

PROCEEDINGS

OF THE

MONTANA

LANDOWNER/SPORTSMEN'S

CONFERENCE



Photo by MARK HENCKEL, Billings Gazette

APRIL 19-21, 1986

FROM CONFLICT TO COOPERATION

Proceedings of the
MONTANA LANDOWNERS' and SPORTSMEN'S CONFERENCE

April 18-20, 1986
Fairmont Hot Springs, MT

by
Kathleen Hadley and Nea Carroll

June, 1986

ACKNOWLEDGEMENTS

We gratefully acknowledge the financial support of the First Bank System of Montana, Bozeman, who provided the initial grant for the conference and follow-up activities. Additional financial support was given by a number of organizations including the Montana Department of Fish, Wildlife and Parks, U.S. Forest Service, Montana Stockgrower's Association, Montana Woolgrower's Association, Montana Association For State Access, Montana Bowhunters, and the Montana Wildlife Federation.

We would like to thank the following people who assisted with a variety of work tasks associated with the conference: Pat Simmons, Stuart Doggett, Emily Sieger, Ron Collins, Helen Vandchey, Emily Swanson and Wayne Hadley.

A Steering Committee was formed to help plan the conference and the committee has agreed to continue to work towards achieving the conference goals. Members of this committee include Gordon Darlington, Chase Hibbard, Ron Collins, Buddy Lundstrom, Stuart Doggett, Tony Schoonen, Rich Clough and Kathy Hadley, and Henry Barron.

Finally we wish to thank all the landowners, sportsmen and government agency people who set aside an entire spring weekend to come together and work towards resolving the conflicts.

TABLE OF CONTENTS

CHAPTER ONE.	1
Introduction	
Issues and Interests of Each Party	
CHAPTER TWO.	7
Brainstorming Session	
Small Group Consensus Ideas	
CHAPTER THREE.15
Action Plans	
CHAPTER FOUR27
Conference Follow-up	
APPENDIX A30
List of Participants	

ISSUES AND INTERESTS OF EACH PARTY

"Many of us who live in Montana do so only because of the fish and game and because of the environment they occupy. For many, living in Montana means the sacrifice of many career and personal choices. Thus, when one tampers with the fish and wildlife, one tampers with the very foundations of existence for many Montanans."

John Flynn
Rancher, Lawyer

INTRODUCTION

On April 18-20, 1986 a group of approximately 115 Montanans, representing landowners, sportsmen, government agencies and outfitters and guides met to listen, discuss and develop solutions to landowner/sportsmen conflicts facing Montanans. Two main topics were discussed: fee hunting and public access issues.

The conference was moderated by Nea Carroll, a professional moderator, who began the two-day meeting with a short presentation on how to solve problems in a non-confrontational way. A summary of Nea's discussion is presented below.

There is more than one way to solve a problem. If we see each other as adversaries, we can compete and assume that for you to win, I have to lose (or vice versa). We call this the "win-lose" attitude. It is often accompanied by confrontation, hostility, blaming and accusations. When the battle is over, the scars are deep, the solutions are often forced, and there is an uneasy feeling that the real problem got lost in the posturing and rhetoric.

There is another way to solve a problem. It centers around the spirit of cooperation, of mutual problem-solving and is often called the "win-win" approach. This approach assumes, as Ghandi once said, that "together we can solve the problem, it is our opponent, not each other."

We can work as adversaries, or as co-problemsolvers. Neither approach is inherently right or wrong. But a cooperative approach recognizes that "we're all in this together" and leads, usually, to more satisfactory settlements with better long-term human relations for everyone involved. But it's not easy. It requires a commitment to a different process and set of ground rules. Above all, it requires a different attitude, a "win-win" attitude.

The results of an adversarial approach can be demonstrated in this story: There were two sisters who seldom spoke to each other. One day, they quarreled over an orange. After a brief argument they finally agreed to divide the orange in half. The first sister took her half, ate the fruit, and threw away the peel; while the other sister threw away the fruit from her half and used the peel in baking a cake.

