

## 1 SENATE JOINT RESOLUTION NO. 18

2 INTRODUCED BY B. GILLESPIE

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING THAT MONTANA'S CONGRESSIONAL DELEGATION WORK TO RETURN  
6 MANAGEMENT OF MONTANA'S RECOVERED GRIZZLY BEAR POPULATIONS TO THE STATE OF  
7 MONTANA AND INITIATE FURTHER REVIEW OF MONTANA'S GRIZZLY BEAR POPULATIONS THAT  
8 ~~MEET THE CRITERIA.~~

9  
10 WHEREAS, the United States Congress authorized the Endangered Species Act of 1973; and

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

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

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

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

20 WHEREAS, IN SENATE REPORT 151 OF THE 96TH UNITED STATES CONGRESS, THE CONGRESS INSTRUCTED  
21 THAT THE AUTHORITY TO DESIGNATE DISTINCT POPULATION SEGMENTS BE EXERCISED "SPARINGLY AND ONLY WHEN THE  
22 BIOLOGICAL EVIDENCE INDICATES THAT SUCH ACTION IS WARRANTED"; AND

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

28 WHEREAS, in 1996, the United States Fish and Wildlife Service and the National Marine Fisheries

1 Service developed a policy to clarify the meaning of "distinct population segment", and the clarification required  
 2 a distinct population segment to exhibit "discreteness" relative to the remainder of the species and  
 3 "significance" to the species to which it belongs; and

4 WHEREAS, FOR THE PURPOSE OF THE DISCRETE POPULATION SEGMENT POLICY, THE UNITED STATES FISH  
 5 AND WILDLIFE SERVICE AND THE NATIONAL MARINE FISHERIES SERVICE DEFINE "DISCRETENESS" AS BEING SEPARATED  
 6 FROM OTHER POPULATIONS OF THE SAME SPECIES BY PHYSICAL, PHYSIOLOGICAL, ECOLOGICAL, OR BEHAVIORAL  
 7 FACTORS, OR AS BEING DELIMITED BY INTERNATIONAL GOVERNMENTAL BOUNDARIES WITH SIGNIFICANT DIFFERENCES IN  
 8 HABITAT MANAGEMENT, CONSERVATION REGULATIONS, EXPLOITATION CONTROL, OR REGULATORY MECHANISMS, AND

9 WHEREAS, BECAUSE OF THE GENETIC INTERCHANGE BETWEEN THE NORTHERN CONTINENTAL DIVIDE,  
 10 CABINET-YAAK, AND SELKIRK GRIZZLY BEAR RECOVERY ZONES, AND BECAUSE OF THE GENETIC INTERCHANGE THAT  
 11 OCCURS BETWEEN GRIZZLY BEARS CROSSING THE BORDER BETWEEN THE UNITED STATES AND CANADA, THESE THREE  
 12 RECOVERY ZONES SHOULD BE CONSIDERED ONE LARGE INTERBREEDING DISTINCT POPULATION SEGMENT; AND

13 WHEREAS, DELISTING EFFORTS FOR THE GREATER YELLOWSTONE GRIZZLY BEAR RECOVERY ZONE HAVE  
 14 BEEN ONGOING FOR 13 YEARS, AND THE GRIZZLY BEAR POPULATION IN THE NORTHERN CONTINENTAL DIVIDE GRIZZLY  
 15 BEAR RECOVERY ZONE HAS REACHED RECOVERY GOALS AND SHOULD ALSO BE IN AN ONGOING DELISTING PROCESS;  
 16 AND

17 ~~WHEREAS, Montana has established a strong, effective track record in managing grizzly bears and~~  
 18 ~~developed an approved management plan for the Yellowstone distinct population segment that provides for the~~  
 19 ~~continued presence and genetic future of grizzly bears on the landscape; and~~

20 ~~WHEREAS, delisting efforts proposed by the United States Fish and Wildlife Service for the Greater~~  
 21 ~~Yellowstone Grizzly Bear Recovery Zone have been ongoing for 14 years; and~~

22 ~~WHEREAS, the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone~~  
 23 ~~has reached recovery goals and steps have begun to delist grizzly bears in the Northern Continental Divide~~  
 24 ~~Ecosystem; and~~

