

INITIAL ASSESSMENT
for the
LIVESTOCK IMPACTS STUDY
PAC WORKING GROUP

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I. PURPOSE

A. Project Background

The Cascade-Siskiyou National Monument (CSNM) was created by Presidential Proclamation on June 9, 2000. The Monument encompasses 52,940 acres in southwestern Oregon, and 11 ranchers hold grazing leases for 2,714 animal unit months. The Proclamation directed the Bureau of Land Management (BLM) to "...study the impacts of livestock grazing on the objects of biological interest in the Monument, with specific attention to sustaining the natural ecosystem dynamics."

In response to the Proclamation, the BLM has implemented a Livestock Impacts Study, the most recent draft being March of 2004. The Study consists of a number of monitoring projects designed to establish a baseline of site-specific information on important biological objects, resources, and processes. The results of the study are not due for several years, but the relationships between the various interested parties are tense. There is much distrust over how the Livestock Study is being conducted, by whom, and how the results will be interpreted and used to manage grazing in the future. The results will contribute to the BLM's decision regarding grazing on the Monument.

The overall objective of this project is to build a firm base of information and understanding of the Study, and to generate recommendations from the Provincial Advisory Committee (PAC) Working Group. The BLM is concerned about the need for trust-building, improved communication, shared information, and enhanced transparency. The Livestock Study is highly technical in nature, and consequently not well understood. In order to increase public understanding, build trust and confidence and to prevent future conflicts, the BLM proposed a working group be formed under the Southwest Oregon PAC.

B. The Charter for the Working Group

The "Duties" section of the Charter states:

"The purpose of the working group is to assist BLM with the following:

1. Review the current Livestock Study;
2. Review and consider the OSU scientific peer review of the Livestock Study;
3. Engage in a joint fact-finding public participation process to acquire input from the public, interest groups, and county commissioners (or representatives);
4. Provide BLM with recommendations regarding the Livestock Study. . . ."

C. The Role of the Facilitators

Terry Morton and Jon Lange have been hired by the US Institute for Environmental Conflict Resolution to assist the Working Group in designing and carrying out a public participation process to review the Livestock Study. Following careful consideration of the Study, the Peer Review, and public input, the facilitators will assist the Working Group in developing recommendations regarding the Study.

D. This Situation Assessment

This document is intended to provide the Working Group with an understanding of the perspectives of the various stakeholders, identification of some common ground as well as particular challenges, and thoughts about directions the Group might take. It consists almost exclusively of statements made by interviewees. The statements are not exact quotes, though we have worked hard to present the information as accurately as possible and as intended.

II. PEOPLE INTERVIEWED

We have divided the interviewees into four categories for the sake of organizing the opinions on the issues. However we want to point out that several people do not consider themselves as belonging to any particular group and may object to our classification.

A. PAC Working Group

- Gene Bowling
- Romain Cooper
- Rose Marie Davis
- Mark Grenbember
- Cate Hartzell
- Bob Horton
- Ed Kupillas
- John Roth
- Anita Ward (Alternate)

B. BLM

- Rich Drehobl
- Kimberly Hackett
- Paul Hosten
- Howard Hunter
- Tim Reuwsaat

- Other informal contacts

C. Grazing Community

- Lee Bradshaw
- Bruce Buckmaster
- Joe Dauenhauer
- Mike Dauenhauer
- Mark Holliday
- Bob Miller
- Don Rowlett
- Jennifer Walt
- Susan Engle (adjacent)

D. Environmental Community

- Dominick Della Sala
- Teresa Giacomini
- Hans Stroo
- Pepper Trail
- Dave Willis

E. Other

- Frank Lang
- John Alexander
- Susan Engle

A number of other names have been recommended to us, and we are still in the process of contacting those people.

