

1 **SEC. 2864 [Log 63733]. PROTECTION AND RECOVERY OF**  
2 **GREATER SAGE 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*.

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

24 (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           Greater 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.

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

9           (1) DELAY REQUIRED.—In the case of any  
10          State with a State management plan, the Secretary  
11          of the Interior may not make a finding under clause  
12          (i), (ii), or (iii) of section 4(b)(3)(B) of the Endan-  
13          gered Species Act of 1973 (16 U.S.C.  
14          1533(b)(3)(B)) with respect to the Greater Sage  
15          Grouse in that State before September 30, 2026.

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

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

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

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

20 (2) RETROACTIVE EFFECT.—In the case of any  
21 State that provides notification under paragraph (1),  
22 if any withdrawal was made, modified, or extended  
23 or if any amendment or modification of a Federal  
24 resource management plan applicable to Federal  
25 lands in the State was issued during the three-year

1 period preceding the date of the notification and the  
2 withdrawal, amendment, or modification altered  
3 management of the Greater Sage Grouse or its habi-  
4 tat, implementation and operation of the withdrawal,  
5 amendment, or modification shall be stayed to the  
6 extent that the withdrawal, amendment, or modifica-  
7 tion is inconsistent with the State management plan.  
8 The Federal resource management plan, as in effect  
9 immediately before the amendment or modification,  
10 shall apply instead with respect to management of  
11 the Greater Sage Grouse and its habitat, to the ex-  
12 tent consistent with the State management plan.

13 (3) DETERMINATION OF INCONSISTENCY.—Any  
14 disagreement regarding whether a withdrawal, or an  
15 amendment or other modification of a Federal re-  
16 source management plan, is inconsistent with a  
17 State management plan shall be resolved by the  
18 Governor of the affected State.

19 (e) RELATION TO NATIONAL ENVIRONMENTAL POL-  
20 ICY ACT OF 1969.—With regard to any major Federal ac-  
21 tion consistent with a State management plan, any find-  
22 ings, analyses, or conclusions regarding the Greater Sage  
23 Grouse or its habitat under section 102(2)(C) of the Na-  
24 tional Environmental Policy Act of 1969 (42 U.S.C.  
25 4332(2)(C)) shall not have a preclusive effect on the ap-

1 proval or implementation of the major Federal action in  
2 that State.

3 (f) REPORTING REQUIREMENT.—Not later than one  
4 year after the date of the enactment of this Act and annu-  
5 ally thereafter through 2026, the Secretary of the Interior  
6 and the Secretary of Agriculture shall jointly submit to  
7 the Committee on Energy and Natural Resources of the  
8 Senate and the Committee on Natural Resources of the  
9 House of Representatives a report on the Secretaries' im-  
10 plementation and effectiveness of systems to monitor the  
11 status of Greater Sage Grouse on Federal lands under  
12 their jurisdiction.

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