

## 1 HOUSE JOINT RESOLUTION NO. 15

2 INTRODUCED BY S. GUNDERSON

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING THAT MONTANA'S CONGRESSIONAL DELEGATION INTRODUCE FEDERAL  
6 LEGISLATION TO RETURN MANAGEMENT OF MONTANA'S GRIZZLY BEAR POPULATION TO THE STATE  
7 OF MONTANA.

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9 WHEREAS, the U.S. Congress authorized the Endangered Species Act of 1973; and

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

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

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

17 WHEREAS, the Endangered Species Act was amended by the U.S. Congress in 1978 so that the new  
18 definition of "species" included a "distinct population segment" that interbreeds; and

19 WHEREAS, in Senate Report 151, 96th Congress, 1st Session, the U.S. Congress instructed that the  
20 authority to designate distinct population segments be exercised "sparingly and only when the biological evidence  
21 indicates that such action is warranted"; and

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

27 WHEREAS, in 1996, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service  
28 developed a policy to clarify the meaning of "distinct population segment", and the clarification required a distinct  
29 population segment to exhibit "discreteness" relative to the remainder of the species and "significance" to the  
30 species to which it belongs; and

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

6           WHEREAS, the distinct population segment policy adopted in 1996 has allowed a single "distinct  
7 population segment" that interbreeds within its range to be split into two distinct population segments if an  
8 international boundary bisects the species' range, and that policy is in contradiction to the definition of "distinct  
9 population segment" created by the U.S. Congress in the Endangered Species Act, as amended in 1978; and

10           WHEREAS, research and global positioning system tracking studies since 1993 have demonstrated that  
11 grizzly bears do move back and forth between the Northern Continental Divide Grizzly Bear Recovery Zone and  
12 the Cabinet-Yaak Grizzly Bear Recovery Zone and between the Cabinet-Yaak Grizzly Bear Recovery Zone and  
13 the Selkirk Grizzly Bear Recovery Zone and that the genetic interchange between those recovery zones is  
14 facilitated by those movements; and

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

19           WHEREAS, delisting efforts for the Greater Yellowstone Grizzly Bear Recovery Zone have been ongoing  
20 for 9 years, and the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone has  
21 reached recovery goals and should also be in an ongoing delisting process; and

22           WHEREAS, the grizzly bear no longer meets the definition of being a threatened species throughout all  
23 or a significant portion of its range because it is not in danger of becoming an endangered species or extinction  
24 within its North American range.

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

28           That the Montana Legislature support the delisting of Montana's grizzly bear populations from the  
29 Endangered Species Act and Montana grizzly bears should be returned to state management.

30           BE IT FURTHER RESOLVED, that the distinct population segment designation for grizzly bears in the

1 Cabinet-Yaak Grizzly Bear Recovery Zone be immediately considered for reclassification and withdrawal as a  
2 distinct population segment that is discrete and significant for species survival.

3 BE IT FURTHER RESOLVED, that the Montana Legislature call upon Montana's Congressional  
4 Delegation to introduce and seek the enactment of federal legislation that congressionally delists Montana's  
5 grizzly bear population.

6 BE IT FURTHER RESOLVED, that the Montana Legislature call upon Montana's Congressional  
7 Delegation, as part of its efforts to return management of Montana's grizzly bear population to the State of  
8 Montana, to exempt the delisting of grizzly bear populations from judicial review.

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

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