

113TH CONGRESS
2D SESSION

S. 2394

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 SENATE OF THE UNITED STATES

MAY 22, 2014

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

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 LAND.—The
10 term “National Forest System land” means the
11 Federal land 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 LAND.—The term “public land”
16 has the meaning given the term “public lands” in
17 section 103 of the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1702).

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 land; and

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

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 willingness of the
17 Secretary to participate in the 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 the 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 a notice described in para-
 3 graph (1) from the covered western State, the Sec-
 4 retary shall provide to the State all relevant sci-
 5 entific data, research, or information regarding sage
 6 grouse species and habitat within the State to ap-
 7 propriate State personnel to assist the State in the
 8 development.

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

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

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

19 (2) include—

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

23 (B) a commitment that, not later than 2
 24 years after the submission of a notice under
 25 this section, the State shall present to the Sec-

1 retary for review a 10-year (or longer) sage
2 grouse species conservation and management
3 plan for the entire State.

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

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

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

16 (B) to conserve the habitat essential to
17 conserve the sage grouse species within the
18 State; and

19 (2) approve or endorse, or make comments re-
20 garding, the statewide plan not later than 120 days
21 after the date of submission.

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

1 (1) HOLD ON CERTAIN ACTIONS.—Not later
2 than 30 days after receipt of a statewide plan from
3 a covered western State, the Secretary shall—

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

5 (i) for a period of not less than 10
6 years, all actions with respect to listing
7 any sage grouse species in that State
8 under the Endangered Species Act of 1973
9 (16 U.S.C. 1531 et seq.);

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

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

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

22 (i) the State presents to the Secretary
23 the conservation and management plan of
24 the State not later than 2 years after the

1 State submits notice to the Secretary
2 under subsection (b); and

3 (ii) the State is implementing the
4 plan.

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

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

14 (1) except as provided in paragraph (2), give ef-
15 fect to a statewide plan that is submitted by a cov-
16 ered western State and approved or endorsed by the
17 United States Fish and Wildlife Service before the
18 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 Service;
21 and

22 (2) for purposes of subsections (b)(3) and (e),
23 treat a statewide plan described in paragraph (1) as
24 a plan referred to in those subsections.

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