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# CONSERVING WILDLIFE HABITAT WITH LANDOWNER HUNTING PERMITS

Lessons from western states to enhance voluntary  
conservation on private lands

by Catherine Semcer and Jack Smith





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## Lessons from western states to enhance voluntary conservation on private lands

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**T**he way private lands are managed and developed has an outsized impact on publicly managed wildlife. In the West, this dynamic stems partly from historical settlement patterns—in the 19th century, the same river valleys that were hotspots of biodiversity and provided winter forage for elk, deer, and other large ungulates were also the best suited for farming and ranching. As a result, many key habitat areas came into private ownership.

Today, private landowners remain essential conservationists of wildlife habitat. Elk, deer, and pronghorn can impose substantial financial burdens on ranchers and farmers—including lost forage, property damage, and disease risk—that decrease their interest in supporting wildlife and increase their vulnerability to development pressures.<sup>1</sup> As populations grow in the West, these pressures mount, threatening habitat and the wide range of other benefits private lands provide to the public, including clean water and carbon sequestration.<sup>2</sup>

Relieving wildlife-related costs is one way to encourage habitat conservation and other environmental benefits that stem from private lands. Policy

### HIGHLIGHTS

- ▶ Private lands provide critical wildlife habitat and other conservation benefits to the public, but the presence of publicly managed wildlife can increase financial costs for landowners, especially ones dependent upon agriculture for their livelihoods.
- ▶ Wildlife costs contribute to the risk of converting land for development and decrease landowners' willingness to improve and expand habitat.
- ▶ Various states provide transferable hunting permits to landowners to offset wildlife-related costs borne by private property owners and encourage additional wildlife conservation on private lands.
- ▶ Western states' transferable hunting permit programs offer lessons for enhancing voluntary conservation on private lands.



tools can also go further by providing tangible incentives for landowners to improve habitat quality.

One way state wildlife agencies have attempted to offset the costs of large ungulates to property owners and enhance private land habitat has been to give landowners transferable hunting permits. Landowners can either use such permits themselves or sell the permits to other hunters. This market-based model that allows permits to be transferred lets landowners tap into the multi-billion-dollar U.S. hunting market, which can create new revenues that counterbalance the cost of living with wildlife and promote conservation practices that maintain or enhance habitat.<sup>3</sup>

Despite their potential benefits, however, transferable hunting permit programs face opposition from some hunters and hunting outfitters, stymying attempts to establish new programs and prompting changes in current ones.<sup>4</sup> Controversy over transferable permits signals the need for state agencies to provide better evidence of clear, measurable benefits that such programs provide to hunters and the wider public.

By examining programs in Colorado, Nevada, New Mexico, Oregon, and Utah, this brief offers

recommendations for transferable hunting permit policies that would maximize conservation benefits in line with state wildlife agency goals. With the right structure, such programs can encourage protection of wildlife habitat, mitigate human-wildlife conflict, increase hunting opportunities, and promote conservation in the public interest.



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## RECOMMENDATIONS:

### ► Enhance Accountability

1. Require landowners to steward quality habitat or bear wildlife-related costs to qualify for permits.
2. Adjust permit numbers according to property-level conditions.
3. Align landowner goals with state conservation plans.

### ► Empower Landowners

4. Respect private property rights while facilitating public access.
5. Allow small property owners to apply for permits as a group.

### ► Ensure the Public Receives Fair Value for Wildlife

6. Give landowners permit vouchers, retaining authority to sell permits within state agencies.
7. Limit permit applicability to landowners' private property except in special instances.

## PUBLIC BENEFITS, PRIVATE COSTS

Western private lands not only provide big-game habitat, but they also produce a range of additional benefits, such as supporting biodiversity, sequestering carbon, and filtering water.<sup>5</sup> Recently, various state and federal officials have recognized the specific and integral role private lands play in maintaining migration corridors and intact habitat for elk, deer, and pronghorn. A secretarial order from the Department of the Interior and executive orders from western state governors have made such corridors a focal point of western conservation efforts.<sup>6</sup> Moreover, private land managers desire conservation models that respect private property rights, and the Biden administration's America the Beautiful conservation initiative emphasizes the need for programs that support private land conservation and encourage voluntary stewardship.<sup>7</sup>

Such approaches are crucial given the significant role private lands play providing wildlife habitat and other conservation benefits. In the West, many of these lands are grasslands, an under-represented biome in America's land conservation system that has an outsized importance in sustaining migratory

wildlife.<sup>8</sup> In the Greater Yellowstone Ecosystem, for example, elk spend up to 80 percent of their time on private lands throughout the winter.<sup>9</sup> Unfortunately, western private lands are vulnerable to conversion. Since 1982, an average of 350,000 acres of American grasslands, primarily in the West, have been converted annually to uses that impair ecosystem services and diminish their conservation benefits.<sup>10</sup>

Elk and deer in particular can exacerbate conversion risk and decrease landowner interest in programs and practices that conserve wildlife. Such animals knock down fences, compete with livestock for forage, attract large carnivores, and can increase the risk of zoonotic disease transmission. By one estimate, elk and deer are responsible for more than \$100 million of agricultural damage every year, more than any other wildlife species.<sup>11</sup> In areas like Montana's Paradise Valley, the risk of elk-transmitted brucellosis, a disease that can cause cows to abort their calves, can spell financial ruin for landowners: The cost of quarantining a cattle herd after testing positive for brucellosis can exceed \$140,000.<sup>12</sup> Offsetting the financial costs publicly managed wildlife can impose on private landowners can increase opportunities for wildlife conservation in western states.



