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Assessment of Hunter Access on Montana Private Lands

Landowner/Outfitter Response to Initiative 161

by

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&

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Research Report 2011-3
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Executive Summary

The primary purpose of this study was to examine landowner concerns and ideas about hunting on their private property, as well as strategies for managing it after the passage of I-161. This project will also investigate how outfitters believe they will be affected by I-161 and what the future of the outfitting industry looks like in Montana.

All potential respondents were classified on the basis of how they managed hunting access on their land. A convenience sample was used based on several landowner-hunter management strategies and geographical representation. Out of twelve interviews, four were in western Montana, five were in central Montana, and three were in eastern Montana. Of that twelve, four respondents were ranchers who allowed strict written permission based access (two of which charged some form of trespass fee), one was a rancher who leases to an outfitter, two were ranchers who outfitted on their own land or on nearby leased land, three landowners outfitted on public lands, and two were enrolled in Block Management.

Results revealed several common and recurring themes in the interviews:

Resident Hunter: The most common theme was that hunter behavior is the number one reason why access to private land is lost. There appears to be a lack of education and respect on the part of resident, particularly urban hunters. The onus is on them to establish a relationship with the landowner if access is to be granted and preserved. The concept that hunting on private land is a privilege and not a right needs to be more readily understood.

I-161: Multiple aspects of this recently passed bill were examined on a state wide level. To start, the economic impact is crippling many businesses in rural towns across the state, as well as the outfitting industry. The bill created instability for potential hunting clients in addition to outfitter businesses. Finally, landowners' reactions to I-161 have proven contradictory to the intended purpose of the bill.

Economics: In Montana, the recent shift in economies to a tourism dependent revenue stream has magnified the impact of I-161 on the state and rural local economies. A need to better understand the economics of the agriculture industry has also emerged.

FWP: Montana Fish Wildlife and Parks is at the forefront of many of these issues because of their role as the dominant state land management agency. Landowners and outfitters analyzed FWP's public access program, Block Management. In addition, current wildlife management practices, the licensing structure, and landowner relations are investigated.

Miscellaneous: Due to the open-ended nature of the interview guide, many outside topics were raised. Several of these issues were touched on more frequently. Concerns about liability and new nonresident landowners are addressed as well as the relationship between elk and public access issues. Finally, the legitimacy of public access problems in the state are brought to light.

The results of this study show a need for further research regarding wildlife management, hunting on private lands, and hunter education.

Chapter 1: Introduction

Assessment of Hunter Access of Montana Private Lands: Landowner/Outfitter Response to I-161

The Montana Hunter Access Funding Initiative, also known as I-161 (Appendix B), appeared as a citizen-initiated state statute (developed by an individual from Billings, MT) on the November 2, 2010 statewide ballot in Montana. It was approved by the voters 53.8 percent to 46.2 percent. I-161 was proposed to increase nonresident big game license fees and abolish outfitter-sponsored licenses. The initiative, which caused much controversy and debate, aims to reverse trends relating to the pay-to-play movement by nonresidents. It addresses concerns surrounding public hunting on private lands. The purpose of this project was three fold: 1.) to examine how landowners reacted to the passage of this bill, 2.) to see how ranchers use hunting as a management tool and source for supplemental income, and 3.) to look at the future of the outfitting industry in Montana.

Chapter 2: Literature Review

To best understand the issues addressed by this project, it was crucial to review the literature pertaining to the hunting and outfitting industry, the trends in public access to hunting land, and the management of privately-owned hunting lands across the country. Therefore, the purpose of this literature review is to investigate the many aspects and problems related to providing and maintaining public hunting access. First, a look at the historical role that outfitters and private land plays and how important it is to respect and include the private landowner in planning/management will be presented. An outline of the outfitting and guiding industry will help put into perspective the economic impact of this industry on the state. Second, in order to best situate the reader within the larger trends of hunting access across the country, research will be presented addressing the factors driving private land access. A background on several hunter-access enhancement programs will also provide insight into previous and existing forms of providing public access, as well as a look at the role of public agencies in providing access. Third, several reports explore factors that influence landowner's willingness to grant public hunting access on their land. Next, a statewide examination of trophy hunting in Montana will help reveal the perspective of the resident hunter and open for thought any connection between access issues and the public's motivation for hunting. Finally, a review of research pertaining to other factors that may affect/limit public access will sum up and provide a holistic view into the trends in hunting access to private land in the United States.

Outfitting Industry

The antecedents of the modern outfitter are numerous and varied, reaching far back into mythology, allegoric literature, history, and geographic exploration (Nickerson 2007). Throughout history, guides have played two distinct roles, the pathfinder and the mentor (Oschell 2004). Guides and outfitters have historically provided an experience to clients and visitors they otherwise would not have had.

Beyond the many roles that outfitters serve, such as a service provider as well as a mentor, this industry has a large impact on the economy in Montana, particularly the rural economy. In Montana, the outfitting industry provides a reason for nonresidents to visit the state. A viable component of Montana's travel industry, the outfitter business is the primary reason why 91,000 nonresidents visit Montana, with an additional 227,000 nonresident visitors stating it added value to their visit. Simply, the direct contribution to the economy by those who participate in an outfitted trip in Montana is at least \$110 million and could easily be as much as \$131 million (Nickerson et al. 2007). Outfitting is a value-added commodity to Montana tourism and especially helps the fall shoulder season with guided hunting trips. Hunting contributes the largest economic portion of the

outfitting industry in Montana, yet has one of the smallest number of clients (Nickerson et al. 2007), showing the fragility as well as efficiency of this industry.

Private Property and Hunting

One of the major themes of this study relates to private property rights and the need to respect them. As described by John Locke, "Property, whose original is the right a man has to use any of the inferior creatures, for the subsistence and comfort of his life, is for the benefit and sole advantage of the proprietor" (Hargrove 1989). This study, written by a self-admitted urban-raised environmentalist, acknowledges that conservationists too often undervalue private property rights. From a conservationist perspective, a major drive is needed to bridge the communication gap between conservationists and private landowners. Understanding must be complemented by respect for the rights, needs, and knowledge of rural people. Long-term large acreage landowners know their property and the history of their land better than anyone. For these reasons, private rural landowners can and should be able to serve as invaluable partners in conservation efforts, so long as their rights are not threatened.

In the United States, roughly 60 percent of the total land area is privately owned, and approximately 80 percent of federally listed species live partly or solely on private land (Thomas 2000). In addition, private land is where most of the human population lives, works, and plays. It is therefore inadequate to create conservation plans for public land only (Norton 2000). In order for conservation initiatives on private lands to be effective, however, conservationists must value and respect the rights and knowledge of private landowners, seek collaborative efforts with rural groups and individuals, encourage innovative local solutions to conservation problems, and provide fair compensation to private landowners (James 2002).

According to a recent study, urban sprawl began forcing eastern hunters onto private leases and hunting clubs in the 1970s and this trend snowballed in the 1990s. Between 1992 and 1997, an average of one million acres of non-industrial private forests were lost per year to development (Best and Wayburn 2001). At the same time, timber companies began pulling their land out of public programs in favor of private leases. By the mid 1990s, as much as 70 percent of deer hunting in many eastern states was conducted on private lands. This transformation drove up the cost of participation, which led to fewer opportunities to hunt. While there are differences across states, the increased use of private land for hunting is now nationwide because of the encroaching urbanization causing the loss of hunting on agriculture lands.

National survey results show that during the same period, hunting on public land has decreased. In some states, such as Texas, virtually all land is now privately owned (Mozumder, Starbuck, Berrens, and Alexander 2007). In others, where more public land exists, over use, congestion, and degradation of natural habitats has created poor hunting conditions in public reserves. Moreover, several states now give outfitters exclusive rights to nonresident licenses, further limiting access to public lands (Marshall 2002).

Commercial and residential development and clean farming practices are further reducing the habitats available for hunting. According to Marshall (2002), the United States is losing 1.5 million acres a year to development. A study by Mehmood et al. (2003) found that 18 percent of former hunters cited the lack of public hunting areas as the reason they quit hunting. Miller et al. (2003) found that the biggest situational constraint limiting hunters was lack of available land for hunting (26%) and not enough game (17%).

A study conducted by Response Management/National Shooting Sports Foundation (2008) asked respondents whether they would characterize the access problem as an absolute lack of land or a situation where the land exists but the hunter cannot get to it. The majority of respondents indicated the latter. When asked why access was getting worse, the top responses were that hunters cannot get permission to use private land and that hunting land is being lost to urbanization. Another perceived problem was that private land is often leased to hunting clubs.

The mobility of our population likely also has an impact on access. When people move to new areas they often don't know about hunting possibilities or they lack hunting partners. Providing support for this proposition, a study by Wickman et al. (2007) found that the longer people had lived at their current address the more days

they spent hunting. The current economic recession (beginning in December 2007) may further limit the opportunity to hunt. The reduction in revenue that most states are experiencing is leading many of them to close or restrict hours on public wildlife refuges (Marshall 2007).

Private Land Hunting: Solutions

While many say that the good old days of ready access to hunting land are gone forever, research indicates that the demand for hunting not met by public land can be supplied by private landowners, if done so in the appropriate manner. Such provision is already occurring in parts of the west, where land-based recreational activities are between five and fifteen times more available than in the eastern United States. In the east, the most important limitation on outdoor recreational opportunities is lack of access to private land (Cordell et al. 1999). Indeed, newer programs in a number of western states designed to enhance public access to outdoor recreational activities suggest that hunting leases on private land can provide win-win opportunities for landowners, hunters, and local communities, while also responding to the need to protect and preserve wildlife. Shrinking per capita availability of public recreational land will expand this potential (Mozumder et al. 2007).

