



**UPOM, Inc. Newsletter
September, 2008**

Candidate Survey

We have just sent out an issue survey to all legislative, statewide, and congressional candidates. The survey seeks to assess our candidates' positions on issues that are important to private property owners and sportsmen. We have asked for the surveys to be returned by September 30th. The answers will be posted in their entirety on our website www.upom.org. The survey questions are below:

- o Do you believe that stiffer penalties for willful trespass would help reduce the number of "bad apples" that give sportsmen a bad reputation?
- o Do you believe the Fish, Wildlife and Parks Commission should use the big game license and permit structure exclusively for biological game management?
- o In your opinion, should the Department of Fish, Wildlife and Parks complete an Economic Impact Statement prior to major decision limiting hunting opportunity?
- o Should the Fish, Wildlife and Parks Commission include more landowner representation?
- o Do you hunt or fish?
- o Do you provide hunting on your private property or do you currently hunt on private property?
- o Do you believe that landowners should be compensated for damage caused by wildlife?
- o Should landowners be compensated for allowing public access? In what ways?
- o What changes would you like to see to Montana's stream access law?
- o Do you believe landowners should have the right to close roads on their private land where public use has previously been allowed?

**Property and Environment Research Center (PERC): Protecting
Montana's Environment Through Property Rights**

Deanna Robbins and Toby Dahl, UPOM directors, traveled to Bozeman in August to participate in a workshop sponsored by the Property and Environment Research Center (PERC). The focus of the workshop was "Private Habitat and Public Access, Breaking the Gridlock"

PERC is the nation's oldest and largest institute dedicated to improving environmental quality through markets and property rights. Research is at the heart of PERC's work followed by outreach and education. Formed more than 25 years ago, PERC applies economic thinking to environmental problems. Located in Bozeman, PERC pioneered the approach known as free market environmentalism (FME).

The workshop format addressed the conflict between private property rights and the Public Trust Doctrine as it affects hunting and fishing in Montana. The goal was to facilitate communication between influential policy makers and opinion leaders in the public access debate, identify the sources of economic and legal conflicts between landowners and sportsmen, and evaluate market-based alternatives to current land access programs in Montana.

Participants included representatives from Montana Fish, Wildlife and Parks, Montana State University, Montana Stockgrowers Association, Turner Enterprises, Montana Outfitters and Guides Association, Hall and Hall Realtors, Montana Wildlife Federation, Dana Ranch Corporation, and United Property Owners of Montana. Reed Watson, Research Fellow at PERC, and Carolyn Nistler of Bozeman based Ecologic facilitated the workshop.

"This was a good opportunity to sit down with industry leaders and policy makers to discuss the conflicts that private habitat and public access has created," said Deanna Robbins, "but at the end of the day the divide remained great between property rights advocates and those who believe the so called Public Trust Doctrine gives them the right to interfere with private property rights under the guise of managing wildlife."

The workshop kicked off PERC's Montana, Clean and Healthful Campaign. The Montana Campaign is designed to educate Montana citizens and policy makers about the important link between private resource ownership and environmental stewardship. PERC's goal is to show how much the public benefits from private resource ownership and to show how unlimited access reduces these public benefits.

Through discussion forums, research, and reading materials, the

Montana, Clean and Healthful Campaign will foster support for the clean and healthful environment provided through private property rights.

You can read more about PERC and the Montana Campaign at www.perc.org.

Montana's Landowners Support Montana's Wildlife

Thank you to PERC for the following statistics:

- o Montana's wildlife populations consume more than \$24 million of forage on private lands.
- o The average monetary loss per landowner due to forage consumed on hay fields is \$5,616.
- o Without elk, ranches in southwestern Montana could support between 86 and 166 more cattle, adding profits of \$3,900 to \$19,300.

In Case You Missed It: Sportsman User Value Mapping Project

The Theodore Roosevelt Conservation Partnership, with use of grants funded by Cinnabar Foundation and Patagonia, is using Montana as a pilot state identifying critical hunting and fishing areas. Presentations are made to local "rod and gun" clubs with sportsmen circling their favorite hunting areas on a map. Montana Fish, Wildlife and Parks then adds these areas to its extensive map database. So far, 76 million acres or 82 percent of Montana has been identified for hunting and fishing. The project is detailed in the September-October Montana Outdoors Magazine [linked here](#).

According to the TRCP presentation the purpose of the project is to "show policy makers, administrators, and managers where sportsmen want hunting and fishing opportunities and access retained in the face of development." The maps are used internally for land management planning and seek to give land planners a look at the "social use" of land.

These maps will be used in every possible way against landowners. They will be used as input into management plans to fight timber sales, mining, and motorized access on federal lands. They have an agenda, and they keep chipping away at every possible angle.

