

114TH CONGRESS
2D SESSION

H. R. 5751

To provide that any State whose wildlife agency has determined that a portion of the State is within the current range of the Shiras Moose may take management actions on certain Federal lands within that State to stem decline of that species' population in that State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2016

Mr. CHAFFETZ (for himself, Mr. STEWART, Mrs. LOVE, Mr. TIPTON, Mr. ZINKE, and Mrs. LUMMIS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide that any State whose wildlife agency has determined that a portion of the State is within the current range of the Shiras Moose may take management actions on certain Federal lands within that State to stem decline of that species' population in that State, 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 “Shiras Moose Protec-
5 tion and Recovery Act”.

1 **SEC. 2. STATE MANAGEMENT ACTIONS ON FEDERAL LANDS**
2 **TO STEM DECLINE OF SHIRAS MOOSE.**

3 (a) IN GENERAL.—Any State whose wildlife agency
4 has determined that a portion of the State is within the
5 current range of the Shiras Moose (*Alces alces*) may take
6 management actions on covered Federal lands within that
7 State to stem decline of that species' population in that
8 State.

9 (b) MONITORING.—

10 (1) IN GENERAL.—Any State taking manage-
11 ment actions on covered Federal lands with respect
12 to Shiras Moose shall monitor that species' popu-
13 lation within that State for a period of not less than
14 ____ years following the enactment of this Act.

15 (2) FUNDING.—

16 (A) AUTHORIZATION.—There is authorized
17 to be appropriated \$_____ for costs of State
18 monitoring under this section.

19 (B) ALLOCATION.—Amounts appropriated
20 under this paragraph shall be allocated and dis-
21 tributed among States based on—

22 (i) the estimated number of acres of
23 covered Federal land in each State that is
24 Shiras Moose habitat, divided by

1 (ii) the number of acres of current
2 covered Federal land in States that is
3 Shiras Moose habitat.

4 (C) CALCULATION.—For purposes of sub-
5 paragraph (B), the number of acres of Shiras
6 Moose habitat in a State shall be calculated by
7 the head of the State agency with authority
8 over wildlife management.

9 (c) RECOVERY PLANS.—

10 (1) IN GENERAL.—Where monitoring, combined
11 with existing State science on the Shiras Moose pop-
12 ulation trends, shows an unacceptable decline in the
13 populations of such species as determined by a State
14 wildlife agency, the State may formulate a recovery
15 plan to mitigate the population decline.

16 (2) FUNDING.—

17 (A) IN GENERAL.—The Director of the
18 United States Fish and Wildlife Service shall
19 provide to any State that formulates a recovery
20 plan, upon request of the State, funding for im-
21 plementation of the plan from funds appro-
22 priated to the United States Fish and Wildlife
23 Service to implement its Northern Rocky Moun-
24 tain Gray Wolf Recovery Plan and any of its
25 other gray wolf recovery or monitoring plans.

1 (B) ALLOCATION.—If State requests for
2 such funds exceed the funds so appropriated to
3 the United States Fish and Wildlife Service for
4 any fiscal year, the Director shall distribute
5 such funds to such States on the same basis
6 that funds are distributed under subsection
7 (b)(2)(B).

8 (d) UTAH AND COLORADO.—Each of the States of
9 Utah and Colorado—

10 (1) may manage Shiras Moose and their preda-
11 tors on Federal, State, and private lands to prevent
12 declines in moose populations within that State; and

13 (2) shall collect, analyze, and disseminate data
14 on the results of such management.

15 (e) ISSUANCE OF FINAL RULE.—Before the end of
16 the 60-day period beginning on the date of the enactment
17 of this Act, the Secretary of the Interior shall issue as
18 a final rule the draft rule entitled “Removing the Gray
19 Wolf (*Canis lupus*) From the List of Endangered and
20 Threatened Wildlife and Maintaining Protections for the
21 Mexican Wolf (*Canis lupus baileyi*) by Listing It as En-
22 dangered” as published on June 13, 2013 (78 Fed. Reg.
23 35664), without regard to any other provision of statute
24 that applies to issuance of such rule.

1 (f) EXEMPTION OF JUDICIAL REVIEW.—The require-
2 ments and implementation of this Act are not subject to
3 judicial review.

4 (g) RELATIONSHIP TO OTHER LAW.—This section
5 shall apply notwithstanding any other provision of statute
6 or regulation.

7 (h) COVERED FEDERAL LAND DEFINED.—For pur-
8 poses of this section the term “Federal land” means—

9 (1) public lands, as that term is defined in sec-
10 tion 103(e) of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1702(e));

12 (2) lands in the National Forest System, as
13 such System is declared and defined in section 11(a)
14 of the Forest and Rangeland Renewable Resources
15 Planning Act of 1974 (16 U.S.C. 1609(a)); and

16 (3) any area of the National Park System, as
17 that term is defined in section 1.4 of title 36, Code
18 of Federal Regulations (as in effect on the date of
19 the enactment of this Act).

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