

David K.W. Wilson, Jr.
Robert Farris-Olsen
Morrison, Sherwood, Wilson & Deola
401 North Last Chance Gulch
P.O. Box 557
Helena, MT 59624-0557
(406) 442-3261 Phone
(406) 443-7294 Fax
kwilson@mswdlaw.com
rfolsen@mswdlaw.com

Graham J. Coppes
Ferguson Law Office, PLLC
P.O. Box 8359
Missoula, Montana 59807
Telephone: (406) 532-2664
Fax: (406) 532-2663
grahamc@fergusonlawmt.com

Attorneys for Intervenors

**MONTANA TENTH JUDICIAL DISTRICT COURT
FERGUS COUNTY**

<p>UNITED PROPERTY OWNERS OF MONTANA, INC., a Montana non- profit corporation,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MONTANA FISH AND WILDLIFE COMMISSION AND MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,</p> <p style="text-align: right;">Defendants.</p>	<p style="text-align: center;">Cause No: DV-22-36</p> <p style="text-align: center;">Judge: Jon A. Oldenburg</p> <p style="text-align: center;">BRIEF IN SUPPORT OF MOTION TO INTERVENE</p>
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Comes now, proposed Intervenors, Montana Wildlife Federation (“MWF”); Montana Backcountry Hunters and Anglers (“MT BHA”); Montana Bowhunters Association (“MBA”);

Hellgate Hunters and Anglers (“HHA”); Helena Hunters and Anglers (“Helena HA”); Skyline Sportsmen’s Association (“Skyline”) and, Public Land and Water Access Association (“PLWA”) (collectively “Intervenors”), through counsel and pursuant to Rule 24, M. R. Civ. P., respectfully request that this Court permit them to Intervene in this matter to protect their respective interests in ensuring that their members will continue to be able to hunt elk in Montana, or alternatively as a permissive right. Specifically, the Intervenors wish to intervene in opposition to Count I - Declaratory Judgment (Failure to Manage to Objective Population Levels); Count II - Writ of Mandamus; Count III - Injunctive Relief; Count IV - Declaratory Judgment (Mont. Code Ann. § 87-1-301); Count V – Declaratory Judgment (Admin. R. Mont. 12.9.101); and Count VI – Declaratory Judgment (Mont. Code Ann. § 87-1-225).

BACKGROUND

On April 6, 2022, United Property Owners of Montana (UPOM) filed this action to overturn Montana’s elk management practices. To do this, UPOM requests that the Court to: (1) “the Court should declare that defendants must make elk management decisions based on elk population levels and landowner tolerance - not the ‘equitable’ [public] considerations it has used ...”; (2) “the court should order the defendants to remove, harvest, or eliminate [50,000] elk this year ...”; and (3) hold that § 87-1-301(1)’s grant of authority to the Commission to regulate and “set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfall, non-games pieces, and endangered species of the State ...” is facially unconstitutional. Because the outcome of this lawsuit will affect the Intervenors, they seek to intervene.

Montana law firmly stands in opposition to Plaintiff’s claims. More than 80 years ago

the Montana Supreme Court held that wildlife in Montana is a public resource, ownership over which has no legal relationship to the ownership of land. Plaintiff seeks a radical departure from this tradition. It does so under the not-so-veiled auspices of “damage” and “landowner tolerance.” However, what Plaintiff truly seeks is unilateral control and dominion over the elk which “trespass” across their land. Plaintiff uses this suit as a subterfuge to gain the ability to use, sell, transfer, and otherwise control licensing for the killing of trophy bull elk – the market cost of which is upwards of \$10,000.

The parties seeking to intervene represent more than 10,000 Montana citizens, who all rely on the Commission to protect their, and the public’s, interest in elk management. The Intervenor’s have spent decades actively engaged in the elk management process by commenting at the Montana Legislature; Fish and Wildlife Commission (the “Commission”) meetings; directly to the Montana Department of Fish, Wildlife and Parks (“FWP”), and in the public sphere through social media, local, regional, and national media. Yet, unless they are allowed to intervene, they have no ability to represent their members in this suit, and the potential undoing of Montana’s historic elk management system.

