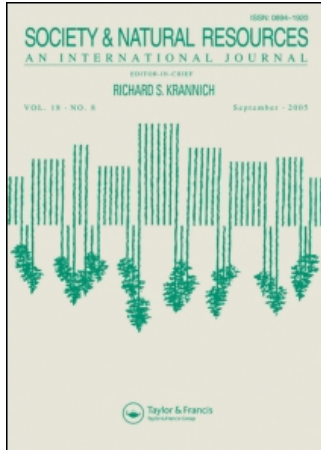


This article was downloaded by:[EPSCoR Science Information Group (ESIG) Dekker Titles only Consortium]  
On: 17 August 2007  
Access Details: [subscription number 777703943]  
Publisher: Taylor & Francis  
Informa Ltd Registered in England and Wales Registered Number: 1072954  
Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



## Society & Natural Resources An International Journal

Publication details, including instructions for authors and subscription information:  
<http://www.informaworld.com/smpp/title~content=t713667234>

### Private Property Rights and Community Goods: Negotiating Landowner Cooperation Amid Changing Ownership on the Rocky Mountain Front

Online Publication Date: 01 September 2007

To cite this Article: Yung, Laurie and Belsky, Jill M. (2007) 'Private Property Rights and Community Goods: Negotiating Landowner Cooperation Amid Changing Ownership on the Rocky Mountain Front', *Society & Natural Resources*, 20:8, 689 - 703

To link to this article: DOI: 10.1080/08941920701216586

URL: <http://dx.doi.org/10.1080/08941920701216586>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article maybe used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

© Taylor and Francis 2007

# Private Property Rights and Community Goods: Negotiating Landowner Cooperation Amid Changing Ownership on the Rocky Mountain Front

LAURIE YUNG

College of Forestry and Conservation and Wilderness Institute,  
University of Montana, Missoula, Montana, USA

JILL M. BELSKY

College of Forestry and Conservation and Bolle Center for People  
and Forests, University of Montana, Missoula, Montana, USA

*The cooperative practices of private landowners, while critical to cross-boundary conservation, are not well understood. Based on research along the Rocky Mountain Front in Montana, we document the ways that established customs governing cooperation between ranchers meet both individual and community needs. While ranchers argued for landowner control of private property, in practice, rancher property boundaries were permeable and contingent with regard to livelihood needs and certain community goods, such as hunting access to private lands. But changing landownership was causing conflict between neighbors and tension in local communities, because new landowners either inadvertently or intentionally challenged established boundary practices. Efforts at cross-boundary conservation need to recognize the challenges of changing landownership and the ways that existing customs might provide important foundations for cooperation. At the same time, an increasingly diverse set of private landowners must negotiate mutually beneficial boundary practices that meet both existing and emerging community and conservation needs.*

**Keywords** amenity owners, community, cross-boundary conservation, land tenure, property rights, rural change

Cross-boundary conservation in the American West is challenged by multiple ownerships and rapid change in landownership. While there is growing interest in cross-boundary cooperation, most research in this arena focuses on collaboration between public agencies or on formal stakeholder processes that incorporate public and private entities (e.g., Bergmann and Bliss 2004; Knight and Landres 1998). Improved cross-boundary cooperation also requires understanding private

Received 3 January 2006; accepted 19 September 2006.

The coauthors thank the many community members who were interviewed for this project. This project was funded by the Community Forestry Research Fellowships and MacIntire Stennis programs. We greatly appreciate all of our colleagues who assisted with this project, most especially Wayne Freimund, Mike Patterson, Martin Nie, and John Adams.

Address correspondence to Laurie Yung, College of Forestry and Conservation, University of Montana, Missoula, MT 59812, USA. E-mail: laurie.yung@umontana.edu

landowners and their practices vis-à-vis each other (Hurley et al. 2002; Rickenbach and Reed 2002).

In the American West, the population is growing and diversifying, and many new migrants are settling outside of urban areas on properties that were previously ranches (Riebsame 1997; Beyers and Nelson 2000; Rasker 2000). Concerns about changing ownership usually focus on rural subdivision because of the dramatic ecological changes that occur when ranchlands are converted to residential developments (see Hansen and Rotella 2002; Maestas et al. 2001). However, many large parcels are also being purchased by newcomers and an understanding of the ideas and practices of large landowners is also required (Jackson-Smith et al. 2005). The turnover of a few large properties can have profound effects on social and biological communities.

The maintenance of physical property boundaries and the associated social negotiations between neighbors are important dimensions of private land ownership in America. The age-old axiom “good fences make good neighbors” implies that firm and agreed-upon property boundaries are an important component of peaceful coexistence between private landowners. However, in practice, fences are crossed, gates opened and closed, and many landowners expect their neighbors to cooperate across property boundaries. Under what conditions and for what purposes do private landowners cooperate with each other across private property boundaries? How does changing landownership affect cooperation?

Based on the claims and practices of private landowners along the Rocky Mountain Front in Montana, this article documents how ranchers cooperate across property boundaries according to local customs that respect but also move beyond individual self-interest. We found evidence of property practices that require landowner cooperation and contribute to common goods and a sense of community among ranchers and long-term residents. We explore the ways in which new landowners intentionally or inadvertently challenge established customs of cooperation, and the implications for both community and cross-boundary conservation.

