DISSENT

Although we are in agreement with 90% of what the committee has recommended, we cannot agree with the recommendation to leave the new elk archery regulations for the 23 districts in place, even in an altered form. We would recommend the regulations be rescinded.

We come to this conclusion, not because we think FWP had ulterior motives in passing the regulations over substantial public opposition (in fact, we believe FWP thought it was doing the right thing). We think FWP was simply mistaken and rushed the regulations through without considering whether there was real proof for the reasons it espoused to support the regulations and whether there would be unintended consequences arising from them. The one problem that everyone recognizes is a problem (us included) is obtaining access to decent hunting for the general public hunter. The committee has addressed trying to solve this problem in its recommendations and we agree completely with those recommendations. We strongly believe, however, that leaving the new regulations in place, in any form, reduces the possibility of solving the access problem.

It is clear that the new regulations do nothing in and of themselves to obtain additional access for the public – that was admitted at one of our meetings by FWP personnel. What they have done is to inflame Montana landowners into believing, rightly or wrongly, that the new regulations are an attempt to interfere with their property rights by limiting the number of non-resident archery hunters and, consequently, reducing their ability to lease to outfitters. Unfortunately, upset landowners do not make it easy, or even possible, to obtain additional public access. Landowners can say "yes" or "no" to any public hunting -- it is within their rights as property owners to say what can and cannot take place on their property. That is why, we believe, surrounding states have taken the "carrot" rather than the "stick" approach when dealing with landowners on the issue of access (there was a good summary of what other states are doing in this regard presented at the Elk Summit held in December 2007). Many Montana landowners believe that in passing the new regulations, FWP has taken the "stick" approach.

To us, the only way to bring many landowners back to the table is for FWP to tacitly admit it made a mistake in passing the new regulations and rescind them altogether. Then FWP, with its powers hopefully enhanced as we have recommended, can begin the long process of engaging landowners one by one to obtain more public access.

Robert Dyer

Todd Steadman

William Ferris