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To:	Dan Ashe; Jim Kurth; Stephen Guertin; Betsy Hildebrandt; Gary Frazer; Cynthia Martinez; Matthew Huggler; Anna Munoz
Cc:	Angela Gustavson; Megan Kelhart; Roya Mogadam
Subject:	Update on the National Defense Authorization Act
Date:	Wednesday, May 13, 2015 12:33:29 PM

All, an update on the National Defense Authorization Act for you.

The House bill, H.R. 1735 was reported by the House Armed Services Committee and has provisions of interest to the Service including:

-- sage grouse provision (DOI opposes)

-- military land withdrawals (affecting Desert NWR, the language appears to vest greater control of aspects of management of Desert to Secretary of the Air Force; this provision concerns us, and we are working to better understand its effect)

-- southern sea otter exemption for Navy (FWS supports unofficially, repeals P.L. 99-625, which upholds our rulemaking to terminate the translocation program)

Rules Committtee Action/Amendments -- Later this afternoon the House Committee on Rules will take up consideration of the 350 or so amendments filed for consideration for the rule on the bill (which determines how the bill will be debated on the House floor). We are sorting through the amendments and there are at least two amendments of interest to the Service:

-- to strike the sage grouse provision; submitted by Representative Tsongas and eight other Democrats including Resources Committee Ranking Member Grijalva.

-- to reverse the lesser prairie chicken listing determination and to delist the American burying beetle; submitted by Representative Lucas and five other Republicans.

After the Rules Committee prints a rule, the bill will likely be taken up by the full House during this week (floor time is reserved).

The White House SAP on HR 1735 was issued last night and can be viewed here:

https://www.whitehouse.gov/sites/default/files/omb/legislative/sap/114/saphr1735r_20150512.pdf

There is a veto recommendation for the bill as a whole at the bottom of the first page of the SAP.

The SAP contains the following paragraph on the sage grouse provision:

Greater Sage-Grouse and Public Land Management: The Administration strongly objects to section 2862, which would mandate a delay until 2025 in listing or deciding not to list the Greater Sage-Grouse under the Endangered Species Act and would effectively override longstanding principles of major Federal land management statues, including the Federal Land Policy and Management Act and the National Forest Management Act. Such unprecedented delays undermine science-based decision-making, are unnecessary for military readiness, and are ill-advised for purposes of public land management. Such delays create uncertainty for landowners and businesses, and effectively suspend unprecedented collaborative conservation efforts that have been developed with extensive public input. Additional provisions would divest stewardship of Federal land from Federal agencies, requiring these lands to be managed consistent with State-approved management plans. Moreover, existing law already allows the Secretary of Defense to obtain an exemption of any action from the requirements of the Endangered Species Act for reasons of national security.

The SAP contains the following paragraph on the military lands withdrawal section (which, in part, affects Desert NWR):

Military Land Withdrawals: The Administration has concerns with the bill's provisions relating to military land withdrawals. The responsible agencies will continue to coordinate to facilitate responsible use of public lands to support military readiness, training, and testing, acknowledging the current system of periodic legislative re-withdrawals is not particularly efficient and does not provide for the optimum land management regime. But, the Administration is not prepared to support transfers of

such lands without a process that provides careful consideration of the evolving needs, interests, and any supporting legislative provisions. The Administration stands ready to consider measures and approaches to make the use of public lands for military needs more efficient.

The Senate NDAA bill has not been made public. This week, subcommittees in the Senate Armed Services Committee are holding closed door mark ups for their portions of the bill. E and E reported that Senator Lee offered an amendment to insert the sage grouse provision in the Senate bill during the Subcommittee on Readiness markup. The subcommittee Chair (Senator Ayotte) ruled the amendment out of order and said she would defer to the Senate Committee on Environment and Public Works on a sage grouse provision. The full SASC will likely markup and make public the Senate NDAA bill on Friday of this week.

We will provide further updates as the process on the NDAA moves forward.

Thanks,

Marty

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