### **Property Rights and Boundary Practices**

In the United States, there are multiple, coexisting views (or narratives) of landownership (Freyfogle 1998). In this article, we emphasize a view of property as social process. A social process view of property differs from classical Lockean notions of property, which define ownership as “natural” and are based largely on a labor-value approach, emphasizing the sanctity of individual private rights (Bromley 1991; Freyfogle 1998). Central to a view of property as a social process is the assumption that different people define property in different ways. Canadian property scholar Macpherson (1978, 1) writes, “The meaning of property is not constant. The actual institution and the way people see it, and hence the meaning they give to the word, all change over time.” Therefore, even in seemingly homogeneous communities, landowners can have different definitions of private property. When new landowners move into an area, they bring new ideas about the meaning of property, the rights inherent in ownership, and the appropriate uses of private land. These ideas about property may or may not overlap with existing conceptions of landownership and landowner rights. Where these ideas are different and competing, they can result in conflict and tension between landowners, especially in landscapes undergoing rapid changes in ownership and land use.

Despite the emergence of a social process view of property, Lockean notions continue to influence policy and landowner practices in the American West. Accordingly, private property rights are often viewed as stable, longstanding rights that grant landowners significant, if not total, control over their property (Brick and Cawley 1996). Insofar as these rights are codified in law, the state ensures compliance through various enforcement mechanisms. However, a social process view of property conceptualizes rights as dynamic; these rights evolve as cultural norms change and notions of what is proper use shift. Property rights, then, “even if legally sanctioned, are not static; the social meanings of private property are shaped by ongoing discourse and practices” (Walker and Peters 2001, 420). In contrast to the essentialized, naturalized rights described by Lockean scholars, property rights can also be viewed as relational, emerging from negotiations between individual property owners and society at large (Singer 2000). Because some of these rights are negotiated at the community level, the “rules of engagement” for landowners are sometimes informal or customary (Fortmann 1996). While such customs might not be legally sanctioned, they are often the primary system governing interactions between landowners, and are therefore very powerful social forces. So, while some property meanings are codified in law and enforced by the state, legal systems do not encompass the entirety of property relations, which are contested and negotiated at multiple scales.

Boundaries may also seem to be concrete, fixed objects, like property, but boundaries can also be understood as fluid, symbolic social relationships (Walker and Peters 2001). As described earlier, some of the rules governing behavior around property boundaries are not codified in law, but are norms understood by members of particular social groups (Brunson 1998). For example, Ellickson (1986), in a study of ranchers in northern California, found that social norms—established and well-understood local practices—rather than legal rules, governed interactions around livestock trespass. What he calls “norms of neighborliness” governed long-term relationships and determined restraint, reciprocity, and debt among landowners. Ellickson argues that norms are particularly important when people are engaged in long-term relationships.

If such norms are commonplace in communities where long-term landowners have been engaged in similar activities, such as ranching, then how are these norms challenged, changed, or solidified when new landowners with different backgrounds and priorities move into an area? Changing landownership in the American West presents such a situation. Understanding established customs, the practices around boundaries, their maintenance, and when, where, and for whom they are permeable or not, is essential to understanding how landowners work across property boundaries. This understanding is critical to conservation across large landscapes with multiple ownerships. According to Brunson (1998), effective cross-boundary stewardship requires recognition of the specific ways that landowners defend their properties.

Research on the contested nature of boundaries usually focuses on challenges to the existence or location of physical or legal property boundaries, which usually involve claims to actual landownership. But Walker and Peters (2001) specifically urge social scientists to also explore “the meanings of accepted boundaries—the struggle to define how abstract lines on maps are translated into specific social practices” (413). Contests over the meaning of boundaries often involve claims to particular resources (such as access to plant and wildlife resources) without

accompanying claims to ownership (Walker and Peters 2001). Conflicts over boundary meaning and practice may also involve claims to broader community goods (such as access to water resources or ancestral burial grounds), goods that are not adequately characterized in the literature describing the tension between private rights and public goods. Property scholar Freyfogle (1998) claims that to own land is to possess power and asks how power should be divided between the individual and the community. He pushes us to examine if and where property responds to a notion of a "common good," as "something that one can talk about distinct from the aggregate preferences of individuals" (286) In his recent book, Freyfogle (2003) describes the emergence of a community-based private property narrative in the United States. In the following, we argue that elements of a community approach to private property already exist in ranching communities along the Rocky Mountain Front in Montana.

### **Research Methods**

Qualitative methods were used in this study to gain a detailed and nuanced understanding of landowner practices and views. Research was conducted in north-central Montana from 1999 through 2001. Purposive sampling was utilized to ensure that a range of viewpoints and depth in relevant categories was captured. Participants were purposefully selected from a list of over 200 people recommended by community members using chain referral methodology (Brandenburg and Carroll 1995). Interviews were conducted with 80 residents, including 43 large landowners (28 ranchers, 5 ranch managers, and 10 new landowners). We interviewed all new landowners in the study site (except one individual who was unavailable), and a diversity of ranchers (including six with conservation easements and close working relationships with conservation groups, and six who were active in the local private property rights group). In addition to large landowners, interviews were also conducted with six state and federal agency staff, eight outfitters and guest ranch operators, eight business owners, seven nonprofit and environmental group staff members, and eight community leaders. In total, 34 women and 46 men were interviewed. It is important to note that while the perspectives of many different residents and landowners are presented here, for reasons described later, the views of ranchers are the focus of this article.

