

113TH CONGRESS
2D SESSION

H. R. 4716

To require the Secretary of the Interior and the Secretary of Agriculture to provide certain Western States assistance in the development of statewide conservation and management plans for the protection and recovery of sage grouse species, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2014

Mr. GARDNER (for himself, Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. STEWART, Mr. CHAFFETZ, Mr. TIPTON, Mr. AMODEI, and Mr. DAINES) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To require the Secretary of the Interior and the Secretary of Agriculture to provide certain Western States assistance in the development of statewide conservation and management plans for the protection and recovery of sage grouse species, 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 “Sage Grouse Protec-
5 tion and Conservation Act”.

1 **SEC. 2. GREATER SAGE-GROUSE PROTECTION AND CON-**
2 **SERVATION MEASURES.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED WESTERN STATE.—The term
5 “covered western State” means each of the States of
6 California, Colorado, Idaho, Montana, Nevada,
7 North Dakota, Oregon, South Dakota, Utah, Wash-
8 ington, and Wyoming.

9 (2) NATIONAL FOREST SYSTEM LANDS.—The
10 term “National Forest System lands” means the
11 Federal lands within the National Forest System, as
12 described in section 11(a) of the Forest and Range-
13 land Renewable Resources Planning Act of 1974 (16
14 U.S.C. 1609(a)).

15 (3) PUBLIC LANDS.—The term “public lands”
16 has the meaning given that term in section 103(e)
17 of the Federal Land Policy and Management Act of
18 1976 (43 U.S.C. 1702(e)).

19 (4) SAGE GROUSE SPECIES.—The term “sage
20 grouse species” means the greater sage-grouse
21 (*Centrocercus urophasianus*) and the Gunnison sage-
22 grouse (*Centrocercus minimus*).

23 (5) SECRETARY.—The term “Secretary”
24 means—

25 (A) the Secretary of Agriculture, with re-
26 spect to National Forest System lands; and

1 (B) the Secretary of the Interior, with re-
2 spect to public lands.

3 (6) STATEWIDE PLAN.—The term “statewide
4 plan” means a statewide conservation and manage-
5 ment plan for the protection and recovery of sage
6 grouse species within a covered western State.

7 (b) SECRETARIAL PARTICIPATION IN STATE PLAN-
8 NING PROCESS.—

9 (1) IN GENERAL.—Not later than 30 days after
10 receipt of notice from a covered western State that
11 the State is initiating or has initiated development
12 of a statewide conservation and management plan
13 for the protection and recovery of the sage grouse
14 species within the State, the Secretary shall provide
15 to the Governor of that covered western State—

16 (A) a commitment of the Secretary’s will-
17 ingness to participate in such development;

18 (B) a list of designees from the Depart-
19 ment of the Interior or Department of Agri-
20 culture, as applicable, who shall represent the
21 Secretary as a participant in such development;
22 and

23 (C) a list of other Federal departments
24 that could be invited by the covered western
25 State to participate.

1 (2) ACCESS TO INFORMATION.—Not later than
2 60 days after receipt of such notice from the covered
3 western State, the Secretary shall provide to the
4 State all relevant scientific data, research, or infor-
5 mation regarding sage grouse species and habitat
6 within the State for use by appropriate State per-
7 sonnel to assist the State in such development.

8 (3) AVAILABILITY OF DEPARTMENT PER-
9 SONNEL.—The Secretary shall make personnel from
10 Department of the Interior agencies or Department
11 of Agriculture agencies, respectively, available, on at
12 least a monthly basis, to meet with officials of the
13 State to develop or implement such a plan.

14 (c) CONTENTS OF NOTICE.—A notice under sub-
15 section (b) shall—

16 (1) be submitted by a Governor of any covered
17 western State; and

18 (2) include—

19 (A) an invitation for the Secretary to par-
20 ticipate in development of the statewide plan;
21 and

22 (B) a commitment that, not later than 2
23 years after the submission of a notice under
24 this section, the State shall present to the Sec-
25 retary for review a 10-year (or longer) sage

1 grouse species conservation and management
2 plan for the entire State.

3 (d) REVIEW OF STATE PLAN.—If the Secretary re-
4 ceives such a statewide plan from a covered western State
5 not later than 2 years after receiving such notice from the
6 State, the Secretary shall—

7 (1) review the statewide plan using the best
8 available science and data to determine if the state-
9 wide plan is likely to—

10 (A) conserve the sage grouse species to the
11 point at which the measures provided pursuant
12 to the Endangered Species Act of 1973 (16
13 U.S.C. 1531 et seq.) are no longer necessary in
14 the State; and

15 (B) conserve the habitat essential to con-
16 serve the sage grouse species within the State;
17 and

18 (2) approve or endorse, or make comments on,
19 the statewide plan not later than 120 days after it
20 is submitted.

21 (e) ACTIONS AFTER STATEWIDE PLAN IS SUB-
22 MITTED.—

23 (1) HOLD ON CERTAIN ACTIONS.—Not later
24 than 30 days after receipt of such a statewide con-

1 servation and management plan from a covered
2 western State, the Secretary shall—

3 (A) take necessary steps to place on hold—

4 (i) all actions with respect to listing
5 any sage grouse species in that State
6 under the Endangered Species Act of 1973
7 (16 U.S.C. 1531 et seq.), for a period of
8 not less than 10 years;

9 (ii) enforcement of any current listing
10 of sage grouse species within that State
11 under such Act; and

12 (iii) designation of any critical habitat
13 for any sage grouse species within that
14 State under such Act; and

15 (B) withdraw any land use planning activi-
16 ties related to Federal management of sage
17 grouse on Federal lands within that State and
18 take immediate steps to amend all Federal land
19 use plans to comply with such plan with respect
20 to that State, if—

21 (i) the State presents to the Secretary
22 its conservation and management plan not
23 later than 2 years after the State submits
24 notice to the Secretary under subsection
25 (b); and

1 (ii) the State is implementing the
2 plan.

3 (2) ACTIONS PURSUANT TO NEPA.—Any pro-
4 posed action pursuant to the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
6 that occurs within a covered western State may not
7 be denied or restricted solely on the basis of sage-
8 grouse if such action is consistent with a statewide
9 plan that has been submitted by the State to the
10 Secretary.

11 (f) EXISTING STATE PLANS.—The Secretary shall—

12 (1) except as provided in paragraph (2), give ef-
13 fect to a statewide conservation and management
14 plan for the protection and recovery of sage grouse
15 species within a covered western State that is sub-
16 mitted by such State and approved or endorsed by
17 the United States Fish and Wildlife Services before
18 the date of the enactment of this Act, in accordance
19 with the terms of approval or endorsement of the
20 plan by the United States Fish and Wildlife Serv-
21 ices; and

22 (2) for purposes of subsections (b)(3) and (e),
23 treat such a plan as a plan referred to in each such
24 subsection.

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