The South Dakota Department of Game, Fish, and Parks initiated one of the first of the newer programs. It created the Walk-In Area Program by going to private landowners and negotiating with them one at a time. Now the program, funded by a five-dollar surcharge on hunting licenses, has more than 900,000 acres enrolled. Meanwhile, Montana created the Block Management Program, which currently has about 8.5 million acres with approximately 1,300 landowners enrolled. Other states such as Kansas (1,000,000 acres), Wyoming (400,000 acres), and Nebraska (175,000 acres) have also been successful in opening considerable amounts of public access to private land (Minitzer 2004).

In order for such programs to work, the necessary institutional arrangements (rules, regulations, and statutes) must be in place (Copeland 1998). In the case of lease and fee hunting on private land, institutional changes can positively affect local communities and rural stability. Public agencies have an important role to play in facilitating such changes by working cooperatively with private landowners to manage wildlife (Leal et al. 1999). A 1998 study of Utah's alternative fee-access program for hunt management investigated whether its program was satisfying hunting opportunities, improving hunting access to private lands, and increasing wildlife habitat (Messmer, Dixon, Shields, Barras, and Schroeder 1998). Results proved the program to be very effective in meeting all three objectives, while also keeping wildlife ownership public, providing appropriate input to landowners on decisions regarding game management on their property, keeping legal responsibility for regulation in the hands of the state wildlife agency, and providing educational outreach and periodic monitoring.

If the demand for hunting land is to be met by private landowners, their willingness to grant access is a critical consideration. In fact, family owners control almost half of the forested land in the country, and nearly three-quarters of all hunts in the United States occur on private lands (Snyder, Kilgore, Taff, and Schertz 2008). The strategies of Montana's private landowners, particularly farmers and ranchers, for hunter management constitute a major theme of this study. For years Montana landowners have been taking advantage of the state's growing tourism industry and making recreation opportunities available on their property. In a study of Montana's agritourism and recreation business, most farmers and ranchers who responded said they had been in agriculture for over 30 years. They indicated that recreation accounted for more than 4 percent of their total income. Fish Wildlife and Parks' Block Management and fee hunting or fishing were the top two recreation income producing activities (Rademaker et al. 2007). The report also noted that the number one reason why farmers and ranchers operate a recreation business is to earn additional income. This income can be critical in sustaining the future of the agricultural lifestyle and current land uses.

Private Land Hunting Challenges

At the same time, private landowners in Montana and elsewhere in the nation experience obstacles to operating recreation businesses on their property and opening it to public hunting. In the 2007 ITRR report cited above, Montana farmers and ranchers reported rules and regulations as a major constraint, saying that they are too restrictive, not efficient, and sometimes quite confusing (Rademaker et al. 2007). Two further studies have examined factors that influence the willingness of private owners to grant public hunting access on their land.

The first, undertaken in Mississippi, showed that landowner concerns about loss of privacy, liability for accidents, and conflicts with personal use of their property reduced their likelihood of leasing land for hunting purposes. The same study also showed that landowners were more likely to provide hunting leases if they owned large parcels (especially of hardwood forest in bottomland locations), were older than fifty, less-well educated, possessed some land management skills, and participated in a cost sharing program that provides cost-share reimbursement/incentives to private landowners who engage in land conservation related work (Snyder et al. 2008). The cost-sharing programs differ from state to state. For example, in Georgia there are approximately seven different landowner incentive programs which are designed to provide cost-sharing and incentive payments for practices that benefit endangered or threatened species, other species of conservation concern, wildlife habitat, or overall environmental quality (Georgiawildlife).

A recent study of family forest landowners in Minnesota reported some interesting findings, some proving contradictory. For starters, it found that smaller parcels are less likely to be posted, or closed to public access. While younger landowners were more likely to close access, absentee ownership was not a significant predictor of posting. These findings may have significant implications in the future as older landowners pass their land down to the younger generation either via inheritance or sale. Furthermore, the Minnesota study showed that landowners are more likely to post when they feel access to the public will interfere with their own hunting enjoyment. This pattern is significant because it may indicate that traditional financial incentive based programs that open access will become ineffective as more landowners buy property with the primary purpose of personal hunting. Additionally, the Minnesota study found that landowners with a forest management plan were more likely to post, suggesting a possible incompatibility between two vital forest programs: timber production and public recreation. Finally, higher land values and proximity to public land open for hunting correlated with posting (Snyder et al. 2008).

In a study that looked at the constraints to future hunting frequency and participation, three of the four biggest obstacles were access related -- public crowding, poor access to private land, and bonus points. The growing practice of using lotteries or bonus points to award hunting licenses further limits opportunity. If an individual goes one or more years without being drawn for a hunt, he or she may find a permanent replacement for their leisure time. To a lesser extent, cost is also perceived as a constraint to future hunting, particularly license cost, which Initiative 161 in Montana drove up significantly. With the sport of hunting already in decline in the United States, these obstacles may soon prove problematic for individuals, communities, businesses, and resource management agencies in Montana and elsewhere in the west if they may no longer experience the social, economic, ecological, and cultural benefits of hunting (Montgomery and Blalock 2010). At a time when opposition to hunting is growing stronger, it is critical that hunters, landowners, outfitters, and state agencies come together, instead of each specialized interest groups pushing its priorities. New referendums and initiatives are restricting or placing bans on different aspects of the hunting industry every year. Unlike in the 1800's, when hunting was a major part of English culture, personal interests have shifted and the numbers of hunters have declined with the number and clout of animal rights activists increasing (Montgomery et al. 2010).

With the increase in demand for hunting access (due to lands no longer being viable to hunt), these findings have major implications for policy relating to nonindustrial private landowners, landowners interested in managing wildlife-associated enterprises, wildlife managers trying to control game population levels, and public agencies engaged in the provision of natural resource-based recreation (Hussain et al. 2007). Considering recent trends in forestland parcelization and fragmentation, it is imperative to better understand the motivations behind posting on private land if land management policy, financial incentive programs, and educational campaigns are going to be effective in promoting more public access to private lands. Finally, landowners who have previous negative experiences with hunters or other recreators is often the primary reason access is denied. This finding shows the need for more effective communication as wildlife managers and public agencies explain the importance of private land and hunting in wildlife management. Private landowners may not be aware of the crucial role they play in maintaining healthy biodiversity in their respective ecosystems when they allow public hunting, which serves as an effective management tool (Snyder et al. 2008).

As noted earlier, liability issues constitute a serious obstacle to obtaining greater public access to private land for recreational purposes. Research has shown that concerns about risk and liability are among the five most important factors influencing landowner decisions about public access. In a study done by Copeland (1998), only 12 percent of landowners reported they granted access to people with whom they had no personal

connections. This resulted in a 50 percent decrease from 10 years earlier in land access by private owners to individuals with whom they had no personal connection. The same report found that the myth and perception of landowner liability exaggerate actual risk. If the gap between landowners' perceptions of liability and reality is to be bridged, the following points must be addressed. First, landowners must be educated about the degree of protection they are afforded under state recreational-use statutes. Second, the public needs to be made aware that perpetuating the liability myth exacerbates the access crisis (Copeland 1998). Additionally, public agencies and organizations concerned with access to private lands must better communicate the truth behind private landowner liability and consider initiating public/private lease partnerships as a means of increasing access and providing income to landowners. A 2002 study by Wright, Kaiser, and Nicholls showed that thirty-eight states exempt public lease payments made to landowners from the no-fee provisions, encouraging landowners to lease their land to public agencies and in return receiving substantial monetary payments and retaining liability protection (Wright et al. 2002).

Hunting Motivation

The public's motivations for hunting also affect access to private land and owners' strategies for hunter management. As trophy hunting has become increasingly popular among many hunters, their need to access more land with larger wildlife has grown. From a biological perspective, the selective harvesting of trophy animals may have a negative effect on wildlife populations (Milner, Nilsen, and Andreassen 2007). However, from an economic standpoint, trophy hunting can generate a great deal of revenue while also providing an incentive to preserve land and habitat and protect them from development and degradation. In Montana, hunting is considered a part of the state's cultural heritage, and is one of the few states where the needs of wildlife are still a serious public concern (Brownell 1987). The natural resources of Montana are very important economically and account for most of the visitor spending by nonresident tourists (Wilton and Nickerson 2006). Overall, nonresident outfitter sponsored hunters were more likely than resident hunters to indicate that obtaining a trophy animal was moderately to extremely important to them (Eliason 2008). Meanwhile, more than half of Montana resident hunters indicated that shooting trophy animals was not a high priority. With one of the lowest per capita incomes in the United States, many resident hunters said they relied on harvesting big game for dietary purposes (Eliason 2008). According to Eliason (2008), developing programs and policies for public access, it is important to recognize that not all hunters have the same motivations to hunt. Perhaps some hunters were reluctant to admit favoring trophy hunting, as many members of society oppose the practice, while some may differ in their view of the 'trophy' classification since it is a subjective term.