III. STAKEHOLDERS' PERSPECTIVES

A. Grazing Community

1. Bias of the Livestock Study

- *The whole thing is tilted toward environmentalists – the Monument Declaration, the laws, the Studies, the membership of the PAC and the Working Group.*
- *The Study's an absolute sham – it's a foregone conclusion that the BLM is going to get cattle off the Monument, and they're just doing this so they can say they did everything they could.*
- *The longer-term studies are being ignored.*

- *They've studied the impacts on our man-made stock watering ponds and called them "wetlands."*
- *Look at who's behind all these studies – Della Salla's memo shows he's biased.*
- *"We're not afraid of the truth – we just want a fair playing field."*

2. On-the-Ground Perspective

- *The studies are way off base, compared to what you can see on the ground.*
- *Even people within the BLM don't agree with these Studies, especially range people who know what it's like on the ground.*
- *The wild horses up there do far more damage than cattle – they chew the grass down all the way and even rip it up out of the ground.*
- *There are bad impacts from cattle, and there are good impacts from cattle. They encourage new tree growth by keeping down annual grasses, and reduce fire fuels, and keep the tall grasses down so deer and elk can graze in the fall.*

3. Relationship with the BLM

- *They won't tell us where the exclosures are, or how the locations were decided – we've wanted to work together in advance.*
- *We've made agreements with the BLM in the past, and they haven't followed through.*
- *The BLM agreed to install fences years ago and never has – so they can complain about cattle being where they're not supposed to be.*
- *The BLM often doesn't even respond to our requests for information.*
- *This is politics. Administrators make decisions, and the people on the ground get shuffled out.*

4. Precedence

- *The results will affect lessees adjacent to the Monument too, because there are no fences.*
- *They're studying the most sensitive area, so they can set a precedent for the country.*
- *But maybe it won't set a precedent, if it's specific to these unique species.*

5. The Future

- *This land has had cattle on it for a hundred years, and it's still nice enough to have become a Monument. Doesn't that tell you something?*
- *They should extrapolate forward in these studies and ask what would happen if all the cattle were gone.*

- *We don't want any "sleeper studies" [other studies to be brought in at the last minute, without any time to have them reviewed].*
- *They've already cut our numbers so low (less than half of what we had in 1960), that it's near impossible to continue anyway.*
- *The worst possible outcome is if they say grazing can continue but we're excluded from "these 50 spots," or some such set of restrictions, that makes it unaffordable to graze. They wouldn't be eliminating grazing up front, but in fact they'd be forcing us out.*
- *It's already started. We got a letter last week saying we can't go off the roads to check on our cows. We had no input, just got a certified letter.*

6. Buy-Out

- *Lots of us are getting older and want to get out of the business anyway. It's a good time to sell.*
- *My family's been doing this for over a hundred years, and I wish I could hand it on to my kids. But the deck is stacked against us; we'd better take the money and get out.*
- *They're wasting money on the studies. If they want cattle off, they ought to buy them. If they'd put the money they're spending on studies, toward buying us out, it wouldn't cost any more.*

7. Where Could We Go From Here?

- *We want to know what they're studying and how; and we should have a chance to ask our people, "Are these being done properly?"*
- *The Working Group should decide which studies are appropriate and should be applied in the decision-making process;*
- *The National Riparian Team could help us out here – it's multi-agency and well respected.*

B. Environmental Community & "Other"

1. Bias of the Livestock Study

- *The Study is a sham – they're using it as an excuse to keep cattle on the Monument.*
- *Why aren't they using literature reviews and other grazing studies?*
- *For every study that shows cattle can be ecologically helpful, there are a hundred that show they damage the landscape.*

- *Their requiring use of the Standards & Guides is a Bush administration sham. Those have to do with improving land for cattle. It's an inappropriate use for "protecting" objects of biological interest, which is what the Proclamation says.*
- *I'm concerned about an inherent bias in the language in the "Flow Chart" Step 2 and elsewhere whenever the BLM talks about "livestock compatibility" with the objects. The Proclamation talked about "compatibility with protecting the objects of biological interest." I'm also concerned about the "other information" referred to in the flow chart. There was nothing about that in the Proclamation which only referred to the science. What "other information" will be used?*
- *Is the grazing decision subject to a NEPA process?*

2. On-the-Ground Perspective

- *The best field trip anyone can take is to the old Box O. It's been a 1200-acre enclosure for nine years.*
- *I live here. I've seen the impacts of cattle.*
- *There isn't enough time to study effects.*
- *You have to understand there are two kinds of scientists: (1) conservation biologists, whose focus is protecting plants and animals, and (2) range ecologists, whose focus is ensuring grazing is sustainable by not damaging the environment. The Proclamation calls for the first kind.*
- *We should use the precautionary principle: if we can't guarantee "no effects," we ought not to allow cattle.*
- *I can't see the connection between the Study and the objects of biological interest.*

