

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.

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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

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## 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           (1) to facilitate implementation of State man-  
2           agement plans over a period of multiple, consecutive  
3           greater sage-grouse life cycles; and

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

7 **SEC. 3. DEFINITIONS.**

8           In this Act:

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

12                (A) a land use plan prepared by the Bu-  
13                reau of Land Management for public land pur-  
14                suant to section 202 of the Federal Land Policy  
15                and Management Act of 1976 (43 U.S.C.  
16                1712); and

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

22           (2) **GREATER SAGE-GROUSE.**—The term “great-  
23           er sage-grouse” means a sage-grouse of the species  
24           *Centrocercus urophasianus*.



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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