

1 HOUSE JOINT RESOLUTION NO. 15

2 INTRODUCED BY S. GUNDERSON, F. ANDERSON, D. ANKNEY, N. BALLANCE, D. BARTEL, B. BEARD,
3 S. BERGLEE, R. BRODEHL, B. BROWN, D. BROWN, Z. BROWN, J. COHENOUR, P. CONNELL, R. COOK,
4 M. CUFFE, G. CUSTER, A. DOANE, R. EHLI, J. ESSMANN, R. FITZGERALD, S. FITZPATRICK,
5 J. FLEMING, K. FLYNN, W. GALT, F. GARNER, C. GLIMM, E. GREEF, B. GRUBBS, S. GUNDERSON,
6 B. HAMLETT, B. HARRIS, A. HERTZ, G. HERTZ, S. HINEBAUCH, J. HINKLE, K. HOLMLUND,
7 M. HOPKINS, D. JONES, D. KARY, J. KEANE, J. KNOKEY, A. KNUDSEN, C. KNUDSEN, M. LANG,
8 S. LAVIN, D. LENZ, D. LOGE, F. MANDEVILLE, T. MANZELLA, W. MCKAMEY, D. MORTENSEN,
9 M. NOLAND, J. O'HARA, J. PATELIS, G. PIERSON, A. REDFIELD, K. REGIER, M. REGIER, V. RICCI,
10 T. RICHMOND, A. ROSENDALE, W. SALES, C. SCHREINER, R. SHAW, L. SHELDON-GALLOWAY,
11 D. SKEES, J. SMALL, C. SMITH, S. STAFFANSON, S. STEWART-PEREGOY, J. TREBAS, B. TSCHIDA,
12 B. USHER, G. VANCE, S. VINTON, G. VUCKOVICH, K. WAGONER, P. WEBB, R. WEBB, T. WELCH,
13 K. WHITE, D. ZOLNIKOV

14
15 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
16 MONTANA REQUESTING THAT MONTANA'S CONGRESSIONAL DELEGATION INTRODUCE FEDERAL
17 LEGISLATION TO RETURN MANAGEMENT OF MONTANA'S GRIZZLY BEAR POPULATION TO THE STATE
18 OF MONTANA.

19
20 WHEREAS, the U.S. Congress authorized the Endangered Species Act of 1973; and

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

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

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

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

30 WHEREAS, in Senate Report 151, 96th Congress, 1st Session, the U.S. Congress instructed that the

1 authority to designate distinct population segments be exercised "sparingly and only when the biological evidence
2 indicates that such action is warranted"; and

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

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

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

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

21 ~~WHEREAS, research and global positioning system tracking studies since 1993 have demonstrated that~~
22 ~~grizzly bears do move back and forth between the Northern Continental Divide Grizzly Bear Recovery Zone and~~
23 ~~the Cabinet-Yaak Grizzly Bear Recovery Zone and between the Cabinet-Yaak Grizzly Bear Recovery Zone and~~
24 ~~the Selkirk Grizzly Bear Recovery Zone and that the genetic interchange between those recovery zones is~~
25 ~~facilitated by those movements; and~~

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

30 WHEREAS, delisting efforts for the Greater Yellowstone Grizzly Bear Recovery Zone have been ongoing

1 for 9 years, and the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone has
 2 reached recovery goals and should also be in an ongoing delisting process; and
 3 ~~WHEREAS, the grizzly bear no longer meets the definition of being a threatened species throughout all~~
 4 ~~or a significant portion of its range because it is not in danger of becoming an endangered species or extinction~~
 5 ~~within its North American range.~~

6
 7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
 8 STATE OF MONTANA:

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

11 ~~BE IT FURTHER RESOLVED, that the distinct population segment designation for grizzly bears in the~~
 12 ~~Cabinet-Yaak Grizzly Bear Recovery Zone be immediately considered for reclassification and withdrawal as a~~
 13 ~~distinct population segment that is discrete and significant for species survival.~~

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

17 BE IT FURTHER RESOLVED, THAT THE MONTANA LEGISLATURE CALL UPON THE U.S. FISH AND WILDLIFE
 18 SERVICE TO REVISE THE 1993 GRIZZLY BEAR RECOVERY PLAN AND REEVALUATE THE GRIZZLY BEAR RECOVERY ZONE
 19 EFFICACY RANGEWIDE.

20 BE IT FURTHER RESOLVED, THAT THE MONTANA LEGISLATURE REQUEST THAT THE U.S. FISH AND WILDLIFE
 21 SERVICE CREATE A STATEWIDE DISTINCT POPULATION SEGMENT THAT INCLUDES ALL OF MONTANA'S GRIZZLY BEAR
 22 RECOVERY ZONES FOR THE PURPOSE OF DELISTING THE BEAR AND RETURNING GRIZZLY BEAR MANAGEMENT TO STATE
 23 CONTROL.

24 BE IT FURTHER RESOLVED, THAT THE U.S. FISH AND WILDLIFE SERVICE DEVELOP A NEW MANAGEMENT
 25 PLAN PURSUANT TO SECTION 4(D) OF THE ENDANGERED SPECIES ACT THAT WOULD AIM TO RESOLVE CONFLICTS BETWEEN
 26 BEARS AND HUMANS WITHIN THE NORTHERN CONTINENTAL DIVIDE RECOVERY ZONE.

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

30 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each member

1 of the Montana Congressional Delegation, the Secretary of the U.S. Department of the Interior, the Governor of
2 the State of Montana, the Department of Fish, Wildlife, and Parks, and the Secretaries of State for the States of
3 Washington, Wyoming, and Idaho.

4 - END -