

Why we have all this

Not long ago I visited Smith River State Park for a three-day float. The park is an oasis of clear water, tall limestone bluffs, lush shorelines, and chattering kingfishers that seemed to lead us around every bend. The surrounding national forest and ranches are home to elk, deer, black bears, songbirds, and nesting bald eagles, and the river is famous for its brown, rainbow, and cutthroat trout fishing.

It struck me then, as it has so many times, how fortunate we are to have places like the Smith in Montana. Fortunate, but not lucky. Montana started out with abundant mountains, prairies, and rivers, inhabited by unimaginable numbers of native wildlife and fish. But it's thanks to the wisdom and foresight of federal, state, and tribal governments decades ago that so many of those resources are still with us—and will be far into the future.

The framework of laws and regulations safeguarding Montana's great outdoors includes the Migratory Bird Treaty Act, the Endangered Species Act, and the Clean Water Act; Montana legislation like the Stream Access Law and Stream Protection Act; landmark documents like the Montana Constitution; and guiding principles such as the North American Model of Wildlife Conservation. The underpinning of these and other efforts to secure and steward wildlife and other natural resources is what's known as the "public trust."

The public trust concept derives from the long-held belief by many societies, including the United States, that certain natural resources are so important to everyone that they should be off limits to individual ownership, or privatization. And that it's the government's responsibility to steward these public resources for the fair and equitable enjoyment of current and future generations.

The word "trust" in public trust doesn't mean "faith" or "certainty." It refers instead to an arrangement in which one person or group acts as the steward of funds or property (or in this case, natural resources) and manages them to benefit another person or group.

It's like if your mother gave you \$10,000 with the understanding that you'd hold, protect, and safely invest the money and use it to provide for her needs. For this to work legally, she would set up what's known as a "trust," with you as the "trustee" and herself as the "beneficiary" of the trust. Your responsibility would be to manage the assets of the trust—the \$10,000—and use the proceeds to pay for her present and future needs.

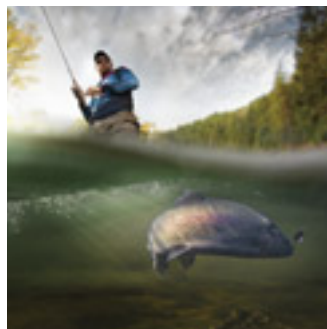
As the trustee, you would have to invest prudently and responsibly. For instance, you couldn't use the money to bankroll a friend's dodgy business venture. You couldn't spend it on yourself, either.

It works the same way for Montana's rivers, water, fish, wildlife, cultural resources, and state parks. Those public resources are held "in trust" by the state, acting as the trustee, for the people of Montana, the beneficiaries.

Why is the state involved? First, because the public needs some way to collectively decide the most equitable and sustainable way to manage and allocate trust resources for current and future generations. Legislators, the governor, Fish and Wildlife Commission members, Parks and Recreation Board members, and department directors are elected or appointed to make decisions on behalf of the trust beneficiaries. If the trustees don't uphold their obligations to protect the long-term health of the trust, the beneficiaries can hold them accountable in the courts or at the ballot box.

The other reason for state involvement is that public trust resources require stewardship and management by trained professionals. That's the role of biologists, game wardens, park managers, technology specialists, and others who work for FWP.

FWP's responsibility to steward the public trust, with other



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state and federal agencies, explains almost everything this department does. We provide hunting, fishing, and other outdoor recreation opportunities so that people today can use and enjoy their fair portion of the public trust. But we also balance that use against the need to conserve wildlife, fish, and state parks for future Montanans and visitors.

FWP employees are not the only ones with trust responsibilities. Teachers, firefighters, police officers, community health specialists, and all other public employees are responsible for protecting and stewarding a wide range of public needs, including education, safety, and health—each of them a trust of its own.

In future issues of *Montana Outdoors*, I'll discuss how societal changes increasingly challenge the public trust that FWP is responsible for conserving. I'll also describe how Montanans have reconciled differences with sensible solutions that preserve both the public trust and other deeply cherished values, such as property rights. And I'll explain how we must continue that tradition of respectful, collaborative problem-solving to meet future challenges to the public trust and all it stands for.

—**Martha Williams**, Director, Montana Fish, Wildlife & Parks