Semistructured, in-depth interviews were conducted for approximately 50 to 90 minutes with each participant (or couple). To ensure that interviews were systematic and allowed for meaningful comparison, an interview guide was used to initiate discussion of key themes and to focus each interview on comparable topics (Charmaz 1991; Kvale 1983; Patterson and Williams 2002). During interviews, participants were asked how they would describe the area, what changes were occurring, and their views on the role of ranching, changing landownership and subdivision, private property rights, public land management, and collaboration. Probes were utilized to obtain detail on particular topics and for clarification. While the interview guide ensured consistency across interviews, participants also had opportunities to bring up topics and ideas that were not covered in the interview guide. For example, when ranchers were asked about landownership change, most discussed hunting access and wildlife management, even though these topics were not covered in the interview guide. When participants were asked about changes in

the area, many described wealthy newcomers purchasing large properties, prior to the specific question about landownership change.

All interviews were taped, transcribed verbatim, and coded, using a system that links concepts and themes to data in a systematic evaluation and re-evaluation of the interviews (Coffey and Atkinson 1996; Fetterman 1998; Patterson and Williams 2002; Strauss and Corbin 1990). A process of open coding was used to develop themes based on both emergent phenomena and existing social theory. Data analysis was particularly focused on ascertaining patterns across individuals and broad social processes, and involved detailed comparisons across interviews, noting commonalities and differences within and between particular groups (such as ranchers or newcomers). Several colleagues read interview transcripts and provided feedback on theme development early in the process.

We focus here on a subset of themes and findings related to boundary practices and landownership change. Quotations, excerpts from the interviews, are provided here for two reasons. First, these excerpts both represent and illustrate a view expressed by many participants from a particular group (such as ranchers). Second, the excerpts provide rich detail and specific examples relevant to the topic of this article. It is important to note that while ranchers disagreed on many topics (such as conservation easements), there was widespread agreement among ranchers about the problems of landownership change described below.

### Changing Landownership along the Rocky Mountain Front

This research focused on large private landowners along the Rocky Mountain Front in north-central Montana, an area where the forested Rocky Mountains meet the grasslands of the Great Plains. During the 1920s and 1930s, after the displacement of Native Americans and the failed experiments of open-range ranching and small farms, private lands in the study site were settled by ranchers, who still own most of the large properties. We define *ranchers* as individuals or families who have owned property in the study site since before 1985, live full-time in the area, self-identify as ranchers, raise livestock, and depend, at least in part, on livestock production for their livelihood (this group is sometimes called *traditional ranchers*; see Gosnell et al. 2006).

Although private lands in the study site are still primarily used for livestock production, the Rocky Mountain Front, like many areas in the American West, has seen a recent influx of newcomers with different backgrounds and values (for similar findings in other areas of the West, see Nelson 2001; Smutny and Takahashi 1999; Walker and Fortmann 2003). Some of these new migrants have purchased homes in town or small tracts of land in rural subdivisions, while other newcomers have bought large ranches. Rural subdivision is not pervasive in the study site, and we focus here on those newcomers who have purchased large properties (called *new landowners* in this article). We define new landowners as individuals or families who have purchased large properties (500–20,000 acres) since 1985, the date when a new type of landowner began to buy property in the area. Gosnell and Travis (2005) call these new landowners “amenity buyers” because they focus on wildlife, scenery, and other conservation values, as opposed to livestock production. Consistent with research in other areas of the West (see Gosnell et al. 2006; Haggerty and Travis 2006), we found that new landowners were often absentee owners with significant financial resources from industries unrelated to livestock production. We found

that some new landowners raise cattle, but none depend at all on livestock production for their livelihood. In addition, because many new landowners are wealthy absentee owners, they often hire ranch managers to oversee day-to-day management of their property. Between 1985 and 2003, approximately 60,000 acres of private rangeland in the study site were purchased by new landowners (11–12 properties and 9% of private ranchlands in the area).

## Research Findings

### *Cooperation Among Private Landowners in the Ranching Community*

Consistent with previous research (Ellickson 1986), ranchers along the Rocky Mountain Front had established practices for working with neighbors across property boundaries. These practices were based on social obligations, livelihood priorities, and stewardship goals. For example, ranchers engaged in a number of “helping” activities based on local social obligations. Neighboring ranchers assisted each other with branding and shipping of calves, fixing broken vehicles, finding animals that broke through fences, and other kinds of emergencies, such as grassland fires.

Because ranchers were engaged in the same occupation, raising livestock, numerous cooperative activities evolved to facilitate ranching operations. Some animal trespass (cattle getting through fences onto neighboring property) was considered reasonable, and either specifically allowed or tolerated. To minimize trespass, neighbors traded labor for fence upkeep and coordinated pasture use so that bulls and cows were not adjacent to one another. Working with neighbors to fix broken fences and to move cattle made sense practically and financially. Many ranchers also allowed neighbors to “trail” cattle through their property to parcels not contiguous to the neighbor’s main rangeland. This was a significant savings of time and money because the neighbor could take a direct route and use horses instead of a trailer. Ranchers also worked across boundaries for the purposes of land stewardship. In particular, weed management along fence lines required that ranchers work together to keep grasslands healthy.

