

A-Engrossed
House Bill 3086

Ordered by the House April 11
Including House Amendments dated April 11

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[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.]

Provides that person that seeks permit or other form of permission from state agency for proposed action that may affect core area habitat of sage grouse may file report with State Department of Fish and Wildlife in certain cases. Specifies contents of report. Requires department to evaluate report. Requires department to issue order in certain cases.

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.) and notwithstanding any provision of ORS 496.171 to 496.182:

(a) If a person seeks a permit, license, authorization or other form of permission required by law from a state agency for a proposed action that may affect core area habitat of sage grouse and the state agency requests a determination from the State Department of Fish and Wildlife regarding the effects of the proposed action on sage grouse, the person may file with the department 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.

(b) 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.

(c)(A) Within 30 days after the filing of the report described in this section, the department shall evaluate whether the proposals for off-site mitigation specified in the report result in a net loss of either the quality or quantity of sage grouse habitat and provide a net benefit to the quality or quantity of sage grouse habitat.

(B)(i) If the department concludes that the proposals for off-site mitigation do not result in a net loss of either the quality or quantity of sage grouse habitat and do provide a net benefit to the quality or quantity of sage grouse habitat, the department shall issue an order finding that the core area of habitat of sage grouse affected by the proposed action is not

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **irreplaceable. The department may not thereafter reverse or modify the order.**

2 **(ii) If the department concludes that the proposals for off-site mitigation result in a net**
3 **loss of either the quality or quantity of sage grouse habitat and do not provide a net benefit**
4 **to the quality or quantity of sage grouse habitat, a person affected by the action may request**
5 **a contested case hearing before the State Fish and Wildlife Commission, to be conducted as**
6 **provided in ORS chapter 183.**

7 **(2) The State Fish and Wildlife Commission may adopt rules to carry out the provisions**
8 **of this section.**

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

11 **(2) The State Fish and Wildlife Commission may adopt rules or take any other action**
12 **before the operative date specified in subsection (1) of this section that is necessary to im-**
13 **plement, on and after the operative date specified in subsection (1) of this section, section 1**
14 **of this 2013 Act.**

15 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
17 **on its passage.**

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