3. Relationship with the BLM

- *The BLM is our "arch foe" of many years.*
- *The BLM has hijacked the process. It's a fishing expedition for cover. This process is likely to waste time, create more – not less – controversy. It may dilute – not improve-- the Study and create something that isn't legally defensible.*
- *The DM should let his staff do their job and get out of the way. They were doing fine till he got here.*
- *Their requiring use of the Standards & Guides is a Bush administration sham and an inappropriate use for "protecting" objects of biological interest.*
- *The BLM is using this process to look for "wiggle room" around the Proclamation.*

4. PAC Working Group Process

- *This whole process looks to be an inappropriate and possibly illegal use of the PAC (which was set up to advise the PIEC on implementing aspects of the Northwest Forest Plan). It's outside the scope of the PAC Charter. This is an illegitimate, bureaucratic fishing expedition and the PAC Working Group members should be insulted.*

5. Precedence

- *I'm concerned this is precedent setting.*

6. Buy Out

- *A buy out is the only way this thing can go forward.*

7. Where Do We Go From Here?

- *They should design the Study, and not worry about the outcome. They could discover all kinds of things, including that cows can help with certain objects of biological interest. They could kick cows off and then wind up hiring someone to bring them back on at a particular time of year in a particular place.*
- *I support the Study....but it should be bigger. It's mainly about plants and hasn't taken into consideration the other objects of biological interest, e.g., birds, butterflies, vertebrates...*
- *I hope we get to see all the data.*
- *I'm comfortable with the scientists chosen for peer review.*
- *We want the best science. We want to supplement – not replace – the BLM Study. We want our studies [the additional studies] to be fully peer-reviewed and we will stand by whatever the findings suggest. It is important that the Working Group let the BLM know there is additional, good science. If the Working Group is interested, we can make preliminary information about these studies available.*
- *The Livestock Study doesn't study the objects of biological interest. It is set up very well, but some of the questions it asks are the wrong questions.*
- *It's no one's fault, but there is too little scientific knowledge on the Working Group.*

C. BLM

1. The Objectivity of the Study

- *I wanted to develop a Study that was absolutely objective and fair.*

- *Initially there were coordinated research efforts that were attended by persons trusted by both the environmental community and the ranching community. But these efforts have fallen apart, and with ongoing litigation it may not be possible to resurrect that.*
- *There was considerable discord within the BLM about the need to do any monitoring in addition to what was already available.*
- *Kimberly is great – she hasn't shown bias toward either side.*
- *The Proclamation is a new management scenario for the BLM; it is learning how to manage ecosystems with prime consideration toward ecological objectives.*

2. Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Standards & Guides)

- *We have to follow “all existing and applicable regulations” (per CFR 4180 as well as the Standards & Guides), and that means the Standards & Guides.*
- *The Standards & Guides allow for mitigation and only require “significant progress,” not “protection.”*
- *The conceptual framework of the Standards & Guides is fundamentally different than that of the Study, because they approach the issue from opposite ends. The Standards & Guides are aimed at providing forage for livestock, by maintaining a healthy and sustainable ecosystem. The Study is based on the Proclamation, which directs the BLM to determine if livestock grazing has any impacts on the objects of biological interest. The results of the Study should be interpreted strictly from the perspective of the Proclamation; but the information could also be used within the framework provided by the Standards & Guides.*
- *The Standards & Guides are a good place to start, and can be adjusted.*
- *We need Standards & Guides “Plus.”*
- *Add the Objects of Biological Interest to the Standards & Guides*

3. Does the Proclamation Allow for Any Gray?

- *The Proclamation doesn't allow for mitigation – if there's one impact, we have to eliminate grazing.*
- *The outcome could be either extreme, grazing as it is, or eliminate all cattle, or a big middle range. The data is supposed to tell us.*
- *Thresholds are good as guidelines, and aren't absolutes.*
- *Do the economic impacts count, as they usually do in an EA? Or does the Proclamation dictate a decision is to be made on the physical impacts only?*
- *“Ecological health” means the overall system, not just one biological object.*