While compliance was incomplete, the norms and customs described above were well established and widely understood, serving as informal rules that govern boundary practices and relationships between neighbors. Some decisions, such as how many cattle to graze in a particular pasture, were considered the domain of the individual rancher. But some cooperative practices (such as controlling fires) responded to broader community needs and obligations, providing evidence that a community-centered narrative might exist alongside more traditional concepts of private property. To the extent that ranchers controlled private property in the area, these obligations, or “norms of neighborliness,” were negotiated among neighboring ranchers, who often shared common goals and values. Conflicts between ranchers, while present, were rare and did not appear to be causing significant problems for landowners. In contrast, conflicts between ranchers and new landowners were frequent and of major concern to ranchers.

### *Challenges to Cooperative Boundary Practices by New Landowners*

Tensions between ranchers and new landowners might be best characterized as an asymmetric conflict, primarily described by, and a problem for, ranchers.

While ranchers passionately detailed the ways in which new landowners challenged existing boundary practices, new landowners had little to say about changing landownership and neighbor relations. This is not surprising since new landowners were usually unaware of the conflict and the resentment of their ranching neighbors. Most new landowners reported that they had been accepted into the local community and described a very positive relationship with their neighbors.

But ranchers told a different story. Ranchers claimed that new landowners were violating long-established, shared norms of neighborliness, causing tension and conflict. For example, ranchers argued that new landowners were less tolerant of livestock trespass as compared with ranchers. In one case, a new landowner charged a neighboring rancher a per cow per day fee if cattle got through the fence. Most ranchers considered occasional livestock trespass inevitable and described this newcomer's behavior just described as "not neighborly and not right." In other cases, established livestock trailing routes were closed to ranchers when new landowners purchased properties. Closing customary routes caused significant animosity not only because respected rules of neighborliness were violated, but also because of practical inconvenience and economic hardship. Closure of customary trailing routes forced ranchers to find alternative routes or other methods to move animals. In one case a rancher had so many trailing routes closed that he had to truck cattle to and from particular pastures, increasing his expenses because he had to purchase a semi truck.

Some new landowners were hostile to help from neighbors. Several people told a story about a fire breaking out on a large property recently purchased by a very wealthy newcomer. Some men from a nearby Hutterite colony immediately rushed over with their water trucks to assist in extinguishing the flames. However, much to their surprise, they were stopped at the gate by security guards who insisted that they not enter the property despite the clear emergency. Ranchers told this story with a sense of shock and dismay, and real surprise that someone's need for privacy would result in turning away such assistance.

Ranchers also argued that some new landowners did not manage weeds along fence lines, resulting in increasing weed problems for other ranchers. In this ranching community, landowner neglect of weeds was viewed as irresponsible and "unneighborly" because weeds along fencelines spread to adjacent properties. Weeds were considered "everybody's problem." If new landowners failed to manage weeds, adjacent owners would then need to allocate time and resources into additional weed management activities.

Ranchers claimed, often quite explicitly, that it was their right to define the norms and customs around property boundaries. They based this claim on their longevity in the area (many ranchers lived on lands where their grandparents or great-grandparents homesteaded) and on livelihood needs (the argument that ranchers needed to make a living from their land and therefore had a right to decide). Ranchers argued that new landowners "don't deserve to be here," "haven't earned the right" to own land in the area, and had "never paid the price." There was a strong sense among ranchers that working the land over time legitimized them as the rightful owners and decision makers.

### *Holes in the Social and Biological Landscape*

Ranchers described how recent changes in landownership were transforming connections between the social and biophysical landscapes. One rancher claimed that as



ranchers were replaced by new landowners, “the natural areas are not part of the social community.” According to an outfitter who grew up on a ranch, new landowners “change the culture of the land.” Another rancher articulated what this change meant to him and other ranchers:

We’re a part of this whole big geographic area. When someone buys that [large property] and then surrounds it in a cloak of mystery, it’s this chunk that’s in the middle there pushing the other pieces out. And then all of a sudden it’s got a different meaning to it. It’s got a different color to it and it’s noticeable. You can feel it. It’s different. It’s changed the entire feeling of the area.

When asked about rural residential subdivision, this rancher responded:

I’m more concerned about whole ranches being purchased and putting an iron curtain up and taking away that traditional use, no more sportsman access, no hunting, no grazing. It’s not part of the fabric. All these ranches with neighbors, it’s a big quilt. And my cattle get on you, no big deal, we’ll get them out, yours get on mine...it’s people working together to varying degrees. You might not economically benefit from that rancher that’s there, but his being there and being a friend and neighbor and ally, it’s part of the system.

The preceding comments illustrate how ranchers viewed these properties as private land, but also understood them as part of a larger social and biophysical landscape. Consequently, when a large piece of property was purchased by a newcomer who did not participate in the community, that property was removed from a landscape that, by definition, included relationships between neighbors. Boundaries must be somewhat permeable, according to local customs and norms, for community to develop and be maintained. For ranchers, newcomer properties created “holes” that affected the meaning of the landscape as a whole, ranchers’ sense of neighborliness and community, and, in some cases, ranchers’ abilities to manage their properties and make a living.

