

D R A F T

SUMMARY

Provides that private entity that proposes action that affects core area habitat of sage grouse shall give State Department of Fish and Wildlife certain report. Specifies contents of report. Provides that if department concludes that proposals for off-site mitigation specified in report demonstrate that beneficial effects of off-site mitigation offset adverse effects to sage grouse population, department may not make determination that prohibits proposed action.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to sage grouse; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) Subject to and consistent with the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.) as in effect on the effective date of this 2013 Act, and notwithstanding any provision ORS 496.171 to 496.182, a private entity that proposes an action in this state that may affect core area habitat of sage grouse shall give the State Department of Fish and Wildlife a report that, using the best scientific and commercial data available, provides a description of the proposed action and its possible effects on the habitat.

(2) The report described in this section must describe the core area habitat of sage grouse affected by the proposed action, specify whether the habitat is essential and irreplaceable and provide proposals for off-site mitigation.

(3)(a) Within 30 days of receipt of the report described in this section, the department shall evaluate whether the proposals for off-site

1 mitigation specified in the report demonstrate that the beneficial ef-
2 fects of the off-site mitigation to the sage grouse population in this
3 state offset the adverse effects of the proposed action to the sage
4 grouse population in this state.

5 (b) If the department concludes that the proposals for off-site mit-
6 igation specified in the report demonstrate that the beneficial effects
7 of the off-site mitigation to the sage grouse population in this state
8 offset the adverse effects of the proposed action to the sage grouse
9 population in this state, the department may not make a determi-
10 nation that prohibits the proposed action.

11 (4) The State Fish and Wildlife Commission may adopt rules to
12 carry out the provisions of this section.

13 SECTION 2. (1) Except as provided in subsection (2) of this section,
14 section 1 of this 2013 Act becomes operative on January 1, 2014.

15 (2) The State Fish and Wildlife Commission may adopt rules or take
16 any other action before the operative date specified in subsection (1)
17 of this section that is necessary to implement, on or after the opera-
18 tive date specified in subsection (1) of this section, section 1 of this
19 2013 Act.

20 SECTION 3. This 2013 Act being necessary for the immediate pres-
21 ervation of the public peace, health and safety, an emergency is de-
22 clared to exist, and this 2013 Act takes effect on its passage.

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