



## **BUFFALO FIELD CAMPAIGN**

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Chairman Lee Randall and members of the House Agriculture committee  
Montana House of Representatives  
PO Box 200400  
Helena, MT 59620-0400

Mr. Chairman and members of the House Agriculture committee,

On behalf of Buffalo Field Campaign I am submitting testimony on SB 256. 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 SB 256, for many reasons.

Please review our handout on Montana and U.S. Court Rulings on the Question of Liability for Acts of Wildlife.

SB 256 seeks to undo long-standing Montana Supreme Court precedent finding that wildlife species do not 'belong to any owner' by making the state liable for any private property damage or public safety hazard caused by buffalo reintroduced or transferred in Montana under MCA 87-1-216.

Why would the Montana legislature force the people of Montana to take on liability for any damages claimed to be caused by native wildlife species?

Why would the Legislature find that the people of Montana should be held liable in perpetuity for the behavior of wildlife?

Why would SB 256 seek to impose state liability solely for buffalo?

To increase the costs and legal wrangling of reintroducing buffalo into the state by subjecting the people of Montana to liability for any and all property damage and claim of public injury or harm.

The outcome sought by SB 256 is to turn the reintroduction of a native species long gone from Montana's landscape into a costly quagmire entangled in endless legal disputes rather than a welcome home.

Thus, SB 256 would impose in perpetuity on the people of Montana liability for all claims of private property and personal injury for any reintroduced buffalo, an (S2) wildlife species "at risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state."

Outside of Yellowstone National Park, migratory buffalo that retain their identity as a wildlife species occupy a fraction of 1% of nearly 100 million acres of land in Montana.

Montana Fish, Wildlife, and Parks also designated bison a Tier I species: "Greatest conservation need. Montana Fish, Wildlife & Parks has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities, and focus areas." (Adams and Dood, Montana FWP 2011)

By establishing public liability for the behavior and acts of public wildlife SB 256 jeopardizes \$19 million dollars and eligibility for Montanans to participate in the Wildlife and Sport Fish Restoration program.

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

In *Rathbone v. Montana* (1960) the Montana Supreme Court found that a property owner in Montana "must recognize the fact that there may be some injury to property or inconvenience from wild game for which there is no recourse."

This long-standing precedent was recently affirmed in *Park County Stockgrowers Association v. Montana* (2013) by Judge E. Wayne Phillips who wrote: "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."

SB 256 is not amendable. Thank you for taking action to prevent the erosion of constitutional precedent protecting our natural wildlife heritage and advancing common sense by voting to defeat SB 256.

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