- *I interpret “protection” to mean “sustained,” which could mean utilized in a sustainable manner.*
- *How do you interpret “compatible”?*
- *This is slippery, even for us.*

4. Thoughts about the Working Group

- *The whole reason we’re doing this (PAC Working Group) is so people will know we haven’t already made a decision – I want them to help lay the foundation for the Study that will ultimately be the basis for a decision.*
- *We need to educate the public: What does the “bar” look like? What is the impact of grazing?*
- *The Working Group can serve as a sounding board for those people who don’t trust the BLM.*
- *This process would have been much more helpful earlier in the Study.*
- *The potential of the Working Group is that it can provide a forum for all this controversial stuff to be laid out on the table.*
- *People ask, “Why now?” I know it’s late in the process, but it’s important. People ask, “Why me?” (a Working Group); they may not be scientists, but they can still give us good information.*
- *The Working group can provide a good interface with the OSU panel.*
- *The PAC Working Group could provide an atmosphere of openness for various studies to present their results, and ensure better integration of studies by the BLM and other organizations.*
- *The PAC could find a way for the ranchers’ historical perspective to play a role in the Study.*
- *I’d like the PAC to tell us what the appropriate items to measure are, and what’s most important?*
- *The objects of biological interest aren’t set (about 90%); there are opportunities for feedback.*
- *The ideal scenario would be if the Working Group functions well and comes to consensus on recommendations regarding the Livestock Study, and wants to stay engaged in broader issues on the Monument.*

5. Group Dynamics

- *We’ll be sued, no matter what.*
- *People’s past experience is influencing them more than the present situation.*

- *Everyone is so sensitive, so emotional, that we can't sit down at the table and talk calmly – which is the very thing that would produce the best outcome.*

6. Where Could We Go from Here?

- *Joint fact-finding – get all the stakeholders involved in gathering information and evaluating the Study.*
- *More data collection from an interdisciplinary team would be ok, if it were timely and feasible.*
- *Maybe we should bring Dave Pyke [OSU range ecologist and peer reviewer] down.*
- *We'll look at all the data; we may not use it all.*
- *I need recommendations by November at the latest.*
- *You'll never have a "final decision" either way. The Study will be a dynamic document, and ongoing monitoring of the impacts of grazing and other factors will continually suggest changes in management direction.*
- *Sometimes just forgetting the past is best, and you try to set up a framework for the future.*

D. PAC Working Group

1. Concerns about the Overall Process

- *This is a waste of time and money; they have their minds made up in advance.*
- *Nothing will be resolved; it's going to go to court anyway.*
- *It's too late in the game for this.*
- *The purpose of this is unclear;*
- *This process is a violation of the Proclamation.*
- *We're not qualified (as scientists) to comment on the science of the Study in an informed way. "The Study will be interpreted in accordance with one's position."*
- *This process was rushed and we need to reconsider the 6-month timeline – I want to make a good decision that will hold up in the long run.*
- *I'm not sure why the BLM has convened this Working Group process. Why don't they just do it?*

2. Thoughts on the Study

- *The ranchers feel left out. "The more they know about the Study, the better. They need to be involved in the Study."*
- *The Study is fine; I see no problems with it.*
- *The Standards & Guides are a good start, but they shouldn't be all they use.*

- *"I want to see the effects of livestock grazing on fuel reduction."*
- *I'd like to know what staff, resources, time and money the BLM has to use toward the Study. What are the conditions and constraints, the time limitations?*
- *Why is the bar for restoration pre-settlement conditions? The environment is constantly changing; a better measure would be a productive landscape – animals, ecosystem, and people.*
- *We should look at all the science, as well as the peer review, and evaluate it.*

