

**CONCURRENT RESOLUTION URGING CONGRESS TO
SUPPORT THE IMPLEMENTATION OF UTAH'S
SAGE-GROUSE CONSERVATION PLAN**

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This resolution urges Congress to support Utah's sage-grouse conservation plan.

Highlighted Provisions:

This resolution:

- ▶ urges Congress to provide protections for the implementation of Utah's sage-grouse conservation plan on both federally managed and private land in the state;
- ▶ encourages Congress to provide protections against litigation challenging the "not warranted status" of sage-grouse;
- ▶ declares that the state will continue to implement the state's sage-grouse conservation plan; and
- ▶ urges Congress to enact legislation recognizing and encouraging state primacy in the long-term management of sage-grouse and sage-grouse habitat.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the state of Utah is committed to the conservation of the greater sage-grouse (*Centrocercus urophasianus*) and the present sage-grouse habitat located within the



28 state;

29 WHEREAS, the state of Utah has produced a statewide sage-grouse conservation plan
30 in support of this commitment;

31 WHEREAS, the Division of Wildlife Resources in the Department of Natural
32 Resources possesses significant expertise in the management of the greater sage-grouse and
33 sage-grouse habitat, and experts in the division have been working extensively and in full
34 cooperation with the federal agencies managing land within the borders of the state;

35 WHEREAS, the United States Secretary of the Interior has determined that listing the
36 species as endangered or threatened under the Endangered Species Act is not warranted;

37 WHEREAS, Congress and the President of the United States are to be commended for
38 recognizing, through the enactment of Section 117 of the Consolidated Appropriations Act of
39 2016, Pub. L. No. 114-113, the unprecedented collaboration among various states regarding
40 greater sage-grouse conservation and the need to continue on-the-ground conservation and
41 monitoring activities;

42 WHEREAS, implementation of the state's conservation plan will produce scientific data
43 related to disease, predation of the species, the adequacy of existing regulatory mechanisms,
44 and other natural or human-influenced factors affecting the existence of the species, all of
45 which must be considered by the United States Fish and Wildlife Service in determining
46 whether to list the greater sage-grouse as threatened or endangered under the Endangered
47 Species Act;

48 WHEREAS, categorical exclusions from the National Environmental Policy Act are
49 necessary to allow federal land-management agencies to remove pinyon-juniper trees that are
50 harmful to greater sage-grouse habitat;

51 WHEREAS, the state of Utah wishes to continue its collaboration with other states
52 possessing current habitat for greater sage-grouse; and

53 WHEREAS, time is needed to finalize and implement the state conservation plan over a
54 period of multiple, consecutive sage-grouse life cycles to determine the efficacy of the plan and
55 the need for modification, if any:

56 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
57 Governor concurring therein, urges Congress to enact legislation that provides protections for
58 the adoption and implementation of state sage-grouse conservation plans by making no funds

59 available for a period of 10 years through the end of fiscal year 2026 to either the United States
60 Secretary of the Interior or the United States Secretary of Agriculture for the implementation of
61 recent federal land-use plan amendments if they are inconsistent with the state's sage-grouse
62 conservation plan.

63 BE IT FURTHER RESOLVED that the Legislature and the Governor call upon
64 Congress to provide a mechanism for the governor of a state to ensure that state sage-grouse
65 plans can be implemented on lands managed by the Bureau of Land Management and the
66 United States Forest Service, that any federal resource management plans are consistent with
67 state sage-grouse plans, and that any inconsistencies of the federal resource management plans
68 can be resolved by the governor of the affected state in such a way as to remain consistent with
69 state management plans for a period of at least 10 years.

70 BE IT FURTHER RESOLVED that the Legislature and the Governor encourage
71 Congress to continue to make no funds available for use by the United States Secretary of the
72 Interior to consider, prepare, write, or issue a petition finding or a proposed regulation for
73 greater sage-grouse for a period of 10 years through the end of fiscal year 2026.

74 BE IT FURTHER RESOLVED that the Legislature and the Governor urge that during
75 this 10-year period Congress provide a safe harbor protecting state sage-grouse management
76 plans from litigation by private activist organizations that would interfere with implementation
77 of state sage-grouse management plans and protecting the status of sage-grouse as "not
78 warranted" pursuant to Section 4 of the Endangered Species Act, such that neither a state plan
79 nor the "not warranted" status is subject to judicial review.

80 BE IT FURTHER RESOLVED that during this 10-year period, Utah will continue to
81 implement its sage-grouse conservation plan, thereby establishing and enhancing the plan's
82 efficacy over time.

83 BE IT FURTHER RESOLVED that the Legislature and the Governor urge Congress to
84 enact legislation that recognizes and encourages state primacy in the long-term management of
85 the greater sage-grouse and sage-grouse habitat to ensure an effective and balanced approach
86 that seeks to recover and protect sage-grouse populations and protect state economic interests,
87 educational funding from state lands, and valid existing rights, including private property
88 rights.

89 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority

90 Leader of the United States Senate, the Speaker of the United States House of Representatives,
91 and the members of Utah's congressional delegation.

Legislative Review Note
Office of Legislative Research and General Counsel