisheries biologist to have been hired since the Forest Service was established. We did not have critical mass. There were a lot of Forest Service people (foresters and wildlife biologists) who understood there were adverse impacts from livestock grazing on riparian areas. The fisheries biologists, though, and the hydrologists seemed to be much more aware of this because that's where we worked. We worked in the riparian habitats—in the streams primarily.

I also was aware of the situation throughout the United States so far as livestock grazing was concerned, because, not only did I work on those forests in range management, but I also traveled throughout much of the West and even in some parts of the East to look at and discuss range management as it relates to fisheries habitat.

The Inyo National Forest had its share of livestock grazing. We had, as I recall, in the neighborhood of 12,000 or so cow-calf pairs and 25,000 sheep on sixty-seven allotments. A lot of the Inyo National Forest is wilderness or roadless and so some areas weren't hit very hard by livestock. We also had a good number of permittees who realized that livestock management and riparian

2. "Programmatic activities" include budgeting and planning.

habitat aren't necessarily compatible, particularly if one looks at it just from the viewpoint of raising livestock.

Another thing about the Inyo National Forest—it was a little bit ahead of many other areas from the viewpoint of the public. I mean, the public recreated there in large numbers. And a lot of them did not like livestock in the riparian areas. They may not have recognized the damage caused by the livestock; they just didn't like stepping in cow pies. And they didn't like cows in their campgrounds either. So the Inyo National Forest was a great place to work in range management because it was somewhat progressive with cooperative permittees. But yet it had a large number of problems as most forests did.

The main problem with mature cattle was that when they'd get into the riparian areas, they would like to spend most of their time there. They'd go off and maybe chew some grasses, then come back and kind of camp out. But the first thing they'd do is eat everything around the riparian area and trample the stream bank. That was a major problem since it often had negative impacts on riparian dependent resources—soils, water quality, and stream stability.

There are various ways of mitigating negative impacts—fencing out riparian areas; having somebody move the cattle quite often; trying different grazing systems. The cows would have to be moved at a certain time, and, of course, it was up to the rancher to move them. It was up to the Forest Service to check, but most of the time the cattle were moved.

If an area was overgrazed, and there were riparian areas that were hit too hard, it was a matter of working with the rancher, and trying to lighten the load on the riparian area. While I was there I actually saw areas that were improving because a rancher was changing the distribution, and the timing, and the cattle numbers, and even the grazing system.

I don't recall having any really obstinate permittees. Basically, once you had an understanding and you got rid of some of the turf concerns and so forth, you could work with a lot of them. That's not always the case everywhere. But the Inyo, I thought, was fairly good.

No lawsuits over management of livestock grazing on the Inyo National Forest

During my time on the Inyo National Forest we didn't have lawsuits concerning grazing. And I don't know if they have them now or not.[3] But from 1980 to '87 we didn't have any. What early complaints we did have were primarily public concerns and responses to stepping into cow pies at the campgrounds and that sort of thing.

The Inyo National Forest, I believe, had something like eighty-seven destination campgrounds where people camped overnight. And even there, that in itself is a conflict, because many of

3. The only known remaining pure strain of wild California golden trout is found in Golden Trout Creek and South Fork Kern River. In November 2001, Trout Unlimited brought a lawsuit which accused the federal government of failing to protect the fish from crossbreeding, habitat destruction from cattle grazing, and other disturbances. The suit was settled in September 2002 when the government announced that it would conduct a 12-month study on what protections should be made for the fish. A press release issued by Trout Unlimited California on 23 September 2003 announced that the organization would return to court to force the federal government to protect the fish. As a result of such legal action, on 17 September 2004 the California Department of Fish and Game, US Forest Service, and US Fish and Wildlife Service signed an agreement to protect the fish and restore its native backcountry habitat in southeastern Tulare County. As stated in a press release issued by Californian Department of Fish and Game (17 September 2004): "A comprehensive Conservation Assessment and Strategy developed by the agencies will guide the recovery efforts, including collecting scientific information, implementing new conservation measures and monitoring golden trout populations."

those campgrounds were in riparian areas. However, the Inyo National Forest had an active program of moving campgrounds out of them.