If we rewrote our story in the "win-win" mode, the sisters would have first agreed to talk and identify their interests, before they discussed a solution. In this way, they would have discovered their very different needs and found a more creative way to solve the problem. In this approach to problem-solving, parties agree first to listen to each other, to attempt to generate solutions that satisfy each other's needs, and to bargain over interest, not positions.

Issues related to fee hunting and public access to public hunting areas have caused division and opposition among landowners and sportsmen for years. Fearing that the same verbal posturing and emotional deadlocks might occur at the conference, the organizers, representing all the interested parties, set a vision for a cooperative problem solving conference. And it worked.

The results surprised most everyone. Although there were no final solutions or easy answers, sportsmen and landowners began to find some common ground on which they could agree. There was new recognition of the complexity of the problems, a sense of respect for each other's interests and a strongly expressed commitment to a continuing process of mutual problem solving.

ISSUES AND INTERESTS OF EACH PARTY

The ground rules and agenda for the conference were designed around the principles of mutual problem solving and negotiation. After the moderator explained the meeting ground rules, the conference continued with an all conference session on identification of issues and interests regarding fee hunting and public access problems from the perspectives of landowners, sportsmen, outfitters and guides and government agency representatives. First, each party identified their interests and concerns through a series of spokespersons who composed a panel of landowners, sportsmen, outfitters and guides, and representatives of state and federal agencies. After each speaker, the audience participated by contributing further perspectives on issues and interests until all major interests were identified and recorded on chart paper. Below is a summary of the interests and issues identified by each party and the audience:

LANDOWNER'S PERSPECTIVES

On Landowners Costs -Landowners feel that it costs them money and time when they open up their land for public hunting and many would like to see some form of compensation for providing wildlife habitat and for providing public hunting

access. Some landowners feel that the game populations are too high now and that they could not keep the game off their lands and that they should be reimbursed for game damage. Some landowners voiced the concern that they must maintain control of their land.

On Hunters - One of the biggest problems facing landowners is just the sheer numbers of hunters -- too many. Many feel that some hunters generally lack respect for their private lands, that they drive off designated roads, don't close gates and help disperse weeds.

On Fee Hunting- If a landowner chooses to offer fee hunting that is probably due to the poor economic situation he/she is facing. Some thought that fee hunting wouldn't snowball because of the inherent hassles with it while others thought that fee hunting would produce a change in the hunter's attitude... he/she will expect to get an elk if they paid a fee. Fee hunting will likely be attractive to wealthy individuals, not the average Montanan.

On Landowner/Sportsmen Relations- Some landowners feel that landowners and sportsmen can work better together and that friendships alone will help reduce fee hunting situations. More walk-in areas need to be developed, and communications must be opened up and kept open. Landowners must also understand that Montana sportsmen are suffering from economic problems as well.

SPORTSMEN'S PERSPECTIVES

On Fee Hunting- Sportsmen feel that game animals in Montana are a public resource managed through license fees paid by sportsmen's dollars. Many don't want to pay (through a fee hunting system) for something they already support financially. Some sportsmen feel that hunting shouldn't be a sport for the wealthy and that the average sportsmen can't afford high fees. Sportsmen indicated that traditional hunting opportunities on private lands are fading and that some form of economic compensation to landowners who provide forage and hunting opportunities should be developed. Sportsmen also feel that landowners should be relieved of the responsibility of dealing with hunters through some system which would reduce their time and money costs. Some feel that if costs are affordable by the general public it might be okay, but it is not reasonable to charge anything to get to public lands.

On Access Issues - Some indicated that unlimited access to certain areas would destroy the game resources, while others mentioned that in some areas of the state (Central Mt. rivers) we needed more access. Many sportsmen feel that all Montanans should have access to state lands. Some feel

that public access to public lands is a right and that access to use public lands should be controlled by public agencies, not adjacent landowners. Sportsmen feel that access to private lands should be defined by the private landowner.

On Landowner/Sportsmen Relations- Sportsmen are willing to work with landowners and some feel that there is a need to educate sportsmen about better landowner relations and educate landowners about better sportsmen relations. Sportsmen associations should work more towards educating their constituencies and landowners should stay in touch with their local sportsmens organizations. Some feel that solutions to conflicts will differ for different parts of the state. Sportsmen indicated that they need to better police their ranks and get rid of the slob hunters and that some landowners need more cooperative attitudes towards hunters.