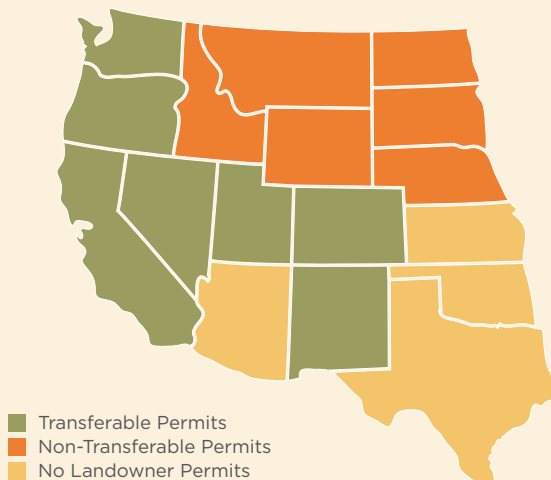
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## TRANSFERABLE HUNTING PERMITS AS A SOLUTION

To improve tolerance of wildlife and partially compensate for the costs game animals impose, 13 western states offer landowners permits that they or their families can use to hunt wildlife on their property. Seven western states go a step further, allowing landowners to sell those permits to hunters. The revenue potential of transferable permits is often far greater than the value of permits that cannot be sold. Transferable permits also create a powerful incentive to conserve or improve wildlife habitat. Depending on the goals of state wildlife agencies, this incentive could be tailored to prioritize financial relief to landowners, big-game population growth, habitat conservation generally, migration corridor conservation specifically, or other benefits.

Landowner Hunting Permits in Western States



Landowner hunting permits are a common tool used to mitigate damage from wildlife or help achieve state wildlife conservation objectives in the American West. Thirteen western states offer permits to landowners that can be used by them, their family members, or other select people, such as property managers. Seven states allow landowners to sell those permits to hunters at market prices, offering landowners a potential source of revenue tied to hunting opportunities on the habitat they maintain.

Source: Western State Wildlife Agencies

## A Proven Practice

Transferable hunting permits fit neatly into the North American Model of Wildlife Conservation from a regulatory, public management, and common-practice perspective.<sup>13</sup> From a regulatory perspective, state agencies authorize and manage landowner permits just as they do all hunting permits. Whether awarded to a landowner or any other hunter, each hunting permit, commonly called a “tag,” authorizes the holder to harvest one animal of a specific game species according to rules set by the state agency, which include when and where the permit is valid, what weapons can be used, and other regulations specific to the animal, such as sex or antler restrictions. Landowners, like all hunters, must also own an up-to-date license to hunt purchased from their state in order to receive permits, regardless of whether they intend to use or sell the permits.<sup>14</sup>

Landowner permit programs do not allow landowners to privatize publicly managed wildlife resources because they do not guarantee a kill or authorize landowners to sell wildlife bodies.<sup>15</sup> Just as public land hunters cannot fence-in, harbor, or capture publicly managed wildlife to increase or ensure hunter success, neither can private landowners enrolled in transferable permit programs.<sup>16</sup> Instead, like any state-sold hunting permits, landowner permits only grant legal access to the opportunity to pursue game. While this distinction applies in all states, some make it explicit by giving landowners “vouchers” instead of permits. In such states, hunters who purchase a voucher from a landowner at a market price must also buy a permit from the state wildlife agency to legally kill an animal.

Across the United States, private lands are at the center of hunting markets. Transferable permits provide a straightforward way for landowners to access these markets. Sixty-four percent of U.S. hunters (7.3 million people) hunt exclusively on private land, and approximately 440 million acres—22 percent of the continental United States—are either leased or owned for wildlife-dependent recreation.<sup>17</sup> Hunting is the dominant recreational use of these



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lands, with an estimated \$1.48 billion spent on long-term leases annually and \$814 million in day-use fees paid by hunters each year.<sup>18</sup> In addition, nearly all western U.S. states already have some sort of program that provides landowners with hunting permits.<sup>19</sup>

## Incentives to Conserve Habitat

The primary difference between state-sold hunting permits and landowner-sold permits is price. While even non-resident hunting permits purchased from state agencies rarely exceed \$1,000, some landowner permits sell for \$20,000 or more.<sup>20</sup> This premium reflects hunters' willingness to pay for efficient and guaranteed access to hunting in areas where permits are scarce or where public land hunting opportunities may be accessible only through a state-managed lottery. It could also reflect the value of hunting where there is less pressure or better habitat, which often translates into higher rates of success. This price premium drives landowners to improve habitat and see wildlife as an asset instead of a liability.

Other alternative models—such as non-transferable landowner tags, public-access incentive programs, or outfitter permits—lack the financial incentives that transferable landowner hunting permits provide to conserve or improve habitat and are much less effective at relieving wildlife-related costs. If the goals are to conserve and improve habitat while offsetting landowner costs, transferable hunting tags provide the crucial element—a potential revenue stream—that makes those goals possible.