INTERVENORS

MWF is Montana’s oldest, largest, and most effective wildlife conservation organization. Its roots trace back to 1936 when hunters, anglers and other conservationists joined landowners to address the loss of Montana’s natural lands, healthy waters, and abundant wildlife. The decades of westward expansion prior to the 1930’s left wildlife populations decimated throughout North America, and Montana was no exception. MWF continues its efforts to protect Montana’s lands, waters, and wildlife. To that end, MWF regularly

participates in Commission meetings, lobbies on various wildlife bills in front of the Montana Legislature, its members routinely use Montana's public and private lands for hunting elk and engaging in other conservation matters, and it has historically litigated to protect Montana's wildlife. *See* Ex. 1, Decl. of Christopher Servheen.

The Montana Chapter of Backcountry of Hunters and Anglers strives to conserve and protect backcountry fish and wildlife habitats and the opportunity for diverse and inclusive hunting and fishing experiences. MT BHA has been a leading voice shaping elk policy for years. The organization works diligently, effectively, and principally as a voice of reason and in partnership with others to advocate for the 'public's interests' focusing directly on elected and appointed officials, including the FWP, the Commission, and the Montana Legislature. *See* Ex. 2, Affidavit of Thomas Baumeister.

Hellgate Hunters and Anglers is an all-volunteer rod and gun club based in Missoula, whose mission is to protect, enhance and restore wildlife habitat; promote sound, science-based management of all wildlife species and their habitat; educate and inform hunters, anglers and others about good, ethical hunting and fishing and the biological, cultural and spiritual values of hunting and fishing; ensure that future generations will experience similar, if not better, opportunities to experience wildlife, wild places, hunting, fishing and other outdoor activities; and protect and promote the public trust, ensuring that all people, regardless of wealth or social stature, have fair, equitable access to our public lands, waterways and wildlife. *See* Ex. 3, Affidavit of Walker Conyngham.

Helena Hunters and Anglers is an all-volunteer conservation group dedicated to protecting and restoring fish and wildlife to all suitable habitats, and to conserving all natural

resources as a public trust, vital to our general welfare. Individual members of HHAA have been involved with elk management and habitat issues for over 40 years. The group champions the North American Model of Wildlife Conservation wherein elk and other wildlife are held in public trust for the benefit of all Americans. *See* Ex. 4, Affidavit of Steve Platt.

Montana Bowhunters Association is an all-volunteer conservation group dedicated to uniting Montana bowhunting sportsman to work towards a common goal of preserving and promoting the sport of bowhunting in Montana. MBA promotes the highest standards of ethical conduct and sportsmanship and promotes outdoor recreational opportunity for all citizens to share equally. Individual members of MBA have been involved with elk management and habitat issues for over 49 years, established in 1973. Our group champions the North American Model of Wildlife Conservation wherein elk and other wildlife are held in public trust for the benefit of all Americans. *See* Ex. 5, Affidavit of Ken Schultz.

Skyline Sportsmen's Association is an all-volunteer rod and gun club based in Butte, and it represents between 350-400 members. Its mission is to protect Montana's wildlife for the enjoyment of its members, families, and all Montanans. For the last 50+ years, Skyline has consistently engaged in promoting public access and wildlife protection. It has advocated on issues including wildlife management issues, commenting on seasons, season types, quotas, bag limits, public access and many other issues involving hunting, fishing, and other outdoor recreation. This advocacy includes advocating elk management since Skyline's creation. Skyline or its members regularly participate in the legislature, at Commission meetings, through communication the FWP, through social media, opinion pieces in newspapers statewide, and directed emails to legislators and hunters. *See* Ex. 6, Declaration of Les Crasten

