

1 **SEC. ____ . PROTECTION AND RECOVERY OF GREATER SAGE**

2 **GROUSE.**

3 (a) DEFINITIONS.—In this section:

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

6 (A) a land use plan prepared by the Bu-
7 reau of Land Management for public lands pur-
8 suant to section 202 of the Federal Land Policy
9 and Management Act of 1976 (43 U.S.C.
10 1712); or

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

16 (2) The term “Greater Sage Grouse” means a
17 sage grouse of the species *Centrocercus*
18 *urophasianus*.

19 (3) The term “State management plan” means
20 a State-approved plan for the protection and recov-
21 ery of the Greater Sage Grouse and other sage
22 grouse species.

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

1 (1) to facilitate implementation of State man-
2 agement plans over a period of multiple, consecutive
3 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 and other sage grouse spe-
7 cies.

8 (c) DELAY IN MAKING ENDANGERED SPECIES ACT
9 OF 1973 FINDING.—

10 (1) DELAY REQUIRED.—In the case of any
11 State with a State management plan, the Secretary
12 of the Interior may not make a finding under clause
13 (i), (ii), or (iii) of section 4(b)(3)(B) of the Endan-
14 gered Species Act of 1973 (16 U.S.C.
15 1533(b)(3)(B)) with respect to the Greater Sage
16 Grouse in that State before September 30, 2025.

17 (2) EFFECT ON OTHER LAWS.—The delay im-
18 posed by paragraph (1) is, and shall remain, effec-
19 tive without regard to any other statute, regulation,
20 court order, legal settlement, or any other provision
21 of law or in equity.

22 (3) EFFECT ON CONSERVATION STATUS.—Until
23 the date specified in paragraph (1), the conservation
24 status of the Greater Sage Grouse shall remain war-
25 ranted for listing under the Endangered Species Act

1 of 1973 (16 U.S.C. 1531 et seq.), but precluded by
2 higher-priority listing actions pursuant to clause (iii)
3 of section 4(b)(3)(B) of the Endangered Species Act
4 of 1973 (16 U.S.C. 1533(b)(3)(B)).

5 (d) COORDINATION OF FEDERAL LAND MANAGE-
6 MENT AND STATE CONSERVATION AND MANAGEMENT
7 PLANS.—

8 (1) PROHIBITION ON MODIFICATION OF FED-
9 ERAL RESOURCE MANAGEMENT PLANS.—In order to
10 foster coordination between a State management
11 plan and Federal resource management plans that
12 affect the Greater Sage Grouse, upon notification by
13 the Governor of a State with a State management
14 plan, the Secretary of the Interior and the Secretary
15 of Agriculture may not amend or otherwise modify
16 any Federal resource management plan applicable to
17 Federal lands in the State in a manner inconsistent
18 with the State management plan for a period, to be
19 specified by the Governor in the notification, of at
20 least five years beginning on the date of the notifica-
21 tion.

22 (2) RETROACTIVE EFFECT.—In the case of any
23 State that provides notification under paragraph (1),
24 if any amendment or modification of a Federal re-
25 source management plan applicable to Federal lands

1 in the State was issued during the one-year period
2 preceding the date of the notification and the
3 amendment or modification altered management of
4 the Greater Sage Grouse or its habitat, implementa-
5 tion and operation of the amendment or modification
6 shall be stayed to the extent that the amendment or
7 modification is inconsistent with the State manage-
8 ment plan. The Federal resource management plan,
9 as in effect immediately before the amendment or
10 modification, shall apply instead with respect to
11 management of the Greater Sage Grouse and its
12 habitat, to the extent consistent with the State man-
13 agement plan.

14 (3) DETERMINATION OF INCONSISTENCY.—Any
15 disagreement regarding whether an amendment or
16 other modification of a Federal resource manage-
17 ment plan is inconsistent with a State management
18 plan shall be resolved by the Governor of the af-
19 fected State.

20 (e) RELATION TO NATIONAL ENVIRONMENTAL POL-
21 ICY ACT OF 1969.—With regard to any major Federal ac-
22 tion consistent with a State management plan, any find-
23 ings, analyses, or conclusions regarding the Greater Sage
24 Grouse or its habitat under section 102(2)(C) of the Na-
25 tional Environmental Policy Act of 1969 (42 U.S.C.

1 4332(2)(C) shall not have a preclusive effect on the ap-
2 proval or implementation of the major Federal action in
3 that State.

4 (f) REPORTING REQUIREMENT.—Not later than one
5 year after the date of the enactment of this Act and annu-
6 ally thereafter through 2021, the Secretary of the Interior
7 and the Secretary of Agriculture shall jointly submit to
8 the Committee on Energy and Natural Resources of the
9 Senate and the Committee on Natural Resources of the
10 House of Representatives a report on the Secretaries' im-
11 plementation and effectiveness of systems to monitor the
12 status of Greater Sage Grouse on Federal lands under
13 their jurisdiction.

14 (g) JUDICIAL REVIEW.—Notwithstanding any other
15 provision of statute or regulation, the requirements and
16 implementation of this section, including determinations
17 made under subsection (d)(3), are not subject to judicial
18 review.