Wildlife Management

Finally, in Montana, much of the controversy surrounding public hunting access on private land relates to the dilemma of elk management. While elk numbers have increased significantly in the Greater Yellowstone Ecosystem, new landowners who are more interested in wildlife preservation than in livestock production are encouraging the presence of elk and discouraging hunting. This takes elk management out of administrative control. The changing patterns of land-use have reinforced the spread of elk and weakened the ability of the state and individual ranchers to manage them, which interferes with livestock production. Furthermore, ranchers' experiences with hunters have diminished their willingness to utilize public hunting as a solution to their elk problems (Haggarty and Travis 2006). For this reason, in an effort to maximize the presence of the elk, more and more landowners are either starting up their own outfitting business or leasing their land to an already existing outfitter. With new evidence that elk are coming earlier and staying longer on single private ranches, landowners must find a way to compensate for the loss in income elk cause when they break through fences and forage in hayfields intended for livestock. As one rancher put it plainly, "You can't manage elk. You can manage cattle" (Haggarty et al. 2006).

Private lands are becoming more economically important as recreation sites, and their value as wildlife habitat is also increasing (Messmer et al. 1998). The challenge among outfitters, nonresident and resident hunters, private landowners, and wildlife agencies is to develop appropriate ways to open quality hunting access on private land so that everyone may benefit. Obtaining knowledge of farm and ranch hunting management strategies is an essential first step in creating programs that maximize recreational opportunities, benefit landowners and local communities, and enhance wildlife habitat and management (Swensson and Knight

2001). The primary purpose of this study, therefore, was to examine landowner concerns and ideas about hunting on their private property, as well as strategies for managing it, in the subsequent passage of I-161.

Chapter 3: Methodology

Study Area and Population

For this project, the study area consisted of the entire state of Montana and the study population of its approximately 27,870 farms/ranches (Rademaker, Nickerson, and Grau 2007) and 998 outfitting organizations (Nickerson, Oschell, Rademaker, and Dvorak 2007). Landowners were selected for the sample based on how they manage their land and where it is located in the state. Outfitters were selected on the basis of their location and the type of game they pursue. By initially asking several questions to get to know how potential interviewees operate, informed decisions were made about whether and why to include them in the research project.

Methods

Montana landowners who fell into one of the hunter management categories (allowed access to family and friends, non family and friends, enrolled in block management, leased to outfitters, leased to hunting club) from a study completed by Colorado State University in February 2009 (Appendix A) qualified for participation in the study. In addition, several outfitters across the state who represent different geographical variables, species hunted, and urban proximity were interviewed. The interviewees were contacted through several different databases including Montana Fish Wildlife and Park's Block Management lists, Montana Outfitter and Guiding Association's comprehensive outfitter search, and several agricultural online membership lists. A semi-structured interview guide was used to provide a degree of structure, while at the same time allowing opportunity for free conversation. This approach left interviews open to new and unanticipated topics. Insights from previous interviews were also drawn upon to guide and improve subsequent interviews (Patterson & Williams 2002). Thus, the first few interviews were read by both the student (Evan Tipton) and the professor (Norma Nickerson) to generate probing questions to be asked in later interviews.

Sampling

The study population consisted of the entire state of Montana and its approximately 27,870 farms and ranches (Rademaker et al. 2007), as well as 998 outfitting organizations (Nickerson et al. 2007). A convenience sample was used based on/defined by several landowner-hunter management strategies. Geographical representation was also taken into consideration. By using information provided by Hunting Access Management on Private Lands in Montana (Appendix A), the 2009 Colorado St. study, all potential respondents were classified on the basis of how they managed hunting access on their land. The categories for the type of hunters allowed on their lands included: Family and Friends, Non-family and Friends, Block Management, Outfitters, and Hunting Clubs.

Sampling was purposeful rather than random, and the sample was relatively small, with emphasis placed on depth of understanding rather than statistical generalizability. The sample set consisted of 12 landowners and outfitters who represented particular managerial and geographical variables. Out of the 12 interviews, four were in western Montana, five in central Montana, and three in eastern Montana. Table 1 identifies the interviewees by their report name, general location of their land, years in Montana, acreage owned, and type of owner.

Table 1: Respondent descriptions

Landowner (report name)	Location	Years in Montana	Acreage owned	Type of owner
Donna	Central MT	16	500	Rancher and limited access
Russ/Lisa	Western MT	10	unknown	Public Land Outfitter
David	Western MT	55	unknown	Public Land Outfitter
Tom	Eastern MT	25	26,000	Rancher in Block Management
Trudy	Central MT	35	12,000	Rancher and Leases to Outfitter
Jake	Western MT	67	unknown	Rancher and Public Land Outfitter
Sam	Eastern MT	47	50,000	Rancher and Outfits on own Land
Roger	Eastern MT	40	60,000	Rancher and Outfits on own/leased land
Pete	Central MT	31	20,000	Rancher and permission based access
Ryan	Central MT	35	12,000	Rancher and charges trespass fee
John	Central MT	45	5,000	Rancher and permission based access
Bill	Western MT	9	1,800	Block Management

Interviews were facilitated by use of the interview guide that listed topics to be covered and specified lead-in or follow-up questions (Appendix C), (for further discussion see Patterson & Williams 1998). This allowed interviewees themselves to identify the important aspects of their land management decisions, as well as to highlight their major concerns relating to I-161 and private land access in Montana. The ultimate goal of the interviews was to elicit a holistic portrayal of the various management strategies across the state and to gain an in-depth understanding of what, if anything will be affected by the passage of I-161.

Data Analysis

Interviews were tape recorded and professionally transcribed verbatim. The transcriptions were then re-read for errors and clarification. The final edited transcriptions represent the data that was analyzed. Due to the small number of interviews, data was not entered into qualitative analysis software. Instead, a narrative summary of each individual interview was developed using the reconstructed interviews as a guide (Appendix C). After the individual summaries were written, the themes that emerged across interviews were analyzed and compared for similarities and differences.

Chapter 4: Results

The intent of this data analysis was to provide an in-depth understanding of landowner concerns and ideas of how public hunting on their land would work best for them and hunters. These interviews provide a cross-sectional view of how hunting on private land does and does not work, and how I-161 might change their management strategies related to public access to private land.

Common themes of landowner and outfitter concerns and ideas are highlighted in this section. Five dimensions identified below were prevalent in all of the interviews in the study.

- Resident hunter behavior
- I-161
- Economics
- FWP
- Miscellaneous

A brief introduction is given at the beginning of each section, which is followed by more detailed analysis including pertinent excerpts from the transcribed interviews.

Resident Hunter Behavior

This theme pertains to resident hunter behavior and a general lack of respect landowners feel they get from hunters. This results in a loss of access to private hunting grounds. A second issue that emerged is the negative mindset of resident hunters towards private landowners and an attitude that public wildlife rights trump private property rights. Landowners commented on their reaction to hunter behavior on their land.

Donna: I do believe we'll close our gates completely. It has changed -- it was pretty overhunted here because it hadn't been regulated so, like I said, we've really spent quite a bit of time building this herd back up. We're pretty careful to allow responsible hunters. I don't care if they're out of state or in-state hunters, but if they're responsible and they've got the right tags, we will allow them to hunt here. But I don't see that use becoming greater, I see it becoming less, and it's not necessarily because of the deer population, it's because of the hunters in general aren't quite as respectful.

...it's the in-state hunters who are not necessarily the most responsible hunters in this state. So we see the in-state hunters coming in, they are literally messing it up for everyone by not being respectful about private property rights, about proper hunting ethics, etc.

Russ: We hear a lot of their stories [landowners], and there's a lot of abuse that goes on. And so you understand why private landowners don't want to open up their land.

David: Hunter ethics are "the" number 1 reason the landowners choose to restrict access. Poor hunter behavior is far and away the one that just irritates them. People, who have access to private property and abuse that property in one form or another, abuse that privilege.

Sam: It's like I've told some of these wildlife federation people-- the secret to this whole deal is what I'd like to see is respect to the landowner, and that starts with hunter behavior, hunter attitude. That is probably their biggest reason they don't get access is because of that. I've said it before, but if the respect was to come back, you know, too many people take it for granted that we owe them the right to hunt, which is never so far from the truth. Until that changes, I don't think it's ever going to get better. It is a public resource, but the bottom line is they're on private ground. And until the people can respect private property rights, I don't foresee it getting any better. That's what I would like to see is a little more respect, not only out of the resident hunter but out of FWP.

Trudy: I like the way that it's always been in that hunting is a privilege and if it's based on relationships and if you build a relationship with private landowners and you manage it well, you generally have a privilege to get to hunt. I don't feel like it should be a right, I think it's a responsibility.

Tom: It's kind of funny because I get tired of it. I don't mean to be sour, but you can tell that the FWP tells all those hunters to be sure to thank the landowner because, I mean, everybody stops me and thanks me. It's a nice thing. So that's education in its own right, right there. So if you have those people (FWP) say, look, leave the gates as you find them, don't park in front of the gate, you know, for God's sake don't drive a gasoline engine across that tall dry grass, and things like that I would think would make a difference. Although I have to say, the people that hunt up here, I've had very few problems. Very few problems.

I-161

Initiative 161 is a multi-dimensional bill that has widespread implications. Landowners believe the economic impact of I-161 will be felt across the state by small businesses and communities, as well as by the outfitting industry. The increased price of nonresident hunting licenses will have an impact on the number and type of

nonresident hunters who can now come to Montana. Additionally, I-161 has created instability in the outfitting industry by taking away the guaranteed outfitter sponsored license. Finally, the effect of I-161 on landowners may, in the end, have the most detrimental consequence. With the passage of the bill, landowners feel they are trying to be forced to allow public access and, in turn, are now even more reluctant to grant it.