The sense that newcomers who purchased large properties created “holes” in the social and biophysical landscape was exacerbated by the socioeconomic gulf that existed between ranchers and new landowners. Ranchers expressed concerns about absentee ownership, taking lands out of agricultural production, the displacement of ranch families, the construction of large “trophy homes,” and increasing demands on local services. In particular, ranchers focused on the financial resources of new landowners and how wealthy newcomers affected the price of land and the community as a whole. Many ranchers argued that because new landowners had different backgrounds and spent considerable time away from local communities, they tended not to participate in local activities, such as service clubs, annual celebrations and fairs, and school boards. Ranchers suggested that newcomers were “an entirely different species with a whole new set of values” who want to “impose” different views on local residents.

### ***Hunting Access and the “Private” Nature of Newcomer Property***

One of the most contentious boundary conflicts in the study site revolved around hunting access and wildlife management. As emphasized earlier, this conflict is

presented primarily from the perspective of ranchers and other long-term residents. We found that new landowners were largely unaware of the conflict over hunting access. In those cases where newcomers recognized that hunting access was controversial, they usually failed to recognize how their land management practices were negatively affecting their neighbors.

Nearly all new landowners had eliminated hunting access to their properties, as they themselves reported during interviews. Some did not “believe in hunting” or were “against” hunting, while others articulated an obligation to provide habitat for wildlife and a desire to see wildlife flourish. Haggerty and Travis (2006), in their study of changing landownership in the Greater Yellowstone area, also found that new “amenity” owners discouraged hunting on their properties, in large part, because of their interest in encouraging elk populations.

New landowners who eliminated hunting access were widely believed by ranchers, residents, and agency wildlife biologists to affect ungulate populations in the area, which in turn impacted neighboring ranchers (keep in mind that the new landowners discussed in this article own large properties). Ranchers discussed the need to share their lands with wildlife, but recognized that ranching was not always compatible with certain wildlife species, or certain population levels. Antelope and elk broke through and damaged fences. Deer and elk fed on hay, at times eating ranchers “out of house and home,” and wildlife consumption of hay was a major economic impact, especially during drought years. Conflicts with wildlife existed irrespective of new landowners, but newcomers seemed to exacerbate an already difficult situation.

According to one rancher, “the rich landowners are hell on their neighbors . . . especially the ones that [describe themselves as] ‘we are bear habitat,’ because you pretty much are stuck dealing with all the problems.” Another rancher described the impacts of a nearby new landowner on an adjacent ranch, saying “just west of there a guy came in and out bid all of the local people for a ranch. And now he uses it for minimal grazing. It primarily serves as a refuge for a significant elk herd that just raid[s] everybody else’s hayfields at night.” One rancher described some new landowners:

They have a lot of elk and they’re protecting them. They’re not letting anyone hunt them. Okay, now these elk don’t always stay there. The next thing, they’re on their neighbors that can’t afford to feed these 3-, 4-, 500-head of elk. It hurts them. . . . He doesn’t have to make his money off the cattle, I guess, so he can sit there and have these elk . . . but it’s hard on the neighbors . . . I’d be the last one to say he should stop doing it. He’s got every right to do it. I think if you own the land you are the one in control of it and you can do what you want.

While this rancher respected the newcomer’s property right to control access, he recognized the ways in which newcomer land management is affecting elk movements and impacting the livelihood of neighboring ranchers. Many ranchers expressed similar concerns, suggesting that new landowners did not have to make a living from their ranches and wanted to increase wildlife numbers and simply did not understand the economic impacts they were having on ranchers.

However, some new landowners and their ranch managers did realize the impact they had on their neighbors. One ranch manager discussed this in the context of wolves.

If we could make an agreement with the animals that they would stay within our perimeter, we would just have a trillion of them there. But that is not possible with our neighbors. Our neighbors are in the ranching business. That is their livelihood.

In most cases, however, new landowners reported that they did not change their land management practices, even if they recognized the impacts and the controversial nature of their decisions. One new landowner described his decision to close a road accessing public lands, saying “it’s a private road, there’s no if, ands, or buts about it.”

Local residents and ranchers also resented the lack of access for hunters and other recreationists. Ranchers and other residents accused new landowners of “closing off” lands to “everybody else,” “locking out” “local people,” and creating “exclusive retreats” and “a playground for rich people.” One resident said, “First thing they do is put up no trespassing signs and big steel gates. And it’s very unfriendly and it is not the Montana ethic.” One rancher described the change when a nearby ranch was sold to a wealthy celebrity, saying, “They immediately put up signs, lock gates. . . . Now it’s private land. . . . It’s gone, I mean you can’t drive up there recreationally and look at it or hike.” Note that this rancher said “now it’s private land” even though this property was owned by the same family for generations and was private land, in a legal sense, prior to this transfer of ownership. However, the rancher claimed that an increased level of *privateness* or *privacy* accompanied the elimination of access. New landowners confirmed this claim, stating that they just did not want people on their land. One newcomer argued, “We paid a lot of money for it, so I don’t want somebody coming out there.”

One rancher argued that elimination of hunting access created “a lot of local resentment,” saying, “You can lock it up if you want to, but I think as landowners you have a certain obligation to share a little bit. I really believe that.” This rancher suggested that owning land does not confer complete license to do with it as the owner desires. Indeed, there was a belief among some ranchers in “a certain obligation to share a little bit.” Ranchers suggested that newcomers possessed the financial resources to create “exclusive retreats.” One resident described an “oligarchy of the hunt” due to wealthy new owners eliminating access.