So the Inyo National Forest, at that time, was quite aware of impacts on riparian. And the public was becoming quite concerned about these impacts. Initially, most of the public was concerned from the standpoint of what the cattle impacts would do to big game wildlife, and camping esthetics (convenience and smell). The concern grew more slowly about what the cattle were doing to the resources, such as causing erosion, and causing the loss of fish spawning and rearing habitat.

We didn't necessarily give the cattlemen big headaches, because most of the time they could work with us. But there were occasions where they probably didn't like it. And probably they were getting squeezed over time. They probably realized this, but the squeezing was increasingly coming from public pressure on the Forest Service to manage riparian resources for riparian dependent resources and for water quality.

Some of the ranchers, especially those that are marginal, can only be squeezed so much. Then they'll go out of business, or they'll have to alter their ranching objectives, or even sell their ranch.

Giving up a permit itself became an issue, because there were ranchers who wouldn't have minded selling out if their permit had been worth something. But the structure of the Forest Service regulations and politics at that time were such that if a rancher wanted to rid himself of his permit, we were forced to issue a permit to somebody else for the same piece of property even though we knew that the area would be better off without cattle.

I felt that if ranchers could be compensated for their permits it would give us more flexibility.[4] And if you have flexibility in your management that means you also have more options. And sometimes options can solve problems. Sometimes even to a win-win, instead of butting heads, lawsuits, and that sort of thing, which takes up everybody's time.

CHAPTER 3

Structural changes to the Forest Service during the Reagan administration

Budgets have always been a problem in the Forest Service. Nobody ever has enough money. So you want to make it go as far as you can, and do the best you can with the money you get.

The Reagan administration,[5] like many administrations, had run on the premise that they would reduce the size of the federal government and give the money back to the taxpayer. That seems to be a favorite way to get votes and be elected. I don't know if, in fact, that actually happened during the Reagan administration from the standpoint of actually cutting funds. But it

4. Legislation that would provide financial compensation to ranchers who voluntarily relinquish their federal grazing permits was first introduced in the US House of Representatives on 16 October 2003 as the "Voluntary Grazing Permit Buyout Act." Similar legislation introduced in the succeeding Congress (30 June 2005) known as the "Multiple-Use Conflict Resolution Act of 2005" would produce the same results.

5. Ronald Reagan, president of the United States (1981–89).

had an impact on not getting increases to meet the continued demands on resources that are being more and more used by the American public.[6]

About the same time, the Reagan administration was also telling us that we needed a 40 percent increase in the number of animal unit months of grazing in the Forest Service. Forty percent can be regarded as applying across the whole Forest Service. But not every forest has a grazing program. And some forests are more capable than others of producing forage. Having a 40 percent increase, along with a concerned public that's catching onto the problems associated with management of livestock on the national forests are sort of incompatible.

At the same time we were suppose to increase the number of units of livestock grazing, we also had a reduction of approximately 50 percent in the number of range conservationists and biologists on the Inyo National Forest, in part because of budget cutting goals being encouraged by the Reagan administration and Congress.

I don't remember if we accomplished the 40 percent increase. I suspect we didn't, because you just don't turn on the faucet and say you're going to graze 40 percent more. If somebody tries that, a few years hence you're not going to be grazing much at all, because the cattle and wildlife will be eating everything up, and less will grow back. That's an oversimplification. But declaring to do something doesn't mean you're going to do it. Yet it does set the tone for what you're supposed to be doing, where you're supposed to be putting your energy, and where you're supposed to be putting your planning.

At that same time we also had another situation arise—workforce diversity. When I joined the Forest Service in 1970 we were primarily a white male "can do" organization. Then in the '80s, throughout the Forest Service, workforce diversity became an issue. Well, you don't automatically have workforce diversity either. That takes funding. So therefore you've got to take what funding you do get and start putting it into personnel, management type activities—sensitivity training—so that people can be aware of workforce diversity, and how you should behave, or shouldn't behave.

You need to have people developing programs, doing training sessions and so forth. And all this takes money besides taking the time of the workforce. In the end, it impacts everybody who works for the Forest Service. And, initially, this coupled with the budget cuts during the Reagan administration, created low morale in the workforce. I saw this low morale in the four white males I supervised. They were highly motivated and had a strong desire for getting things done on the ground. They tried to keep up, but were stressed as budgets were cut and resource staff reduced.