## CLARIFYING CONSERVATION BENEFITS

Despite being used in several states and having the potential to benefit many stakeholders, transferable hunting permits draw criticism from some hunters and outfitters. While some criticisms are baseless, they all signal the need for state wildlife agencies to design transferable permit policies that more effectively demonstrate their potential to benefit wildlife and the public.

A small but vocal community of hunters opposes transferable permit programs based on the perception that they unfairly benefit recipients while providing few public benefits. Some claim that they hurt hunting opportunities by decreasing the number of permits that are publicly available.<sup>21</sup> This claim is unfounded since transferable landowner permits are, by their nature, available to the public for purchase. Furthermore, they often provide guaranteed, instant access to opportunities in hunting units where the odds of drawing a public land permit are very low. Some also argue that programs violate the North American Model of Wildlife Conservation by allowing landowners to privatize publicly managed wildlife.<sup>22</sup> While this claim is also not true, as discussed above, the sentiment that a small group of people are capturing benefits that belong to the public persists and helps drive efforts to block proposals for new or expanded programs.<sup>23</sup>

Some outfitters in states that lack transferable landowner hunting permits have opposed them because they can dislodge outfitter monopolies on private land hunting markets and disrupt outfitters' current business practices. In some states, this is because outfitters are given transferable hunting permits instead of landowners, making them a necessary partner for landowners who want to sell access to hunt their land.<sup>24</sup> Outfitters also often serve as brokers of hunting experiences in states like Montana, where hunters must draw their own permits. In contrast, transferable landowner permits give landowners the authority to “cut out the middleman,” selling permits at a market rate and becoming their own hunting broker. In states that do not give outfitters permits, this option can make it much more attractive for hunters to buy a hunting experience from a landowner, which comes with a permit, instead of through an outfitter. This increase in landowner market share makes programs unpopular with some outfitters, but it also allows more of hunters' dollars to go directly to those with a management stake in the land, encouraging more habitat conservation.



## Transferable Landowner Hunting Permit Programs

State	Program	Species	Landowner Eligibility Requirements	Permit Seller	Where Permit is Applicable	Public Access Requirement
Colorado	Ranching for Wildlife	Elk, deer, pronghorn, black bear, turkey, moose, bighorn sheep	<ul style="list-style-type: none"> <li>Habitat management performance standard</li> <li>Minimum acreage</li> <li>Agreement with state agency</li> </ul>	State agency (landowners sell vouchers)	Landowner property	Yes: A percentage of each ranch's permits given to the public
	Landowner Preference program	Elk, deer, pronghorn	<ul style="list-style-type: none"> <li>Minimum acreage</li> <li>Presence of and/or use by wildlife</li> <li>Demonstrated cost</li> </ul>	State agency (landowners sell vouchers)	Landowner property or unit-wide*	No
Nevada	Landowner Damage Compensation Tags	Deer, pronghorn	<ul style="list-style-type: none"> <li>Presence of and/or use by wildlife</li> <li>Demonstrated cost</li> <li>Agreement with state agency</li> </ul>	Landowner	Landowner property or unit-wide*	Yes: Public access to adjacent, inaccessible public lands required
	Special Elk Incentive Tags	Elk	<ul style="list-style-type: none"> <li>Presence of and/or use by wildlife</li> <li>Agreement with state agency</li> </ul>	Landowner	Unit-wide	Yes: Public access to adjacent, inaccessible public lands required
New Mexico	Elk Private Lands Use System	Elk	<ul style="list-style-type: none"> <li>Habitat management performance standard</li> <li>Location within state agency's management zones</li> <li>Agreement with state agency</li> </ul>	State agency (landowners sell authorizations)	Landowner property or unit-wide†	Varies: Landowners who receive unit-wide permits must allow access to their land
Oregon	Landowner Preference Program	Elk, deer, pronghorn (pronghorn permits non-transferable)	<ul style="list-style-type: none"> <li>Minimum acreage</li> </ul>	Landowner	Landowner property	No
Utah	Limited-Entry Landowner Permits	Elk, deer, pronghorn	<ul style="list-style-type: none"> <li>Presence of and/or use by wildlife</li> </ul>	State agency (landowners sell vouchers)	Unit-wide	Yes: One public hunter allowed access for every voucher

\* Determined by state agency

† Determined by landowner

Source: Western State Wildlife Agencies

## EXISTING TRANSFERABLE PERMIT PROGRAMS

Five western states provide the majority of transferable hunting permits to western landowners: Colorado, Nevada, New Mexico, Oregon, and Utah. Elk command the highest prices and are the largest market for transferable permits, but deer and antelope also offer insights into program designs.

While each state program gives private landowners transferable hunting permits, they differ widely in their prerequisites for eligibility and other policy features. These differences allow state agencies to respond to different conditions and focus on unique goals. They also provide a range of models that offer lessons for reform and future programs.