Economics

Donna: Absolutely [we will lose business]. Off the top, I would say we'd lose 30% of our business in the fall. I really don't know what the overall reasoning behind a lot of these different initiatives is, but I see that when you have a professional industry that is based on sound business and capitalistic principles utilizing any sort of natural resources, that's how wealth is made. That's how wealth is made in the country, and this is going to put it further in jeopardy utilizing our nation's resources.

David: [I-161] has already affected us. Our business is 40% down, directly related to I-161.

Trudy: We haven't been able to sell as many hunts as a result of 161. It's had a direct negative economic impact in the first year. I've been doing this for 10 years, and usually everything is done and sold by March, at the latest. And so if by July we still have open space on a hunt, it's going to be very hard to fill it. If you're an out-of-state hunter and you're choosing where to go and you put up money but you're not guaranteed a hunt, you're not going to go there. That makes no sense. Why Montana would want to kill – it's shooting itself in the foot. Our competition isn't for hunting isn't between locals versus out-of-staters, it's between Montana and Colorado and Wyoming.

Sam: One thing Montana has basically done is price their selves to high for the normal nonresident. The whole theory of the rich clientele is just what it is, just a theory, it's not true at all. The majority of my hunters are blue collar working guys, no different than I am, save your coin, come to Montana and hunt. But as the economy hopefully grows, I think you're going to see these outfitters struggle more and more to draw clients because of the demand for the license is going to go up.

Bill: It should never really impact us (I-161). The only way it would impact us is if those outfitters and those hunters stopped coming to the area and we see a decline in the ancillary revenue from the restaurant, from cabin rentals, from some of the other amenities that we offer. But a purely direct impact, we will have -- for what we do we will have no impact in terms of direct. We will have a lot of indirect impact based on declining numbers.

Instability

Jake: Normally we were taking probably from 5 to 10 nonresident hunters each year and this is elk hunters, and that was -- some of them were through the guaranteed tag, but we were taking a lot of them [who] went through the draw. But with 161, it raised the draw tag \$200 and all the ones we usually get just said to hell with it, they weren't-going to pay that much. This year we have 0 outfitted hunters.

Russ: We're asking for roughly a \$500 deposit, you know, that was as just a down payment to hold people's spot. So people are then saying, oh my gosh, I have to send all this money in for a tag and then I have to give you money that I don't even know if I'm going to be able to go, and they're like, shoot, I'll just go to Colorado. I'll go somewhere else that's way easier, way more guaranteed and not worried about my money getting lost somewhere and that kind of issue. So it was tough. It was pretty tough to convince people.

David: We're losing the whole spectrum; return clients, referral clients, and first-time clients, and the reason is because they can't plan ahead.

Ryan: We've had two groups with some guys in it that say, you know, we can't do it anymore. It's just too expensive, by the time we get there, by the time we do this, get tickets, get a vehicle, so on and so forth, it's extremely expensive for them to come out and hunt on our private place or even on the national forest, for that matter, and they're part owner in the national forest. What it does is it decreases our retention rate and our clients, meaning that we have to go out and try to find new people to fill those slots because we like hunters to come in and we want them to stay. If you turn people over on a regular basis, it costs money and the hunts aren't as successful... So it's decreased our retention rate there and it also has hindered our ability to increase our rates to justify the feed costs for the wildlife. So if we're running 400 head of elk as opposed to 275 three years, it's hard for us to increase our rates to justify that elk increase to cover the costs to feed them with asking more from the hunters because they're already strapped with the increase of I-161. It's going to make it difficult for anybody, I think, any landowners trying to recoup some of the costs in feeding the wildlife.

Roger: But where the uncertainty, where it changed was taking away that ability to say, okay, you want to book a hunt with us, we can get you a license, even though you have to pay more money. The client knew they were coming. What's happened is a lot of clients walk away from it; potential clients walk away from it now because, well, I don't want to try to draw a tag. People when they want to spend that kind of money, they want to know certainty if they're going to get to go and do what they want to do.

Sam: That license (outfitter sponsored license) was the reason I become a licensed outfitter is because I had stability in my business. I knew where I could be at the end of every year. Now, it's a free-for-all. I used to hunt, manage these places and our own according to my numbers of hunters, well, now, you know, if I applied 10 guys and I only wanted 5 deer hunters and I draw 10, my biology part of the managing deer herd kind of went out the door. Either that or I go lease more ground. I think basically what they were hoping to do with 161 was to cut down these odds of these guys getting their licenses so these leases would become void and in the end would open more access to the public resident hunter which I'm sorry it's not going to happen that way, even though they thought it would. It was a train wreck.

Landowner Response to I-161

Sam: I'll guarantee you there's going to be more access cut and personally on our own place, there will never be another public hunt or Montanan step foot on our place. It's just part of the deal. They kind of took something from me and now I guess I got to take something back from them. I think in turn this is going to have a major impact on the amount of acres that were open to some of these resident hunters, a lot of youth, a lot of guys. I know several places that shut their doors after that thing got voted in just because of the fact these ranchers and landowners don't want to be told what they're going to do with their place.

Donna: I see private landowners, like myself, shutting their lands off. If I can't hire a responsible outfitter to come in here and if that outfitter can't make a living doing what he does, which he can't if he doesn't have guaranteed tags, if I can't hire a responsible professional outfitter to come in and manage my land, I'm not going to let anybody come on.

Donna: I'm afraid by ostracizing a professional industry, you have really tied the hands of major private landowners because they're no longer able to utilize the most beneficial and profitable and the best land stewardship ~ they're no longer able to utilize that avenue. So they're not going to obey -- to the public. They're just not. They're going to say no more. So it's only further going to drive a wedge between private landowners and those public access rights activists. I look at some of the best outfitters in the world and they own land and permits right next to Yellowstone National Park. Those guys, if they can't make a living outfitting, will sell that property to an out-of-state landowner who will pay multimillions. They will retire and go sailing in the Bahamas. Those out-of-state landowners sure as hell aren't going to take the public, whether it be in-state or out-of-state people, into Yellowstone or into hunting or grant them access. They're going to lock their gates. So at this point, it seems like the outfitters are the only segue into better public access.

Ryan: Yeah, I think I-161 is a huge step backwards in what Montanans – if they want to see more access is a step in the wrong direction. It's certainly not the way to manage the wildlife. And it's certainly not the wildlife's fault, you know, they're going to go where their bellies tell them to go. They're no different than any other animal. And where there's the least amount of pressure. So if you want more access, you create more access on lands that have already been set up to hunt. I don't know how many millions and millions of acres are in Montana, maybe some of it is wolves, maybe it's 4-wheelers, motorbikes, there's more people, you know, we see more people every year come passed here, heading into the hills with 4-wheelers and motorbikes. Maybe some more, maybe some prescribed burns to get that grass rejuvenated to get that elk back into the forest, more grazing in certain spots.

Pete: I'll be damn if the general public is going to come here and hunt. I think people will find they'll have a lot less hunting opportunities than they've already got.

Sam: 161 was an end around run to gain access to private ground. They'll try and claim that it wasn't but, you know, I had a good visit with the sponsor of 161 and he said in time it would open private ground.

Economics

Beyond the economic impact of I-161 on individual landowners and outfitters, the economics of the hunting industry as a whole was a common topic in the interviews. As recreation-based revenue is becoming increasingly important in Montana, the value of the nonresident hunter is pivotal to this economy. In addition, the economics of agriculture and the diverse sources of income that go into sustaining that lifestyle were a recurring concern. There seems to be a lack of understanding and a real education gap about what it takes to make a living today from ranching and farming. The interviewees see having the option to earn supplemental income through hunting as highly important.

Hunting Economics

Roger: I guess going forward, we can't expect nonresident hunters to come into Montana and pay the bulk of the cost of FWP. They pay roughly two-thirds of the whole budget for FWP. But yet what we're doing is trying to say, yes, come to Montana but we don't want you in our better areas. We don't want to let you experience the best we have. Hunters are starting to catch onto that, and they're going to find someplace that will offer it to them.

Pete: Ennis, Dillon, even Livingston - once tourist season is over with - there ain't much until next tourist season. Once September rolls around, and Labor Day weekend tapers off, you aren't going to see tourists until June again. So I mean, hunting season is a big time for a lot of these people, and a lot of these guys come in, out-of-state guys.

Trudy: I'd like to see it reversed (I-161). I work with outfitters but I think we just don't understand our own economy. If you look at the percentage of Montana's economy that is connected to tourism, we don't have businesses for spring and fall except for hunting, and that's a key piece to keep restaurants and hotels and rental cars, I mean, all of these pieces they've got to get from winter to summer and the only way to do it is through spring and fall. And so instead of taking away from that, we should be trying to grow it. I think at the base of it, it is a very simplistic understanding of us versus them and not understanding the gray and we're all in it together.

Tom: I mean it (Block Management) doesn't pay us huge amounts. I think we get, you know – doesn't need to be a secret – I think we get like \$5,000 – not chump change but maybe more – you could maybe get more from an outfitter, but I think us being limited to antelope only.

Agricultural Economics

Roger: The sportsman has to understand, there's a huge cost to having good wildlife numbers - to a landowner in crop damage, just grazing, fence repair, especially when you're talking elk. And that's what drove us to get into the outfitting business... I mean, that one year we lost probably \$10,000 in hay to elk.