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6. Some insight into Forest Service budgets during the first term of the Reagan administration may be found in this excerpt from a lecture given by John B. Crowell Jr.: "… in the five budget years spanning 1981 to 1985 (1981 being the last Carter administration budget year), only one major category of National Forest System expenditures increased more than inflation for the same period. That category was Mineral Leasing … . The major categories of Timber Sales Administration and Forest Trail Construction increased about as much as inflation … . Forest Fire Protection did not quite keep up with inflation. All other National Forest System items in 1984 were within 10% of where they were in 1981, except for Trail Maintenance and Reforestation." John B. Crowell Jr., "Deficits, Compound Interest and the Forest Service," (1985 S. J. Hall Lectureship in Industrial Forestry. Center for Forestry, College of Natural Resources Berkeley Campus, University of California, 21 November 1985). The lecture is found on the Internet at http://calforestry.cnr.berkeley.edu/lectures/sjhall/1985crowell.html (last visited 30 November 2008).

The low morale wasn't limited to white males. Everyone was hurting as the agency changed from a resource management atmosphere into that of a socialized, political entity.

At that time I felt that things weren't going quite so well in the government and in the Forest Service. And on top of that we started getting into the computer age. Computers also cost money. It's not like some school systems where somebody donates them. The government pays for them. And that too, even if we received a special budgetary item in Congress, still wouldn't be enough to get everything we wanted.

Then, on top of that, we needed people to maintain the computers. Programs have to be set up on how to maintain them. They have to be secured, for example. And we all know about computer security today. Well, we had to do those things back then too. And that also took money. And that took people again, because we were reducing our workforce in theory, but were adding in two other areas. As a result, our resource specialists (male and female) continued to be squeezed and their workforce reduced.

So from where will the additional people come? They are not coming from personnel management, because we will need more of them to meet goals of workforce diversity. They are going to come from our clerical people, from our resource people, our engineering people. And the engineers are concerned with the resource management, because they're the ones that do a lot of the work. Consequently, it was a large area of concern in that we were losing people to these other areas because of changed emphasis within the federal government. And as we were taking part in that changed emphasis, it reduced the amount of time we were out in the field in resource management. And this is continuing today.

In the era of the '70s when I started, we had many, many people working out in the forest—people working at the district level who checked and worked with the various resources. People could see solutions because they worked with things that either worked or didn't work.

As we moved into these other priority areas—the workforce diversity and social type area—the people spent less time on the ground. And this in itself started compounding the problem because solutions were no longer as easily seen.

Then you start throwing in the litigations from environmental organizations, which started coming in the '80s with the spotted owl.[7] And they've moved now into the livestock arena. That also takes people off the ground, which actually causes some people to become less knowledgeable, and therefore less able to handle the litigation because they haven't had the experience or the time in the field to see what really works or doesn't work.

It became quite demoralizing to many people. And in the meantime, management's focus also continued on the "hot button" items, such as a safe work environment, discrimination, political correctness, and workforce diversity. Hopefully, some of this will subside over time. However, in the meantime, issues were continuing as far as livestock management was concerned.

There are lots of solutions to livestock management. Livestock don't have to all be taken off the range, although some people advocate that. It probably would be easier if there were no livestock at all. That's one area we wouldn't have to deal with. But I'm sure we'd have to deal with something else that would take its place such as increased fire management.

7. In January 1987, plaintiff Greenworld, pursuant to Sec. 4(b)(3) of the ESA, 16 USC 1533(b)(3), petitioned the U.S. Fish and Wildlife Service to list the northern spotted owl as endangered. In August 1987, twenty-nine conservation organizations filed a second petition to list the owl as endangered both in the Olympic Peninsula in Washington and in the Oregon Coast Range, and as threatened throughout the rest of its range.

Some people say wildfire, for example, is less in some areas because of livestock grazing. And then we turn right around and say, maybe in an adjacent area, that livestock grazing set the stage for wildfire.[8] So the resource issues will still be complex.

You can graze livestock and you will hardly know they're there. Sometimes you can graze a different class of livestock. You can graze yearlings, for example. They run all over the place. They aren't quite so apt to camp out in a riparian area as will a mother cow and her calf.

You can move the livestock often.

You can change length of season, and on-and-off dates.

You can offer more pasture rest. However, it still may be necessary to initially reduce livestock numbers on many allotments.