Most residents considered the restricted public access to new landowner properties unprecedented. According to one retired rancher, “These other people come in and can buy these large ranches and things have all changed. [Before] you were welcome on every ranch in this part of the country.” Like other “norms of neighborliness,” hunting access to private property was regarded by some ranchers as an important community social obligation.

In practice, there was a lot of diversity among ranchers with regard to hunting access. Some ranchers restricted hunting access, but these restrictions were more acceptable to the community than those imposed by newcomers. A business owner who grew up on a ranch struggled to understand why:

New people who are not agriculturally related, they bought this chunk of property because they want their chunk of paradise . . . and so maybe they place a real high value on privacy. Whereas most of these ranchers are placing their value on gates, cows, and hay fields. . . . If you drive through

my wheat field and knock a bunch of it over, it's a loss to me, it's not so much an invasion of my privacy, it is a loss of my property.

Rancher concerns with hunting access centered on property damage, which can impact their livelihood. For local residents, private property was for livelihood, and therefore, decisions by ranchers to restrict hunting for livelihood reasons were in keeping with community values. Private land, for these residents, was not a playground or refuge, and therefore restricting access for privacy or wildlife reasons caused tremendous resentment.

The conflict over new landowners limiting hunting access to private property was described by ranchers as “ferocious” and characterized by “huge clashes.” This conflict has two dimensions. One, some residents resented decreases in public access to hunting opportunities on private lands, challenging the “privateness” of these lands and blurring the categories of public and private. Ranchers tended to view private property boundaries as permeable and contingent with regard to public access for hunting. In many senses, newcomer boundaries were tighter and less permeable, making them a more “private” version of private property. Two, neighboring ranchers supported the rights of new owners to limit access, but resented increasing wildlife populations that impacted their livelihood by grazing on hay meadows and hay stacks.

Ranchers and new landowners also had different conceptions of the public interest in their private properties. Many new landowners described a moral obligation to keep properties “whole” and protect wildlife for a larger, undefined public. Interestingly, while ranchers also talked about sharing their lands with wildlife and not wanting their property subdivided, they discussed these actions in terms of *local* benefits, primarily emphasizing their obligations to neighbors and local communities. And ranchers also described a moral obligation to share private lands with community members through hunting access—an obligation that new landowners did not share. Both saw a public good on private land, but defined the public good differently and the public at a different scale.

### **Implications for Property Theory and Cross-Boundary Conservation**

Findings from this study require rethinking important assumptions from both property theory and cross-boundary conservation, including the nature of property claims and the ways in which cooperative efforts are recognized and negotiated. Walker and Peters (2001) differentiate claims to landownership from contests over the meaning of boundaries. The latter often involve claims to resources without actual claims to ownership rights. In this article, we elaborate on another contest over property—the claims of existing landowners to define appropriate private land management and legitimate boundary practices. Neither a claim to ownership nor a claim to particular resources, this claim involves a struggle between long-term and new landowners regarding the legitimate use of private lands, and how neighbors should interact around property boundaries. We found that under certain conditions, ranchers asserted community claims to define appropriate behavior and land management practices, especially those practices that affect neighbors and other residents.

In many cases, appropriate land management practices, as defined by ranchers, benefit individual landowners who emphasize livestock production. For example, effective weed management and control of ungulate populations benefit individual

ranchers. Self-interest and individual gain certainly play an important role in determining which practices are deemed “appropriate” by ranchers. Many of the well-established customs and norms we describe in this article protect ranchers from activities that reduce property value and make it more difficult to raise livestock. However, ranchers and other long-term residents do not describe these practices only in terms of individual self-interest. They argue that well-established boundary practices produce goods for the broader community (public hunting access is perhaps the most obvious example). Ranchers also suggest that, under certain conditions, community members should have some influence over private land management. The role of individual self-interest should certainly be acknowledged; at the same time, it is important to explore the implications of community claims to private property.

What we are calling a community claim might be viewed as a public interest in private lands. Freyfogle (2003) argues that private property rights are constrained by broader social obligations and that many private landowners recognize these obligations. However, the community goods, or broader social obligations, described by Freyfogle are conceptualized as an emerging ecological ethic. In contrast, we found existing concepts of community goods, based on local community needs and common livelihood concerns. The community claims described in this article differ, then, from most definitions of public interest or societal goods, because they are specifically defined in terms of a particular *local* community. Although both ranchers and new landowners recognized some obligation to provide public goods, they defined these goods differently and at different scales. New landowners tended to identify public goods, such as open space and wildlife, largely in terms of environmental protection for the benefit of a distant and abstract “public.” In contrast, ranchers recognized a range of obligations to neighbors and community members. In other words, ranchers were primarily concerned about relationships with neighbors and the needs of the local community, while new landowners were concerned about environmental protection on their own property and a broadly defined national or global public interest. These differences create conflicts and misunderstandings, which could limit opportunities for cross-boundary conservation.

