



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

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

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

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

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

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

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

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

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

species to which it belongs; and

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

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

WHEREAS, delisting efforts for the Greater Yellowstone Grizzly Bear Recovery Zone have been ongoing for 9 years, and the grizzly bear population in the Northern Continental Divide Grizzly Bear Recovery Zone has reached recovery goals and should also be in an ongoing delisting process.

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

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

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

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

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

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

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

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

- END -

I hereby certify that the within joint resolution,  
HJ 0015, originated in the House.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

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Chief Clerk of the House

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

HOUSE JOINT RESOLUTION NO. 15

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

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