



STATE OF ARIZONA
April 23, 2014

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Andy Tobin
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2699 (endangered species programs; reimbursement)

Dear Speaker Tobin,

Today, I vetoed House Bill 2699. This legislation was designed to reimburse individuals that sustained losses from the U.S. Fish and Wildlife Service Mexican Wolf Recovery Program (Program).

I am concerned that this legislation directs the Arizona State Land Department (Department) to negotiate and execute land use agreements with private landowners and with the federal government for the use and diminution in value of their lands under this Program. The Department has thousands of grazing lessees, many of which are impacted by the Program. This legislation did not have an appropriation and the budget had no additional monies for the Department to cover the costs of implementing this legislation. Furthermore, there is no direct benefit for the Arizona State Land Trust beneficiaries as this is a non-Trust related function and Trust resources cannot be used.

Lastly, a state cannot compel the U.S. Fish and Wildlife Service (USFWS) to compensate the state or private landowners for losses or compel the USFWS to enter into land use agreements with private land owners. The USFWS has authority under the Endangered Species Act (ESA) to develop agreements with states and private landowners under the terms of the Act. The converse, however, is not recognized wherein the USFWS has to adhere to the dictates of a state regarding the administration of the ESA.

These concerns are among the primary reasons I have vetoed House Bill 2699.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Andy Biggs
The Honorable Bob Thorpe