

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 10, 2019

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59601

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 265 (HB 265), "AN ACT CLARIFYING THE APPROVAL PROCESS FOR LAND-RELATED ACQUISITIONS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; REQUIRING CERTAIN EASEMENTS TO BE APPROVED BY THE BOARD OF LAND COMMISSIONERS; AND AMENDING SECTION 87-1-209, MCA."

House Bill 265 would make it harder for family farmers and ranchers in Montana to allow public access to their land through the Habitat Montana program. It would mandate that the Board of Land Commissioners (Land Board) give the final approval to all conservation easement projects with private landowners under the Habitat Montana program. Under current law, these projects are vetted for years by the Fish and Wildlife Commission (Commission), and receive their approval from that body.

Habitat Montana uses money from hunting and fishing licenses to pay for conservation efforts and promotes public access to some of the best hunting and fishing habitat in the world. Since its inception in the 1980s, it has been a tremendous success, protecting and promoting access on hundreds of thousands of acres in Montana. Conservation easements through Habitat Montana are particularly popular. They give family farmers and ranchers in Montana the financial peace of mind to avoid subdividing their property or selling it to wealthy investors. In return, the public gains a right of access for hunting and fishing.

These projects are important. They achieve a rare, delicate balance between private land ownership and public access, conservation, and the preservation of open spaces that Montana law promotes.

Earlier this year, the Montana Supreme Court confirmed that the Land Board has no legal function in approving these projects. House Bill 265 would reverse that decision and place final approval with the Land Board. It would do so with no standards, no guidelines, and no assurances to families that politicians will not capsize their projects at the last minute for little or no reason.

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Conservation easements under the Habitat Montana program are already thoroughly vetted by the Commission. Landowners work with the Commission, and its staff at the Department of Fish, Wildlife and Parks, for years to bring a transaction up for final approval. The Commission has a statutory mandate to promote conservation, and it fulfills this mandate in vetting candidate projects through public meetings, public votes, and intensive expert review.

The Land Board, on the other hand, has a different constitutional role: its principal job is “to direct, control, lease, exchange, and sell school lands and lands which have been or may be granted for the support and benefit of the various state educational institutions.” Montana Constitution, Article X, section 4. Montana law gives it very little role in making decisions about wildlife conservation, habitat, or private land.

If the uncertainty of the Land Board process becomes law, I expect that few families would ever sign up for new conservation easement projects. Farmers and ranchers simply cannot make important financial decisions that hinge on the whims of arbitrary political approval. The result would be fewer or no new projects—the end of the Habitat Montana conservation easement program. Not only would private property owners lose as a result, so too would Montanans seeking hunting, fishing, and recreational opportunities on these lands. We would all be worse off for the lack of public access.

For these reasons, I veto HB 265.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Greg Hertz, Speaker of the House
Scott Sales, President of the Senate