So there are lots of different strategies, but again that takes people who are knowledgeable, who know these strategies. They have to know where they will work and where they won't work. You can't rely on a politician to just come in and say, "Increase your number of AUMs by 40 percent." Or, "Fix the forest fire situation by cutting down trees." Good management really doesn't work that way, but that's the way politicians work.

And so, if you don't have the people around who understand these things, or who have the experience to counter political pressure diplomatically in a knowledgeable way, where will you end up? You're going to end up in a political morass that makes it difficult for everybody, and makes it uncomfortable to work in a resource agency such as the Forest Service unless your values have to do with something other than resources.

CHAPTER 4

Threatened and endangered species litigation in the Southwest Region (1987–98)

Arizona and New Mexico are a hotbed for threatened and endangered species. All regions have them. But in the Southwest we have many types of habitat. We have Sonoran Desert, and subalpine forest, and everything in between. And we have areas with virtually no water at all, other than a few natural springs and ephemeral streams.

So threatened and endangered species really became the dominant theme from a resource management standpoint in the '90s. And it was brought out mainly because of litigation. People who were knowledgeable, who had the passion and the interest, became sufficiently organized to bring suit against the Forest Service and against the Fish and Wildlife Service over management of these animals and their habitats on federal lands.[9] And so we were named in quite a few suits—ones involving the willow flycatcher,[10] for example, and others involving fishes—Gila trout[11] would be one.

8. See, for example, A. Joy Belsky and Dana M. Blumenthal, "Effects of Livestock Grazing on Stand Dynamics and Soils in Upland Forests of the Interior West," *Conservation Biology* 11, no. 2 (April 1997): 315–27.

9. Among the leading organizations that brought these environmental lawsuits in the 1990s were the Southwest Center for Biological Diversity (now named the Center for Biological Diversity) and Forest Guardians (now named WildEarth Guardians).

10. Southwest willow flycatcher (*Empidonax traillii extimus*).

11. Gila trout (*Oncorhynchus gilae gilae*).

There were also dozens of plants that were listed as sensitive, some as threatened, maybe even endangered. And they were all coming to the forefront in the litigative process. Eventually, some of these lawsuits were more like a "blanket litigation" that forced us to come up with all the endangered and threatened species that were in the area. Many times we didn't even know if they were in there. So we had to do surveys. And hire people to do the surveys. That in itself would slow the process. But that was part of the routine, because if you're out there doing resource management, you should know what you're impacting. And in a lot of cases, because we had limited personnel, we didn't know. So we had to contract out to determine what was there. That part was good.

But the part that wasn't so good was that in association with this litigation, we had Freedom of Information Act requests—FOIAs they're called. And these FOIAs demand that you provide the requestor, within a certain time frame (like ten days), the material that they want, or you need to explain why you can't provide it.

In the meantime, you're looking for data, you're looking for information, you're looking for letters. You've got to go through the files. And the people doing that primarily are going to be your foresters, biologists, hydrologists, and soil scientists. But your wildlife biologists are the ones that are doing much of it. And so that means they aren't in the field either. They're behind a desk or going through files trying to find what information is available. And some of these documents might go back many years—even before the biologist was in the region, let alone on that particular forest from which the information is being asked.

CHAPTER 5

Forest Service reluctance to change management practices in response to litigation

In New Mexico there's a cultural tradition of public use of the public lands. So when somebody says we're going to change your tradition of use, they're going to defend their turf. The Forest Service is also going to defend its turf—what it views as its professionalism and a history of commodity management. If somebody starts telling the managers that they're cutting too many trees or grazing too many cows and that they're going to sue them, the first response is going to be, "Oh, you're going to sue me? I'm going to put up my defenses and defend my actions."

I would say that when you're being sued by somebody, though, that means they felt they were up against the wall and they had no other choice. And that was probably the motivation for many lawsuits that we had from the environmental community. Action speaks louder than words and the Forest Service might respond to action more than words.

The agency basically was "circling the wagons" instead of opening up the wagons and having a pow wow (or whatever you want to call it). Maybe it would have been better if we had tried to talk with the people who were litigating us. But then, by the same token, we were sometimes told by the commodity side, typically the livestock interests, that if we did this or that, they were going to sue us. We basically were dealing with situations of "damned if we do, damned if we don't!"

Entrenchment of our leadership seemed to be part of the deal, but I doubt if entrenchment was because we wanted to do poor resource management. Part of the entrenchment was because we were being attacked and felt compelled to defend our turf.