25 ~~WHEREAS, congressional action is needed to support a full recovery of distinct population segments~~  
 26 ~~while the court system has been used to circumvent the science-based approach to delisting the grizzly bear;~~  
 27 ~~and~~

28 ~~WHEREAS, the continued cycle of delisting and relisting creates a significant loss of social tolerance~~

1 ~~among Montanans who are adversely impacted by the continued expansion of grizzly bears; and~~

2 ~~WHEREAS, the State of Montana has been at the vanguard of wildlife conservation since the 19th~~  
 3 ~~century, providing the template for what is known as the North American model of fish and wildlife conservation~~

4 WHEREAS, DELAYS IN THE UNITED STATES FISH AND WILDLIFE SERVICE DELISTING PROCESS CREATE A  
 5 SIGNIFICANT LOSS OF SOCIAL TOLERANCE AMONG MONTANANS WHO ARE ADVERSELY IMPACTED BY THE CONTINUED  
 6 EXPANSION OF GRIZZLY BEARS.

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

10 That the Legislature supports the delisting of Montana's grizzly bear populations ~~in the Greater~~  
 11 ~~Yellowstone Grizzly Bear Recovery Zone and the Northern Continental Divide Grizzly Bear Recovery Zone~~  
 12 ~~from the Endangered Species Act, due to United States Fish and Wildlife Service determinations and adopted~~  
 13 ~~management plans~~ FROM THE ENDANGERED SPECIES ACT AND THE RETURN OF MONTANA GRIZZLY BEARS TO STATE  
 14 MANAGEMENT.

15 BE IT FURTHER RESOLVED, that the Legislature call on the United States Fish and Wildlife Service  
 16 to revise the 1993 Grizzly Bear Recovery Plan and reevaluate the Grizzly Bear Recovery Zone efficacy ~~in other~~  
 17 ~~recovery zones, including the Cabinet-Yaak Grizzly Bear Recovery Zone, due to public safety and economic~~  
 18 ~~challenges~~ ACROSS ALL RANGES.

19 BE IT FURTHER RESOLVED, that the Legislature ~~supports the efforts of the Department of Fish,~~  
 20 ~~Wildlife, and Parks to intervene on the side of the United States Fish and Wildlife Service to restore~~  
 21 ~~management authority of the Yellowstone distinct population segment to Montana~~ REQUESTS THAT THE UNITED  
 22 STATES FISH AND WILDLIFE SERVICE CREATE A STATEWIDE DISTINCT POPULATION SEGMENT THAT INCLUDES ALL OF  
 23 MONTANA'S GRIZZLY BEAR RECOVERY ZONES FOR THE PURPOSE OF DELISTING THE BEAR AND RETURNING ITS  
 24 MANAGEMENT TO STATE CONTROL.

25 BE IT FURTHER RESOLVED, that the United States Fish and Wildlife Service develop a new  
 26 management plan pursuant to section 4(d) of the Endangered Species Act that would aim to resolve conflicts  
 27 between bears and humans within the Northern Continental Divide Grizzly Bear Recovery Zone and other  
 28 grizzly bear recovery zones.

1 BE IT FURTHER RESOLVED, that the Legislature call on Montana's Congressional Delegation to  
2 sufficiently fund the ~~United States Fish and Wildlife Service so the agency is able to adequately manage grizzly~~  
3 ~~bears until delisting, AS PART OF ITS EFFORTS TO RETURN MANAGEMENT OF MONTANA'S GRIZZLY BEARS TO THE STATE,~~  
4 TO EXEMPT THE DELISTING OF GRIZZLY BEAR POPULATIONS FROM JUDICIAL REVIEW.

5 ~~BE IT FURTHER RESOLVED, that the Legislature encourage the United States Fish and Wildlife~~  
6 ~~Service to revisit recovery plans for the Cabinet Yaak and Bitterroot distinct population segments to include the~~  
7 ~~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 the  
9 Secretary of the United States Department of the Interior, the Governor of the State of Montana, the  
10 Department of Fish, Wildlife, and Parks, the Secretaries of State for the States of Washington, Wyoming, and  
11 Idaho, and to each member of the Montana Congressional Delegation.

12 - END -