Public Lands and Water Access Association represents approximately six hundred dues-paying members. The vast majority are Montana residents. All the members value Montana's public wildlands, wildlife, and fish resources that make Montana a special place to live, work and recreate. PLWA works passionately and tirelessly to ensure Montana's public lands are available for hunting, fishing, and other outdoor activities to ensure Montana's outdoor heritage endures. PLWA values, recognizes, and appreciates the contributions private lands and landowners continue to make to ensure Montana is home to robust, viable, and huntable populations of elk and other wildlife statewide. Central to this is the legal and social construct of elk and other wildlife to be held in the public trust for the benefit of all – elk are not to be owned and sold by private interests. *See* Ex. 7, Declaration of Glenn Elison.

These groups, individually, or collectively are entitled to intervene in this case as a matter of right.

STANDARDS

Intervention is governed by Rule 24, M. R. Civ. P. The purpose of permitting intervention “is to protect nonparties from having their interests adversely conducted without their participation.” *Clark Fork Coal. v. Mont. Dep't of Env'tl. Quality*, 2007 MT 176, ¶ 10, 338 Mont. 205, 209, 164 P.3d 902, 905. Intervention can occur as a matter of right or permissively. Rule 24(a), (b), M. R. Civ. P. Rule 24, M. R. Civ. P. traditionally has received a liberal construction and is construed broadly in favor of intervention. *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 527 (9th Cir. 1983)¹; *La. Wildlife & Fisheries Comm'n v. Becerra*, 2020 U.S. Dist.

¹ Montana's Rule 24, M. R. Civ. P., is nearly identical to Rule 24, F. R. Civ. P., so reliance on interpretations of Federal Rule 24, are appropriate. *See Sportsmen for I-143 v. Mont. Fifteenth Judicial Dist. Court*, 2002 MT 18, ¶ 7, 308 Mont. 189, 40 P.3d 400.

LEXIS 83777, at *6 (E.D. Cal. May 11, 2020). This liberal and broad construction should be guided by practical considerations rather than technical distinctions. *See Southwest Center for Biological diversity v. Berg*, 268 F. 3d 810, 818 (9th Cir. 2001) (*citations omitted*); *see also Donnelly v. Glickman*, 159 F. 3d 405 at 409 (9th Cir. 2001).

ARGUMENT

Under Rule 24(a) or 24(b), M. R. Civ. P., the Intervenors are permitted to intervene. Intervention is the only method for intervenors to protect their interests. Without intervention, their rights will be substantially prejudiced.

A. Compulsory intervention is appropriate.

The Intervenors, as a matter of law, are entitled to intervention. Pursuant to Rule 24(a), M. R. Civ. P., application of intervention as a matter of right, must satisfy four elements: (1) be timely; (2) show an interest in the subject matter of the action; (3) show that the protection of the interest may be impaired by the disposition of the action; and (4) show that the interest is not adequately protected. *Sportsmen for I-143 v. Mont. Fifteenth Judicial Dist. Court*, 2002 MT 18, ¶ 7, 308 Mont. 189, 40 P.3d 400. Applying these factors, and their liberal construction, Intervenors are entitled to intervene as a matter of right.

1. The Wildlife Group's Motion to Intervene is timely.

This motion is timely. “Timeliness is determined from the particular circumstances surrounding the action[.]” *Estate of Schwenke v. Bechtold*, 252 Mont. 127, 131-32, 827 P.2d 808, 811 (1992). In evaluating timeliness of a motion to intervene the courts look to whether:

- (1) the length of time the intervenor knew or should have known of its interest in the case before moving to intervene;
- (2) the prejudice to the original parties, if intervention is granted, resulting from the intervenor's delay in making its application to intervene;
- (3) the prejudice to the intervenor if the motion is

denied; and (4) any unusual circumstances mitigating for or against a determination that the application is timely.

In re Adoption of C.C.L.B., 22 P.3d 646, 651 (Mont. 2001).