OUTFITTERS AND GUIDES PERSPECTIVES

Outfitters and guides are sportsmen, they don't all get rich, and many are in the business just because they enjoy the outdoors. Outfitters feel that they benefit the Montana sportsmen because they take hunters off the public lands and put them on leased, private lands. Some outfitters feel that landowners should have the same rights to capitalize on their assets as others do and that Montana landowners are easier to deal with than corporations. Although sportsmen don't want hunting to be a rich man's game, fees to recreate are common, although new to hunting here. Tourism keeps Montana alive and landowner/outfitters should be assured non-resident licenses.

STATE GOVERNMENT PERSPECTIVE

On Access Issues - The state must select the highest and best use for school trust lands and the lands must produce income for schools. The leasee may not sell access rights to state school trust lands although the leasee may post state lease land or they may open it to hunting and recreation use by all. One participant suggested that fees paid by leasees and a recreation user fee would be more beneficial to the state school foundation.

On Fee Hunting and Game Management- The Montana Department of Fish, Wildlife and Parks (FWP) has no authority over private lands and doesn't manage federal lands. The FWP is responsible for game management. Each year the numbers of hunters increase and there is an increase in willingness of non-residents to pay(fees). Fee hunting and leasing require new game management techniques and will likely change how we view game management and hunting experiences in Montana. One participant suggested that FWP require outfitters, to show evidence of hunting opportunities before they receive a license.

On Game Laws - No one owns the game in Montana, although the state regulates it. The right to hunt and fish is a privilege, equally available to everyone. Members of the public have no right to hunt on private land without landowner permission, and landowners can determine who is permitted on their land and place conditions on what they shoot. Private landowners are not entitled to compensation for game damage and there is not enough money in all of Montana to pay for a game damage compensation system.

FEDERAL GOVERNMENT PERSPECTIVE

On Access Issues- There is a continuing, increasing demand for outdoor recreation opportunities on federal lands. The U.S. Forest Service indicated that efforts to gain access do not now meet the demand and they are losing existing access faster than it can be replaced. At the present time, there is a lack of well distributed access to public lands. When local governments abandon county roads, the public loses access to public lands.

One participant suggested that it is time to consider recreation user fees on federal lands. Another idea is that counties need new revenue sources to keep roads open. Other concerns raised were that many people are against road building by the U.S. Forest Service when its detrimental to the resource. Finally, some felt that there is a general distrust of the public agencies.

VISIONS FOR 1990 - BRAINSTORMING

"Would you rather see a third generation rancher lose his property or would you rather see him lease it to help him make some of a \$20,000 payment?"

Henry Barron
Montana Outfitters &
Guides Association

VISIONS FOR 1990

After the issues and interests session identified interests and concerns of the major participant groups, conference attendees were divided into small groups for the purpose of brainstorming solutions. Each group (9-11 people) contained approximately equal numbers of randomly selected landowners and sportsmen and one government official or outfitter representative.

BRAINSTORMING SESSIONS

Each group brainstormed a vision of the future in which many sportsmen/landowner disputes had been resolved. Groups were given the following instructions:

"Imagine that it is April 1990, four years from today. Many of the problems related to fee hunting and public access issues have been resolved or reduced. You are pleased with these conditions."

Describe, as if you were there, what actions might have occurred to bring this about. Consider all kinds of actions and ideas that may have contributed to improved conditions including:

- actions by landowners
- actions by sportsmen
- actions by public agencies/legislature
- actions by outfitters & guides.

Groups were instructed to keep a list of all the ideas and actions suggested by their members so that they could bring them forward to the whole conference for a review during the social hour and dinner. Groups were also instructed in the rules of brainstorming:

- No discussion or judgemental comments.
- Work quickly.
- Everyone should contribute their best ideas.
- Be creative.

Many of the groups developed similar ideas. For purposes of this report, the ideas were subjectively divided into 12 topic areas to determine frequency of ideas per group and to develop a feeling for the relative importance of each. Following is a table which provides the reader a summary of the frequency and distribution of all ideas among the groups.

