



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT MONTANA'S CONGRESSIONAL DELEGATION WORK TO RETURN MANAGEMENT OF MONTANA'S RECOVERED GRIZZLY BEAR POPULATIONS TO THE STATE OF MONTANA AND INITIATE FURTHER REVIEW OF MONTANA'S GRIZZLY BEAR POPULATIONS.

WHEREAS, the United States Congress authorized the Endangered Species Act of 1973; and

WHEREAS, the Endangered Species Act defined "endangered species" to mean "any species which is in danger of extinction throughout all or a significant portion of its range"; and

WHEREAS, the Endangered Species Act defined "threatened species" to mean "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range"; and

WHEREAS, the grizzly bear was designated as a "threatened species" in the conterminous United States under the Endangered Species Act on July 28, 1975; and

WHEREAS, the Endangered Species Act was amended by the United States Congress in 1978 so that the new definition of "species" included a "distinct population segment" that interbreeds; and

WHEREAS, in Senate Report 151 of the 96th United States Congress, the Congress instructed that the authority to designate distinct population segments be exercised "sparingly and only when the biological evidence indicates that such action is warranted"; and

WHEREAS, in 1993, the United States Fish and Wildlife Service revised the Grizzly Bear Recovery Plan, establishing six grizzly bear recovery zones, including the Greater Yellowstone Grizzly Bear Recovery Zone, the Northern Continental Divide Grizzly Bear Recovery Zone, the Cabinet-Yaak Grizzly Bear Recovery Zone, the Selkirk Grizzly Bear Recovery Zone, the Bitterroot (Mountains of Idaho and Montana) Recovery Zone, and the North Cascades (Mountains of Washington) Recovery Zone; and

WHEREAS, in 1996, the United States Fish and Wildlife Service and the National Marine Fisheries Service developed a policy to clarify the meaning of "distinct population segment", and the clarification required a distinct population segment to exhibit "discreteness" relative to the remainder of the species and "significance" to the species to which it belongs; and

WHEREAS, for the purpose of the discrete population segment policy, the United States Fish and Wildlife Service and the National Marine Fisheries Service define "discreteness" as being separated from other populations of the same species by physical, physiological, ecological, or behavioral factors, or as being delimited by international governmental boundaries with significant differences in habitat management, conservation regulations, exploitation control, or regulatory mechanisms; and

WHEREAS, because of the genetic interchange between the Northern Continental Divide, Cabinet-Yaak, and Selkirk grizzly bear recovery zones, and because of the genetic interchange that occurs between grizzly bears crossing the border between the United States and Canada, these three recovery zones should be considered one large interbreeding distinct population segment; and

WHEREAS, delisting efforts for the Greater Yellowstone Grizzly Bear Recovery Zone have been ongoing for 13 years, and the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone has reached recovery goals and should also be in an ongoing delisting process; and

WHEREAS, delays in the United States Fish and Wildlife Service delisting process create a significant loss of social tolerance among Montanans who are adversely impacted by the continued expansion of grizzly bears.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature supports the delisting of Montana's grizzly bear populations from the Endangered Species Act and the return of Montana grizzly bears to state management.

BE IT FURTHER RESOLVED, that the Legislature call on the United States Fish and Wildlife Service to revise the 1993 Grizzly Bear Recovery Plan and reevaluate the Grizzly Bear Recovery Zone efficacy across all ranges.

BE IT FURTHER RESOLVED, that the Legislature requests that the United States Fish and Wildlife

Service create a statewide distinct population segment that includes all of Montana's grizzly bear recovery zones for the purpose of delisting the bear and returning its management to state control.

BE IT FURTHER RESOLVED, that the United States Fish and Wildlife Service develop a new management plan pursuant to section 4(d) of the Endangered Species Act that would aim to resolve conflicts between bears and humans within the Northern Continental Divide Grizzly Bear Recovery Zone and other grizzly bear recovery zones.

BE IT FURTHER RESOLVED, that the Legislature call on Montana's Congressional Delegation, as part of its efforts to return management of Montana's grizzly bears to the state, to exempt the delisting of grizzly bear populations from judicial review.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Secretary of the United States Department of the Interior, the Governor of the State of Montana, the Department of Fish, Wildlife, and Parks, the Secretaries of State for the States of Washington, Wyoming, and Idaho, and to each member of the Montana Congressional Delegation.

- END -

I hereby certify that the within bill,
SJ 18, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE JOINT RESOLUTION NO. 18

INTRODUCED BY B. GILLESPIE

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