Ryan: We don't allow unfettered access to people who don't want to give us some sort of compensation. We have to recoup the compensation – we have to recoup the expense of feeding all the public's wildlife for, whatever, nine or ten months out of the year when there's no hunting season. We can't manage the elk. We can go up and try to chase them off with a four-wheeler but they always come back. So the amount that they graze, you know, it's been \$32,000 and \$38,000 in the amount of food that they eat off the ranch every year. So we have to recoup that cost. People who are willing to come, and compensate us through a trespass fee are allowed to hunt. Then young kids hunt for free, they want to shoot a cow.

Ryan: I think that would be a step in the right direction (improving motorized vehicle regulations on existing public land) as opposed to trying to force public access to private property. You're never going to get a private property owner to say, yeah, go ahead. You guys just use us. I pay the taxes on it, I work my buns off on a regular basis to make ends meet out here, but you guys can use it for nothing. Just go ahead and enjoy yourself. Have a good time. Most guys are not going to do that just because it is getting harder and harder and there's more wildlife all the time, because we're becoming a minority and the hunters, there are so many hunters out there that they're becoming the majority. It's making it difficult.

Trudy: I also feel like the economics of being able to maintain open space through agriculture are becoming more and more challenging. I'm fourth generation, like these old ranchers... their ability to earn a living I think would be really detrimental. As soon as you start doing that [telling ranches what they can and can't do], you're going to get more and more subdivision, less and less open space and less and less hunting. It's going to backfire. Being supportive and understanding what keeps open space open space is understanding the economics of agriculture, which is a very tough business with tough margins. Recreation is one of the very few areas where there's actually a growth potential for those that are more, either progressive or able to imagine something more diverse.

Russ: Montana is, yes, slowly changing from what it was 50 years ago where it was agriculture, farming, and ranching. Now, obviously, you probably know a lot more what the actual numbers are, but now a lot of it is turned to the tourism, service industry. I think if people really want to keep the lifestyle that is here in Montana, and that is, you know, that's quiet at certain times of the year and there's these little quaint little towns... And whether all those people that are stopping down there are because of an outfitted trip, probably not; however, during the fall, a big portion of them are. So in terms of the state and the role that outfitting is going to play in the state, it's a bigger part of this state economy than a lot of people realize. And if people want to keep the lifestyle that all of us are so attracted to here in Montana, then maybe to realize where a lot of that money comes from.

FWP

Montana Fish Wildlife and Parks and the U.S Forest Service were the two regulatory agencies that were mentioned during the interviews. While they both faced substantial scrutiny, they both also received their fair share of praise. FWP, the main state agency in charge of hunting access in the state, seemed to have a strong working relationship with those individuals who allowed free public access, but deteriorated when landowners chose to restrict access. Comments regarding wildlife management as well as the Block Management program ranged from very negative to all-out support of the agency. It appears that many of the concerns with FWP's management relate directly to elk regulations and quota/tag specific complaints.

Block Management

- Roger: The biggest problem I see with block management is it provides a lot of acres for people, but there's not enough control on it. Basically it turns your private land into public land where there's no limitation on the number of hunters. What I have seen with most block management places, even if they're fairly good hunting the first year or before they got into block management, within 2 years it changes, for the most part. If it's not a restrictive block management, if it's just an open block management area, it gets flooded with hunters, the pressure; they kill a lot of the animals or enough hunting pressure which pushes them [elk, deer] elsewhere.
- Ryan: We've discussed it [being part of block management] but I don't think the compensation rate for the number of wildlife that we feed is good. If it was, we would go that route, for sure. We wouldn't recoup the cost of feeding the wildlife, nor do I think that the success rate on the ranch would be any better.
- Trudy: The economics make no sense [being part of block management]. There is nothing in it that would ever be attractive to me. We as a family really enjoy our privacy so it's a lot of people that I don't know coming and going when they want and not having hardly any money to show for it.
- Tom: I've had really, really good experience with block management. These guys in town, I think they've done a phenomenal job. We've had, maybe, two or three problems with hunters. We're pretty spooked about fire that time of year around here, and so I'm pretty adamant that it's walk in only. I've been very pleased with it.
- John: We do not participate in block management basically because I've been talking with neighbors that are doing it; they get run over with phone calls. They get 4 million phone calls. They'll get people showing up at their door at 5 in the morning. I don't want to participate in that.
- Bill: First of all, we're really pleased with block management. The nice thing is because our property is about 80 miles from here, it's difficult to manage and to know who is coming and going without Fish, Wildlife & Parks managing that for us. So we get really great detailed feedback from Fish, Wildlife & Parks in terms of who's on there, what the conditions are like, what they're seeing, what they're hunting. They're not disturbing our livestock, which is great. So from our standpoint, there really isn't a negative to Fish, Wildlife & Parks managing that for us on behalf of the ranch. More than anything, it gives another set of eyes with Fish, Wildlife & Parks being up there checking gates, checking fence line.
- David: In other words, the block management program as it exists today is based on quantity. The more blueprint you get, the more reimbursement the landowner gets. And the landowner is not rewarded for good stewardship. Conversely, if you would ask most hunters what they want, they want an opportunity to shoot an above average animal. Well, those two don't mix. The only threshold, the only requirement for someone you engage to hunt on block management land is a license. That's it. And I think that there needs to be a higher standard. The "Hunter Stewardship Program," which the state has initiated now is on a voluntary basis but you can become a stewardship hunter by completing a course on the internet through the Department Fish, Wildlife & Parks. I think that that should be built upon and maybe something similar to that should become a threshold to hunt on those special lands, those stewardship lands.

Wildlife Management

- Roger: Well, basically as soon as they (FWP) get back to managing their game biologically - if we have a decent game population, we let people hunt. If we don't have good game numbers, then we reduce opportunity. But it's this trying to manipulate the licensing system to keep certain people out of the game. They should go back to the system we had a few years ago.
- Russ: Like I said, I don't think it's (I-161) going to kill the outfitting industry by any means. I think -- if anything, it's going to affect the wildlife management in the state purely by funding than it is going to affect the

outfitters -- which I guess, in turn, can affect the outfitting industry. It's terrible to see money drive an effect on wildlife. I have a hard time seeing how the issue got passed. The driving facts in the issue ... were based primarily on money.

Donna: What I see happening is the regulatory agencies beginning to stick their arm and reaching into the practices of wildlife management on private land. That's what I see happening. I see them starting to mandate public access. That would be grounds for civil war in Montana, you know.

David: Yeah, the good ole days are right now. Sound wildlife management. And we hunt on all lands that are shared access. In other words, they're open to all the public, both guided and non-guided, so we don't hunt on our private lands, we just hunt on the adjacent public lands which we have permits on which include a combination of state and federal. And so if we use that hunting as a management tool, then if there's a landowner who decides they're going to optimize their wildlife habitat and that by doing that they expect to be rewarded to a greater degree than someone who doesn't optimize their wildlife habitat, that person who provides the better wildlife habitat should not be penalized and say because you have the optimum wildlife habitat and you have more animals or more animals of a harvestable class, therefore we should legislate our way onto your land. That just -- that doesn't work.

Ryan: If they(FWP) could figure out a way to compensate landowners that run large volumes of wildlife through payments or through grazing, you know, restorations, if we have 400 elk, you know, on us for three months, maybe we can take 250 cows, 300 cows over onto their property every other year to graze, things like that. They do things like that but they don't do it for people who operate like we do. They do it for people who give unfettered access.

License Structure/Quotas

Russ: I know that they've wanted to do like a wilderness tag, a wilderness hunting tag and you could only get that tag if you were going to hunt in an actual congressionally delegated wilderness area. That would be something that would help out a lot of public land outfitters, most -- a good portion of public land outfitters are in the wilderness area, whether it be the Bob Marshall or the Absaroka Beartooth area, Selway, that kind of thing.

Roger: Most people thought that guaranteed license allowed nonresidents to buy a license that allowed them to hunt wherever they wanted. What I mean by that is, like in these areas here where you hunt elk, you need a special permit along with your license. See, all our clients were getting for that higher price was the same thing a resident could buy over the counter for \$20. They were paying up to \$1,500 at one point for a license that the resident could go buy for \$20 and they both still had to apply for a special permit. So -- but they kept selling it or allowing the perception to be out there that this was a guaranteed client and that these guys could hunt with an outfitter. There were a lot of people that thought, even for us, that if we sold somebody a guaranteed license, I could take them out here rifle elk hunting. That wasn't the case. So there's a lot of misinformation out there about what that license actually was.

Roger: I think they need to take their block management program and expand it into a landowner-sponsored tag that the landowner can get a tag that he can do with, you know, he can sponsor a tag for, say, each section of land he's got, one tag, the money goes to fish, wildlife and parks, and charge \$1,000 dollars or \$1,500 for that tag, but that guy gets to hunt that property whoever buys the tag. And where the landowner makes his money is for each tag he gets to sell, fish, wildlife and parks has the money to pay, say, 500 or \$1,000 for a public hunter to get on to some of these properties.

Pete: Quotas, yeah, absolutely [Would help improve management]. If you drive by here early October with these alfalfa fields still green, trust me, I've got a lot of deer, and they tell you there's a deer shortage in this area and that's why they got rid of the either sex tags, where you could shoot a doe on a buck tag, I think they're crazy.