3. Thoughts about the Future

- *Something should have happened differently before – perhaps this process is a way to fix that – I'm optimistic for the first time.*
- *When witnessing damage to natural resources, concerned people seem to advocate either (1) stopping everything and letting it go wild, or (2) modifying our practices so we minimize/eliminate damage.*
- *We need to go to the field. "I need to see it first hand, touch it."*
- *The science is quantitative and attempts to be objective. The BLM management decision is qualitative and will be a subjective interpretation of the science.*
- *The "additional studies" just can't be "thrown in" at the end. We have to develop some criteria, e.g., peer review, timeliness, etc. There may be good data in those studies.*
- *I see a middle line. We can plot between the two. It doesn't have to destroy the rancher or the ecology; that's where I'm trying to go.*
- *If you're talking about a compromise, it's a no-brainer. The only compromise is to retire leases only where there is an impact and leave the ones where there isn't one. However, that would be resisted by both ends of the spectrum.*
- *"I know Tim, and I feel comfortable with the decisions he will make."*
- *A team of scientists trusted by both sides might work.*
- *Ranchers should be able to present their point of view to the Working Group.*

4. Working as a Group

- *This doesn't have to be so complicated.*
- *Our group needs to be above emotion if we're to get to joint fact-finding. I hope there is another position beyond either/or. Maybe it's redrawing lands, developing mitigation plans, and making recommendations about management options.*
- *I'm hoping our group can be neutral, almost clinical, as we examine the facts.*
- *Before we get too far down the road, we need to come up with a common vision of operating procedures...if we are divided we won't be successful...We need to set aside differences, be non-judgmental, non-political and find agreements we can use. There are always options.*

IV. BROADER ISSUES

While the Charter focuses this Working Group on the Livestock Study, many people are concerned about broader issues related to grazing on the Monument.

A. Rangeland Health Standards & Guides

The three-way relationship between the Standards and Guides, the Study and the Proclamation is unclear to many--perhaps most--people. Further, some people believe there is a fundamental incompatibility between the Proclamation and the Standards & Guides. Some in the BLM point out that they are required to use existing regulations to make the decision. Some ask if the "bar is higher" in interpreting the Standards & Guides in a Monument, as opposed to somewhere on an Eastern Oregon desert. One BLM response is that while the bar is not higher, because there are so many objects of biological interest, there must at least be a much more intensive application of the Standards & Guides. Another has pointed out that while "standards" are either met or not, the "guidelines" are just that--guidelines--and they can be adjusted to fit local circumstances.

B. Decision-Making Process

Many in the group want to know more about how the final decision will be made, including how the Proclamation language will be interpreted so they know how to orient their comments on the Study. At the same time, the BLM is unable to say everything there is to say about the final decision-making, because they aren't there yet. They say they have said all that they know at this point. The Grazing Study will be critical in the decision-making process, but other factors may be considered; all studies will be considered, but they may not all be used in the final decision. (See also the draft Introduction to the Study, dated April 22, 2004, for a discussion of the BLM's current thinking on this set of issues.)

C. Additional Studies

People want to know what will be done with the data from the additional studies. Different groups are conducting studies on various objects of biological interest including butterflies, birds, small mammals, some rare plants, aquatic mollusks and riparian areas. Will they be peer-reviewed? Will they "count" in the final decision?

D. Economic and Social Factors

Will the decision on grazing be subject to NEPA, and consider economic and social factors?

E. Resources

There is a question about what resources are available for this Study, because people do not want to make recommendations that are unrealistic.

F. Adjacent Lands

There is currently grazing on adjacent lands that are not fenced, and it was unclear how this decision might impact them.

V. COMMON GROUND

There was general agreement on the following:

1. We want the Study to be scientifically sound, unbiased, and open to public review.
2. We understand the ranchers' mistrust of the additional studies.
3. Historical, on-the-ground perspective is valid information to be incorporated into the Study.
4. We have to adhere to the Proclamation.
5. What we do here may set a precedent for other national monuments and possibly all public lands.
6. A buy-out may be the only way this thing can go forward, at least if the Study shows that there's no way to protect the objects of biological interest with grazing.
7. The people on the Working Group come from a diverse background of varying levels of scientific expertise; they aren't experts in this particular area of study. But they could:
8. Even if the ranchers get bought out, we still have to do the Study.

