

1 SENATE JOINT RESOLUTION NO. 6

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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~~ WORK TO RETURN MANAGEMENT OF MONTANA'S RECOVERED GRIZZLY BEAR
 18 ~~POPULATION~~ POPULATIONS TO THE STATE OF MONTANA AND INITIATE FURTHER REVIEW OF
 19 MONTANA'S GRIZZLY BEAR POPULATIONS THAT MEET THE CRITERIA FOR DELISTING.

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

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

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

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

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

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

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

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

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

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

22 WHEREAS, MONTANA HAS ESTABLISHED A STRONG, EFFECTIVE TRACK RECORD IN MANAGING GRIZZLY BEARS
23 AND DEVELOPED AN APPROVED MANAGEMENT PLAN FOR THE YELLOWSTONE DISTINCT POPULATION SEGMENT THAT
24 PROVIDES FOR THE CONTINUED PRESENCE AND GENETIC FUTURE OF GRIZZLY BEARS ON THE LANDSCAPE; AND

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

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

29 WHEREAS, CONGRESSIONAL ACTION IS NEEDED TO SUPPORT A FULL RECOVERY OF DISTINCT POPULATION
30 SEGMENTS WHILE the court system has been used to circumvent the science-based approach to delisting the

1 grizzly bear; and

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

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

6 WHEREAS, THE CONTINUED CYCLE OF DELISTING AND RELISTING CREATES A SIGNIFICANT LOSS OF SOCIAL
7 TOLERANCE AMONG MONTANANS WHO ARE ADVERSELY IMPACTED BY THE CONTINUED EXPANSION OF GRIZZLY BEARS; AND

8 WHEREAS, THE STATE OF MONTANA HAS BEEN AT THE VANGUARD OF WILDLIFE CONSERVATION SINCE THE 19TH
9 CENTURY, PROVIDING THE TEMPLATE FOR WHAT IS KNOWN AS THE NORTH AMERICAN MODEL OF FISH AND WILDLIFE
10 CONSERVATION.

11
12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 STATE OF MONTANA:

14 That the Montana Legislature support the delisting of Montana's grizzly bear populations IN THE GREATER
15 YELLOWSTONE GRIZZLY BEAR RECOVERY ZONE AND THE NORTHERN CONTINENTAL DIVIDE GRIZZLY BEAR RECOVERY
16 ZONE from the Endangered Species Act, ~~and that Montana grizzly bears should be returned to state management.~~
17 DUE TO U.S. FISH AND WILDLIFE SERVICE DETERMINATIONS AND ADOPTED MANAGEMENT PLANS.

18 BE IT FURTHER RESOLVED, that the Montana Legislature call upon the U.S. Fish and Wildlife Service
19 to revise the 1993 Grizzly Bear Recovery Plan and reevaluate the Grizzly Bear Recovery Zone efficacy range-wide
20 IN OTHER RECOVERY ZONES INCLUDING THE CABINET-YAAK GRIZZLY BEAR RECOVERY ZONE DUE TO PUBLIC SAFETY AND
21 ECONOMIC CHALLENGES.

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

25 BE IT FURTHER RESOLVED, THAT THE MONTANA LEGISLATURE SUPPORTS THE EFFORTS OF THE
26 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO INTERVENE ON THE SIDE OF THE U.S. FISH AND WILDLIFE SERVICE TO
27 RESTORE MANAGEMENT AUTHORITY OF THE YELLOWSTONE DISTINCT POPULATION SEGMENT TO MONTANA.

28 BE IT FURTHER RESOLVED, that the U.S. Fish and Wildlife Service develop a new management plan
29 pursuant to section 4(d) of the Endangered Species Act that would aim to resolve conflicts between bears and
30 humans within the Northern Continental Divide Recovery Zone AND OTHER GRIZZLY BEAR RECOVERY ZONES.

1 BE IT FURTHER RESOLVED, that the Montana Legislature call upon Montana's Congressional
2 Delegation, ~~as part of its efforts to return management of Montana's grizzly bear population to the State of~~
3 ~~Montana, to exempt the delisting of grizzly bear populations from judicial review:~~ TO SUFFICIENTLY FUND THE U.S.
4 FISH AND WILDLIFE SERVICE SO THE AGENCY IS ABLE TO ADEQUATELY MANAGE GRIZZLY BEARS UNTIL DELISTING.

5 BE IT FURTHER RESOLVED, THAT THE MONTANA LEGISLATURE ENCOURAGE THE U.S. FISH AND WILDLIFE
6 SERVICE TO REVISIT RECOVERY PLANS FOR THE CABINET-YAAK AND BITTERROOT DISTINCT POPULATION SEGMENTS TO
7 INCLUDE THE LATEST SCIENCE RELATED TO GENETIC CONNECTIVITY AND POPULATION TARGETS.

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

12 - END -