



Big Sky Country
MONTANA STATE LEGISLATURE

June 6, 2022

Governor Greg Gianforte
Montana State Capitol
Box 200801
Helena, MT 59620

Dear Governor Gianforte:

As you know, the United Property Owners of Montana have recently filed a lawsuit against the Montana Department of Fish Wildlife and Parks and the Fish and Wildlife Commission that demands the immediate and severe reduction of elk populations in much of the state and further claims that all hunting regulations issued by the Montana Fish and Wildlife Commission are unconstitutional.

As Montana legislators who sit on the House and Senate Fish and Wildlife Committees and who take seriously our oversight duties over how Montana's wildlife is managed, the UPOM lawsuit is of great concern. Not only is the foundation of professional wildlife management under assault, but so too is our hunting heritage of equal opportunity for all.

UPOM was formed 15 years ago, and its agenda is to privatize public resources – including public lands and water, and the fish and wildlife that lives there. UPOM has sued over the state's stream access law, sued to stop the reintroduction of native bison on public lands, and fought bills to increase the fine for gating public roads that lead to public lands. UPOM has always been secretive about its financial backers but there is little doubt that wealthy out-of-state landowners provide a big part of its bankroll.

In Montana, there is legal precedent dating back decades that firmly establishes the public ownership of wildlife and we have confidence that the Montana courts will reject UPOM's legal argument and its extreme approach. But your decision last spring to settle the buffalo lawsuit that UPOM filed is a troubling precedent and raises serious concern about the future of the current UPOM lawsuit.

Polling has consistently shown that a strong majority of Montanans want to see wild buffalo restored to our grasslands. Yet your decision to settle the case in UPOM's favor ignored the larger public's interest with your unilateral agreement that Montana would not consider any bison restoration plan for the next decade. There was no advance notice of the settlement, no opportunity for the public to comment and no consultation with Montana's Tribes.

Given UPOM's weak legal arguments and UPOM's success in the buffalo case, there is good reason to believe that UPOM's actual strategy is another favorable settlement. Given the stakes of UPOM's suit over elk management, and the great interest of the public and Montana hunters in these issues, it is essential that any settlement discussions in the litigation are transparent. Montana hunters and the general public must have an opportunity to review any settlement agreement before it is finalized.

Last week, in response to questions at an Environmental Quality Council meeting, FWP Director Hank Worsch stated that he did not know whether he had the authority to provide for Legislative review of any draft settlement. As governor, we know you have that authority. We strongly urge you to bring any proposed settlement to either the Environmental Quality Council or the Montana Fish and Wildlife Commission (or both) for review and public comment as soon as a draft is available.

We recognize that many wildlife management issues are difficult, in part because Montanans care so deeply about them. But over decades, Montana has developed a process where every Montanan can participate in management decisions, including landowners, hunters and the public. This is exactly as it should be in the UPOM litigation.

Thank you for your attention to our concerns, and we look forward to your response.

Sincerely,



SEN. TOM JACOBSON
Vice Chair, Senate Fish and Game Committee



REP. KIM ABBOTT
House Minority Leader



SEN. JILL COHENOUR
Senate Minority Leader



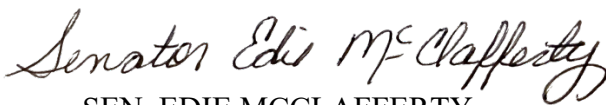
REP. WILLIS CURDY
House District 98



SEN. PAT FLOWERS
Senate District 32




REP. TOM FRANCE
House District 94

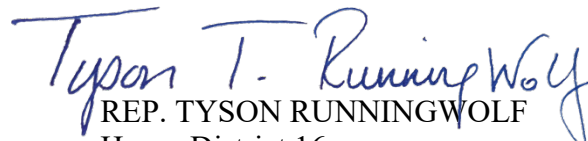


SEN. EDIE MCCLAFFERTY
Senate District 38



REP. MARILYN MARLER
House District 90


REP. SARA NOVAK
House District 77


REP. TYSON RUNNINGWOLF
House District 16


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