Too often, discussions of the role of private property in conservation efforts consider private landowners as a homogeneous category, assuming consensus views on property rights (Jackson-Smith et al. 2005). In one of the few studies examining how different types of landowners viewed property rights, Inman and McLeod (2002) found that landowners with an economic relationship with their land (e.g., ranchers) preferred land management decisions to be private matters, as compared with other types of landowners. However, in this study, we did not find that ranchers considered property more “private” when compared with new landowners. To the contrary, we found that although ranchers argued for landowner control of private property, in practice, rancher property boundaries were also permeable and contingent with regard to local community needs and livelihood priorities. New landowners tended to define their property rights in terms of their own privacy, and, in practice, their property boundaries were more fixed and nonnegotiable. Popular portrayals of private landowners do not provide a nuanced or useful understanding of different private property views. Private landowners are too often presented as vehement defenders of private property rights, a stereotype that limits our understanding of different views of property and on-the-ground practices. This research challenges such oversimplifications by illustrating important differences in how private rights are defined, justified, and debated.

The “private” nature of newcomer property may limit opportunities for collaboration across boundaries, because new landowners do not necessarily see their property as connected to a broader social landscape. But because these newcomers own large properties, their participation in conservation efforts is critical. New landowners often prioritize open space and wildlife on their own property, but fail to recognize that conservation at larger scales might require working with neighbors. However, new landowners in this area were firmly committed to the *idea* of conservation, and, to the extent that newcomers can redefine conservation priorities in the context of local community, common goals may emerge.

Ranchers also need to address the tensions raised by their claims to community goods on private lands. There was strong agreement among ranchers in the study site about the sanctity of private property rights (consistent with previous research; see Rickenbach and Reed, 2002), and most ranchers defined these rights as exclusive rights, arguing for a landowner’s ability to control the property. Yet this strong belief in an exclusive ownership model of private property also accommodated community goods, such as hunting access to private lands. Again and again, ranchers expressed grave concerns about the impacts of changing landownership, but they almost always accompanied these concerns with statements arguing that “people have every right to sell their land to whomever they want to.” The rights of the individual landowner may be in conflict with the right of the community to determine appropriate land use. In the past, community claims have been realized through mutually agreed upon rules that both meet individual needs and provide broader community goods. Nevertheless, many ranchers are reluctant to formally acknowledge community claims to influence the management practices of individual private landowners, limiting the potential for collective action in this arena.

The existence of customs that govern how neighbors cooperate across boundaries and the recognition of a community interest in private lands provide important foundations on which cross-boundary conservation efforts might be built. Building on existing customs and ideas need not imply that these practices are “correct,” but acknowledges that they are powerful social forces in local communities—social forces already at work for conservation across boundaries.

But building on existing customs and norms is challenging in the context of rapid ownership and demographic change. Boundary practices have evolved gradually over time, and ranchers share a common livelihood and interest in livestock production that underscores their mutual participation in and identity as a local community. New landowners have different livelihood and land management priorities, and because many are absentee owners, they are unlikely to be active in the local community on a regular basis. In the past, social pressure and proximity combined with common interests resulted in some consensus around boundary practices. But new landowners are oftentimes unaware of local customs and they are not necessarily subject to traditional enforcement mechanisms. In short, ranchers can no longer renegotiate boundary work through informal social interactions. They must find new processes to bring new landowners into the dialogue.

How can landowners, both old and new, negotiate a mutually beneficial set of norms and practices that meet different community and conservation needs? Increased conflict and lack of cooperation, while important, are not the inevitable results of landownership change. Already, we find small examples of communication and cooperation between new landowners and ranchers, especially in the area of weed management. Some new landowners are participating in small-scale weed

control collaborations. Many new landowners employ ranch managers who grew up on area ranches; these ranch managers may be able to build a bridge between new landowners and local communities. Local conservation groups are attempting to pair ranchers and new landowners in an informal effort to facilitate exchange of information and ideas. These “matchmaking” efforts may speed the integration of these new landowners into the local community, while also allowing for their values and priorities to become part of the conversation.

Ultimately, renegotiation of boundary practices also requires redefining community. Ranchers and long-term residents oftentimes define community in ways that exclude newcomers and their views of private lands. Developing mechanisms for cooperation that are mutually beneficial to different types of landowners requires that ranchers and long-term residents view newcomers as legitimate members of local communities. Only then can community goods emerge that include the views and priorities of a broad, diverse local community.

Understanding the relationships between private landowners in a rapidly changing American West provides critical insights for understanding and, hopefully, fostering cross-boundary conservation. Researchers, conservationists, and policy-makers who are interested in cross-boundary conservation need to recognize the complexity of property ideas and practices, and the tensions that exist between private rights and community goods—even within individual landowners. Landowner views on private property rights may, in fact, say little about actual land management practices and the degree to which community or broader public obligations influence private land management. And public goods may be too broad a category to accurately encompass the range of community and social claims to private property, which are understood differently by different types of landowners. Empowering local communities to express community claims to public goods on private lands may be just as important as codifying the public interest in private property through federal environmental policy. Understanding ranchers’ interest in community and livelihood, and the conditions determining the permeability and negotiable nature of property boundaries, may provide an important window into the opportunities for and challenges to both formal and informal cooperative efforts.