TABLE I
NUMBER OF IDEAS/TOPIC/GROUP

Small Group No	Fee Hunting	Liability	Access	Weed Control	Compensation	Ethics	Enforcement	Guides & Outfitters	Federal Funds	Block Management	Regulations	L/S Relations
1	3	4	3	1	1	-	1	2	2	3	1	-
2	-	2	6	-	5	-	-	1	1	1	3	1
3	1	1	3	-	1	1	3	-	1	1	3	1
4	-	1	4	-	3	2	2	-	-	2	2	3
5	2	1	-	-	1	-	-	1	1	1	1	1
6	-	1	3	1	3	1	1	1	1	1	-	2
7	5	3	3	-	13	2	4	4	1	1	4	8
8	1	-	6	-	2	1	-	-	2	-	1	5
9	2	1	4	-	7	1	1	-	1	2	1	3
10	1	1	-	-	4	2	4	1	-	2	3	6
11	2	1	2	6	2	1	1	-	2	4	-	5
Totals	17	16	34	8	42	11	17	10	12	18	19	35

Ideas concerning landowner/sportsmen relations, compensation to landowners and access issues on government lands were, by far, the most frequent issues discussed by the groups.

After the groups had developed their complete list of ideas they were instructed to review it and clarify any ideas that weren't entirely clear. They were then instructed to prioritize the list through an individual voting process to determine which ideas were of higher priority. Finally, they were asked to review their high-priority ideas and determine those that they could as a group, reach consensus on. (i.e., everyone supports it).

SMALL GROUP CONSENSUS IDEAS

Each small group brought forward a list of 4 to 8 ideas in which they had full support of all their group members. A review and qualitative analysis of these lists indicates that many of the same ideas were brought forth by many of the groups. The consensus ideas and number of groups supporting the ideas are listed below.

Compensation

Nine of the eleven groups brought forward some ideas on the issue of compensation. These included:

- * Investigate government programs to compensate landowners.
- * Develop a high hunter number - low fee system to provide compensation to landowners providing hunting.
- * Compensate landowners for game damage only if they allow public hunting.
- * Compensate landowners for access, forage and management.
- * Develop a FWP program that compensates landowners based on a habitat formula and limits the number of hunters on any given day by use of a check-in board.
- * Create incentives to landowners who voluntarily participate in recreational access programs.
- * Mechanisms for providing compensation to landowners for recreation could be license fees, tax checkoffs, sportsmens clubs lease, fee hunting and conservation easements.
- * Develop lucrative tax credits for landowners who allow public hunting.

Liability

Nine of the eleven groups developed action ideas for this issue. They included:

- * Eliminate recreation-related liability problems.
- * Develop a coalition of federal and state agencies, landowners and sportsmen to address the liability issue through the legislature.
- * Remove liability for landowners allowing public access (no fee), limit punitive damages.
- * Provide sportsmen financed liability insurance to landowners for personal and property damage.
- * Legislative relief on liability laws for all Montanans.

Block Management Of Public Lands

Six of the eleven groups developed ideas on this issue. They included:

- * Block up public land to provide better access, habitat, management, and noxious weed control.
- * Develop cooperative efforts between private landowners and government agencies for land exchanges that increase public access while benefitting private landowners.
- * Swap more land to reduce scattered sections of public lands.

Game Enforcement and Regulations

Six of the eleven groups brought forward ideas on this issue. They included:

- * Increase fines on hunters who take illegal game.
- * Impose more serious penalties for property destruction, trespass, and game violations.
- * FWP should pay more attention to local biologists and landowners when setting license numbers.
- * Provide hunter management to reduce impact on landowners by reducing the number of hunters using permit system at one time and reducing the length of seasons.

Access

Eight of the eleven groups developed consensus ideas on this issue. They included:

- * Any future sales of public lands must provide a corridor for access to public lands; resolve legal conflicts and earmark license dollars for public access.
- * Prohibit outfitters and/or leasees from blocking public lands.
- * Increase efforts to identify (signs) and gain access on federal lands where it is most needed.
- * Reasonable access to all state and public lands as needed.
- * Governor should appoint a committee to develop a statewide plan for all access issues.

