

114TH CONGRESS  
2D SESSION

# H. R. 4739

To provide for the conservation and preservation of the Greater Sage Grouse by facilitating State recovery plans.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2016

Mr. BISHOP of Utah (for himself, Mr. SIMPSON, Mrs. LUMMIS, Mr. AMODEL, Mr. BRIDENSTINE, Mr. WEBER of Texas, Mr. GOSAR, Mr. DUNCAN of South Carolina, Mr. LAMBORN, Mr. STEWART, Mr. HARDY, Mr. ZINKE, Mr. HURD of Texas, Mr. COOK, and Mr. CHAFFETZ) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the conservation and preservation of the Greater Sage Grouse by facilitating State recovery plans.

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 2016”.

6 **SEC. 2. PROTECTION AND RECOVERY OF GREATER SAGE**  
7 **GROUSE.**

8       (a) DEFINITIONS.—In this section:

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

4           (A) a land use plan prepared by the Bu-  
5 reau of Land Management for public lands pur-  
6 suant to section 202 of the Federal Land Policy  
7 and Management Act of 1976 (43 U.S.C.  
8 1712); or

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

14           (2) GREATER SAGE GROUSE.—The term  
15 “Greater Sage Grouse” means a sage grouse of the  
16 species *Centrocercus urophasianus*.

17           (3) STATE MANAGEMENT PLAN.—The term  
18 “State management plan” means a State-approved  
19 plan for the protection and recovery of the Greater  
20 Sage Grouse.

21 (b) PURPOSE.—The purpose of this section is—

22           (1) to facilitate implementation of State man-  
23 agement plans over a period of multiple, consecutive  
24 Greater Sage Grouse life cycles; and

1           (2) to demonstrate the efficacy of the State  
2           management plans for the protection and recovery of  
3           the Greater Sage Grouse.

4           (c) DELAY IN MAKING ENDANGERED SPECIES ACT  
5 OF 1973 FINDING.—

6           (1) DELAY REQUIRED.—In the case of any  
7           State with a State management plan, the Secretary  
8           of the Interior may not make a finding under clause  
9           (i), (ii), or (iii) of section 4(b)(3)(B) of the Endan-  
10          gered Species Act of 1973 (16 U.S.C.  
11          1533(b)(3)(B)) with respect to the Greater Sage  
12          Grouse in that State before September 30, 2026.

13          (2) EFFECT ON OTHER LAWS.—The delay im-  
14          posed by paragraph (1) is, and shall remain, effec-  
15          tive without regard to any other statute, regulation,  
16          court order, legal settlement, or any other provision  
17          of law or in equity.

18          (3) EFFECT ON CONSERVATION STATUS.—Until  
19          the date specified in paragraph (1), the conservation  
20          status of the Greater Sage Grouse shall remain not  
21          warranted for listing under the Endangered Species  
22          Act of 1973 (16 U.S.C. 1531 et seq.).

23          (d) COORDINATION OF FEDERAL LAND MANAGE-  
24          MENT AND STATE MANAGEMENT PLANS.—

1           (1) PROHIBITION ON WITHDRAWALS AND MODI-  
2           FICATIONS OF FEDERAL RESOURCE MANAGEMENT  
3           PLANS.—In order to foster coordination between a  
4           State management plan and Federal resource man-  
5           agement plans that affect the Greater Sage Grouse,  
6           upon notification by the Governor of a State with a  
7           State management plan, the Secretary of the Inte-  
8           rior and the Secretary of Agriculture, as applicable,  
9           may not exercise authority under section 204 of the  
10          Federal Land Policy and Management Act of 1976  
11          (43 U.S.C. 1714) to make, modify, or extend any  
12          withdrawal, nor amend or otherwise modify any Fed-  
13          eral resource management plan applicable to Federal  
14          land in the State, in a manner inconsistent with the  
15          State management plan for a period, to be specified  
16          by the Governor in the notification, of at least five  
17          years beginning on the date of the notification.

18          (2) RETROACTIVE EFFECT.—In the case of any  
19          State that provides notification under paragraph (1),  
20          if any withdrawal was made, modified, or extended  
21          or if any amendment or modification of a Federal  
22          resource management plan applicable to Federal  
23          lands in the State was issued during the three-year  
24          period preceding the date of the notification and the  
25          withdrawal, amendment, or modification altered

1 management of the Greater Sage Grouse or its habi-  
2 tat, implementation and operation of the withdrawal,  
3 amendment, or modification shall be stayed to the  
4 extent that the withdrawal, amendment, or modifica-  
5 tion is inconsistent with the State management plan.  
6 The Federal resource management plan, as in effect  
7 immediately before the amendment or modification,  
8 shall apply instead with respect to management of  
9 the Greater Sage Grouse and its habitat, to the ex-  
10 tent consistent with the State management plan.

11 (3) DETERMINATION OF INCONSISTENCY.—Any  
12 disagreement regarding whether a withdrawal, or an  
13 amendment or other modification of a Federal re-  
14 source management plan, is inconsistent with a  
15 State management plan shall be resolved by the  
16 Governor of the affected State.

17 (e) RELATION TO NATIONAL ENVIRONMENTAL POL-  
18 ICY ACT OF 1969.—With regard to any major Federal ac-  
19 tion consistent with a State management plan, any find-  
20 ings, analyses, or conclusions regarding the Greater Sage  
21 Grouse or its habitat under section 102(2)(C) of the Na-  
22 tional Environmental Policy Act of 1969 (42 U.S.C.  
23 4332(2)(C)) shall not have a preclusive effect on the ap-  
24 proval or implementation of the major Federal action in  
25 that State.

1           (f) REPORTING REQUIREMENT.—Not later than one  
2 year after the date of the enactment of this Act and annu-  
3 ally thereafter through 2026, the Secretary of the Interior  
4 and the Secretary of Agriculture shall jointly submit to  
5 the Committee on Energy and Natural Resources of the  
6 Senate and the Committee on Natural Resources of the  
7 House of Representatives a report on the Secretaries' im-  
8 plementation and effectiveness of systems to monitor the  
9 status of Greater Sage Grouse on Federal lands under  
10 their jurisdiction.

11           (g) JUDICIAL REVIEW.—Notwithstanding any other  
12 provision of statute or regulation, the requirements and  
13 implementation of this section, including determinations  
14 made under subsection (d)(3), are not subject to judicial  
15 review.

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