The motion to intervene, here, is timely. The Intervenors sought to intervene as soon as they learned of this suit. The suit was filed on April 6, 2022, and Summons were issued on April 15 and 18, 2022. News of the story first broke on May 10, 2022, in the Helena Independent Record. *See*, Kuglin, Tom, *Lawsuit asks judge to overturn Montana's elk hunting regulations*, Helena Independent Record, https://helenair.com/news/state-and-regional/govt-and-politics/lawsuit-asks-judge-to-overturn-montanas-elk-hunting-regulations/article_3b7ea9dd-3d3b-5a87-b020-1ba42d1908f5.html#tncms-source=login (May 10, 2022). FWP then filed its answer on May 27, 2022 – five days ago. No other action has occurred, no scheduling order has been issued and no motions have been filed. It was not possible to file this request any earlier in light of the lack of constructive or actual notice.

The existing parties are not prejudiced. As noted, the answer was filed five days ago, there is no scheduling order and no motions have been filed. At worst, discovery may have been served, but allowing intervention at this early stage will not interfere with any discovery deadlines, or the production of any discovery. It is also unlikely that any depositions have been taken. Under these circumstances, the parties are not prejudiced.

In contrast, denying the motion to intervene will be highly prejudicial to the Intervenors. Each of the groups has a history of engaging in the public process of elk management in Montana. Yet, this lawsuit seeks to strip that right from them by asking a court render Montana's elk management system unconstitutional. Other than intervention, the Intervenors have no mechanism to protect their interests.

Finally, this case is unusual, which militates in favor of intervention. This case seeks to undue Montana's historic method of regulating elk and elk hunting in Montana. The Court's decision will potentially affect tens-of-thousands of Montana hunters. To exclude them from this matter would be unjust.

Under the particular circumstances of this case, the Intervenor's motion to intervene is timely.

2. The Intervenor's have a protectable interest which the subject of this litigation, and their interests may be impaired by the outcome of this case.

The Intervenor's have an interest in the disposition of this matter. Intervention is designed to protect non-parties from having their interests adversely affected by litigation conducted without their participation. *Clark Fork Coalition v. Montana Dept. of Environmental Quality*, 164 P.3d 902, 338 Mont. 205 (2007). A district court must, therefore, determine whether the party seeking intervention has a "direct, substantial, legally protectable interest in the proceedings." *Sportsmen for I-143 v. Montana Fifteenth Judicial Dist. Court, Sheridan Cty.*, 2002 MT 18 ¶ 9 (citing *DeVoe v. State*, 281 Mont. 356, 363, 935 P. 2d 256, 260 (1997) (internal quotations omitted).) The interest, though, need not be a "specific legal or equitable interest." *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 837 (9th Cir. 1996). Instead, the interest may arise from the Intervenor's efforts to protect wildlands or wildlife. *United States v. Carpenter*, 526 F.3d 1237, 1240 (9th Cir. 2008); *Sagebrush Rebellion*, 647 F.3d at 897. And a public interest group is entitled "as a matter of right" to intervene in an action challenging the legality of an administrative action if it has participated in the administrative process. *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397-98 (9th Cir. 1995); see also, *Sportsmen for I-143*, ¶ 12.

Under these standards, Intervenors have a protectable interest. Indeed, allowing intervention is the only way for these groups to protect their interests. The Court need look no further than the affidavits and declarations attached hereto. For up to the past 85 years, the Intervenors have engaged in the wildlife management process, through participation at the Legislature, the Commission, directly with FWP or in public. Their collective desire is to ensure that all Montanans have access to public land and public wildlife. This is a sufficient to establish a protectable interest warranting intervention. *See, e.g., Carpenter*, 526 F.3d at 1240.

If the Court, however, looks beyond the organizations historic and contemporary participation in elk management processes, they nevertheless have a protectable interest. At issue here is Mont. Const. art. IX, § 7, which states “The opportunity to harvest wild fish and wild game animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.” Before this Court is a case premised on the interpretation of this provision as it relates to Plaintiff’s allegations of an unequal balance between constitutionally protected “opportunity” and “diminution of other private rights.” The thousands of individual members of Intervenors’ various organizations most certainly have a “direct, substantial, legally protectable interest” in the answer to this question.

