

UPOM

UNITED PROPERTY OWNERS OF MONTANA

Property Rights Conference

August 14th & 15th, 2014. The Northern Hotel. Billings, MT.

Register online: www.MontanaPropertyRightsConference.com

Tentative Agenda - Subject to Change

Updated July 23



Thursday, August 14th, 2014

Noon — 1:00	Registration
1:00 — 2:15	<p>Welcome</p> <p>Kickoff Speaker—Paul Beard of the Pacific Legal Foundation <i>Mr. Beard is one of the foremost property rights litigators in America. In 2013 he won the precedent-setting Koontz v. St Johns River Water Management District in the U.S. Supreme Court. Take this opportunity to gain valuable insight on the emerging trends in property regulation from an expert on the front lines.</i></p>
2:30 — 3:30	<p>Workshop Session 1</p> <p>Anatomy of a Road Defense—Colleen Dowdall & Lance Lovell <i>Access groups have become more aggressive in their attempts to force public access across private property by declaring the existence of a public road. Learn from two veteran Montana attorneys about defending your property against claims of public access, tactics used by access groups to turn your property into access to public land, and your rights as a landowner.</i></p> <p>Free Roaming Bison in Montana?—Senator Taylor Brown <i>Senator Brown, Chairman of the Montana Senate Agriculture & Livestock Committee, will give an update on the latest developments in attempts to impose a free-roaming bison herd in Montana.</i></p>
3:30 — 3:45	Break
3:45 — 4:45	<p>Workshop Session 2</p> <p>Private-Public Land Exchange—BLM Branch Chief for Realty & Renewable Energy Pete McFadden and BLM Realty Specialist/Access & Land Tenure Manager Jim Ledger <i>One of the BLM Montana/Dakotas State Director's top priorities is to gain access to public lands. The challenge is that BLM is under direction to deemphasize land exchanges. The BLM continues to pursue access through other means. Learn about the process the BLM uses to facilitate land exchanges, and other mechanisms the BLM uses to gain access to public lands.</i></p> <p>UPOM Legislative Update—Chuck Denowh & Shelby DeMars <i>An outlook for the 2015 legislative session, including the current Montana political landscape, how property owners fared last session, opportunities to enhance property rights, and the biggest threats posed to Montana landowners.</i></p>
5:00	Social Hour
6:00 — 6:30	Dinner
6:30	<p>Dinner Program</p> <p>Dinner Speaker—William Perry Pendley of the Mountain States Legal Foundation <i>As the President and COO of one of the nation's most-respected non-profit law firms, William Perry Pendley has developed a reputation as an effective litigator defending property rights and individual liberty. This year Mr. Pendley won a landmark case in the U.S. Supreme Court that has set an important precedent regarding abandoned government easements on private property.</i></p>



Friday August 15th, 2014

- 7:30 — 8:00 am Breakfast
- 8:00 — 9:15 Breakfast Program
Breakfast Speaker—Dr. Andrew P. Morriss
Dr. Morriss was recently appointed as the Dean of the Texas A&M Law School. His scholarly work is highlighted by significant research in the area of eminent domain as it relates to energy & communications infrastructure. Dr. Morriss's presentation will outline the history of eminent domain, changes in the practice over the years, and recommendations for reform.
- 9:30 — 10:30 Workshop Session 3
Sage Grouse & the ESA: The Spotted Owl of the Prairie—Hertha Lund
Efforts to protect sage grouse as an endangered species pose one of the most significant threats to property owners in Montana. Learn about the issue, where the process stands, and how you can get involved.

Implications of the “Waters of the United States” EPA Rule—Nicole Rolf
Nicole Rolf, National Affairs Director for the Montana Farm Bureau Federation, will provide an update on a new attempt by the EPA to expand control over “ditches and prairie potholes”. This rule has big implications throughout the West, learn what you can do to protect your water and prevent this regulatory overreach.
- 10:30 — 10:45 Break
- 11:00 — Noon Final Panel Discussion
The Flathead Water Compact: What it means for your water rights
The last segment of our Conference will be A panel discussion featuring two experts on the Flathead Water Compact. Dr. Catherine Vandemoer is a hydrologist and former special assistant to the Dept. of Interior Assistant Secretary for Indian Affairs. She is a consultant for Concerned Citizens of Western Montana, which opposes the Compact as it is written. Melissa Hornbein is the staff attorney for the Montana Reserved Water Rights Compact Commission. Each will give a 20 minute presentation on the Compact, followed by a question and answer period.





