

The tension serves us all

Two of the most strongly held values in the United States are the public trust concept—the idea that we all have a stake in what is good for society and how our natural resources are managed—and respect for private property rights. Not surprisingly, there is inherent tension between the two.

Society has tried to fairly and equitably balance these sacred principles through federal and state courts and legislation. For instance, even though elk are held in the public trust, a person can't hunt them on someone else's property without the landowner's permission. At the same time, even if elk are mowing down their alfalfa, landowners can't kill elk except during hunting seasons and with requisite licenses and permits.

The state of Montana has also used land-management strategies to reconcile private property rights with public land and wildlife. Wildlife management areas were first established in the 1940s as elk wintering habitat to prevent the animals from overwhelming private ranches. The Block Management Program was created to help private landowners manage public hunting on their property. Conservation easements are a way for the hunting public, via FWP, to pay landowners to protect critical wildlife habitat.

Many citizen-based groups across Montana have found ways to reconcile the private-public tension. The Ranchers Stewardship Alliance, a stockgrower-led organization based in north-central Montana, works on sustaining rural economies and communities while conserving public wildlife, land, and waters. Private property owners and public wildlife groups sit down to hash out disagreements through groups like the Musselshell Watershed Coalition, Blackfoot Challenge, Devil's Kitchen Working Group, Ruby Valley Strategic Alliance, and Big Hole Watershed Committee.

Then there's the 2014 Rocky Mountain Front Heritage Act, a bipartisan bill that added 67,000 acres to the Bob Marshall Wilderness and protected an adjacent 208,000 acres in unique conservation areas that allow cattle grazing and firewood harvesting. The coalition supporting the act included local ranchers and outfitters, state and national wildlife organizations, and businesses and professional groups. A Montana-based bill with similar public-private backing, the Blackfoot Clearwater Stewardship Act, was introduced in 2019 and is making its way through Congress.

Again and again, Montanans have found common ground while respecting private and public rights. Maybe our vast open grasslands and breathtaking mountain scenery tap into deeply shared values of cooperation, trust, and decency. Maybe we recognize that private property rights and the public trust concept are negotiated social agreements created to maximize values like free will, liberty, and the

common good. Whatever the reason, we continue to find ways to work together to resolve even seemingly intractable differences. Montanans recognize that “winner take all” is not a sustainable strategy, that it ends with decisions being made, then unmade, again and again, each time political power changes hands.

Yes, working together means compromise. But what's the alternative—stalemate? Endless litigation? When opposing sides draw lines in the sand, everyone just stands there in the sand, doing nothing.



The stockgrower-led Ranchers Stewardship Alliance is one of many examples of how Montanans reconcile the tension between economic liberty at the heart of private property rights and the common societal good that anchors public trust thinking.

FWP is for getting things done. We believe that building collaborative decisions based on authenticity—being true, honest, and present—builds understanding and support for those decisions. Just as important, it makes them durable.

Alternative perspectives and even conflict don't necessarily lead to stalemate. In fact, differences among individuals and groups can force us all to ask hard questions about ourselves and draw on our collective ingenuity to create solutions fair to everyone. Montanans' varied life experiences, abilities, and perspectives are ingredients to lasting solutions that no one individual or group—public or private—could imagine on its own.

In that sense, the tension between property rights and the public trust doctrine serves us well. Being forced to see the world through others' eyes is how we learn, adapt, solve problems, and ultimately thrive as a society. Montanans have shown that providing everyone with a seat at the table—and focusing their collective voices on solving a shared problem—results in more informed and effective decisions, and a better Montana outdoors and economy for all.

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