

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** December 10, 2018

**Agenda Item:** New Rule I: Grizzly Bear Demographic Objectives for the NCDE

**Division:** Wildlife

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 40 Minutes

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**Background:** The Northern Continental Divide Ecosystem is one of six recovery areas identified in the Grizzly Bear Recovery Plan. Grizzly bears in the NCDE are currently listed as threatened under the Endangered Species Act, although they have met their recovery criteria and may be proposed for delisting in the near future. The NCDE includes Glacier National Park, parts of the Flathead and Blackfoot Indian Reservations, parts of five national forests, Bureau of Land Management lands, and state and private lands. Recovery of the grizzly bear in the NCDE has been focused on a core recovery zone and a buffer area around it, identified as Zone 1. Together, these zones make up the Demographic Monitoring Area, where the objective is continual occupancy by grizzly bears, facilitated by maintenance of compatible habitat conditions and population criteria. The DMA encompasses more than 16,000 square miles (or 42,000 square kilometers).

Managers from federal and state agencies and the tribes have developed a draft “Conservation Strategy for the Grizzly Bear in the Northern Continental Divide Ecosystem,” which is intended to guide management of grizzly bears once they are delisted. All are expected to sign the Conservation Strategy, thereby agreeing to use their respective authorities to maintain and enhance the recovered status of the grizzly bear in the NCDE after delisting by implementing respective regulatory mechanisms, interagency cooperation, population and habitat management and monitoring, and other provisions.

To delist a species or distinct population segment of a species from the ESA, there must be adequate regulatory mechanisms in place to ensure that it will not once again become threatened or endangered. Montana is proposing to adopt the demographic objectives of the NCDE Conservation Strategy into administrative rule to demonstrate Montana’s commitment to maintaining a recovered grizzly bear population in the NCDE, as well as strengthen the regulatory mechanisms associated with population management.

**Public Involvement Process & Results:** A 60-day public comment period was held on the proposal, which included public hearings in Conrad, Great Falls, Missoula, and Kalispell. One hundred ninety people signed in at the hearings, and 35 oral comments were taken. The commission received over 5,200 comments total, with a majority of comments focused on bigger picture grizzly bear conservation outside the scope of this specific rulemaking, such as delisting, hunting, and on the Conservation Strategy itself.

**Alternatives and Analysis:** The commission can choose not to adopt or transfer the rules, which would leave the Conservation Strategy in place but would not add to the strength of Montana’s regulatory mechanisms.

The commission can adopt the New Rule I with amendments based off public comments received.

**Agency Recommendation & Rationale:** The department recommends the commission adopt and transfer the administrative rules as proposed without any amendments. The department has provided a draft adoption notice with recommended responses to the comments received for the commission to consider based off this recommendation.

**Proposed Motion:** I move the commission adopt New Rule I pertaining to Grizzly Bear Demographic Objectives in the NCDE and transfer ARM 12.9.103 as proposed.