ABOUT THE KEYNOTE SPEAKERS

William Perry Pendley



William Perry Pendley is the President and COO of the Mountain States Legal Foundation. Born and raised in Cheyenne, Wyoming, Pendley received a B.A. and M.A. degrees in Economics and Political

Science from George Washington University in Washington, D.C. He received his J.D. from the University of Wyoming College of Law, where he was Senior Editor on Land and Water Law Review. During the Reagan Administration, he served as Deputy Assistant Secretary for Energy and Minerals of the Department of Interior, where he authored President Reagan's National Minerals Policy and Exclusive Economic Zone proclamation. He has argued cases before the Supreme Court of the United States as well as various federal courts of appeals; he won what Time called a "legal earthquake" when the Supreme Court ruled in his favor in the historic Adarand (equal protection) case.



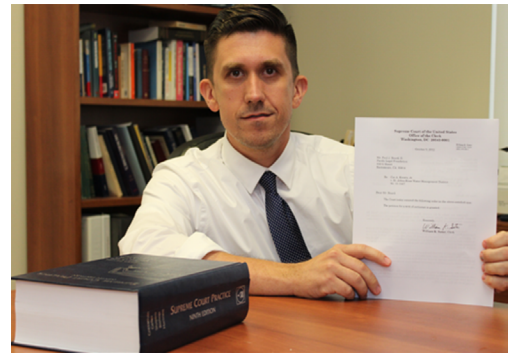
In the biggest property rights victory so far this year, Pendley successfully defended the rights of a Wyoming man, Marvin Brandt, in a challenge against an attempt by the Forest Service to build a bike trail through his property on a railroad easement that had been formally abandoned. The 8-1 decision in March was a major blow against Big Green's 'Rails to Trails' movement, whereby activist groups have sought to establish public, recreational paths through private property on easements originally granted for a completely different purpose.



Paul Beard

Paul Beard is a Principal Attorney in the Pacific Legal Foundation's Property Rights Group. As head of PLF's Coastal Land Rights Project, he oversees litigation against coastal land-use agencies that violate landowners' private property rights, especially the California Coastal

Commission. His cases on behalf of property owners include challenges to unconstitutional conditions on land-use permits and the unlawful assertion of jurisdiction by land-use agencies over private property and its development.



In 2013, he argued and won a landmark property rights case before the United States Supreme Court: *Koontz v. St Johns River Water Management District*. *Koontz* is PLF's seventh consecutive win before the High Court. The case establishes that land-use permit exactions – including monetary exactions and those exactions leading to permit denial – are subject to heightened scrutiny under the United States Constitution: Local, state, and federal agencies now bear the heavy burden of demonstrating that all such monetary exactions bear a sufficient connection to the alleged public harms resulting from owners' use of their properties.

Dr. Andrew P. Morriss



Dr. Andrew P. Morriss, J.D., Ph.D, was appointed as the dean of the Texas A&M University School of Law in 2014. He is the author or coauthor of more than 60 book chapters, scholarly articles, and books. He is affiliated with a number of think tanks doing public policy work, including the Property & Environment Research Center in Bozeman, Montana, the Regulatory Studies Center at George Washington University, the Institute for Energy Research, and the Mercatus Center at George Mason University. His scholarship focuses on regulatory issues involving environmental, energy, and offshore financial centers. Over the past ten years he has regularly taught and lectured in China, Greece, Guatemala, Hong Kong, and Nepal.

Dr. Morriss's recent scholarly work includes analysis of state eminent domain laws as they relate to growth in modern energy and communications infrastructure. In a recent working paper on the topic, Dr. Morriss and his co-authors suggest several policy alternatives that would enhance the rights of property owners facing the eminent domain process.

