

U.S. House of Representative  
Committee on Natural Resources  
Oversight Field Hearing

*“State and Local Efforts to Protect Species, Jobs, Property, and Multiple Use Amidst a New War  
on the West”*

September 4<sup>th</sup>, 2013

Testimony of Brian R. Cebull

Chairman Hastings and members of the committee, thank you very much for allowing me to testify before your Committee. I am Brian Cebull, a 3<sup>rd</sup> generation Montanan who is proud to call this great State my home. I work in Billings in the oil and gas industry as the owner of a small exploration and production company as well as the co-owner of an innovative environmental service company in the Williston Basin.

While the oil and natural gas business provides my livelihood, I did not come here today to testify about oil and gas development and the negative impacts that ESA listing of the sage grouse will have on my industry. Instead, I am here today to testify as a Montana landowner who lives with endangered and threatened species and as a sportsman who has a passion for hunting.

My wife and I own Grove Creek Ranch in Southern Carbon County Montana that is comprised of deeded acreage plus more than 15,000 acres of BLM grazing leases. Our deeded land consists mostly of spring-fed riparian land with grassy bottoms and aspen groves. Our land is unique in that it is home to a variety of wildlife including whitetail deer, moose, elk, black bears, occasional wolves, and is located in designated core sage grouse habitat. According to Montana FWP biologists, there are 4 active sage grouse breeding lecks either on or adjacent to our deeded land at Grove Creek. In the spring of 2011 we encountered our first grizzly bear and now have documented more than 12 different grizzlies in the last 2 years including capturing a video of a grizzly sow with 4 cubs of the year this past June. I have included a few photos of grizzlies at our ranch at the end of these comments. My most recent encounter with a grizzly on my ranch was just this past Saturday evening.

Our experiences with the already listed and “endangered” grizzly bear is an important lesson when considering adding another species to the ESA list. Based on our observations and those of our tenants who graze cattle on our land:

- It is obvious that the population of grizzly bears in the greater Yellowstone ecosystem is being underestimated for political purposes. Based on my observations and those of my tenants, the number of bears in the 3 state area of that makes up the Yellowstone ecosystem must greatly exceed the 600 bears that has been used as a common estimate. A local scientific estimate indicated that there were 27 individual grizzly bears during the 2011-2012 season on the Beartooth mountain front between Red Lodge, MT, and Clark, WY, a span of only 20 miles! So far in 2013 there have been 11 individual confirmed sightings of bears in the same area and 9 of those were confirmed on our ranch at Grove Creek. According to local biologists, bear sightings and encounters are getting much more frequent in our area. Common sense says that the actual number of bears must be several times higher in the entire Yellowstone ecosystem based on the high number of bears seen in our small area.
- The current population of bears has far exceeded the expected levels of the original endangered species management plan therefore the management practices of the plan is not effective in relationship to the current impact of the bears in regards to agriculture, sportsmen and recreational use. The same management plan for a declining species cannot work for a species whose population is rebounding. This lack of adaptability is leading to ever-increasing encounters and conflicts between bears, humans, and livestock.
- The management guidelines for grizzlies are unrealistic. In a particular instance with my tenants on their land in the Bear Creek area, a sow grizzly bear and her cubs had multiple livestock kills and were on the path to many more. When approached about this, the regulatory entity that was handling the situation labeled the bear as a first time offender because complaints had not been lodged against her in the past. With the existing guidelines, action was slow to be taken because she was a first offender in spite of the fact the fact that she had killed in excess of 10 animals that season. It was deemed that if the activity was repeated the next year, she would be labeled a problem bear and action would be taken. After strong lobbying at multiple levels of the government by my tenants, the number of kills was taken into account and she was removed and destroyed. Her cubs were relocated despite the fact that they would likely repeat the cattle-killing activities of their mother.
- With the excess population of bears and the ineffective management practices of the current endangered species plan, the bears are starting to push their boundaries and locate themselves in areas outside of their expected habitat. Our ranch on Grove Creek is one of those places.

As you can see, whether or not the ESA listing has helped grizzly bears, the current situation with grizzlies is not sustainable and needs to be remedied. Although sage grouse do not pose

the same threats to humans and livestock as grizzly bears, a listing under the ESA will result in many of the same issues as the grizzlies with regards to ongoing management under the plan.

The potential listing of the sage grouse is already affecting our ability to utilize our BLM grazing allotments:

- There is a constant push when dealing with the BLM on grazing plans and permits that our carrying capacity or AUM's need to be decreased to increase habitat for sage grouse although there is little correlation between responsible grazing practices and the loss of sage grouse habitat or nesting areas. In fact, proper grazing practices can actually be beneficial to grouse as the cattle grazing creates new growth and succulents and regenerates fresh forage. Of course, historic overgrazing has led to declines in sage habitat and this irresponsible and short sighted behavior should be corrected by the local range management specialists wherever they are occurring. Even at Grove Creek, some of our historic BLM grazing was grazed beyond capacity by our predecessors and was very slow to recover, so we have rested some pastures for 2 years to allow them time to recover. All of our BLM pastures are rested at least every other year to promote healthy growth.
- No definitive proof has been given that the activity of livestock and other species is having a true long term impact on the sage grouse but there is consistent pressure from environmental groups to ban all grazing on public lands. Without a doubt, these so-called conversation groups will press legal action to enforce a ban immediately if the sage grouse is listed. Based on my on-the-ground observations, the populations of sage grouse in areas where no outside activity has occurred within the sage grouse's habitat are no better than where grazing, energy exploration or other activities have occurred.
- It seems folly that measures and management practices are being put into place through RMP's and grazing plans to affect certain aspects of the sage grouse food supply and habits, yet very few of those practices are directed towards other species within the same eco system. Many of these species such as raptors are also federally protected and are predators of the sage grouse, and when they are out of balance, they could potentially negate the effects of the ESA management plan. With this considered, it makes any amendments or alterations to the management guidelines for other activities in the area even more egregious.

