

April 28, 2007

The Honorable Brad Johnson
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary Johnson:

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 (HB) 439, **"AN ACT EXEMPTING CERTAIN OWNERS OF PRIVATE FISH PONDS FROM LICENSING REQUIREMENTS."**

House Bill 439 would allow certain pond owners in the Eastern Montana Fishing District to stock their ponds without a license. Montana Code Ann. § 87-4-603 currently sets forth minimal but important controls for the stocking of private and artificial fish ponds, including licensing, record-keeping and reporting by the owner of transfers of stocked fish and eggs, and bonding requirements to ensure that the law is complied with.

These controls exist to protect Montana's prized fish species and the water bodies they inhabit, and we should not make them more lenient. Over one-half of our native fish species are imperiled by declining population, and some are now federally designated as threatened or endangered. One of the main factors affecting native fish is the introduction of new species that compete with, hybridize or prey directly on the native species. More than 500 illegal introductions involving 50 different fish species have been documented in Montana. These extraneous species can also infect our own. The discovery in the Madison basin of whirling disease, a serious threat to our trout fisheries, was the impetus for the strengthening of our current law. Whirling disease is believed to have been introduced into private ponds in Montana by illegal importation of diseased hatchery trout from Idaho.

Another major concern is the risk of aquatic nuisances that threaten the quality of the water-bodies themselves, including weed and plant material and other microorganisms, all of which can arrive undetected. In recent years we have discovered in our water zebra mussels, quagga mussels, didymosphenia, mud snails and other organisms, many of which are believed to have arrived in Montana on anglers' waders from other countries.

Although HB 439 would exempt only ponds that are less than 50 acres in size, are unconnected to other bodies of waters, and are outside the historic flood plain, these factors do not anticipate flood events that can transport pond contents into receiving waters. They also fail to address invaders that can be easily transported (sometimes unknowingly) by humans or even birds, regardless of distance from, or connection to, receiving waters.

I see no sense in reducing the protection for our native fish species and water bodies, nor do I think that eastern Montana should have any less protection against the threat of alien invaders than that offered to central and western Montana.

Sincerely

Brian Schweitzer
GOVERNOR