

115TH CONGRESS  
1ST SESSION

# H. R. 527

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2017

Mr. BISHOP of Utah (for himself, Mr. SIMPSON, Mr. AMODEI, Mr. GOSAR, Mr. STEWART, Mrs. LOVE, Mr. LABRADOR, Mr. CHAFFETZ, Mrs. McMORRIS RODGERS, Mr. TIPTON, and Ms. CHENEY) 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, 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. PROTECTION AND RECOVERY OF GREATER SAGE**  
7 **GROUSE.**

8 (a) DEFINITIONS.—In this section:

1           (1) The term “Federal resource management  
2 plan” means—

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

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

13           (2) The term “Greater Sage Grouse” means a  
14 sage grouse of the species *Centrocercus*  
15 *urophasianus*.

16           (3) The term “State management plan” means  
17 a State-approved plan for the protection and recov-  
18 ery of the Greater Sage Grouse.

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

20                   (1) to facilitate implementation of State man-  
21 agement plans over a period of multiple, consecutive  
22 sage grouse life cycles; and

23                   (2) to demonstrate the efficacy of the State  
24 management plans for the protection and recovery of  
25 the Greater Sage Grouse.

1 (c) ENDANGERED SPECIES ACT OF 1973 FIND-  
2 INGS.—

3 (1) DELAY REQUIRED.—During the period be-  
4 ginning on the date of the enactment of this Act and  
5 ending on September 30, 2027, the Secretary of the  
6 Interior may not alter or invalidate the finding made  
7 by United States Fish and Wildlife Service on Octo-  
8 ber 2, 2015, under section 4(b)(3)(B) of the Endan-  
9 gered Species Act of 1973 (16 U.S.C.  
10 1533(b)(3)(B)) with respect to the Greater Sage  
11 Grouse (80 Fed. Reg. 59857 et seq.).

12 (2) EFFECT ON OTHER LAWS.—Paragraph (1)  
13 shall apply without regard to any other statute, reg-  
14 ulation, court order, legal settlement, or any other  
15 provision of law or in equity.

16 (3) EFFECT ON CONSERVATION STATUS.—Until  
17 September 30, 2027, the conservation status of the  
18 Greater Sage Grouse under the Endangered Species  
19 Act of 1973 (16 U.S.C. 1531 et seq.) shall remain  
20 not warranted for listing under such Act.

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

24 (1) PROHIBITION ON WITHDRAWALS AND MODI-  
25 FICATION OF FEDERAL RESOURCE MANAGEMENT

1 PLANS.—Effective upon notification by the Governor  
2 of a State with a State management plan, neither  
3 the Secretary of the Interior nor the Secretary of  
4 Agriculture may exercise authority under section  
5 204 of the Federal Land Policy and Management  
6 Act of 1976 (43 U.S.C. 1714) to make, modify, or  
7 extend any withdrawal of, nor amend, revise, or oth-  
8 erwise modify any Federal resource management  
9 plan applicable to, Federal lands in the State in a  
10 manner inconsistent with the State management  
11 plan for a period, to be specified by the Governor in  
12 the notification, of at least five years beginning on  
13 the date of the notification.

14 (2) RETROACTIVE EFFECT.—In the case of any  
15 State that provides notification under paragraph (1),  
16 if any amendment, revision, or modification of a  
17 Federal resource management plan applicable to  
18 Federal lands in the State was issued after June 1,  
19 2014, and the amendment, revision, or modification  
20 altered management of the Greater Sage Grouse or  
21 its habitat, implementation and operation of the  
22 amendment, revision, or modification shall be stayed  
23 to the extent that the amendment, revision, or modi-  
24 fication is inconsistent with the State management  
25 plan. The Federal resource management plan, as in

1 effect immediately before the withdrawal, amend-  
2 ment, revision, or modification, shall apply instead  
3 with respect to management of the Greater Sage  
4 Grouse and its habitat, to the extent consistent with  
5 the State management plan.

6 (3) DETERMINATION OF INCONSISTENCY.—Any  
7 disagreement regarding whether an amendment, re-  
8 vision, or other modification of a Federal resource  
9 management plan is inconsistent with a State man-  
10 agement plan shall be resolved by the Governor of  
11 the affected State.

12 (e) RELATION TO NATIONAL ENVIRONMENTAL POL-  
13 ICY ACT OF 1969.—With regard to any Federal action  
14 consistent with a State management plan, any findings,  
15 analyses, or conclusions regarding the Greater Sage  
16 Grouse or its habitat under the National Environmental  
17 Policy Act of 1969 (42 U.S.C. 4331 et seq.) shall not have  
18 a preclusive effect on the approval or implementation of  
19 the Federal action in that State.

20 (f) REPORTING REQUIREMENT.—Not later than one  
21 year after the date of the enactment of this Act and annu-  
22 ally thereafter through 2027, the Secretary of the Interior  
23 and the Secretary of Agriculture shall jointly submit to  
24 the Committee on Energy and Natural Resources of the  
25 Senate and the Committee on Natural Resources of the

1 House of Representatives a report on the Secretaries' im-  
2 plementation and effectiveness of systems to monitor the  
3 status of Greater Sage Grouse on Federal lands under  
4 their jurisdiction.

5 (g) JUDICIAL REVIEW.—Notwithstanding any other  
6 provision of statute or regulation, this section, including  
7 determinations made under this section, shall not be sub-  
8 ject to judicial review.

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