Landowners/Sportsmens Relations

Eight of the eleven groups developed ideas on this issue. They included:

- * There should be landowner-FWP-sportsmen joint game management in some areas.
- * Both recreationalists and landowners should be educated to learn to deal more effectively with each other.
- * Sportsmen should abandon their adversarial attitude.
- * Hold an annual sportsmen/landowner forum.
- * Sportsmen's groups should help landowners with problems (fencing, etc.).
- * Both groups need to recognize the problems and work on compromises.
- * Increase the sportsmen's role as liaison between rural and urban communities.
- * Deal better with outlaw outdoorsmen through education and stricter penalties.
- * Develop regional landowner/sportsmen boards to resolve local problems.

Education Programs

Five of the eleven groups developed ideas on this issue. They included:

- * There should be more education programs dealing with landowner-sportsmens relations, and respect for each others rights.
- * All sportsmen, regardless of age, should have to complete a hunter ethics program before they are allowed to purchase a license.
- * License fees should be increased to pay rewards to ethical sportsmen and to train volunteer sportsmen to be ex-officio wardens.
- * An outdoor outlaw program should be established.

Hunting Information

Five of the eleven groups developed ideas on this issue. They included:

- * License holders need hunting opportunity information.
- * The USFS and BLM need to increase efforts to identify their lands (signs).
- * Sportsmen need better land ownership maps, landowner contacts, sportsmen association contacts, need to know the type of recreation use available (access, fees, services).
- * Post ownership of all land by boundary markers with location of owner to ask permission.

User Fees

This issue is similar to the compensation issue. Six of the eleven groups developed ideas on this issue. They included:

- * Establish public land use fee (state and federal) to address access, recreational costs and wildlife habitat.
- * Increase license fees -- earmarking funds for increasing access and conservation easements.

The remaining ideas were common in one or two groups only:

- * Landowners should get a preference on non-resident licenses.

- * Landowners and FWP should form a management partnership.
- * Landowners should accept depredation problems if he/she does not allow public hunting.
- * Protect landowner property rights.
- * Increase participation of landowners in game management decisions.
- * Classify state lands by suitability for public use and control public access on state lands--protect lands from damage caused by users.

The eleven groups brought forward over 225 ideas for the whole conference review. The ideas were creative and thought provoking. And, although they might not all work, everyone at the meeting was now working together.

ACTION STRATEGIES

"Eleven of the thirteen western states have worked out ways to allow hunting on school trust lands....Montana should be able to do the same thing."

Tony Schoonen
Sportsman

ACTION PLANS

In the third step of the conference, each group developed one "top priority" idea into some form of action strategy. These were brought before the whole conference, reported and discussed. Most of the action strategies presented had support from both landowners and sportsmen.

The goals and the strategies developed by the groups are listed below, along with statements indicating the level of support for each by the conference participants and factors which would help or hinder the implementation of the strategies.

GROUP 1 REPORT

GOAL: DEVELOP REGIONAL LANDOWNER-SPORTSMEN BOARDS TO RESOLVE LOCAL PROBLEMS

Unanimous Support

ACTION STEPS:

1. Work through the directors of the Soil Conservation Districts to serve as the authority to resolve landowner sportsman problems.
 2. Soil Conservation District directors appoint a member from a landowner organization, a member from a sportsman's group and possibly a representative from FWP to assist in decision making process.
-

Helping Factors

Keep communications going.
Regional differences more easily addressed by local people.
People would rather resolve own problems than government interference.
If locals are given opportunity to resolve own problems they probably would be more cooperative.

Hindering Factors

Lack of state funds to address problems.
Lack of volunteers.
All people involved may not be local sportsmen or landowners.
State law may not allow problems to be solved.
Landowners or sportsmen may not share same philosophy.

