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SENATE BILL NO. 85

INTRODUCED BY M. LANG

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE POLICY OF THE STATE TO ENSURE THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS MANAGES GRIZZLY BEAR POPULATIONS AT LEVELS TO MAINTAIN THEIR DELISTED STATUS; AMENDING SECTION 87-5-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-5-301, MCA, is amended to read:

**"87-5-301. Grizzly bear -- findings -- policy.** (1) The legislature finds that:

- (a) grizzly bears are a recovered population and thrive under responsive cooperative management;
  - (b) grizzly bear conservation is best served under state management and the local, state, tribal, and federal partnerships that fostered recovery; and
  - (c) successful conflict management is key to maintaining public support for conservation of the grizzly bear.
- (2) It is the policy of the state to:
- (a) manage the grizzly bear as a species in need of management to ~~avoid~~minimize conflicts with humans and livestock; ~~and~~
  - (b) on delisting, manage grizzly bear populations at levels to maintain their delisted status to include the management of mortalities from all sources, including hunting and the loss of grizzly bears by translocation out of the populations; and
  - (c) subject to the provisions of subsection (3), use proactive management to control grizzly bear distribution and prevent conflicts, including nonlethal and preventive measures as well as trapping and lethal measures.

**Amendment - 1st Reading-white - Requested by: Pat Flowers - (S) Fish and Game**

68th Legislature

Drafter: Casey Pallister,

SB0085.001.001

1           (3)     (a) Except as provided in subsection (3)(b), the department may not relocate a grizzly bear  
2 listed under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., except to a release site previously  
3 approved by the commission for relocation of grizzly bears.

4           (b)     The department may respond to a grizzly bear listed under the federal Endangered Species  
5 Act, 16 U.S.C. 1531, et seq., that is causing conflict outside of a federal recovery zone. If the bear is to be  
6 relocated, the department may not relocate the bear."

7

8           NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

9

- END -

AMENDED