We bought our ranch both for investment and for hunting opportunities. As such, we work with our tenants to manage the grazing and crop lands to benefit both their livestock and wildlife. Hunting is a passion and a way of life for me, and I am currently the president of the Montana Chapter of Safari Club International. Our chapter has been actively promoting the mission of SCI

which includes the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool.

- Hunters are true conservationists and their license dollars go directly to the preservation of habitat and the management of game species.
- Managing land for livestock grazing and for wildlife is beneficial to both big game and game birds such as sage grouse. Properly timed and intensive grazing rotations, the development of water projects, and the planting of high protein seed crops are just a few of the ways that we improve the habitat for wildlife including sage grouse.
- Hunting of animals creates a perceived value and respect of that animal in the public's eyes. The listing of the sage grouse will remove it from the hunting rolls and diminish its value, which is exactly opposite of the intent of the listing.
- In addition to being removed from the hunting roles in Montana, the listing of sage grouse will have detrimental impacts to access of both public and private lands due to the closing of access roads and corridors and potentially seasonal restrictions on access. The listing of sage grouse will possibly impact ALL hunting, especially in those areas deemed as core sage grouse habitat.
- The Montana FWP Commission has an established 2 bird-per-day limit on Sage Grouse during upland bird season. The Commission's bag recommendations are based on the sound scientific input of local FWP biologists and other local experts since it was found that regulated hunting with reasonable bag limits was not an additive mortality and did not decrease the number of birds that survived until the following Spring. This is a perfect example of local control and species management that will be derailed through an ESA listing.

It would be a big mistake to list the sage grouse or any other species under the current guidelines and practices of the 40 year old ESA which is outdated and unmanageable and does not yield the desired goal of species recovery. In my opinion, the ESA is broken and needs to be fixed:

- The ESA has become a listing tool instead of a management tool. It is fairly easy to be put on the list but it is nearly impossible for a species to be removed from it. There are currently over 2000 listed species and only 20 have ever been removed from the list due to population recovery. This dismal 1% success rate does not include the species that went extinct after being listed.
- The ESA is a hammer or club that is held over the head of landowners, sportsmen, ranchers, recreationalists, and developers. It is a constant threat of "do this, or else". The constant threat of a listing is not an effective way to influence the behavior or actions of those people affected by the threat. Although many of the best practices of

the affected groups will actually benefit the sage grouse and their habitat, the best way to influence behavior is to create and promote incentives that will positively impact both the threatened species and the impacted parties.

- The current ESA is a top-down, bureaucratic, and centralized approach to species management. Local control and grassroots efforts will work better to manage wildlife and habitats and will get much less pushback from affected parties. Control and incentives should be given to local authorities and landowners to maintain or improve habitats.
- The ESA has become more about politics and less about science. In the case of the grizzly and the northern gray wolf, Federal Judges and not scientists determined whether a species remained on the “List”. When you consider the measly success rate for delisting, it indicates that the ESA is being used as a political tool by the environmental and so-called conservation groups to halt or slow down economic development and severely limit access on public lands for grazing, hunting, and recreation. Groups that fight to put species on the “List” also fight to keep them on regardless of any scientific evidence to the contrary because they are opposed to development or human activities or any sorts. The “management by litigation” approach taken by environmental groups leads to many of the misguided efforts that we see today and unnecessarily burdens the personnel and financial resources of the federal agencies involved.
- Management under today’s ESA for listed or pending species such as the sage grouse usually means doing “something” regardless of how much that “something” costs or the impacts that it has on current activities. Economic impacts need to be considered and should weigh heavily on decisions to list species.

Utilizing sound management practices including reasonable hunting limits, best grazing practices, and activity limits based on sound science, we are starting to make huge strides towards stabilizing the population of sage grouse, despite the fact that they are not currently listed. Most ranchers and landowners quite frankly don’t care about sage grouse being on their land- they’re neither an asset nor a nuisance. If the sage grouse is listed under the ESA, it will have profound impacts across all aspects of both public and private lands in Montana- hence the nickname the “spotted owl of the West”. We need to continue to make progress on the sage grouse using sound science and local management, and avoid listing of the sage grouse at all costs under the current flawed ESA. We need to work towards making legislative improvements to the current ESA process so that future listings will result in the desired outcome of species recovery and timely delisting.

The ESA and the species that are managed under this plan have had a profound impact on Montanans and our way of life. The improper management of species such as wolves and grizzlies has resulted in dramatic declines in elk and moose populations resulting in lost hunting opportunities and dramatically impacting the towns whose economies rely on hunting season. Future ESA listings will have similar and profound impacts on both public and private lands and those who rely on these lands both for recreation and for their livelihood. The ESA should be reformed and based on science, not politics, and should no longer be a tool for fringe groups to dictate how we live in Montana.





Trail camera photo of grizzly sow with her three 2 ½ year old cubs at Grove Creek Ranch during April of 2012.



Photo of grizzly bear tracks near main gate and ranch buildings at Grove Creek Ranch, May 2013.





Trail camera photo of grizzly bears on Grove Creek Ranch from May 2013.





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