

Date: May 9, 2002 Exhibit 11

**FW&P Commission April Meeting
Sage Grouse Report and Comments
By Scott E. Cassel
For Representative Barrett
April 24, 2002**

Following is a summation of the informational speech I gave at the FW&P Commission meeting in Glasgow on April 18, 2002. The content and the intent of the message are outlined below. John Lacey presented his thoughts after I was done speaking. At that time we answered questions.

Purpose of the message.

- ◆ Discuss rancher perspectives and relate the concerns of the ranching community in regard to the Sage Grouse Management Plan.
- ◆ Cite positive outcomes.
- ◆ Relate our concerns with the future.

I discussed the impacts to livestock production practices, management choices, property rights, the potential impacts on Eastern Montana and local communities. The main point I emphasized was that the last thing we need in Eastern Montana on top of low commodity prices and a three-year drought is another economic disruption.

Next I talked about the history of the plan, the WAFWA MOU and the Conley Guidelines. I stated that I understood that FW&P is in a serious predicament. They are likely to face a lawsuit regardless of which direction this plan goes. I strongly conveyed the fact that the group and FW&P could not tell us what we were doing or why we were doing it. There was no defined mission for the plan. We were not sure if the plan even was a plan in light of the recent letter written by Director Hagner to Representative Barrett. I asserted that the plan was intended to preclude the listing of Sage Grouse under the ESA. I then discussed the importance of the PECE criteria (I had given each commissioner a copy of the criteria the evening before). The Plan has to meet the PECE criteria in order for it to be acceptable by the US Fish and Wildlife Service. We are concerned the Plan may not meet the criteria.

The next items of concern were the obvious lack of balance- both in the makeup of the Sage Grouse Technical Committee and in the draft document itself. The Plan failed in its inadequate treatment of predator and hunting issues. The Plan was focused instead almost entirely on the preservation and manipulation of the habitat. At this point I discussed the failed logic of the plan.

The Plan can be broken down to the following argument: Hunting and predators are not the problem. The problem is the habitat. The claim is if we fix the habitat, the bird will do fine. The ranchers fear the inference is to restrict grazing. I brought up the 7- inch stubble height in the Conley Guidelines, and the potential changes to grazing allotment plans. The ranchers would find removal of cattle unacceptable while the bird is still being hunted to the extent it is now, and nothing is done to address predators. It cannot be logically argued that range is not in better

condition than it ever has been. I cited that rest rotation is prevalent, there are fewer cattle, and almost no sheep. The factor that has changed is the predator component in the habitat.

I also did my best to make the commission aware that:

We are concerned there are no solid numbers in the Plan. The acres of sagebrush (habitat) gyrate from a low of 4.5 million acres to a high of 32 million. There is also no stated recovery population number for the bird.

We feel the empirical evidence and the observations of ranchers have been largely ignored, especially concerning predators. The opinions and advice of the persons who live with the bird on a daily basis should be highly regarded and acknowledged. In the public meetings held for the Plan, the testimony was virtually the same and the message clear: predators outweigh any other issue by a huge margin.

We are concerned about the lack of vital information. Good decisions require good information. We knew information on predators and hunting existed. Having to find important information ourselves when it should have been at our disposal was extremely frustrating. This is a highly complex issue with widely diverse interests. How can we devise a good Plan without all the available information? When people perceive that crucial information is being withheld, all kinds of suspicions are raised.

The PECE criteria should have been the centerpiece of the Plan. If we would have had access to the document (or had even known it existed) a great deal of conflict could have been avoided.

We know that the Federal agencies are concerned that predators and hunting have not been addressed properly in the plan. We also can state in all confidence that the US Fish and Wildlife Service is worried about the level of local volunteer participation. I made it clear that participation will be dependent on trust. It requires good information, honest communication and sincerity to build trust. Ranchers need to feel they are being listened to.

We are very concerned over how the Plan, if it is a plan, will be implemented by all the associated agencies. Will it be implemented as a whole or only piecemeal? How or will the Plan be turned into regulation? We are also concerned with NEPA and MEPA.

We are very concerned with how the Plan will be monitored. How success or failure will be determined has not yet been answered. We are concerned the Plan provides few answers; it only raises more questions. The Sage Grouse Management Plan may be a true conundrum.

There are several positive aspects of the plan or the process I noted:

- ◆ The FW&P has finally began to address our concerns related to predators and hunting.
- ◆ We just finished a revision of the predator and hunting sections of the Plan.
- ◆ We have learned a great deal from the process.
- ◆ Management of the Sage grouse should improve.
- ◆ We are reasonably comfortable with the language and the balanced views of the document-if the terminology is not altered from this point forward.
- ◆ In our view, if the plan is balanced, the plan is defensible. It is now both.

Several recommendations were made to the commission for the future:

- ◆ The FW&P must do a better job with communication and making information available.
- ◆ We are allies and are co-dependent. A listing of the bird will hurt both of us.
- ◆ Information should be shared with allies.
- ◆ We need to work together because in all likelihood there will be more working groups in the future.

John Lacey said that I represent the views and enjoy the support of the ranching community. He also recommended to the FW&P that they should make important information more available. John stated that he could understand why the Conley Guidelines include a 7-inch stubble height. It takes a high structure to hide the nests since predators have increased so dramatically. John cited a comprehensive Sage Grouse study done in Idaho on predators and presented ADC statistics. He also spoke on the increases in avian predators based on data obtained from the National Audubon Society.

Personal Comments:

I think the FW&P fears the Plan will be used to justify a suit against them. They are in a difficult position. If they do not go forward they will get sued, if they do proceed they will get sued anyway. FW&P also appears to fear the process could be taken over and the management decisions driven by some interest group. The agency now wants to call the plan a strategy so they can remain in control. It is my opinion that FW&P thinks it can withstand a listing petition. We felt they might be using the involvement of ranchers to legitimize the Working Group Process, formulate the Plan the way they wanted, and bypass the MEPA process. They have assured us this is not the case. I was told that FW&P is now attempting to gain commitments from the other agencies outlining their future intentions. Nobody can answer what will happen with the Plan from this point forward.