GROUP 2 REPORT

GOAL: COMPENSATE LANDOWNERS FOR PROVIDING ACCESS AND HABITAT IMPROVEMENT

* Majority Supported, Some Dissenters *

ACTION STEPS:

1. Develop landowner-sportsmen forum to define meaningful specific programs....followed by public review.
 - A. Utilize existing conference steering committee.
 - B. Governor appointed landowner-sportsmen committee.
2. Need to educate public as to the need for a compensation program.
 - A. Sportsmen's groups
 - B. Agricultural groups
 - C. Media
3. Need to investigate funding options, either sportsmen's license fees or general fund revenues.
4. Need to establish a time frame for action by legislative session.
5. Keep private landowners options open...ideal is high numbers of hunters who pay a low fee.

Helping Factors

Timing is right (awareness).
Need is evident.
Organized group support.
Opportunity for a variety of approaches.

Hindering Factors

Funding source needed.
Lack of equitable administration.
Lack of perceived need by less informed public.
Need to define specific programs.
Legislative action needed.

GROUP 3 REPORT

**GOAL: COMPENSATE LANDOWNERS FOR GAME DAMAGE ON A STATEWIDE BASIS
BUT ONLY TO LANDOWNERS WHO ALLOW PUBLIC HUNTING**

* Majority Support, Some Dissenters*

ACTION STEPS:

1. Set up an ad hoc committee to study feasibility of compensation program.
 2. Categorize different landowner game management operations for compensation.
 3. Compensation program should be administered by FWP with funds coming from big game license revenues.
-

Helping Factors

More landowner/game management may make more hunting available to sportsmen.

Help eliminate financial burden of landowners.

Maintain access to private property.

Hindering Factors

May be hard to assess damage.

May be difficult to manage compensation program.

Creates more hunter pressure on landowners.

Need different compensation programs for free and fee hunting situations.

GROUP 4 REPORT

GOAL: IMPOSE MORE SERIOUS PENALTIES FOR GAME VIOLATIONS, PROPERTY DESTRUCTION AND TRESPASS

* Majority Support, Disagreement on Specific Elements *

ACTION STEPS:

1. Develop new legislation
 - A. Acquire sponsoring legislator.
 - B. Coordinate with all landowner and sportsmen's groups, county attorneys and J.P.'s.
 - C. Coordinate with FWP.
2. Legislation should include confiscation of property for fish and game violators and related recreational offenses.

Helping Factors

Public opinion

The new trespass law.

Hindering Factors

J.P.'s are too lenient.

J.P.'s concept of public opinion is one of leniency.

Not enough enforcement funding.

Traditional fines low.

GROUP 5 REPORT

GOAL: INCREASE LICENSE FEES--EARMARKING FUNDS FOR INCREASING ACCESS AND CONSERVATION EASEMENTS

* Majority Support *

ACTION STEPS:

1. Establish a steering committee of all interests to propose a program.
2. Increase all combination license fees with money earmarked for increasing access and conservation easements.
3. Allow for a variety of access and conservation easement programs.
4. Landowner must have the ability to manage the conservation easement.
5. Establish local action committees who provide input.
6. Coordinating body between FWP, BLM, USFS and County which would coordinate access plans.

<u>Helping Factors</u>	<u>Hindering Factors</u>
Great need for more access to public and private land.	Will increase costs to sportsmen.
Too much user pressure on existing access.	Possible resistance from some of the public.
Public support exists for increasing public access.	Cost of implementing and maintaining program.
Compensates landowner.	Complaints of wildlife damage.
Provides incentive for landowner participation.	Landowners managing for public use.
Will reduce wildlife damage complaints.	Resistance to long-term access or easement agreements.
Easements would provide immediate economic relief to private landowners.	

GROUP 6 REPORT

GOAL: PROVIDE INFORMATION TO SPORTSMEN-LANDOWNERS IDENTIFYING RECREATIONAL OPPORTUNITY IN MONTANA

* Majority Support *

ACTION STEPS:

1. Identify a pilot program in an area.
2. Open communications with everyone; landowners, sportsmen, FWP, in local areas and work towards developing cooperative groups.
3. Outline what FWP should provide the landowner.
4. Obtain funding, information.

Helping Factors

Chamber of Commerce, USFS, BLM, FWP, Conservation Districts could all work together.

License fees provide revenues for the program.

