

OFFICE OF THE GOVERNOR
STATE OF MONTANA

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GOVERNOR



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LT. GOVERNOR

May 16, 2025

The Honorable Brandon Ler
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Matt Regier
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Ler and President Regier:

Conservation districts play a vital role in the conservation and protection of Montana's natural resources, including through the review and approval of "310 permits" under the Montana Natural Streambed and Land Preservation Act. 310 permits are designed to protect Montana's rivers and streams by reducing environmental impacts from activities that might alter streambeds or adjacent areas.

Senate Bill 472 is a well-intended effort by the sponsor to ensure conservation districts have the tools and resources necessary to enforce the Montana Natural Streambed and Land Preservation Act. While the bill includes a significant increase in the penalties a conservation district may assess, it lacks clear, uniform guidelines regarding how the state's 58 conservation districts assess penalties. As a result, Senate Bill 472's enactment will result in the unintended consequence of widely inconsistent and potentially unfair enforcement actions across the state. For example, one conservation district may assess a substantially harsher penalty for a violation than another conservation district addressing the same violation.

Additionally, Senate Bill 472 provides unlimited discretion to a conservation district to determine the amount of a penalty, without considering the nature of the violation. For example, an inadvertent placement by a landowner of a "no trespassing" sign below the high-water mark may result in a staggering \$100,000 penalty for a first-time violation, a penalty few Montana landowners can afford to pay.

Furthermore, Senate Bill 472 does not adequately address the interplay between the implementation of 310 permit laws and the regulation of forest practices under the Streamside Management Zone laws. These areas of Montana's code help balance the protection of streams

with logging activities. A more robust coordination between these two laws is necessary to provide predictability and certainty to persons engaged in commercial logging activities.

Again, while I appreciate the sponsor's good intentions, the concerns I've outlined give me pause.

I encourage conservation districts, with the support of the Montana Department of Natural Resources and Conservation, to engage with the sponsor and stakeholders over the biennium to conduct a review of enforcement and compliance issues surrounding 310 permits, with the goal of generating a comprehensive proposal for the 2027 legislative session that provides clear, consistent, and fair guidelines for the assessment of penalties.

Therefore, 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 472: "AN ACT REVISING CIVIL PENALTIES UNDER THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975; REMOVING THE CAP ON THE MAXIMUM CIVIL PENALTY THAT MAY BE IMPOSED; PROVIDING AN EXCEPTION FOR A PERSON ENGAGING IN ALLOWABLE FOREST PRACTICES IN STREAM MANAGEMENT ZONES; AMENDING SECTIONS 3-10-601; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Sincerely,



Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State