### Colorado

**Ranching for Wildlife** began as a pilot program in 1986 and now contains 29 ranches and 1.2 million acres of private land. All property owners with 10,000 or more acres are eligible, and neighboring ranches can group together to meet the acreage requirement. Participating landowners must improve habitat on their land for game and non-game animals, allowing for a holistic, ecosystem-centered approach. A portion of the permits assigned to each ranch is made available to the public through the state-run lottery process, ranging from 10 to 50 percent of male or antlered permits. Participating ranches must allow public hunters who draw these permits access to their land free of charge. If a ranch requires hunters to have guides,

it must provide guides free of charge as well. The number of licenses on each ranch is determined through negotiations between the landowner and Colorado's state wildlife agency.<sup>25</sup>

The **Landowner Preference Program** is designed for smaller landowners, and landowners are not guaranteed to receive transferable hunting permits. Eligible landowners must own at least 160 acres, meet habitation and habitat requirements, and be located in a totally limited-entry game management unit.<sup>26</sup> Some program permits are restricted to private lands, while others can apply anywhere within a public game management unit. Landowners remain registered with the program for five years before having to re-register, but they apply annually for permit vouchers based upon their acreage. Each application does not guarantee a voucher but is entered into a lottery process with other landowner applicants; the state wildlife agency determines a cap on total vouchers each year.<sup>27</sup>

## Nevada

Nevada allocates 1.5 percent of all deer and antelope hunting permits to private landowners as **Landowner Damage Compensation Tags**. To qualify, landowners sign a cooperative agreement with the state wildlife agency and provide proof of damages to their agricultural land. The program allows landowners to receive one permit for each 50 animals that cause damage on their land, and there is no limit on how many permits one landowner can receive. Typically, 300 to 400 are given out each year. To receive a permit, landowners must allow public access to any adjacent, otherwise inaccessible public lands during hunting seasons.<sup>28</sup>

**Elk Incentive Tags** were created to increase elk use of private lands to increase overall population objectives over those established for public land. The program aims to increase elk tolerance by allowing landowners to apply for permits to compensate for elk use of rangelands and meadows and does not apply to cultivated lands. To qualify, landowners must allow public access to adjacent, inaccessible public lands during hunting seasons. A group of

landowners may apply to receive elk permits for their combined private lands and allocate them within the group at their discretion.<sup>29</sup>

## New Mexico

In New Mexico, landowners qualify for the **Elk Private Lands Use System**, commonly known as EPLUS, by making a “meaningful contribution” to elk by being regularly inhabited by them, containing habitat, and receiving a minimum “ranch score” from a committee of state biologists and conservation officers. When a landowner joins the program, they must sign an EPLUS agreement with the Department of Game and Fish that “sets the terms of participating in the program.”

Once they do, the landowner receives a percentage of the hunting opportunity assigned to the public game management unit containing their property according to the share of acreage they own within the unit. For example, if a qualifying ranch comprises 10 percent of a game management unit, the state agency will reserve 10 percent of hunting permits assigned to that unit for that ranch.

Landowners in EPLUS are not given transferable hunting permits directly. Instead, they receive elk “authorizations” from the Department of Game and Fish that can be sold to hunters. Hunters can then use these authorizations to buy private land elk permits from the state wildlife agency. Each elk authorization guarantees a hunting permit, but on its own represents the sale of access to hunting opportunity rather than the right to kill an animal. Landowners can opt for authorizations that can be redeemed for permits that allow holders to hunt unit-wide, including on public land, but in return they must allow unlimited public access on their land during the hunting season.<sup>30</sup>

## Oregon

Oregon's **Landowner Preference Program** was established to give landowners hunting permits to “acknowledge the contribution of private lands to support wildlife and provide a form of compensation to landowners for resources used by wildlife.”



Hunting permits are allocated according to landowner acreage and can be used only within their assigned property. Any landowner with over 40 contiguous acres can apply. In a variety of game management units, landowner preference permits are limited to 5 or 10 percent of the total hunting permits for a given species, whichever is greater. Deer permits may be limited in management units below population objectives.<sup>31</sup>

## Utah

Utah's state wildlife agency gives qualifying landowners transferable **Limited-Entry Permits** to encourage landowners to manage for wildlife, compensate them for providing habitat, and to increase big-game tolerance in specific management units.<sup>32</sup> To qualify, landowners must provide habitat for deer, elk, and pronghorn; their land must be in agricultural use or eligible for it; and they must be located within a limited-entry unit. Individual landowners cannot apply for permits; instead, each limited-entry unit must have a landowner association for a given species that applies on behalf of its members. The director of the Utah state wildlife agency determines the number of permits each association can receive, but each association determines how to distribute them among its members.<sup>33</sup>

## RECOMMENDATIONS

Transferable hunting permit programs vary greatly across western states and operate within local contexts, regulations, and management priorities. Several recommendations could either improve current programs so that they can more effectively accomplish state-specific conservation goals or provide a framework for establishing new transferable permit programs. The following recommendations outline how state transferable hunting permits can enhance accountability, empower landowners, and ensure the public receives fair value for wildlife.

### Enhance Accountability

#### 1. Require landowners to steward quality habitat or bear wildlife-related costs to qualify for permits.

Multiple states use acreage as a metric for awarding hunting permits to private landowners. While this prioritizes large landowners in permit programs, it does not reveal how well landowners steward habitat or whether they bear costs of wildlife.