Economic development to Montana.

Provide better information to landowners/sportsmen.

Hindering Factors

Fish and Game.

Constant updating yearly.

Publishing names--right to privacy.

Limited participation.

Money to fund publications.

Administration.

Information is available already.

Too much information.

Multiple maps.

Overduplication.

GROUP 7 REPORT

GOAL: PROVIDE LIABILITY INSURANCE TO LANDOWNERS FOR PERSONAL AND PROPERTY DAMAGE TO ENCOURAGE BETTER ACCESS AND COOPERATION

* Majority Support *

ACTION STEPS:

1. Form steering committee to set up program.
2. Legislature must act on program.
3. Landowners must allow reasonable access to participate in program.
4. Legislated limits on claims and responsibilities of landowners.
5. Self insurance by pooling of funds.
6. Funding sources:
 - A. License fees increase in lieu of access fee
 - B. Trust fund
 - C. Interest from special license money
 - D. Tax from general funds

Helping Factors

There is definite need and support.
Could be legislated.
Funding by willing sportsmen.
Time is right; current changes taking place in insurance industry.
FWP supports.

Hindering Factors

Equity of program.
Cost too high?
Hard to administer.
Potential for abuse.
Cooperation by landowners and sportsmen is unknown.
Increase in license fees will be required.

GROUP 8 REPORT

GOAL: SPORTSMEN EDUCATION IN HUNTER ETHICS.

*** Unanimous Support ***

ACTION STEPS:

1. Require anyone who purchases a Montana hunting license for the first time, to go through an organized hunter safety course.
2. Organize state association of hunter safety instructors to study the idea (like Colorado).
3. Work with organized groups to educate public to the need for education program (landowner groups, outfitters, sportsmen clubs, misc. conservation groups).
4. Discussion of funding possibilities between various groups is needed.

Helping Factors

Improve relations.
Rid slob hunters.
Existing youth program.
Familiarize out-of-state hunters who are new to Montana.
Help police own ranks.
Improved safety.
Works within several existing educational programs.

Hindering Factors

Cost and administration of this large program.
Resistance by hunters.
Presently limited by state administration.
Bothersome to outfitters getting out-of-state hunters.
Require effort to get it through legislation.

GROUP 9 REPORT

GOAL: PROVIDE TAX INCENTIVES FOR LANDOWNERS WHO ALLOW PUBLIC HUNTING ON PRIVATE LAND

* Split Support *

ACTION STEPS:

1. Do a study of other state's programs regarding tax relief to private landowners.
2. Send a questionnaire at tax time: Did you allow public hunting; How many hunters?
3. Develop an educational program to make public accurately aware of issues.
4. Draft legislation to accomplish goal and eligibility guidelines.
5. Coordinate with county commissioners and county assessors.
6. Increase non-resident license numbers and fees with earmarking to reimburse counties for tax relief to landowners; find funding to offset tax loss.
7. Develop a monitoring program.

Helping Factors

General feeling that landowners should be compensated.

Agriculture industry depressed; public is sympathetic.

No such thing as "something for nothing."

Conservation reserve and easement programs are in place.

Current licenses are low cost.

Hindering Factors

Really ends up being fee hunting which isn't liked by sportsmen.

Complicated to administer--how many animals on each property?

Won't pass in the legislature--a sportsmen's issue, not a general public issue.

Affects county government tax base.

GROUP 10 REPORT

GOAL: DEVELOP A SLOBSTOPPER AND ETHICS EDUCATION PROGRAM FOR ALL LICENSED FORMS OF RECREATION

* Unanimous Support *

ACTION STEPS:

1. Expand conservation license requirements for all forms of outdoor recreation.
2. Expand existing hunter safety program to include outdoor ethics.
3. Set up a crimestopper type of program with a toll-free number to call.
4. Develop a point system for license revocation.
5. Review fine structures.
6. Restructure funding portion of the program to get matching funds.
7. Use fine money revenues at local level to help with the enforcement program.
8. Establish local landowner/sportsmen "watchdog" committees to pursue maximum fines for violations.
9. Promote better publicity of the program.
10. Encourage stronger support by FWP for higher fines and penalties.
11. Improve the extension capability of the university system to help solve these problems.