Intervenors also have a legally protect right in the State’s management of elk. Montana’s wildlife, including elk are part of the public trust, and the state has an obligation to manage them for the benefit of the public. It has long been held that “wild game including elk belong to the State in its sovereign capacity.” *State v. Rathbone*, 110 Mont. 225, 238, 100 P.2d 86, 91

(1940), citing, *Rosenfeld v. Jakways*, 67 Mont. 558, 216 P. 776. In so holding, the Court described the exact situation in the case at hand, stating:

Montana is one of the few areas in the nation where wild game abounds. It is regarded as one of the greatest of the state's natural resources, as well as the chief attraction for visitors. Wild game existed here long before the coming of man. **One who acquires property in Montana does so with notice and knowledge of the presence of wild game and presumably is cognizant of its natural habits.** Wild game does not possess the power to distinguish between *fructus naturales* and *fructus industriales*, and cannot like domestic animals be controlled through an owner. **Accordingly, a property owner in this state must recognize the fact that there may be some injury to property or inconvenience from wild game for which there is no recourse.**

Rathbone, 110 Mont. at 242, 100 P.2d at 92–93 (emphasis added). Similarly, the United States Supreme Court has consistently held for more than 100 years that “The wild animals within [a state’s] borders are, so far as capable of ownership, owned by the State in its sovereign capacity for the common benefit of all of its people.” *Lacoste v. Dep’t of Conservation*, 263 U.S. 545, 549, (1924) (collecting cases). These holdings are directly implicated and challenged by the Plaintiff here. As a result, Plaintiff’s suit offers a direct attack on the North American Model of Wildlife Conservation which serves as the fundamental premise not just for these opinions, but also for the statutory scheme that is challenged here as well. *See Complaint Counts IV-VI*.

The North American Model of Wildlife Conservation has seven basic tenets that support the notion that wildlife is a public trust resource, an American birthright, and that wildlife species need to be managed in a way that their populations will be sustained forever.

These seven tenets are:

1. **Wildlife as Public Trust Resources:** Natural resources and wildlife on public lands are managed by government agencies to ensure that current and future generations always have wildlife and wild places to enjoy.

2. **Prohibition on Commerce of Dead Wildlife:** Commercial hunting and the sale of wildlife is prohibited to ensure the sustainability of wildlife populations. The Lacey Act, which the Service has a role in enforcing, prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported, or sold.
3. **Rule of Law:** Laws and regulations developed by the people and enforced by state and federal agencies will guide the proper use of wildlife resources.
4. **Opportunity for All:** Every citizen has an opportunity, under the law, to hunt and fish in the United States and Canada. This differs from many other countries.
5. **Wildlife Should Only be Killed for a Legitimate Purpose:** Individuals may legally kill certain wild animals under strict guidelines for food and fur, self-defense, and property protection. Laws prohibit the casual killing of wildlife merely for antlers, horns or feathers or the wanton waste of game meat.
6. **Wildlife as an International Resource:** Because wildlife and fish freely migrate across boundaries between states, provinces, and countries, they are considered an international resource.
7. **Scientific Management of Wildlife:** The best science available will be used as a base for informed decision-making in wildlife management. It's important to note that management objectives are developed to support the species, not individual animals.

North American Model of Wildlife Conservation: Wildlife for Everyone, United States Fish and Wildlife Service, available at <https://www.fws.gov/story/2022-04/north-american-model-wildlife-conservation-wildlife-everyone> (last accessed 5/26/22).

As described above, this doctrine is at the core of each of the Intervenor's individual mission statements and is a policy they have promoted and worked to protect over the entirety of each's existence. UPOM's suit is an affront to these principles and asks this court to rule that Montana's statutory and regulatory implementation of these principles are facially unconstitutional.

