

EXHIBIT 2
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HB 514

House Bill 514
March 1, 2005
Presented by Chris Smith
House Fish, Wildlife & Parks Committee

Mr. Chairman and committee members, for the record I am Chris Smith, Chief of Staff for Montana Department of Fish, Wildlife & Parks (FWP).

Grizzly bears evoke strong reactions among many people. To some, they are a symbol of the grandeur of Montana, which may explain why the legislature designated grizzlies the state mammal. To others, they are vicious predators that threaten livestock, property and even people. Unfortunately, to many, they have also come to symbolize the adverse effects of the Endangered Species Act (ESA) and the "heavy hand" of federal control of our state's wildlife. There is some truth in each of these perspectives, but most importantly, the grizzly bear is a native species of Montana that should enjoy the same protection under the law as all our other big game animals.

After declining for many decades, Montana's grizzly bear numbers reached their lowest point in the mid 1970s. The greater Yellowstone area population is increasing at 4 to 6% per year, and the Northern Continental Divide Ecosystem population is expanding in all directions from its wilderness core. Grizzlies now regularly roam the foothills and riparian zones east of the Rocky Mountain Front, and significant numbers of bears are found in the Seeley-Swan and Whitefish areas. Only in the Cabinet Mountains and Yaak valley is the future uncertain for this species.

The U.S. Fish and Wildlife Service plans to issue a draft rule delisting the grizzly bear in the Yellowstone ecosystem this summer, and could delist this population by the end of 2005 or early 2006. Litigation is sure to follow, but delisting of the Yellowstone population is possible within a year or two.

Delisting will take longer in the Northern Continental Divide and other areas of northwest Montana. A reliable population estimate for this area will be available at the end of 2006, which should help us determine how far we are from delisting in northwestern Montana.

One of the most significant impediments to delisting grizzly bears is human-caused mortality. Some of this mortality is related to defense of human lives and property or is accidental take by black bear hunters. These types of mortality can be mitigated to a large degree through information and education on living and recreating in bear country, reducing attractants, hunter education, etc. FWP is actively involved in these efforts.

Other human-caused mortality, however, is malicious, illegal killing. This may be illegal trophy hunting or what we call "vandal" killing – killing bears to spite the federal government or simply because a person does not like them. This form of mortality is harder to deal with, and is the target of this bill.

One goal of this bill is to increase the deterrent against illegal killing or possession of a grizzly bear. Another, important goal of this bill is to compensate the people of Montana for the impact

of illegal, vandal kills. Every time a grizzly bear is killed, the state is robbed of a valuable resource and the delisting clock is set back another notch. Every law-abiding citizen is harmed by these reckless, irresponsible and illegal acts and benefits when restitution is paid into the general fund.

House Bill 487 also addresses increased restitution for illegally taking wildlife. As an alternative to passing HB 514, the committee may wish to amend the changes in this bill into HB 487.

FWP would appreciate your support for HB 514 or amending increased restitution for illegal take of grizzly bears into HB 487.