## References

- Bergmann, S. and J. Bliss. 2004. Foundations of cross-boundary cooperation: Resource management at the public-private interface. *Society Nat. Resources* 17:377–393.
- Beyers, W. and P. Nelson. 2000. Contemporary development forces in the nonmetropolitan West: New insights from rapidly growing communities. *J. Rural Stud.* 16:459–474.
- Brandenburg, A. M. and M. S. Carroll. 1995. Your place or mine? The effect of place creation on environmental values and landscape meanings. *Society Nat. Resources* 8:381–398.
- Brick, P. and R. M. Cawley (Eds.). 1996. *A wolf in the garden: The land rights movement and the new environmental debate*. Lanham, MD: Rowman & Littlefield.
- Bromley, D. W. 1991. *Environment and economy: Property rights and public policy*. Oxford, UK: Blackwell.
- Brunson, M. W. 1998. Social dimensions of boundaries: Balancing cooperation and self-interest. In *Stewardship across boundaries*, eds. R. L. Knight and P. B. Landres, 65–86. Washington, DC: Island Press.
- Charmaz, K. 1991. Translating graduate qualitative methods into undergraduate teaching: Intensive interviewing as a case example. *Teaching Sociol.* 19:384–395.
- Coffey, A. and P. Atkinson. 1996. *Making sense of qualitative data*. Thousand Oaks, CA: Sage.

- Ellickson, R. C. 1986. Of coase and cattle: Dispute resolution among neighbors in Shasta County. *Stanford Law Rev.* 38:623–687.
- Fetterman, D. M. 1998. *Ethnography: Step by step*. Thousand Oaks, CA: Sage.
- Fortmann, L. 1996. Domestic land tenure. *Society Nat. Resources* 9:539–547.
- Freyfogle, E. T. 1998. Owning the land: Four contemporary narratives. *J. Land Use Environ. Law* 13:279–307.
- Freyfogle, E. T. 2003. *The land we share: Private property and the common good*. Washington, DC: Island Press.
- Gosnell, H., J. H. Haggerty, and W. R. Travis. 2006. Ranchland ownership change in the Greater Yellowstone ecosystem, 1990–2001. *Society Nat. Resources* 19:743–758.
- Gosnell, H. and W. R. Travis. 2005. Ranchland ownership dynamics in the Rocky Mountain West. *Rangeland Ecology and Management* 58:191–198.
- Haggerty, J. H., and W. R. Travis. 2006. Out of administrative control: Absentee owners, resident elk and the shifting nature of wildlife management in southwestern Montana. *Geoforum* 37:816–830.
- Hansen, A. J. and J. J. Rotella. 2002. Biophysical factors, land use, and species viability in and around nature reserves. *Conserv. Biol.* 16:1112–1122.
- Hurley, J. M., C. Ginger, and D. E. Capen. 2002. Property concepts, ecological thought, and ecosystem management: A case of environmental policy making in Vermont. *Society Nat. Resources* 15:295–312.
- Inman, K. and D. M. McLeod. 2002. Property rights and public interests: A Wyoming agricultural lands study. *Growth Change* 33:91–114.
- Jackson-Smith, D., U. Kreuter, and R. S. Krannich. 2005. Understanding the multidimensionality of property rights orientations: Evidence from Utah and Texas ranchers. *Society Nat. Resources* 18:587–610.
- Knight, R. L. and P. B. Landres. 1998. Introduction. In *Stewardship across boundaries*, eds. R. L. Knight and P. B. Landres, 1–5. Washington, DC: Island Press.
- Kvale, S. 1983. The qualitative research interview. *J. Phenomenol. Psychol.* 14:171–196.
- Macpherson, C. B. 1978. *Property: Mainstream and critical positions*. Toronto, Canada: University of Toronto Press.
- Maestas, J. D., R. L. Knight, and W. C. Gilgert. 2001. Biodiversity and land-use change in the American Mountain West. *Geogr. Rev.* 91:509–524.
- Nelson, P. 2001. Rural restructuring in the American West: Land use, family and class discourses. *J. Rural Stud.* 17:395–407.
- Patterson, M. E. and D. R. Williams. 2002. *Collecting and analyzing qualitative data: Hermeneutic principles, methods, & case examples*. Champaign, IL: Sagamore.
- Rasker, R. 2000. Natural amenities and population growth in the Greater Yellowstone region. *Res. Hum. Ecol.* 7:30–40.
- Rickenbach, M. G. and A. S. Reed. 2002. Cross-boundary cooperation in a watershed context: The sentiments of private forest landowners. *Environ. Manage.* 30:584–594.
- Riebsame, W. (Ed.). 1997. *The atlas of the new West: Portrait of a changing region*. New York: W. W. Norton.
- Singer, J. W. 2000. Property and social relations: From title to entitlement. In *Property and values: Alternatives to public and private ownership*, eds. C. Geisler and G. Daneker, 3–20. Washington, DC: Island Press.
- Smutny G. and L. Takahashi. 1999. Economic change and environmental conflict in the Western mountain states of the USA. *Environ. Plan.* 31:979–995.
- Strauss, A. and J. Corbin. 1990. *Basics of qualitative research: Grounded theory procedures and techniques*. Newbury Park, CA: Sage.
- Walker, P. and L. Fortmann. 2003. Whose landscape? A political ecology of the “exurban” Sierra. *Cultural Geogr.* 10:469–491.
- Walker, P. A. and P. E. Peters. 2001. Maps, metaphors, and meanings: Boundary struggles and village forest use on private and state land in Malawi. *Society Nat. Resources* 14:411–424.