

AMENDMENT TO H.R. _____
OFFERED BY MR. AMODEI OF NEVADA

Add, at the end of the bill, the following:

1 **SEC. 7. PROTECTION AND RECOVERY OF GREATER SAGE**

2 **GROUSE.**

3 (a) DEFINITIONS.—In this section:

4 (1) FEDERAL RESOURCE MANAGEMENT
5 PLAN.—The term “Federal resource management
6 plan” means—

7 (A) a land use plan prepared by the Bu-
8 reau of Land Management for public lands pur-
9 suant to section 202 of the Federal Land Policy
10 and Management Act of 1976 (43 U.S.C.
11 1712); or

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

17 (2) GREATER SAGE GROUSE.—The term
18 “Greater Sage Grouse” means a sage grouse of the
19 species *Centrocercus urophasianus*.

1 (3) STATE MANAGEMENT PLAN.—The term
2 “State management plan” means a State-approved
3 plan for the protection and recovery of the Greater
4 Sage Grouse.

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

6 (1) to facilitate implementation of State man-
7 agement plans over a period of multiple, consecutive
8 Greater Sage Grouse life cycles; and

9 (2) to demonstrate the efficacy of the State
10 management plans for the protection and recovery of
11 the Greater Sage Grouse.

12 (c) DELAY IN MAKING ENDANGERED SPECIES ACT
13 OF 1973 FINDING.—

14 (1) DELAY REQUIRED.—In the case of any
15 State with a State management plan, the Secretary
16 of the Interior may not make a finding under clause
17 (i), (ii), or (iii) of section 4(b)(3)(B) of the Endan-
18 gered Species Act of 1973 (16 U.S.C.
19 1533(b)(3)(B)) with respect to the Greater Sage
20 Grouse in that State before September 30, 2021.

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

1 (3) EFFECT ON CONSERVATION STATUS.—Until
2 the date specified in paragraph (1), the conservation
3 status of the Greater Sage Grouse shall remain not
4 warranted for listing under the Endangered Species
5 Act of 1973 (16 U.S.C. 1531 et seq.).

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

8 (1) PROHIBITION ON WITHDRAWALS AND MODI-
9 FICATIONS OF FEDERAL RESOURCE MANAGEMENT
10 PLANS.—In order to foster coordination between a
11 State management plan and Federal resource man-
12 agement plans that affect the Greater Sage Grouse,
13 upon notification by the Governor of a State with a
14 State management plan, the Secretary of the Inte-
15 rior and the Secretary of Agriculture, as applicable,
16 may not exercise authority under section 204 of the
17 Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1714) to make, modify, or extend any
19 withdrawal, nor amend or otherwise modify any Fed-
20 eral resource management plan applicable to Federal
21 land in the State, in a manner inconsistent with the
22 State management plan for a period, to be specified
23 by the Governor in the notification, of at least five
24 years beginning on the date of the notification.

1 (2) RETROACTIVE EFFECT.—In the case of any
2 State that provides notification under paragraph (1),
3 if any withdrawal was made, modified, or extended
4 or if any amendment or modification of a Federal
5 resource management plan applicable to Federal
6 lands in the State was issued during the three-year
7 period preceding the date of the notification and the
8 withdrawal, amendment, or modification altered
9 management of the Greater Sage Grouse or its habi-
10 tat, implementation and operation of the withdrawal,
11 amendment, or modification shall be stayed to the
12 extent that the withdrawal, amendment, or modifica-
13 tion is inconsistent with the State management plan.
14 The Federal resource management plan, as in effect
15 immediately before the amendment or modification,
16 shall apply instead with respect to management of
17 the Greater Sage Grouse and its habitat, to the ex-
18 tent consistent with the State management plan.

19 (3) DETERMINATION OF INCONSISTENCY.—Any
20 disagreement regarding whether a withdrawal, or an
21 amendment or other modification of a Federal re-
22 source management plan, is inconsistent with a
23 State management plan shall be resolved by the
24 Governor of the affected State.

1 (e) RELATION TO NATIONAL ENVIRONMENTAL POL-
2 ICY ACT OF 1969.—With regard to any major Federal ac-
3 tion consistent with a State management plan, any find-
4 ings, analyses, or conclusions regarding the Greater Sage
5 Grouse or its habitat under section 102(2)(C) of the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4332(2)(C)) shall not have a preclusive effect on the ap-
8 proval or implementation of the major Federal action in
9 that State.

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

20 (g) JUDICIAL REVIEW.—Notwithstanding any other
21 provision of statute or regulation, the requirements and
22 implementation of this section, including determinations
23 made under subsection (d)(3), are not subject to judicial
24 review.

