

EXHIBIT NO. 10  
DATE 4-9-13  
HB 298

Dr. Ostrom  
FWP Retired

Throughout my career with FWP, it was apparent that the department has poor working relationships with many agriculture landowners. If anything, the department's working relationship with landowners has deteriorated since then and in spite of all of the working groups the department has used to help formulate public policy.

In my opinion, the problem stems from the manner in which the department's approach aligns with the North American wildlife management model and, associated with it, the department's understanding of the public trust doctrine. As a consequence, the department acts in a manner that presumes it has a greater duty to serve resident hunters and anglers than its duty to serve other Montanans, including landowners. Moreover, the North American Model fails to honor the significant contribution that private landowners have made to wildlife conservation.

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Elinor Ostrom, a political science professor, is considered a leading scholar in the study of common pool resources, i.e. resources held in common and which benefit all members of society. Dr. Ostrom's model includes the idea that, because public trust resources belong to all of us, we all share the same opportunity to benefit from those resources. Her model also includes the idea that, because public trust resources belong to all of us, we all share the same obligation to ensure the conservation of those resources. Given the shared opportunity to benefit and the shared obligation to conserve, sustainable management is possible only if individual benefits are commensurate with the individual investments in the public trust. Based on Dr. Ostrom's model, Montana's management system is out of balance and probably is not sustainable.

The antagonism between the department and landowners is rooted in the imbalance that results because our notion of the public trust doctrine focuses only on who benefits from and largely ignores those who invest in the resource. In Montana, the primary means for deriving an economic benefit from our wildlife resource is to participate in recreational hunting. The primary means for investing in wildlife conservation is to own land. The average recreational hunter receives a benefit that is disproportionately greater than his investment in conservation. Conversely, the average traditional agricultural landowner makes an investment in wildlife conservation that is disproportionately greater than the benefit that he receives from the resource.

Aldo Leopold, considered by many to be the "father of wildlife management", noted that only the landowner can practice wildlife management cheaply. Leopold advocated providing incentives to landowners to practice wildlife management in conjunction with their other agriculture activities. Further, he suggested that the most advanced system of wildlife administration would be a regulatory framework for private management that serves the public interest. In Montana, such a system would require a genuine partnership between FWP and private landowners.

The current system offers modest incentives for providing access. Except for purchased conservation easements, the system provides no incentives for private land wildlife management. And, the current system is intentionally designed to make it difficult for private land owners to gain a return on their investment in management from fee-based hunting on private land.

I encourage the legislature to pass HB298 and to use the study to move Montana beyond the North American Model and to enfranchise private landowners as valued partners in a renewed commitment to sustainable wildlife conservation.