Sam: Well, big issue through legislature for the last several sessions, archery elk permits. They're – basically what they're doing is they're cutting permits, which we never used to have to apply for permit, which as an outfitter I don't do any elk hunting but I hunt elk myself, now they've restricted my opportunity to go hunt. Basically what they're doing is – and it was stated at one time by the director of FWP that the reason those permits were put in place was to stop the leasing and to devalue private ground being sold for hunting purposes. Pretty big statement for FWP to be making. Very big statement.

Jake: I don't know if it would be them (FWP) that are more restrictive or the legislation, but it used to be that with the mountain lion hunting, it was strictly on a quota and the nonresident hunters could just buy the tag over the counter and then it got to where they had to buy it prior to the 1st of September. But as soon as the quota filled, then the season was over, then they went to a permit system, which restricts the nonresident. We used to just limit ourselves; we took five cat hunters a year, and were always 100% successful on it. Now, the combination of all the districts that we outfit in for cats, there's only a total of 3 nonresident tags allowed. So you've probably got 7 to 8 outfitters that can take nonresidents in those cat areas but there are only 3 tags. So, yeah, it's cracked down a lot.

Landowner Relations

Roger: Because what happens is if we keep going down that road, [native Montanans believing they have an inherent right to wildlife] what's going to happen is the landowners are going to say, okay, fine, then I don't want to support your elk and I'm going to do everything in my power to get rid of the elk. I'm going to overgraze my property, I'm going to allow as many hunters in and I'm going to reduce [elk] – and when FWP asks how many elk I want to tolerate, I'm going to tell them zero, instead of going out there and seeing 100 head of elk standing in the grain field.

Tom: So that's education in its own right, right there [from FWP]. So if you have those people say, look, leave the gates as you find them, don't park in front of the gate, you know, for God's sake don't drive a gasoline engine across that tall dry grass, and things like that, you know, I would think would make a difference. Although I have to say, the people that hunt up here, I've had very few problems. Very few problems.

Ryan: Because we don't throw the gates open and let everybody that wants to hunt, hunt. They [FWP] don't want to work with us a whole lot. And we would like to work with them on some things.

Sam: Like I said, the majority of these reasons for lack of access to the resident hunter is hunter behavior. Let's see it pick up. Let's see some respect shown towards landowners and ranchers as a whole, not as just one or two. The only ranchers I see getting along are some of these block management guys with FWP. Otherwise, you don't see much, you know, as far as cooperation between FWP and ranchers. You just don't see it. If they lease, FWP wants nothing to do with them.

John: I think maybe an independent organization that would cater to people that had those kinds of values [a group with region specific knowledge that focuses on establishing trust] and then made the connection between hunter and landowners that could establish that kind of connection. If I get a call from this organization that I trust, I'd be more likely to say, yeah, we've got time here and here. Come on in, come sign up and we'll get you on... I have to say, FWP - they've been good to work with - but, again, they're just limited with what their scope is and what they have to deal with, what their focus is. That doesn't quite take care of the nonpublic people.

David: There are two pieces that need to come into play (to fix landowner/hunter/FWP relations). One is more carrots for the landowner, not sticks but carrots. In other words, more incentives for that landowner to share that resource and that could either be financial or other tools but dip into the toolbox and the best source to find that out is the landowner themselves. Go to the landowner and say, what tools would compel you to share the resource with more people? And the second is to raise the bar on hunter ethics. Hunter ethics are "the" number 1 reason the landowners choose to restrict access. Poor hunter

behavior is far and away the one that just irritates them. People who have access to private property and abuse that property in one form or another, abuse that privilege.

Miscellaneous

Given the number of open-ended questions in the interview guide, a variety of other issues were raised. However, interviews touched on a few additional concerns most frequently. First, there appears to be a trend toward nonresidents coming to the state, buying large tracts of pristine wildlife habitat, and shutting it off to all public access. Also, many interviewees were adamant that there is no access shortage in Montana because of the large amount of public land available. There seemed to be a relationship between complaints about access and the presence or absence of elk. Finally, concerns about liability were common among landowners.

Nonresident Landowner

Pete: There are some of these out-of-state guys-- they've got 1,500 head of elk on them but they don't care. They tell the guys that are running it, absolutely nobody in here. So I think that's -- as far as access goes in the state, that's a big problem.

Trudy: I think it would be great for out of state people who have bought up land for there to be some education about etiquette and history, because I do think that there is a history of allowing hunting on private land that is part of Montana's history. I think the issue is not with fourth generation landowners. I think it's probably more first generation out-of-staters who bought up land.

Bill: I would say that more education for history of our area for people that are new to the area would certainly be beneficial. I don't know if there's a financial incentive or compensation incentive that would really lure those people that are buying these large tracts of land or this pristine hunting land to allow people to be on their property. I think certainly education of what Montana is and why they've chosen to move here is what makes people want to come and hunt here. I think education is probably the biggest thing getting people to understand that having public access in most cases is actually a good thing.

Access Issue

Roger: So over that 30-year period, we've more than doubled the number of elk we're killing each year. The number of hunters has stayed the same. But, yeah, all of a sudden we've got an access issue, a complaint that we don't have access to these animals. I don't see it playing out when you look at the numbers. Our hunters - 1 in 4 hunters are killing an elk today. It was 1 in 10 thirty years ago.

Lisa: But if people complain about not being able to access private lands, then I think we have a real issue that people need to sit down and realize they have no right. A citizen has no right to access private land. So in terms of access issue, well for Christ sake, Montana has more public land than just about any other state in the country so we should feel very fortunate. If they're going to complain -- go up to Alaska or somewhere else where you're pretty much surrounded. I think the whole thing of access is just kind of a nonissue.

Trudy: I think Montana is really blessed where we have a lot of public access to land and I don't see -- I think anybody who wants to hunt can hunt in the state of Montana. Even though we've got 12,000 acres, we still hunt on public land as well, and if you really want to hunt, there are plenty of places to go.

David: As I am sure you found out with I-161, the efforts behind the passage of it were sewn by those people who were concerned about loss of access, which is kind of an anomaly in itself. If you look at Montana, we have 30 million acres of public land, 9 million acres of block management. We have 40 million acres which is just over 40% of the state that's available for unfettered public access. And of the

remaining 60,000, a fair number of that is on reservation, Indian reservations that aren't available anyhow and/or in land that really is a good wildlife habitat. So there's really only, I would venture a guess, that there's only about 20% of Montana where the controversy lies, about 20 million acres of private land that have access to wildlife. But one of the reasons that people want that is because those landowners are managing their lands to optimize wildlife. They're managing the habitat for the wildlife and they're doing it for the economics of it and/or the esthetics, but they're doing it for personal reasons. And so I empathize with those people who felt displaced on those 20 million acres. But in the bigger scheme of things, Montana has a lot of public access. We're not like other states, like Texas or others that have very little nonpublic access to hunt on.

Presence of Elk

Ryan: The range never gets a rest. We'll take our cows in and graze a pasture at a certain stocking rate that we think is suitable and then take the cows out, leaving a certain amount of forage available. We usually take half of what's there and leave the other half and then usually, especially in the restricted area, the special license area, the elk come in and they're there all the time. So the grass never, ever gets a rest. So it's a huge issue for us to try to manage our grass and ranges with the elk numbers that we have on the ranch.

Ryan: So if we're running 400 head of elk as opposed to 275 three years, it's hard for us to increase our (trespass) rates to justify that elk increase to cover the costs to feed them with asking more from the hunters because they're already strapped with the increase of I-161. It's going to make it difficult for anybody, I think, any landowners trying to recoup some of the costs in feeding the wildlife.

Roger: But the one thing, you know, a lot of these hunting issues center around elk, because, you know, probably the amount of elk habitat where we have good elk numbers is far more limited than deer and antelope, and elk are a lot tougher animal. They're a lot cagier animal than a deer or an antelope. You could put pressure on a deer and they'll run to the closest hiding spot. You put too much pressure on an elk, and they might go 10 miles, they might go 20 miles, and so – and elk are smart. They know where the hunting pressure is. They know where there's little hunting pressure. And lack of access gets blamed for poor elk management. There isn't hardly a ranch around here that somebody isn't hunting elk every day of the season. It's just that they move around, they find a safe spot, and they don't move until somebody bumps them out of the areas.

Liability

Roger: Well, anytime you let somebody on [your land], there's always a liability factor. If you're not charging them, you're pretty well protected. It's just how things have changed. 30 years ago, a guy would bring you a box of candy or bottle of whiskey and you thought, boy, that's pretty nice for letting him hunt. It was as a gift. But what happened was, today, some guy will walk up I'll give you \$1,000 if you'll let me hunt on your property. So the difference is, the landowners are the ones being viewed as the greedy party here when you're charging us to hunt.

Tom: I didn't mention that about block management. [Liability] is the No. 1 reason we're in block management. The state assumes the liability if somebody's out here walking across the pasture and falls in a hole, breaks their neck or something. The state assumes all the liability for that.

... So until they can change the laws that say a landowner that lets you on to hunt is by no means liable for any injury that happens to those hunters, I don't see how you're going to open up any private property.

Sam: It used to be that way, you know, you could go help fence or brand calves or whatever, but in today's sue happy world, you let some old kid from town or some guy from the city come up and help you and he gets hurt, chances are he's going to own your ranch. Liability is probably the biggest reason we don't do any of that anymore, just can't afford it.

