

EXHIBIT 1DATE 1-24-13HB 249**BUFFALO FIELD CAMPAIGN**

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January 22, 2013

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 HB 249. Mr. Chairman, I would also request that my testimony be entered into the hearing record. Thank you. Unfortunately, I cannot be present for today's hearing.

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.

I am also a resident of West Yellowstone and live year-round in the Hebgen Basin where America's last wild buffalo roam.

Buffalo Field Campaign is adamantly opposed to HB 249, for many reasons.

HB 249 undermines the work being done locally to address and resolve potential conflicts with wildlife on private lands. If people have a safety concern over migratory buffalo being on private land in Gardiner Basin and Hebgen Basin, call Buffalo Field Campaign (406) 646-0070.

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HB 249 repeals Montana's prohibition on intentionally feeding wildlife and gives legal sanction to any landowner to kill migratory buffalo on private property. The bill also requires Montana Fish, Wildlife & Parks or the Dept. of Livestock to "remove" migratory buffalo or the remains of dead buffalo shot on private land.

HB 249 repeals fines and penalties for bad management practices, such as keeping open and unfenced haystacks, that attracts wildlife onto private lands and then sanctions the shooting of wildlife lured to the scene. This is unacceptable to Montanan's who value our wildlife heritage. Do not permit this unethical practice to become state law.

HB 249 also repeals Montana's ban on intentionally feeding wildlife, a practice that unnaturally congregates wildlife where diseases can readily spread and create other hazards by attracting wildlife to cross and be along roads.

HB 249 is an attempt to gut long standing Montana Supreme Court precedent that private landowners have some responsibility of sharing the land with wildlife:

"Montana is one of the few areas in the nation where wild game abounds. It is regarded as one of the greatest of the state's natural resources, as well as the chief attraction for visitors. Wild game existed here long before the coming of man. One who acquires property in Montana does so with notice and knowledge of the presence of wild game and presumably is cognizant of its natural habits. Wild game does not possess the power to distinguish between fructus naturales and fructus industriales, and cannot like domestic animals be controlled through an owner. Accordingly, a property owner in this state must recognize the fact that there may be some injury to property or inconvenience from wild game for which there is no recourse." (quoting *State v. Rathbone*, 110 Mont. 225, 100 P.2d 86, 92-93 (1940)).

This wildlife protecting precedent was recently re-affirmed in a 2013 court decision in Park County recognizing migratory buffalo are part of Montana's landscape and natural heritage.

HB 249 is not amendable. Thank you for taking action to uphold Montana Supreme Court precedent and protecting migratory buffalo as a valued wildlife species by voting to defeat HB 249.



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**Are wild buffalo a threat to Montana's
economy?** <http://www.buffalofieldcampaign.org/faq/wildeconomy.html>