

## 1 SENATE JOINT RESOLUTION NO. 6

2 INTRODUCED BY M. CUFFE

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

10           WHEREAS, delisting efforts proposed by the U.S. Fish and Wildlife Service for the Greater Yellowstone  
11 Grizzly Bear Recovery Zone have been ongoing for 9 years; and

12           WHEREAS, the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone  
13 has reached recovery goals and steps have begun to delist in the Northern Continental Divide Ecosystem; and

14           WHEREAS, the court system has been used to circumvent the science-based approach to delisting the  
15 grizzly bear; and

16           WHEREAS, federal scientists propose removal of the grizzly bear from the endangered species list based  
17 on the best available science, the Endangered Species Act, and federal legislation; and

18           WHEREAS, many wildlife experts agree that the time has come to celebrate the successful recovery of  
19 the Montana grizzly bear population.

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

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

25           BE IT FURTHER RESOLVED, that the Montana Legislature call upon the U.S. Fish and Wildlife Service  
26 to revise the 1993 Grizzly Bear Recovery Plan and reevaluate the Grizzly Bear Recovery Zone efficacy  
27 rangewide.

28           BE IT FURTHER RESOLVED, that the Montana Legislature request that the U.S. Fish and Wildlife  
29 Service create a statewide distinct population segment that includes all of Montana's grizzly bear recovery zones  
30 for the purpose of delisting the bear and returning grizzly bear management to state control.

1 BE IT FURTHER RESOLVED, that the U.S. Fish and Wildlife Service develop a new management plan  
2 pursuant to section 4(d) of the Endangered Species Act that would aim to resolve conflicts between bears and  
3 humans within the Northern Continental Divide Recovery Zone.

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

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

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