Our private property rights are being threatened every day, often in ways that are below our radar. It is important to keep building our membership and develop our grassroots efforts! [Click here for a membership form.](#)

Plentywood Hunting Lock Out

Montana Department of Fish, Wildlife and Parks once again showed its disregard for Montana landowners. In a recent decision in Sheridan County, the FWP chose to ignore extensive landowner input regarding season length changes for deer. Landowners responded by closing their land to public hunting and posting NO HUNTING signs. Last report was that over 81 sections of land have been posted in the Plentywood area.

Those of us in the recently limited and proposed limited permit areas are not the only ones who are frustrated with the FWP. It is a statewide issue, and we are just now starting to come together. This is a great opportunity to stand with our neighbors and make a bigger statement. Below is the sign the Plentywood area landowners are using. UPOM has ordered some of the signs to make available to our members. If you would like to use these signs to post your own property, please contact us and we will get some to you.



Attention Landowners!

Below is a letter that Dan Freeman of Broken O Ranch had published in the AgriNews. This should be of real concern to all property owners!

Attention Landowners!

Do you truly own the streambed? Be careful and pay attention to your 2008 Assessment Notice (Property tax sheets). There have been changes! The Dept. of Revenue has changed the Legal Description Geocode and Property Classification of Land you have been paying taxes on. Land under the stream is now classified as "Nav River Ag Land."

I represent a ranch operation on the Sun River and I am very concerned with the actions the State of Montana is taking. I have visited with Mr. Dallas Reese at the Dept. Of revenue Office in Helena and have not gotten any clear answer to what prompted the Dept. to back out these lands from the tax roles. I asked who or what administrative authority mandated the Dept. to do this and again received no clear answer. I do know that this process is being done in at least Lewis and Clark, Teton, and Cascade counties simultaneously in June of 2008 on only streams that are classified by the DNRC as Navigable. I have sent a letter to Mr. Dan Bucks at the MT Dept. of Revenue Director's Office to get some response to my concerns in writing, but to this date have not received any.

When you purchase a piece of property with a stream running through it, you most likely paid for all of the acres including the stream bed. As a landowner, you in the past have certainly been paying the taxes on this property. Now the Department of Revenue has decided to value the streambed at a \$0.00 Taxable Market value without any notification or explanation of their actions. Yes, this saves you on your total tax dollars, but be careful. Don't give up what is yours!

These actions raise all kinds of questions that all land owners should press for answers!

1. Who really owns the streambed?
2. How wide of a strip of land are they addressing?
3. Why are they doing this now?
4. If they say that the State owns the streambed, then they have been taking our tax dollars under false pretenses for many years. When you purchase a piece of land you usually ask for a Title Search that guarantees that the seller really does own this piece of the property they are selling. So if the State is claiming ownership, which is right? Is the Title Company now open for a lawsuit?
5. If no taxes are paid for a period of 5 years, does the land then revert back to the State?
6. Will all streambeds, including creeks come under the control fo the

State of Montana in the future?

7. If this happens, will all streams have to be fenced off?

8. If you no longer own the streambed, the property that you paid for has certainly now devalued.

9. If as landowners we do not own the water and if we do not own the streambed, then, is the State of Montana responsible for the flood damages that occur from time to time? Also, who is responsible for the weed problem up and down all streams? Ironically, the taxes have been reduced on land only to the low water mark. Is this because they are avoiding this responsibility?

10. In the results of the Judge's decision that PP&L had to pay rent on the streambed because of where their dam sits, will we as water right holders have to pay a fee for the movement of our water rights to our head gates in the future?

Wake up landowners! Ask your legislators and your public officials what's going on.

I am certain you as property owners have more concerns and questions. Feel free to call to visit on this foreseeable problem.

Dan Freeman
406.562.3231

(Do you have an issue that you would like the membership to know about in your area? Please send In Case You Missed It submissions to info@unitedpropertyownersofmt.org)

NRA Supports Roy Brown

A previous issue of this newsletter took the NRA to task for not supporting Roy Brown for Governor, especially in light of the current administration's decisions to limit hunting access.

Well, the NRA listened and they're supporting Roy Brown for Governor. Here's an excerpt of the support letter Roy Brown received from NRA-ILA Executive Chris Cox:

"I am pleased to inform you that you have received an "A" rating in your race for Governor. An "A" rating is used to describe individuals who are solidly pro-gun/pro-hunting, opposed to additional controls on firearms

or legislation restricting hunting, and would vote for pro-gun reform legislation.”

Roy Brown has also made it clear that he will not further restrict hunting access.

MEMBERSHIP:

By increasing our membership we increase the number of privately owned acres that we represent across Montana. Attached is the membership form. Please print off this form and send it to people in your area interested in protecting their private property rights. UPOM is truly a grassroots organization! By word of mouth, from neighbor to neighbor, we can make a positive difference in protecting our property rights and preserving landowner/sportsmen relationships.

[Click here to download a membership form.](#)

Please respond to this email to be removed from our list.

www.unitedpropertyownersofmt.com