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Some states account for habitat quality by pairing acreage requirements with habitat standards, but these can often be improved by increasing specificity. In Colorado's Landowner Preference Program, for example, enrolled lands must be inhabited by big-game species "in significant numbers throughout the year or in substantial numbers for shorter times."<sup>34</sup> Such imprecise language leaves much to agency interpretation and makes it difficult to ascertain and track how game numbers on private lands change over time. In Oregon's Landowner Preference Program, private acreage is the only requirement for receiving hunting permits.<sup>35</sup> Such a system assumes but does not verify that landowners provide quality habitat or bear wildlife costs, potentially giving the same number of permits to landowners who actively steward excellent habitat and to those who provide no quality habitat at all. This lack of precision erodes conservation incentives.

New Mexico's "ranch score" approach in its EPLUS program provides one model that could be tailored to other states to more accurately assess landowner-supplied conservation benefits. In EPLUS, a committee of biologists and conservation officers assess private lands using six major habitat criteria: forage, water, cover, surrounding area, agricultural use, and other meaningful benefits not captured elsewhere. These factors must exceed a threshold for landowners to qualify for permits.<sup>36</sup> Such a system could be adopted and adjusted by other states to ensure that qualifying landowners support the current or future wildlife management goals of wildlife agencies, including stewardship of non-game species and ecosystems.

Alternatively, if a permit program's primary goal is to compensate landowners for damages that exceed a certain level, states should adopt clear standards for reporting and verifying costs imposed by wildlife, an aspect lacking from many current programs.

By requiring habitat provision or demonstrated costs to reach a specific threshold, state wildlife agencies can allocate permits more efficiently, both in terms of prioritizing landowners who provide

the greatest conservation benefits and more precisely allocating permits where game animals cause damage.

## **2. Adjust permit numbers according to property-level conditions.**

As ecosystems and wildlife populations change, state agencies should use adaptive management and adjust permit numbers in response. Increases in wildlife stemming from habitat provision, for example, may warrant more permits, while a drought or a disease outbreak may justify decreasing permit quotas.

Current state programs differ in the extent to which permit numbers adjust to on-the-ground conditions. Some determine permit numbers primarily based on acreage, a factor that remains unchanged even as ecosystems change and wildlife abundance fluctuates. Other programs, such as those in Nevada and Colorado's Ranching for Wildlife program, allocate permits based upon agreements between landowners and state agencies, which allows for adaptive management year to year. New Mexico's EPLUS program includes measures to automatically adjust permit numbers at the property level; if a qualifying ranch comprises 10 percent of a game management unit, the landowner will receive 10 percent of the hunting permits assigned to that unit by the state agency in a given year.

Nevada's Landowner Compensation Tag Program offers one way to tie permit allocation directly to on-the-ground landowner costs rather than habitat conditions: For every 50 deer or antelope causing damage, landowners can receive one permit, and there is no limit on how many permits a landowner can receive. This style of adaptable, tailored permit allocation differs markedly from alternative models that allocate permits according to a lottery, like Colorado's Landowner Preference Program. Where Nevada's system uses local factors to allocate permits, Colorado's surrenders permit allocation to chance.<sup>37</sup>

Property-level permit flexibility depends on sharing quality information about conservation



outcomes between landowners and state wildlife managers. The more managers know about the health of wildlife and ecosystems within a property, the more precisely they can allocate permits to manage game animals and their impacts on ecosystems.

### **3. Align landowner goals with state conservation plans.**

Eligibility requirements can ensure that landowners meet minimum conservation criteria upon entering a program, but programs should also encourage landowners to progress toward higher conservation goals once enrolled. Setting those goals to be clear, measurable, and specific can clarify the public conservation benefits of landowner hunting permit programs to game and non-game species.

One way to do this is to explicitly align property-level goals with goals identified in landscape and multi-species conservation plans, such as state wildlife action plans. These plans serve as blueprints for agency conservation efforts and focus on a wide range of objectives and species. Since public values around wildlife have been steadily moving in favor of holistic, ecosystem-based approaches rather than legacy approaches focused on single-species management, linking landowner permit goals to state wildlife action plans can incorporate current public values into programs.<sup>38</sup>

Some states, such as Colorado and Nevada, already require landowners to sign management agreements that set forth the terms they must adhere to after they receive permits. These agreements provide an existing mechanism to nest property-level goals within wider agency plans.<sup>39</sup> Requiring agreements like these in states that do not already use them, and including goals that support conservation plans developed by agencies, would provide clearer guidance for landowners as well as public evidence for program successes and shortcomings.

Designing program- and property-level goals that explicitly support state wildlife action plans could also help avoid unintended negative consequences after landowners successfully enroll in a

program. For example, agreements could include terms that discourage local overabundance of game or deter management approaches that focus on big game to the detriment of “species of conservation need” identified in state wildlife action plans.<sup>40</sup> This is especially important given the outsized role private lands play in conservation of non-game species.<sup>41</sup> Landowner agreements could also include assessments of genetic diversity, adaptive fitness, and age distribution within animal herds and set goals related to such factors.

## **Empower Landowners**

### **4. Respect private property rights while facilitating public access.**

Maintaining landowner control over who accesses private property is essential in gaining landowner support for voluntary conservation programs. Some members of the hunting public, however, lobby to broaden public access to private land, whether to hunt private property itself or to get to public land that would be inconvenient or impossible to access otherwise. Current transferable permit programs offer several examples of how to mediate between these groups, an essential component of a successful program.

