

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



ANGELA McLEAN
LT. GOVERNOR

May 4, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 284 (SB 284), "AN ACT AN ACT REQUIRING AUTHORIZATION OF THE BOARD OF COUNTY COMMISSIONERS BEFORE WILD BUFFALO OR WILD BISON ARE RELEASED INTO A COUNTY; REQUIRING RELEASE OF WILD BUFFALO OR WILD BISON TO MEET CERTAIN CONDITIONS; AMENDING SECTIONS 7-1-111, 76-1-605, 81-2-120, AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 284 sets a dangerous precedent by supplanting the state's management of its fish and wildlife with county regulation. Montana's wildlife is held in trust for all citizens of the state, not just those citizens of a particular county. Management by political boundary may have little connection to how fish and wildlife actually use a landscape or waterway. This is reflected in current statutes, such as section 7-1-111(12), MCA.

By statute, the Department of Fish, Wildlife and Parks (FWP) is required to follow a thorough, comprehensive, and very public process in determining if and where brucellosis-free bison could be transplanted or relocated within the state. Many of the concerns and issues that are to be expressly considered and addressed by FWP (and the state veterinarian) in any management plan include those same concerns that county commissions would be charged with addressing under SB 284. In addition, FWP is required, at a minimum, to hold a public hearing in the affected county or counties. There is nothing in those statutes that prohibits an affected county from engaging in additional processes as it sees fit, and providing FWP with its recommendations. But an absolute veto right over FWP's determinations renders the state law provisions meaningless.

To further the public engagement around these issues I have asked FWP to make deliberate efforts to go well beyond the statutory requirements to engage interested stakeholders, and I believe that this approach is providing valuable opportunities for Montanans to have meaningful dialogue.

We have successfully relocated brucellosis-free Yellowstone bison to tribal lands managed by the Fort Peck Assiniboine and Sioux Tribes, and the Fort Belknap Assiniboine and Gros Ventre Tribes, and I am proud of those efforts. This legislation does not include any tribal consultation, which may

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impact those Tribes who have established their own herds. Tribal governments are sovereign nations, with broad authority over the lands and wildlife within their boundaries. Any comparison to county governments, which are political subdivisions of the state, misses the mark.

Nevertheless, if and when FWP finds that relocating bison to a particular place is appropriate, it would be reasonable to expect FWP to work closely with any affected county to consider the county's concerns.

I vetoed a similar bill in 2013 and requested that FWP do more to work cooperatively with Montana counties and tribes. I believe the department is working hard to meet that expectation.

For these reasons, I veto SB 284.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Debby Barrett, President of the Senate
Austin Knudsen, Speaker of the House