Helping Factors

Laws already in place
Unanimous agreement for this type of program.
Public already conditioned to "crimestopper," etc.
Matching funds available.
Obvious need for this type of effort.

Hindering Factors

Not all forms of recreation covered by a licensing procedure.
Inadequate enforcement; lack or enough money.
Structure does not exist to get matching funds.

GROUP 11 REPORT

GOAL: REDUCE LIABILITY PROBLEMS

Majority Support

ACTION STEPS:

1. Sportsmen Education

- A. Montana Wildlife Federation should sponsor a pamphlet outlining liability problems.
- B. Certification of recreationists.
- C. Landowners should be supplied information outlining regulations/hazards on private land.
- D. Landowners need to be educated about liability issues.

2. Legislation

- A. Liability awards should be limited.
- B. Waiver of liability for landowners who allow public hunting.
- C. Liability pool could be established.
 - 1. Insure sportsmen
 - Certification program to lower cost of liability to sportsmen.
 - Trespass convictions will increase premiums.
 - 2. Insure landowners
 - Sportsmen subsidized.
 - Rider for recreation related activities.
 - Lower rates for lower risk.

3. Lawyers

- A. Limit lawyers take from awards to flat fee.

Helping Factors

Sportsmen willing to cooperate.
Landowners willing to cooperate.
Sportsmen have some liability insurance (NRA etc.).
Limit Exposure.
Hunter safety.
Landowner warning.

Hindering Factors

Tort laws.
Litigation-oriented society.
Too many lawyers.
Liberal awards from litigation.
Diversity of individual operator's situations.
Sportsmen opposed to lease or fee will oppose helping with liability.

CONFERENCE FOLLOWUP

"The best place to start working on Landowner/
Sportsmen relations...is at the local level."

A Landowner
A Sportsman

CONFERENCE FOLLOWUP

In the final session of the conference, a closing discussion was held on kinds of followup activities that should occur. There was a general agreement that the conference was a good first step in dealing with landowner/sportsmen issues and that each conference participant should continue to "carry the ball" on the issues with their local organizations.

Conference participants agreed that they would like a summary of the conference proceedings produced so that they would have a document to work from. Additionally, they agreed on the issue of maintaining the membership of the conference steering committee and asking that this committee take the issues developed at the conference and seek to implement them. Other recommendations included the following:

- Use the conference steering committee to formulate policies, inform the public, present programs to regional groups and advise the legislature.
- Use existing affiliate lobbyists to promote legislation agreed to by conference participants.
- Develop a list of conference participants and their reasons for attending (See Appendix A)
- Have another followup conference in one year.
- Steering committee should contact their affiliate groups, determine areas of consensus and promote legislation/actions to implement ideas developed at the conference.
- MSU should conduct a tax incentive study of other states' programs.
- Form a committee (landowners, sportsmen, and outfitters) to study and evaluate and make recommendations on any forthcoming landowner/sportsmen's program.
- Sportsmen and landowner groups should become informed about pending programs, determine their reaction, refine proposals and develop support for them.
- Use conference volunteers as Steering Committee needs help or develop committees under the direction of the steering committee.
- Send copies of the conference proceedings to farm and ranch magazines, newspapers and sportsmen's magazines.

- * Develop a brochure outlining the main points of the conference and solutions developed.
- * On the local level, landowners and sportsmen should open up communication lines, participate in each others association meetings and consider holding their own landowner-sportsmen conference.
- * Maintain momentum started at this conference.

The conference ended on a note of hope and goodwill. Participants realized this was a beginning and agreed that the consensus approach to joint problem solving should be carried forward around some of the ideas generated at the conference.

It is hoped that people reading this document will take one or more of the ideas generated and work with their local groups to help get them implemented.

Whether any of the ideas developed become a reality depends upon all of us working together to achieve the goals. As one participant stated "Don't expect someone else to do the job for you...don't drop the ball now. Each one of us has a responsibility to go back to our local areas and talk...talk to our groups, to landowners, to sportsmen. Together we can do it."

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