In states like Nevada, agencies require participating private landowners to allow open access to adjacent public lands that would otherwise be inaccessible. The strategy can unlock “stranded” public lands and help solve long-standing corner-crossing debates in areas of the West that are a checkerboard of public and private lands. Other state programs, like Ranching for Wildlife in Colorado, distribute a portion of private land hunting permits to the public via the state’s public permit draw system.<sup>42</sup> New Mexico demonstrates one other model: Landowners can opt to receive permits that allow hunting not just on their land, but also on all of the public land in their game management unit. In return, however, they must allow unlimited public access to hunt their land. Where necessary, these public access

policy elements may help gain popular support to implement a new program.

## **5. Allow small property owners to apply for permits as a group.**

Small properties can collectively provide important conservation benefits for wildlife and ecosystems, but individually they may not provide significant enough benefits to qualify for permits or justify the allocation of agency resources. Allowing smaller properties to apply for permits as a single entity can motivate better land stewardship. Applying under a corporate structure such as a B-corp or S-corp can encourage further accountability and transparency and simplify contracting with outfitters and other agents.

Applying as a group may introduce transaction costs for landowners who have to work together, but it can also minimize costs to implement management changes and monitor outcomes by splitting them among multiple landowners. It can also render it financially feasible to hire an outfitter or other agent who can lend expertise and help manage hunting on private properties.

Programs in Colorado, Nevada, and Utah allow small property owners to apply for permits as one group.<sup>43</sup> Those states' specific requirements encourage small landowner participation and leave permit allocation within the group to its discretion, empowering participants and reducing bureaucratic burdens for state agencies.

### **Ensure the Public Receives Fair Value for Wildlife**

## **6. Give landowners permit vouchers, retaining authority to sell permits within state agencies.**

When a hunter purchases a standard permit, or tag, from a state agency, he or she pays the requisite permit fee to the state. With transferable landowner permits, some state agencies award permits directly

to landowners without receiving the standard permit fee. Giving landowners a tool to sell hunting access, while keeping authority to sell permits within state agencies, ensures that transferable permit programs preserve the flow of permit revenues to wildlife agencies.

While landowner hunting permits represent only the opportunity to legally pursue game, Colorado, New Mexico, and Utah explicitly separate permission to access hunting opportunities from permission to harvest game. These states give landowners transferable “vouchers” or “authorizations” rather than permits. Vouchers entitle a holder to access private property, but the states still require hunters to buy a standard hunting permit from the requisite wildlife agency. Each landowner voucher reserves a state-issued hunting permit, but the permit price and point of sale remain under the authority of state agencies.

By requiring hunters to buy a permit from a state agency in addition to purchasing a voucher from a landowner, such programs ensure that transferable permit programs do not reduce public hunting permit revenues. Landowners can charge a market rate, but only for the resource that they own—access to habitat and opportunity.

## **7. Limit permit applicability to landowners' private property except in special instances.**

In some states, landowner hunting permits only apply within a landowner's private property, while in others, permits also enable holders to hunt all of the public land in the game management unit surrounding the landowner's property. In still other states, the landowner or state agency can select where transferable permits apply.

Unit-wide transferrable hunting permits have been a considerable source of opposition from some hunters, since landowner permits can allow buyers to “skip the line” and access hunting opportunities otherwise only available through state-managed lotteries that may take years to win.<sup>44</sup> Eliminating





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the unit-wide feature for properties that host wildlife during the hunting season would address this issue and reduce opposition to landowner permit programs. It would also create stronger conservation incentives than unit-wide permits by tying revenue opportunities exclusively to the resources landowners manage.<sup>45</sup>

For landowners whose properties host wildlife during the hunting season, unit-wide permits weaken conservation incentives because they derive a portion of their value from public land habitat where landowners have no managerial authority. This dilutes landowners' incentives to improve and conserve habitat they control and allow them to profit off of public habitat they play no role in maintaining.

In contrast, for landowners who support vital wildlife habitat for part of the year, such as winter range for elk or mule deer, but not during the hunting season, limiting landowner permit applicability to the landowner's property provides little conservation incentive. For these landowners, a state wildlife agency may wish to find alternative compensation

mechanisms or offer an option that includes expanding permit applicability to public lands.

## CONCLUSION

Allowing private landowners to financially benefit from the presence of wildlife on their property is a commonly accepted practice that states use to encourage conservation, mitigate human-wildlife conflict, and further a range of other conservation goals. Transferable hunting permit programs represent one tool that can help realize these goals. To maximize benefits for all stakeholders, however, programs must be thoughtfully designed so that state agencies continue to manage wildlife well while also creating incentives for private landowners to conserve habitat, wildlife, and other environmental benefits. In the future, as state wildlife agencies look to refine or implement transferrable hunting permit programs, surrounding rules relating to landowner acquisition of permits must also be examined to ensure that programs are effective.<sup>46</sup>

