



Senate Bill 295 – Revising Laws to Accommodate Grizzly Bear Delisting
Sponsored by Sen. Butch Gillespie (R-Ethridge)

Status: Passed Senate. Hearing scheduled for 03/20/23 at 3:00 PM in House Fish, Wildlife and Parks Committee

Glacier-Two Medicine Alliance Position: **Oppose**

The bill revises Montana statute to clarify the circumstances and process by which private individuals and livestock owners may kill a grizzly bear they deem a threat to a person or livestock. The bill is in response to concerns expressed by the US Fish and Wildlife Service that current statute, passed during the 2021 Legislative Session, is too permissive and will not allow Montana Fish, Wildlife and Parks to adequately regulate grizzly bear mortality. This bill seeks to mollify these concerns in order to improve the likelihood USFWS will recommend delisting, a goal of Governor Gianforte. It does this principally by adding a permit requirement in some circumstances and establishing an annual quota provision for discretionary mortality, a requirement of post-delisting management. However, it's principal aim remains unchanged: to liberalize the killing of grizzly bears post-delisting. For this and the reasons below, Glacier-Two Medicine Alliance opposes this legislation.

Our primary concerns:

- This bill would still make it nearly impossible for FWP to adequately regulate discretionary mortality, a requirement for delisting. It authorizes three new circumstances, besides self-defense, where a person can kill a grizzly bear. But only two of these are subject to the annual quota for discretionary mortality, meaning grizzly bears killed for simply “threatening” a person do not count toward annual mortality limits! Equally problematic, the bill does not establish any consequence for shooting a grizzly bear attacking or killing livestock after the annual quota is reached. Under this bill, grizzly bears could be legally killed far in excess of biologically-based limits, potentially imperiling the population, without FWP having recourse.
- The bill does not define the words and phrases “threat” or “threatening”, “consistent presence”, or “proximity to people or inhabited dwellings.” Is a grizzly bear passing through a pasture where cattle graze a threat? Is a grizzly bear that forages in a riparian area 200 meters from a home considered in close proximity? The lack of definition provides too much subjective discretion, which will lead to permits being issued to kill bears that are either not a threat or that could be managed effectively using non-lethal means.
- Identifying the bear responsible for a conflict, such as killing or injuring cattle, can be a challenge even for trained, experienced professionals. Permitting individuals to kill the bear will result in the wrong bear being killed at a greater frequency, again leading to unnecessary mortality. Euthanizing a grizzly bear should be left to wildlife professionals.

- Worse, permitting individuals to kill a grizzly bear will result in occasions where bears are shot, wounded, and escaped, creating a public safety problem. Protecting public safety in such circumstances may require greater commitment of agency personnel and resources than if the agency had removed the bear itself.
- The law would apply to public lands, not just private land. This means a livestock owner could kill a grizzly bear deemed a threat to livestock that graze on national forest or state lands, including within core grizzly habitat, even if the bear does not actually harm any of their animals. Wildlife should take priority on our public lands.
- The bill's language about grizzly bear distribution in Sec 1(2)(c), indicates FWP should use lethal control to limit where grizzly bears may occur in the state, including bears with no history of conflict. For no other wildlife species does Montana establish geographic limits on its distribution. Plenty of grizzly bears live close to people without ever coming into conflict. These bears shouldn't be killed or removed just for being where they are. Doing so is counter to previous commitments made by FWP to the USFWS or the public.
- The bill is in conflict with FWP's strong track record of conflict prevention and use of non-lethal measures to mitigate conflict. It makes it easier for the agency to simply issue a kill permit rather than take other steps to try and prevent the need for euthanasia. Nor does the bill require anyone desiring a kill permit to undertake any best practices for living in bear country or other non-lethal measures to prevent conflicts. Consequently, people could be "rewarded" with a kill permit for irresponsible behavior.
- Enactment of this bill will further delay grizzly bear delisting and harm the continued recovery of grizzly bears.