



BUFFALO FIELD CAMPAIGN

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Chairman John Brenden and members of the Senate Fish and Game committee, Montana Senate
PO Box 200500
Helena, MT 59620-0500

Mr. Chairman and members of the Senate Fish & Game committee,

On behalf of Buffalo Field Campaign I am submitting testimony on HB 396. Mr. Chairman, I would also request that my testimony be shared with committee members and entered into the hearing record. Thank you.

Buffalo Field Campaign is a nonprofit 501(c)(3) whose mission is to stop the slaughter of Yellowstone's wild buffalo herd, protect the natural habitat of wild free-roaming buffalo and native wildlife, and to work with people of all Nations to honor the sacredness of the wild buffalo.

Buffalo Field Campaign is located in West Yellowstone, Gallatin County, Montana, and is supported by volunteers and citizens in Montana and by people from around the world who value America's native wildlife and the ecosystems upon which they depend, and enjoy the natural wonders of our irreplaceable public lands.

As an organization and on behalf of our members, Buffalo Field Campaign is concerned and actively involved with protecting the last remaining descendants of indigenous buffalo in North America to occupy their original range, and securing long-term protection for viable populations of wild buffalo and year-round habitat.

Buffalo Field Campaign is adamantly opposed to HB 396, for many reasons.

HB 396 attempts to cede state and Tribal authority over wildlife to County Commissioner(s) control by requiring their approval before any buffalo could

be released or relocated in a county or counties in Montana.

HB 396 would have the Montana legislature cede, by unconstitutional means, authority over buffalo introduced or transferred in Montana as public wildlife to County Commissioners.

Our heritage of native wildlife species does not belong to the state or any one person or interest group but to future generations who are the beneficiaries of our wildlife heritage trust.

The state has a trustee authority and responsibility for our wildlife – this constitutional duty is not a power that can be taken away from the people by the Montana legislature to benefit one body or interest group.

HB 396 would also legislate a conflict of interest by permitting the commercialization of wild buffalo - to be auctioned and sold by the Dept. of Livestock to 'offset' the costs of capturing, testing, quarantining and vaccinating the native species.

This offensive provision in HB 396 would open the door for the Montana Dept. of Livestock to turn the last buffalo population that retains their identity as a wildlife species into chattel and private property.

We strongly object, in the strongest terms, to any legislative act that attempts to commercialize our native buffalo and robs the people of Montana of our natural heritage, to be auctioned and sold off by the livestock department.

There is also an error in thinking embedded in HB 396 about who 'pays'.

Montana pays hardly anything -- but is the recipient of well over \$7 million American taxpayer dollars that has funded the government destruction of over 3,200 wild buffalo since 2000 – for the governor-approved plan embodied in MCA 81-2-120.

All of these financial agreements and reports showing Montana to be a recipient of federal taxpayer welfare are available for review online:
<http://www.buffalofieldcampaign.org/legislative/taxpayerfunding.html>

According to the U.S. Government Accountability Office (2008), Montana is now thirteen years into its 'bison management plan' that costs over \$3,000,000 taxpayer dollars to capture, test, quarantine and vaccinate bison every year.

Instead of reviewing the changed circumstances that make MCA 81-2-120 obsolete, the legislature would commercialize our native wild buffalo and fill the coffers of the livestock department to continue on with a plan that is clearly not based upon the best available science and perpetuates a conflict of interest to the detriment of the public's native buffalo.

Please review our handout on HB 396 on the substantial, changed circumstances for cattle producers benefiting from new brucellosis regulations in Montana including taxpayer welfare.

In a time of budget cuts and economic hard times, this governor-approved plan has destroyed thousands of wild buffalo at a cost of tens of millions of taxpayer dollars – a costly, wasteful and destructive plan with no end and little accountability.

The decision over reintroducing the public's wildlife in Montana does not belong to County Commissioners. We seriously doubt that an American Indian Tribe would cede jurisdiction and sovereignty over their affairs to a board of county commissioners.

Wildlife management belongs to wildlife agencies entrusted with ensuring our wildlife heritage is protected and persists for future generations to enjoy and experience. The buffalo, a valued native species, deserves that level of trust embodied in our constitutional responsibility to conserve our natural heritage.

HB 396 is not amendable. Thank you for taking action to by voting to defeat HB 396.

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**MONTANA'S CONSTITUTION MANDATES
SPECIAL CONSIDERATIONS TO PRESERVE OUR WILD PLACES AND
THE WILDLIFE THAT INHABITS THEM**

Excerpted from Montana Judge E. Wayne Phillips ruling dismissing all ten claims brought against the state in Park County Stockgrowers v. Montana (2013).

BARRETT V. STATE NEW YORK (1917) "Wherever protection is accorded [to wild animals] harm may be done to the individual. Deer or moose may browse on his crops; mink or skunks kill his chickens; robins eat his cherries. In certain cases the Legislature may be mistaken in its belief that more good than harm is occasioned. But this is clearly a matter which is confided to its discretion. It exercises a governmental function for the benefit of the public at large, and no one can complain of the incidental injuries that may result."

STATE V. HUEBNER (MONTANA 1992) "Montana's Constitution and law mandate special considerations to ensure that our wild places and the creatures that inhabit them are preserved for future generations."

PARK COUNTY STOCKGROWERS ASSOCIATION V. MONTANA (2013)
"Montana's Constitution contains no provision safeguarding against threats to personal safety caused by naturally occurring conditions such as native wildlife. To the contrary, Montana's Constitution, laws, and regulations provide special considerations to assure that our wild places and the creatures that inhabit them are preserved for future generations." (citing State v. Boyer 2002)