

115TH CONGRESS
1ST SESSION

S. 273

To provide for the protection and recovery of the greater sage-grouse by facilitating State recovery plans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2017

Mr. RISCH (for himself, Mr. CRAPO, Mr. HATCH, Mr. HELLER, Mr. LEE, Mr. DAINES, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the protection and recovery of the greater sage-grouse by facilitating State recovery plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Greater Sage-Grouse
5 Protection and Recovery Act of 2017”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

SEC. 3. DEFINITIONS.

In this Act:

(1) **FEDERAL RESOURCE MANAGEMENT PLAN.**—The term “Federal resource management plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) **GREATER SAGE-GROUSE.**—The term “greater sage-grouse” means a sage-grouse of the species *Centrocercus urophasianus*.

1 (3) STATE MANAGEMENT PLAN.—The term
 2 “State management plan” means a State-approved
 3 plan for the protection and recovery of the greater
 4 sage-grouse.

5 **SEC. 4. PROTECTION AND RECOVERY OF GREATER SAGE-**
 6 **GROUSE.**

7 (a) ENDANGERED SPECIES ACT OF 1973 FIND-
 8 INGS.—

9 (1) DELAY REQUIRED.—The Secretary of the
 10 Interior may not modify or invalidate the finding of
 11 the Director of the United States Fish and Wildlife
 12 Service announced in the proposed rule entitled
 13 “Endangered and Threatened Wildlife and Plants;
 14 12-Month Finding on a Petition to List Greater
 15 Sage-Grouse (*Centrocercus urophasianus*) as an En-
 16 dangered or Threatened Species” (80 Fed. Reg.
 17 59858 (October 2, 2015)) during the period begin-
 18 ning on the date of enactment of this Act and end-
 19 ing on September 30, 2027.

20 (2) EFFECT ON OTHER LAWS.—The delay re-
 21 quired under paragraph (1) is and shall remain ef-
 22 fective without regard to any other statute, regula-
 23 tion, court order, legal settlement, or any other pro-
 24 vision of law or in equity.

1 (3) EFFECT ON CONSERVATION STATUS.—The
2 conservation status of the greater sage-grouse shall
3 be considered not to warrant listing of the greater
4 sage-grouse as an endangered species or threatened
5 species under the Endangered Species Act of 1973
6 (16 U.S.C. 1531 et seq.) during the period begin-
7 ning on the date of enactment of this Act and end-
8 ing on September 30, 2027.

9 (b) COORDINATION OF FEDERAL LAND MANAGE-
10 MENT AND STATE CONSERVATION AND MANAGEMENT
11 PLANS.—

12 (1) PROHIBITION ON WITHDRAWAL AND MODI-
13 FICATION OF FEDERAL RESOURCE MANAGEMENT
14 PLANS.—On notification by the Governor of a State
15 with a State management plan, the Secretary of the
16 Interior and the Secretary of Agriculture may not
17 make, modify, or extend any withdrawal or amend or
18 otherwise modify any Federal resource management
19 plan applicable to Federal land in the State in a
20 manner inconsistent with the State management
21 plan for, as specified by the Governor in the notifica-
22 tion, a period of not fewer than 5 years beginning
23 on the date of the notification.

24 (2) RETROACTIVE EFFECT.—In the case of any
25 State that provides notification under paragraph (1),

1 if any withdrawal was made, modified, or extended
2 or any amendment or modification of a Federal re-
3 source management plan applicable to Federal land
4 in the State was issued after June 1, 2014, and the
5 withdrawal, amendment, or modification altered the
6 management of the greater sage-grouse or the habi-
7 tat of the greater sage-grouse—

8 (A) implementation and operation of the
9 withdrawal, amendment, or modification shall
10 be stayed to the extent that the withdrawal,
11 amendment, or modification is inconsistent with
12 the State management plan; and

13 (B) the Federal resource management
14 plan, as in effect immediately before the with-
15 drawal, amendment, or modification, shall apply
16 instead with respect to the management of the
17 greater sage-grouse and the habitat of the
18 greater sage-grouse, to the extent consistent
19 with the State management plan.

20 (3) DETERMINATION OF INCONSISTENCY.—Any
21 disagreement regarding whether a withdrawal,
22 amendment, or other modification of a Federal re-
23 source management plan is inconsistent with a State
24 management plan shall be resolved by the Governor
25 of the affected State.

1 (c) RELATION TO NATIONAL ENVIRONMENTAL POL-
 2 ICY ACT OF 1969.—With regard to any major Federal ac-
 3 tion consistent with a State management plan, any find-
 4 ings, analyses, or conclusions regarding the greater sage-
 5 grouse and the habitat of the greater sage-grouse under
 6 section 102(2)(C) of the National Environmental Policy
 7 Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a pre-
 8 clusive effect on the approval or implementation of the
 9 major Federal action in that State.

10 (d) REPORTING REQUIREMENT.—Not later than 1
 11 year after the date of enactment of this Act, and annually
 12 thereafter through 2027, the Secretary of the Interior and
 13 the Secretary of Agriculture shall jointly submit to the
 14 Committee on Energy and Natural Resources of the Sen-
 15 ate and the Committee on Natural Resources of the House
 16 of Representatives a report describing the implementation
 17 by the Secretaries of, and the effectiveness of, systems to
 18 monitor the status of greater sage-grouse on Federal land
 19 under the jurisdiction of the Secretaries.

20 (e) JUDICIAL REVIEW.—Notwithstanding any other
 21 provision of law (including regulations), this section, in-
 22 cluding any determination made under subsection (b)(3),
 23 shall not be subject to judicial review.

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