## ENDNOTES

1. Tilt, Whitney. 2020. Elk in Paradise: Conserving Migratory Wildlife and Working Lands in Montana's Paradise Valley. PERC.
2. Baker, J.M. et al. 2014. Patterns of Irrigated Agricultural Land Conversion in the Western U.S. Watershed: Implications for Landscape-Level Water Management and Land Use Planning. *Society & Natural Resources*. 27(11).  
Havstad, K.M. et al. 2007. Ecological Services to and From Rangelands of the United States. *Ecological Economics*. 64. 261-268.
3. Conservation models that provide big-game hunting permits to private landowners have well established and successful corollaries in Africa and Asia. See, for example, International Union for Conservation of Nature. 2019. Informing Decisions on Trophy Hunting: A Briefing Paper Regarding Issues to Be Taken Into Account When Considering Restrictions on the Importation of Hunting Trophies. Gland, Switzerland.
4. Most recently, H.B. 505 in Montana, which would have given certain landowners transferable hunting permits, was killed in large part because of vocal opposition from the hunting community. See An Act Revising Laws Related to the Issuance of Elk Hunting Licenses Used on Private Land. 2021. Montana H.B. 505, 67th Legislature. New Mexico's allocation system has also come under similar criticism. See Neary, Ben. 2020. Sen. Martin Heinrich Calls on Game Commission to Reform License System to Give NM Residents More Elk Tags. New Mexico Wildlife Federation.
5. Havstad et al., Ecological Services to and From Rangelands of the United States.
6. In 2018, Interior Secretary Ryan Zinke issued a secretarial order that directed federal land managers to work with states to conserve winter habitat and migration corridors for elk, deer, and pronghorn in ways that respect private property rights. U.S. Department of the Interior. 2018. Secretarial Order No. 3362. Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors. The governors of Colorado and Wyoming issued their own executive orders in support. Since then, the National Fish and Wildlife Foundation has also announced programs and funding available to conserve migration corridors and winter range for big game species in the West. National Fish and Wildlife Foundation. 2021. NFWF Announces \$4 Million in Conservation Grants to Support Big Game Migration Corridors Across the West.
7. U.S. Department of the Interior. 2021. Conserving and Restoring America the Beautiful.
8. Aycrigg, J.L. et al. 2013. Representation of Ecological Systems Within the Protected Areas Network of the Continental United States. *PLoS One*. 8(1).
9. Tilt, Elk in Paradise: Conserving Migratory Wildlife and Working Lands in Montana's Paradise Valley. Middleton, Arthur and Leonard, Bryan. "Elk and Private Lands in the Greater Yellowstone Ecosystem." A presentation at "Ranching and Elk in the Paradise Valley: A Forum for Landowners." December 5, 2019. Chico Hot Springs, Montana.
10. Cameron, D.R. et al. 2014. Whither the Rangeland?: Protection and Conversion in California's Rangeland Ecosystems. *PLoS One*. 9(8).  
Reeves, M.C. and Mitchell, J.E. 2012. A Synoptic Review of U.S. Rangelands: A Technical Document Supporting the U.S. Forest Service 2010 RPA Assessment. Gen. Tech. Rep. RMRS-GTR-288. Fort Collins, CO. U.S. Department of Agriculture, Forest Service. Rocky Mountain Research Station.
11. Conover, M.R. 2002. Resolving Human-Wildlife Conflicts: The Science of Wildlife Damage Management. CRC Press, Boca Raton, Florida, USA.
12. Boroff, Kari et al. 2016. Risk Assessment and Management of Brucellosis in the Southern Greater Yellowstone Area (II): Cost-Benefit Analysis of Reducing Elk Brucellosis Prevalence. *Preventative Veterinary Medicine*. Nov. 1. 134: 39-48.



