

EXHIBIT 10
DATE 4/11/2013
SB 143

Dustin Monroe

Chairman and Committee Members, I come before you to oppose SB 143, An Act revising Bison Management.

Ignoring Interagency Bison Management Plan

Section 1 of Section 81-2-120 proposed amendments in line 19 takes out the word may and inserts the wording shall immediately. This trend of replacing May with shall continues throughout the bill. By giving one person this much power to change the Interagency Bison Management Plan which took more than 10 years of planning, is hazardous for the National Park Service, USDA-Forest Service, USDA-Animal & Plant Health Inspection Service, Montana Department of Livestock and Montana Fish Wildlife & Parks who all worked to come to a agreement.

Landowners & Previous Court Decisions

SB 143 is also likely Unconstitutional. The Montana Supreme Court (Sacksmen and Rathbone cases) and a very recent court decision in Park County just north of Yellowstone National Park clarify that wildlife are part of the landscape. Most Montana landowners recognize this and understand that some native wildlife use of their property is a responsibility of landownership. In both Sacksmen and Rathbone the court stated, "Wild game existed here long before the coming of man. One who acquires property in Montana does so with the notice and knowledge of the presence of wild game. Accordingly, a property owner in this state must recognize there may be some injury to property from wild game for which there is no recourse."

Tribes

This bill would ban the relocation of any bison within the state. That would prevent the National Park Services from any Bison to tribes. So this is again another unconstitutional right that would be violated The **Native American Religious Freedom Act**, which court cases involving hunting rights for Ceremonial Animals have been brought forth. Also the **Lame Bull Treaty and other treaties** have presences for hunting rights and this body does not have the authority to make a law when not all governments are in agreement this gives rise to litigation.

It also excludes the **Nez Perce Tribe of Idaho**, which has treaty rights to hunt and gather in Yellowstone National Park from 1855 Stevens Treaty. The Nez Perce have come and testified before. All the tribes will defend and uphold their treaty rights, which the courts in our circuit have been upholding.

Loss of Revenue & Expense

\$79,411 in personal services & \$22,400 for operating expenses

In 2014, they would need supplies, materials and equipment for wardens for immediate action for bison management. Costs include \$30,970 in operating expenses and \$48,402 for equipment.

Total Cost \$181,183

Bison as a Possible Revenue Driver for Montana

According to National Bison Association, Market prices in late 2012 clearly illustrate the burgeoning growth of the buffalo business. The \$3.88/lb. average price paid by marketers for a young bull carcass at the start of 2013 was 89% percent higher than the price paid only five years earlier. This is an economic stream that Montana could tap into for our economy.

Also the Tourism Industry, which is number 2 industry in Montana, has been affected by the presence of buffalo and also had a 4% increase in revenue for the park.

So I close with this SB 143 does not take into account the treaties and all tribes, the interagency bison Management plan with all partners, is Unconstitutional, and cost the state dollars.

I urge this committee to vote NO on this bill because it will cost the state money which could be used to generate jobs for Montanans.