

1 SENATE BILL NO. 85

2 INTRODUCED BY M. LANG

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE POLICY OF THE STATE TO ENSURE THE
 6 DEPARTMENT OF FISH, WILDLIFE, AND PARKS MANAGES GRIZZLY BEAR POPULATIONS AT LEVELS
 7 TO MAINTAIN THEIR DELISTED STATUS; AMENDING SECTION 87-5-301, MCA; AND PROVIDING AN
 8 IMMEDIATE EFFECTIVE DATE."

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 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 12 **Section 1.** Section 87-5-301, MCA, is amended to read:

13 **"87-5-301. Grizzly bear -- findings -- policy.** (1) The legislature finds that:

14 (a) grizzly bears are a recovered population and thrive under responsive cooperative
 15 management;

16 (b) grizzly bear conservation is best served under state management and the local, state, tribal,
 17 and federal partnerships that fostered recovery; and

18 (c) successful conflict management is key to maintaining public support for conservation of the
 19 grizzly bear.

20 (2) It is the policy of the state to:

21 (a) manage the grizzly bear as a species in need of management to ~~avoid~~minimize conflicts with
 22 humans and livestock; ~~and~~

23 (b) on delisting, manage grizzly bear populations at levels to maintain their delisted status to
 24 include the management of mortalities from all sources, including hunting and the loss of grizzly bears by
 25 translocation out of the populations; and

26 (c) subject to the provisions of subsection (3), use proactive management to control grizzly bear
 27 distribution and prevent conflicts, including trapping and lethal measures.

28 (3) (a) Except as provided in subsection (3)(b), the department may not relocate a grizzly bear

1 listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., except to a release site previously
2 approved by the commission for relocation of grizzly bears.

3 (b) The department may respond to a grizzly bear listed under the federal Endangered Species
4 Act, 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be
5 relocated, the department may not relocate the bear."

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7 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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