If Plaintiff succeeds, these interests will certainly be impaired. Namely, their right to harvest wild elk will be limited, but it will also interfere with the State's ability to manage a public resource for the benefit of the Intervenor and public. More specifically, UPOM

requests that this Court issue a declaration from this Court removing science-based wildlife management from Montana, in turn replacing it with politically-based wildlife management. See *Complaint* at ¶¶ 82-84. This directly impacts both Intervenor's statutory and constitutional rights.

3. The rights of the Intervenor are not adequately protected by the existing parties.

The current parties do not adequately protect the Intervenor's interests. The "requirement of inadequacy of representation is satisfied if the applicant shows that representation of its interests 'may be' inadequate." *Sportsmen for I-143*, ¶ 14; *Sagebrush Rebellion, Inc.* 713 F.2d at 528. The burden to establish inadequacy is minimal. *Id.* This is particularly true where the defendant in the matter is a political appointee or political body, i.e., FWP, because the intervenors and political entity's interests are not always aligned. *Sportsmen for I-143*, ¶¶ 14-17.

As in *Sportsmen for I-143*, there is a serious question of the State's ability to defend this matter. Indeed, the Director of FWP and the Commission are political appointees, subject to the intense politics of the elk management issue. Each is subject to the whims of politics. Intervenor's are concerned that the politics of today will sway Defendants in their decision-making as they proceed in this matter. Although Defendants are being accused of here of unlawfully being too thoughtful of the public interest – an interest most-certainly represented by Intervenor's - recent efforts by Defendants, both at the legislature and in the Commission indicate that Plaintiff and Defendant are not too far apart in current goals.

The 2021 Legislative Session provides a recent example of this alignment. During the 2021 Legislative Session, Speaker Wylie Galt introduced HB 505, which gave landowners specific licenses to use on private lands where elk populations were over objective. The

purpose of the license was to reimburse landowners for the “damage” the elk caused. This is the same argument UPOM makes here. Going beyond its normal role as an informational witness, FWP fully supported the bill with testimony from its Director Hank Worsech, Deputy Director Dustin Temple, and Chief of Staff Quentin Kujala. During his proponent’s testimony, Director Worsech explained that the bill was an FWP bill and that FWP would “own” the bill. So, put another way, both parties, FWP and UPOM, sought to compensate landowners for their alleged “damages” due to elk.

HB505 ultimately died because of the public outcry – created in part by the Intervenor. Now, UPOM is using this suit to force the outcome that HB 505 was unable to accomplish.

The Parties’ historic litigation also indicates that the Intervenor’s interests may not be adequately protected. In 2021, FWP was sued to allow certain individuals to use crossbows in lieu of bows for hunting purposes. In the suit, the plaintiffs asked for an injunction, and FWP conceded that an injunction was appropriate. The Court, however, found that an injunction was not warranted. *Gardipee v. Montana*, 2021 U.S. Dist. LEXIS 167967, at *2-3 (D. Mont. Sep. 3, 2021). So FWP’s concession was inappropriate. FWP made similar concessions regarding its proposed bison management plans. *See UPOM v. Mont. Dept. Fish Wildlife and Parks*, Cause No. DV-2020-30, 10th Judicial Dist. Ct., Fergus County.

Similarly, the Commission has acted in opposition to the interests of the Intervenor. Just this year, the Commission approved bull permits for private landowners through its 454 agreements – which are elk management access agreements. To get the permit a landowner has to offer a limited amount of access. In doing so, it subverts the normal lottery process to

obtain a tag. See McKean, Andrew, Outdoor Life, “Bulls for Billionaires.” *Are Montana’s 454 Permits a Step Toward Privatizing the State’s Elk Herd*, <https://www.outdoorlife.com/conservation/bulls-for-billionaires-454-permit-montana/> (May 20, 2022).