VI. FUTURE DIRECTIONS

Here are ideas proposed by interviewees about where the PAC Working Group might go from here:

1. While the Working Group is not all composed of experts, they can learn enough in a few months to make useful recommendations. They could, for example:
 - a. Assist in a process that would inform themselves and the community about the Livestock Study;
 - b. Make recommendations to ensure the Study is fair;
 - c. Convene a team of scientists respected by each of the stakeholder groups, to assist in the studies and/or review the existing studies, and make recommendations to ensure the Study is scientifically sound.
2. They should design the study, and not worry about the outcome. They could discover all kinds of things, including that cows can help with certain objects of biological interest. They could kick cows off, and then, if the Study suggests it would help, wind up hiring someone to bring some of them back on, in a particular place, at a particular time of year.
3. Field trips would help us understand the Study and the on-the-ground impacts.
4. We need to identify precisely all the objects of biological interest.
5. We need public participation in which the public is educated about the process and the Study, and input is gathered. However, let's not repeat what's already been done.
6. We should peer review scientists together with additional, "rancher-approved" scientists for a panel discussion of the Study.
7. Contact the National Riparian Team.
8. Joint fact-finding.
9. Convene a panel of scientists to monitor the Study and interpret and evaluate the results.

VII. EXECUTIVE SUMMARY

After the two initial meetings of the PAC Working Group, we attempted to acquire as full an understanding as possible of the perspectives held by the different stakeholders. We interviewed a total of 30 people, either singly or in groups; more interviews are pending. A number of items became clear:

1. There is a fairly long history of missteps and mistrust between all the groups--environmental, ranching and BLM--which has resulted in a significant degree of polarization.
2. To some, the Charter of the group is confusing. Some see it as too limiting, in that it focuses exclusively on the Livestock Study; others see it as investing non-scientists with too much authority in scientific matters.
3. Ongoing administrative appeals tend to increase polarization, defensiveness, and adversarial positioning in the process.
4. Ongoing negotiations regarding buy-outs cause some to wonder whether the whole Study and this process will be relevant.
5. Some members of both the environmental and ranching communities think the Study is being used to help "the other side" (e.g., get rid of cattle on public lands vs. keep cattle on the Monument and elsewhere).
6. Some members of both communities are suspicious of the objectivity, usefulness and/or applicability of the Study. There is disagreement about whether or not it really measures the impact of cattle on the objects of biological interest, whether it is large enough to give usable data, and whether good data can be obtained within the short time frame and limited resources available. Others from both communities are less critical about the Study. Almost all parties say they are willing to "go along with" what the science dictates, if only good, fair science can be done.
7. There is deep division among interviewees about *how* and even *whether* the Rangeland Health Standards & Guides should be used in this process. Some think they are poor fit with the Proclamation; others say the law dictates using them. Some suggest there should be a "higher bar" or standard of measurement for a Monument. Others think they're a good start, and additional studies are necessary for the objects of biological interest.
8. There is disagreement about how to deal with the "additional studies," especially given the ranchers' distrust of them.

9. The PAC Working Group and others agree that they are not scientists, and this must be kept in mind as they strive to develop recommendations with scientific integrity.
10. There is general agreement that no matter what happens, the Study should be completed and that it ought to be done well.
11. There is both pessimism and optimism among different interviewees regarding the likelihood of this process being useful and positive.

The Working Group will face a number of challenges as they move toward making recommendations regarding the Livestock Study:

1. Working in the context of polarization and mistrust that has developed between the ranching community, the BLM, and the environmental community.
2. Responding to the inherent differences in preferences and values surrounding natural resource management. Though an oversimplification, this means, for example, preserving a more “natural” state versus resource utilization.
3. Finding a way to make recommendations about the science of the Livestock Study, in accordance with the Charter, given the varying degrees of scientific expertise among members;
4. Accomplishing the task in a relatively short time frame;
5. Managing the disagreement about what constitutes “good” science;
6. Dealing with the loss of trust in the objectivity of the additional studies, while recognizing the substantial investment in them and allowing for the possibility that they contain useful information;
7. Developing a way to involve the public in a new and useful way.

This executive summary reviews key points and highlights the challenges faced by the PAC Working Group. While those challenges are significant, there are a number of opportunities that will allow the group to move forward as it attempts to meet the duties stated in its charter. Some of these are suggested in the section on “future directions.” Others will emerge as the process moves forward. We look forward to being a part of this important work.