Chapter 5: Summary and Discussion

The five themes identified in Chapter 3 represent the range of concerns and ideas raised during the interviews. Beyond region specific complaints that predominately related to the cutting of archery elk permits in the Missouri River Breaks area, these five themes (resident hunter behavior; I-161; economics; FWP; miscellaneous), represent the broader categories.

The landowners and outfitters interviewed were very well educated about the many aspects of I-161. Their concerns constitute legitimate problems facing the state of Montana today. While some of our research findings may not be new, this study highlights that the current trend in access in Montana does not favor landowners, outfitters, public agencies, or hunters, whether resident or nonresident.

Landowners believed that many voters were not aware of what they were supporting in the passage of Initiative 161. Regardless, the state and the hunting and outfitting industry will experience changes because of the initiative. While the direct effects cannot yet be fully measured or entirely understood, it is clear that in talking with this study's sample population, I-161 will not open more public access and will have a direct negative impact on the state's outfitting and guiding industry. Despite this knowledge, it was evident during the interviews that the passion towards hunting in this state is deeply rooted in tradition and family orientated values.

The prominent emerging theme of this study, poor hunter behavior, was the number one reason why private landowners were reluctant to open their gates for public access. The resident hunter was the target of this criticism, with several landowners pinpointing resident hunters from more urban areas of the state. Regardless of where they are from, the onus is on the resident hunter to be more responsible and respectful, and work on establishing a relationship with the landowner. The aspect of trust came up in nearly every interview. The notion that the resident hunter has an inherent right to be allowed on private land to pursue public wildlife is one that needs to be dispelled. If progress is to be made, a certain mindset must change that accepts private land as just that, private. When a landowner allows any form of public access, they are doing the citizen population a favor. No private landowner is obliged to offer any access, and going forward, there is a sense of fragility in that many landowners are frustrated and view public access as nothing but a nuisance, so any mishap on the part of the resident hunter is likely to close even more acres of public access.

Though frustrating and sometimes difficult to acknowledge, Montanans need to understand that a certain number of private landowners are going to make money through various forms of recreation on their lands. Also, several landowners raised the point that nonresidents should not be punished to give Montana residents priority. In this day in age, economics drives or at least plays a major role in most decision-making and policy. The fact that nonresident hunters spend more on average than the resident hunter cannot be ignored. Private land and quality hunting opportunities on them are a limited resource, and some people are simply not going to be able to enjoy those opportunities. In terms of education, many feel there is a need to raise the bar on hunter ethics. Additionally, some landowners and outfitters feel that residents do not understand the complexities that are associated with the politics, permitting processes, and regulatory agencies. Any way to simplify the regulations and permitting processes, or at least increase public involvement and understanding may help to bridge this gap. Finally, if more people can realize what it takes to become a licensed outfitter, this may help boost understanding of that industry and the role it plays in this state.

The next theme deals with I-161 and its numerous impacts. First and foremost, every interviewee believed that I-161 would have the opposite effect of its intended purpose to open more public access. Everyone mentioned that there would in fact be more private land lost directly because of I-161. Landowners were put off by this bill because they felt that public access was being forced on them by tying their hands behind their back and making the option to lease land to outfitters less feasible. Research showed landowners have been quick to close off all access in response to this attempt to mandate public access. However, it was also mentioned that I-161 will prove not to be as detrimental as many people believe, and that the real issue is that there simply needs to be a system in place and for it to remain. People need to be able to adjust to these changes and move on and plan accordingly to a more permanent system. Now, Montana appears to be similar to other western states

that do not have outfitter sponsored licenses. Knowing that, these neighboring states have managed to sustain an outfitting industry without the use of the guaranteed licenses.

The conundrum with private lands and hunting is mired in complications – there is a public resource (animals) that travel on and off a private resource (private land). The Department of Fish, Wildlife and Parks is charged with the responsibility of maintaining healthy numbers of all game animals without the right to work or have access to many of the lands where the animals roam. When a landowner cuts off hunting access, the animal numbers usually grow with no possibility of being reduced through hunting. Currently there is a direct relationship between the number of game animals and the number of hunting licenses available. It is not the number of game animals on hunting accessible lands that determines the number of licenses. If a trend of “no public hunting” on private land grows, more and more resident hunters will be forced to public lands, further exasperating the number and size of animals available.

Another major issue involves recognizing and understanding the economics of agriculture. Many ranchers are turning to outfitting to make ends meet. The state and its residents need to support the development of these activities; if not, ranches may begin to be sold, which in time could lead to development, subdivision, and a loss of open space. Even those private landowners who have no direct relationship with outfitters believe that I-161 will have a negative impact on their businesses and on local economies. Montana’s economy has a strong base in agriculture. Those agricultural businesses are now using tourism and recreation as their value-added business just to survive. It is vital to recognize the source from which new money is entering the state. The income that nonresident sportsmen provide in rural economies through activities such as hunting is particularly important in the tourist shoulder seasons both to the small communities and to the landowner.

When I-161 removed the outfitter-sponsored license, raised the price of nonresident hunting tags, and removed several regulations on outfitters, it undermined the stability of the outfitting industry. Those familiar with outfitting claim that the system in place before I-161 worked well. It regulated outfitters heavily and established a system of checks and balances on them. Now, many outfitters complain that outfitting is a free-for-all and that the stability of client services has been reduced. Unable to obtain a hunting tag, potential clients can no longer plan their discretionary time in advance, jeopardizing the feasibility of a hunting trip to Montana. It is important to realize that the competition for hunting is not between residents and nonresidents, but between Montana and neighboring states (See table 2). The rise in license prices and disappearance of outfitter-sponsored licenses may drive nonresident hunters elsewhere in the region and reduce the size of Montana’s client base. The average citizen may no longer be able to afford the time or cost of a trip to Montana for a world class hunting experience.

Table 2. Nonresident hunting fees (required license/application price included)

State	Deer/Elk Combo	Deer	Elk
Alaska	n/a	\$235	\$385
California	n/a	\$393	\$1,358.88
Colorado	n/a	\$344	\$564
Idaho	n/a	\$456.50	\$571.50
Montana	\$912	\$542	\$812
Oregon	n/a	\$516	\$641
Utah	\$731	\$328	\$453
Washington	\$737	\$432	\$495
Wyoming	n/a	\$326	\$591

One of the topics that most divided interviewees was the Block Management program run by Fish, Wildlife and Parks. Although the majority of the respondent landowners were not in favor of this program, several spoke in high praise of it. Some of the criticisms of block management were that it is financially unattractive, and that it is more trouble to landowners than it is worth. Several respondents noted that the compensation is far too low for the services provided. The other main critique had to do with a quantity versus quality aspect. Most hunters are looking for an above average animal, which is very hard to find on block management land. The problem arises from the lack of restrictions in place. Because landowners are paid per hunter day, their financial incentive is to

maximize the number of hunters on their property. However, that level of hunting reduces the supply of mature game animals. Despite these criticisms, several landowners said that they were very pleased with block management – that it removes hassle and is a good management tool.

Other issues raised by some of the landowners relates to Fish, Wildlife and Parks' wildlife management and the licensing structure. Several landowners and managers think there is a major problem with the number of game animals on their property, with no proper means of harvesting them. There do not seem to be enough hunters willing to shoot antlerless animals, and in some places there are not enough cow and doe tags. Several complaints were based on the notion that FWP is not using the best available science in its management. The reduction of archery elk permits in the Missouri River breaks and adjacent areas was a big issue to several interviewees. One belief is that FWP is manipulating the permitting system in an effort to control where the available tags are issued. Also, several landowners and outfitters think that the current license structure is very uninviting to nonresidents and only allows higher income people to come to Montana to hunt. On the other hand, one landowner mentioned that the current wildlife numbers in his area are better than ever. He credited this solely to sound wildlife management. Varying support is perhaps inevitable given the different regions in which the interviews took place.

Lastly, landowner relations with Fish, Wildlife and Parks were raised several times. The landowners that provide free public access seem to have a great standing relationship with FWP. However, those who do not offer unregulated access do not have such a supportive relationship. Several landowners provided examples indicating that once they charged any type of access fee or entered into a leasing agreement with an outfitter or hunting club, FWP was less willing to work with them on wildlife and land management issues. However, there were just as many interviewees who stated that they had an outstanding relationship with their local FWP office, whose staff was efficient and easy to work with. Perhaps FWP could study the successful relationships and identify how and why those FWP-landowner relationships work. As it stands, however, these interviews point to future conflict potential between these two groups, furthering the conundrum of wildlife management, private land owners and outfitting/guiding.

In addition, several of the miscellaneous concerns pertained to the nonresident landowner. There appears to be a trend of nonresidents coming into the state and buying large pieces of pristine wildlife habitat and closing it off to all access, which in turn has had several consequences. First, many of these properties tend to be in prime wildlife management areas where the state can no longer control the populations efficiently. Also, some of the best pieces of hunting grounds are being completely closed off to public access. There were suggestions on educating these new landowners on the historical importance of public access in the state and the biological advantages of allowing access. It does not seem to be a financial issue, so alternative incentives may be needed in order to open up more of these newly acquired private properties.

A separate issue that was raised had to do with the anomaly of the issue of access. Many of the landowners and outfitters felt that any access issue in Montana is unfounded due to the amount of public land in the state. The public land outfitters had a very interesting view on this issue because of the nature of their work. They rarely ever see other hunting parties and believe the so-called access issue is more of a problem relating to a lack of effort from the hunter. Worth noting, one objective behind I-161 was to open up more acres to private land. (Discussion with Mac Minard, March 28, 2011). However, in the process, I-161 significantly affected the business of many public land outfitters across the state who do not take away any public access to begin with. They were considered collateral damage in this process.