Beyond these specific concerns, several of the members of Intervenor organizations own separate and individual property interests not represented by Plaintiff or Defendant. These organizations have worked with landowners across the state – as well as non-landowning members of the public – to promote their ideals and values as highlighted in the North American Model of Wildlife Conservation. This long-term relationship with both the organizational mission and either those landowners who support them put intervenors in the best position to advocate their interest in this lawsuit because they are not adequately represented by the individuals named as Defendants.

Moreover, Intervenor and its members have interests beyond the killing of elk. Intervenor are non-profit public benefit corporations made up of sportsmen, conservationists, farmers, and business owners from around the state who believe in careful conservation of Montana’s wildlife resources. Intervenor and its members also hold environmental, health, aesthetic, economic and recreational interests. Even absent the ability to hunt and take wildlife, these interests are constitutionally protected. (“The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.” Art. I, § 1 Mont. Const.

Accordingly, Intervenor have established interests outside the scope of the named Defendants that are likely to be hindered if not wholly restrained without their intervention.

B. Alternatively, Permissive Intervention is also appropriate.

In the event that the Court believes compulsory intervention is inappropriate, permissive intervention is appropriate. Pursuant to Rule 24(b), M. R. Civ. P., permissive intervention is appropriate when the proposed intervenor has a claim or defense that shares with the main action a common question of law or fact.

Intervenors meet the requirements of Rule 24(b) because they seek to defend the quality and quantity of its members' interests in Montana's free-range wildlife across the state and their individual hunting heritage. These defenses therefore will address questions of law and fact in common with those raised by the already-named individual Parties. As described in detail above, Intervenors have a substantial and legally cognizable interests in the management of Montana's wildlife resources sources. The organizations and their members seek to defend their constitutional, statutory, and regulatory rights and privileges from the unbridled allocation of wildlife solely to Montana's wealthiest and largest land-owning corporations and families. In addition, Intervenors have vested interests in Montana's character and ecological integrity.

Finally, intervention at this stage will not unduly delay or prejudice the adjudication of the original parties' rights. The deadline for filing responsive pleadings and amended responsive pleadings is still open and discovery has not yet begun. If Intervenors are granted intervention here from the outset, their involvement will not affect the common questions of law and facts already at issue.

Given the importance of the issues/interests involved and the almost non-existent effect to proceedings, permissive intervention is appropriate under Rule 24(b).

CONCLUSION

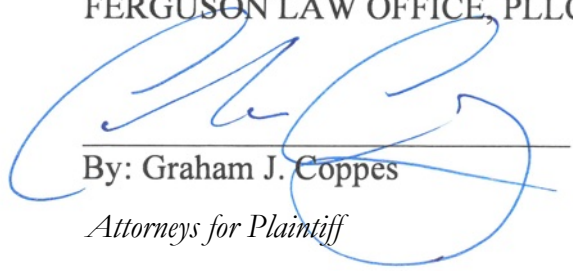
The Intervenors are entitled to intervene in this matter to protect their interests, and those of their members. These groups have spent decade advocating for Montana’s wildland and wildlife, and the only way to ensure their interests are protected is to permit intervention as a right or permissively.

DATED this 1st day of June 2022.

MORRISON SHERWOOD WILSON & DEOLA PLLP

By: 
Robert Farris-Olsen

FERGUSON LAW OFFICE, PLLC


By: Graham J. Coppes
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that on this 1st Day of June 2022, the foregoing document was served via US Mail and email to the following:

Jack G. Connors
Jacqueline R. Papez
Doney Crowley P.C.
Guardian Building, 3rd Floor
50 South Last Chance Gulch
P.O. Box 1185
Helena, MT 59624-1185
jconnors@doneylaw.com
jpapez@doneylaw.com
Attorneys for Plaintiff United Property Owners of Montana, Inc.,

Zachary Zipfel
Kathleen Jensen
Kevin Rechkoff
Agency Legal Counsel
P.O. Box 200701
Helena, MT 59620-0701
zzipfel@mt.gov
kevin.rechkoff@mt.gov
kjensen@mt.gov
Attorneys for Defendants


ALISELINA STRONG