13. The North American Model of Wildlife Conservation is not law but an evolving conceptual framework used by wildlife professionals to describe key methods and ideas that characterize wildlife conservation efforts on the continent. It is founded on principles that have given rise to the legal framework that governs American wildlife management. For background, see U.S. Fish and Wildlife Service, North American Model of Wildlife Conservation.
14. Definitions of tag, license, and permit vary by state. Throughout this brief, license refers to a base permission that hunters must have to hunt at all, while permit and tag both refer to the additional permission hunters must have to hunt a single individual of a specific species.
15. An essential feature of North American wildlife law is the principle that state wildlife agencies manage wildlife for the benefit of the public. The public enjoys access to the opportunity to consume resources managed by each state. In addition, landowners are subject to universal, national regulations that prohibit the sale of game meat, ensuring that they can only profit from access to hunting opportunity rather than from selling wildlife itself.
16. While fencing in wild or exotic animals on private land is a common practice in some states, such as Texas, landowners enrolled in transferrable hunting permit programs are prohibited from interfering with animals' ability to move across the landscape by their own volition. This, of course, does not limit landowners' ability to make their lands extremely attractive to wildlife by providing superlative habitat.
17. U.S. Fish and Wildlife Service. 2016. National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. Macaulay, L. 2016. The Role of Wildlife-Associated Recreation in Private Land Use and Conservation: Providing the Missing Baseline. *Land Use Policy*. (58) 218-233.
18. Macaulay, L. 2015. Evaluating Hunting as an Incentive for Habitat Conservation on Private Land in California. Gen. Tech. Rep. PSW-GTR-251. Berkeley, CA. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station.
19. Outside of the American West, Hawaii and Kentucky also provide landowners with transferable hunting permits. In addition, 17 midwestern and eastern states give landowners hunting permits, permit discounts, or priority in permit lotteries through deer management assistance programs.
20. State of Nevada Board of Wildlife Commissioners. Legislative Review of Adopted Regulations As Required By NRS 233B.066.
21. Johns, Harold. 2021. Legislature Set to 'Ranch for Wildlife,' Quash Montana Sportsmen, Women. *Missoula Current*.
22. See, for example, Baer, Elias. 2021. Montana House Bill Introduces Landowner-Sponsored Elk Licenses. *The Livingston Enterprise*. See also, Henderson, Brody. 2019. Ask Meateater: Are Landowner Tags Unfair? *Meateater*.
23. Montana's 2021 legislative session demonstrated this sentiment. H.B. 505, which included a transferable landowner permit component, was criticized as "privatizing public wildlife" and a step toward "total loss of our wildlife and hunting heritage." Harold, Legislature Set to 'Ranch for Wildlife,' Quash Montana Sportsmen, Women. *Missoula Current*. The bill died in process. Montana H.B. 505, 67th Legislature.
24. In Oregon, for example, outfitters are given half of the nonresident tags drawn in the previous year. Oregon Department of Fish and Wildlife. Rule 635-075-0025: Outfitters and Guides Nonresident Tag Allocation.
25. Colorado Parks and Wildlife. Ranching for Wildlife. Colorado Parks and Wildlife. 2012. Ranching for Wildlife: Operating Guidelines.
26. A limited-entry unit is one for which all public land hunting permits are distributed by the state-run lottery, or "draw," system, so no permits can be purchased on demand or over the counter at state agency offices, online, or at other businesses.
27. Colorado Parks and Wildlife. Landowner Preference Program.
28. Nevada Department of Wildlife. Incentives and Compensation Maps. Nevada Administrative Code. Chapter 502.

29. NDOW, Incentives and Compensation Maps.
30. New Mexico Department of Game and Fish. EPLUS Landowners.
31. Oregon Department of Fish and Wildlife. Landowner Preference Program.
32. See note 26, which describes a limited-entry unit.
34. Utah Division of Wildlife Resources. 2017. Administrative Rule R657-43: Landowner Permits.
34. CPW, Landowner Preference Program.
35. ODFW, Landowner Preference Program.
36. NMDGF, EPLUS Landowners.
37. To be sure, applicants for Colorado's Landowner Preference Program must meet standards to apply, so permits are awarded to landowners who have been determined to be deserving. Nevertheless, a lottery system—even among meritorious applicants—fails to prioritize those who deliver the most benefits toward the state agency's goals.
38. Van Eden, L.M. et al. 2017. Shifting Public Values and What They Mean for Increasing Democracy in Wildlife Management Decisions. *Biodiversity and Conservation*. 26: 2759-2763.
39. For Colorado, this is the case for Ranching for Wildlife only, not for the Landowner Preference Program. Colorado Parks and Wildlife. Chapter W-2: Big Game.
40. The Association of Fish and Wildlife Agencies recently updated these plans to guide conservation of more than 12,000 "species in greatest conservation need." Association of Fish and Wildlife Agencies. State Wildlife Action Plans: Blueprints for Conserving Our Nation's Fish & Wildlife.
41. Morgan, J.J. et al. 2019. A State Assessment of Private Lands Conservation in the United States. *Wildlife Society Bulletin*. 43(3).
42. Colorado Parks and Wildlife. Chapter W-2: Big Game. Ranching for Wildlife: Deer, Elk, Pronghorn, Black Bear, Moose, and Bighorn Sheep: License Allocation. Note: "Permits" as defined in this brief are referred to as "licenses" by Colorado Parks and Wildlife in the regulations cited here.
43. Colorado's Ranching for Wildlife program allows landowners to participate and apply for permits as a group. In Nevada's special elk incentive tag program, a group of landowners, lessees, or land managers may apply to receive special incentive elk tags for their combined private lands, then they may allocate the tags among the members of the group at its discretion. With Utah's limited-entry permits, the director of the state agency, upon approval of the wildlife board, may establish a number of limited-entry permits to be offered to an eligible landowner association formed from a simple majority of landowners, representing 51 percent of the eligible private lands within the herd unit, who enter into a written agreement to form the association.
44. Brody, Ask Meateater: Are Landowner Tags Unfair?
45. It may also make sense for landowner permits to apply to additional, non-deeded lands that a landowner has a controlling management stake in and can legally make habitat improvements to. For example, state or other public lands leased for grazing may significantly expand the acreage that a landowner stewards. Where legal, allowing landowner permits to apply on those lands could increase habitat conservation. Allowing landowner permits to apply to leased public grazing land, however, should not exclude public hunters from land they would otherwise have access to.
46. In Montana, for example, rules that currently limit non-resident landowners' use of the landowner preference program may need to change to enable the acquisition of transferrable hunting permits. In some cases, failure to draw an out-of-state big game hunting license, for which there is no landowner preference, prevents non-resident landowners from using the landowner preference program to enhance their odds of drawing a limited-entry permit they qualify for. Ensuring that no similar structure limits non-resident landowners' use of a transferable hunting permit program would be an important factor to consider in designing such a program in Montana.







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