There were several mentions of liability concerns and the relationship between access issues and the availability of elk. Multiple landowners touched on the fact that one of the reasons they do not allow public access relates to concerns about liability. One landowner credited his enrollment in block management to the fact that the state assumes all liability risks. If a solution is found that could eliminate more of the risks associated with liability, combined with specific landowner incentives, more public access to private land may result. Moreover, many of the private land access issues are tied directly to elk. Being one of, if not the most sought after animals to hunt in Montana and in the west, people tend to behave more erratically when elk are present. By supporting elk populations on private lands, landowners often face significant financial repercussions as well as increased pressure from outfitters and hunters to pursue those animals. If Montana is

to remain one of the premier elk hunting destinations in the world, the majority of these elk populations cannot be held inaccessible.

Perhaps the common overriding principle that materialized with these conversations is the view that landowners who happen to have game animals on their land are feeling infringed upon by the public passing I-161. While I-161 may not directly affect many landowners, it sets precedence. As with any business, regulations that stymie a business owner's ability to make money the way they want to make money causes a change in their business practice. In this case, the reaction by many landowners will likely reduce public access rather than increase it. The lack of respect by the hunter towards the landowner's land is creating animosity toward hunters – especially resident hunters. This lack of respect coupled with the passage of I-161 may be the proverbial "straw that broke the camel's back."

Future Research

Wildlife management, license structure, hunting on private lands, and hunter education are all areas for further research. After completing this project, there appears to be a significant need for a larger, more comprehensive follow-up study. It is recommended that a landowner study explore the past, present and future use of private lands in Montana. Results could assist FWP, ranchers, and communities with finding solutions that work best for everyone. In addition, a report on the 'state of Montana's outfitting industry' should be written based on survey and interview data. Another study needs to explore land access issues from the viewpoint of landowners, hunters, and outfitters. This report could be the predecessor for an action plan related to hunting, private lands, and outfitters. It would be advantageous to conduct a second study on the economic impact of outfitting and guiding industry in Montana, similar to, but expanding on the study completed in 2006. This economic study should include interviews with business owners in small communities around the state to assess the impacts of hunting on their livelihood and the sustainability of small communities. Finally, a study of resident and nonresident hunter perceptions about land access, wildlife management and license structure including pricing should be conducted. If Montana is going to be one of, if not the highest priced hunting destinations in the lower forty-eight, ample research is needed to prove whether this price increase is sustainable socially, economically, and politically.

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Appendix A: Initiative 161 Ballot Language

INITIATIVE NO. 161

A LAW PROPOSED BY INITIATIVE PETITION

I-161 revises the laws related to nonresident big game and deer hunting licenses. It abolishes outfitter-sponsored nonresident big game and deer combination licenses, replacing the 5,500 outfitter-sponsored big game licenses with 5,500 additional general nonresident big game licenses. It also increases the nonresident big game combination license fee from \$628 to \$897 and the nonresident deer combination license fee from \$328 to \$527. It provides for future adjustments of these fees for inflation. The initiative allocates a share of the proceeds from these nonresident hunting license fees to provide hunting access and preserve and restore habitat.

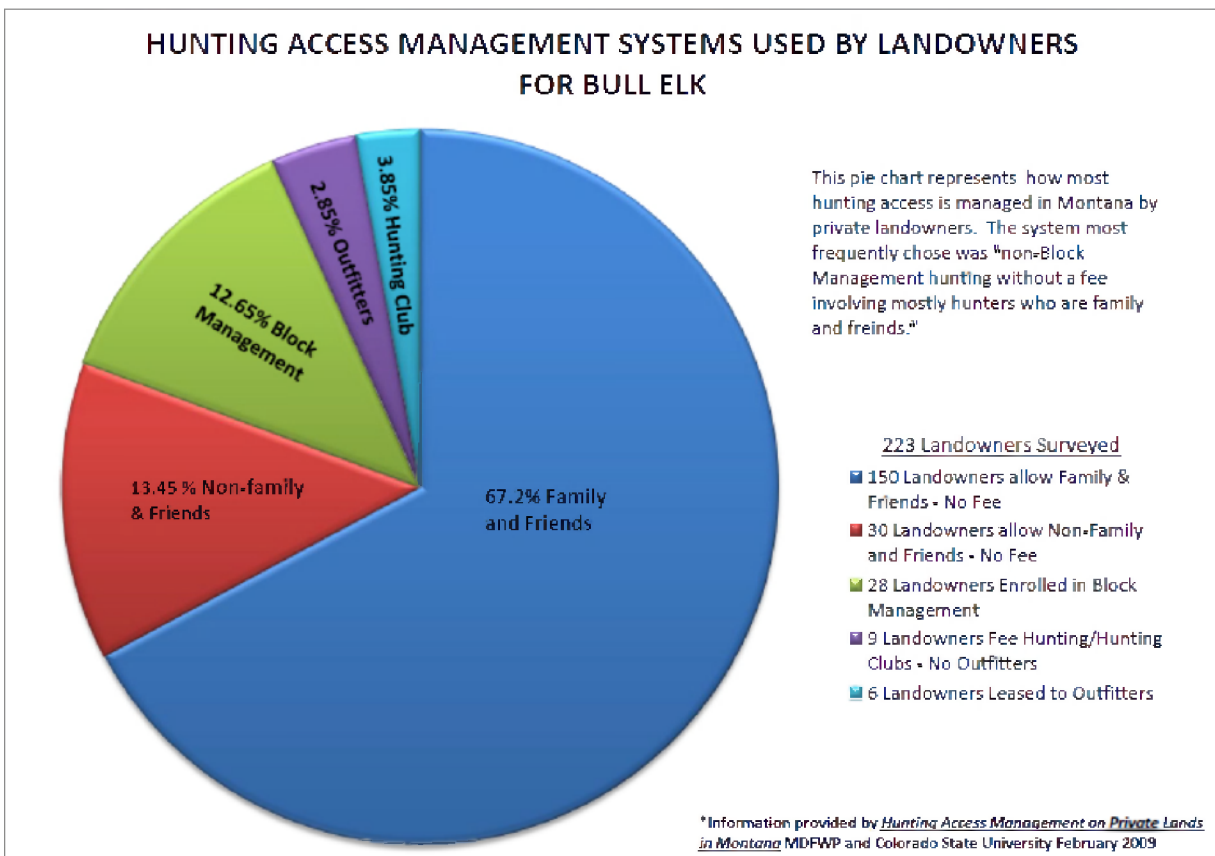
I-161 increases state revenues over the next four years by an estimated \$700,000 annually for hunting access and an estimated \$1.5 million annually for habitat preservation and restoration, assuming that all nonresident hunting licenses are sold. It also increases general nonresident hunting license revenues by inflation.

[] FOR abolishing outfitter-sponsored hunting licenses, replacing outfitter-sponsored big game licenses with nonresident licenses, increasing nonresident license fees, and increasing funding for hunting access and habitat.

[] AGAINST abolishing outfitter-sponsored hunting licenses, replacing outfitter-sponsored big game licenses with nonresident licenses, increasing nonresident license fees, and increasing funding for hunting access and habitat



Appendix B: Hunter Management Strategies



Appendix C: Interview Guide

Face-to-face Interview introduction

As I mentioned on the phone, I am conducting an undergraduate research project relating to the impacts of Initiative 161. I am exploring the issues relating to private property rights, public hunting access, and non-resident license funding. This interview should take 30 to 60 minutes. Is it Ok if I record this interview? Thank you.

Interview Questions

- How long have you lived in Montana?
- What is the hunting and fishing like on your lands?
- How many acres of land do you own/lease? Is it > 100; 101-500; 501-1,000; 1,001–3,000; over 3001 acres?
- Let's first talk about hunting on your land:
 - Who do you currently allow to hunt and why? (friends? Family? Door knockers? Residents only? Only those who have completed the landowner-stewardship online exam? Everyone?)
 - Who do you not currently allow to hunt and why?
 - What has changed over the years in terms of how you allow people to hunt on your land? (hunting approval or management styles). If changes, why?
 - What are your plans for future hunting on your land? What factors are influencing your hunter management strategies?
- What do feel the issues are with private land/public access in Montana?
- Let's now discuss I-161. As you know I-161 was an initiative.....
- In this next year, how will I-161 affect hunting access and management on your land? Do you see it affecting future management strategies? Why, why not? Will you now allow more hunters (unguided) on your lands? Why or why not?
- As you probably know, the FWP block management program is a partnership between people like you (private land owners) and FWP to allow hunting on your land. Are you part of the Block Management program?
 - If part of the program, what works and what doesn't work for you?
 - If not part of Block Management, why not?
- I know you have thought through how and who you allow to hunt on your lands. Could you brief me on your feelings regarding, fee hunting, hunting clubs, leasing to outfitters, closing your gates to hunting?
- What do you feel is the best way to protect private property rights while also conserving Montana's hunting traditions?
- In your opinion, what will it take to improve the availability of hunting access on private lands?
- What role should the guiding/outfitting industry play in the future of hunting in Montana?
- Any other comments on hunting, I-161, private lands, you would like to make?

Thank you so much for your time. I will email you a copy of the final report if you would like to see it.