

HOUSE AMENDMENTS TO HOUSE BILL 3086

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 11

1 On page 1 of the printed bill, delete lines 4 through 29 and delete page 2 and insert:

2 **“SECTION 1. (1) Subject to and consistent with the federal Endangered Species Act of**
3 **1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.) and notwithstanding any provision of ORS 496.171 to**
4 **496.182:**

5 **“(a) If a person seeks a permit, license, authorization or other form of permission re-**
6 **quired by law from a state agency for a proposed action that may affect core area habitat**
7 **of sage grouse and the state agency requests a determination from the State Department**
8 **of Fish and Wildlife regarding the effects of the proposed action on sage grouse, the person**
9 **may file with the department a report that, using the best scientific and commercial data**
10 **available, provides a description of the proposed action and its possible effects on the habitat.**

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

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

18 **“(B)(i) If the department concludes that the proposals for off-site mitigation do not result**
19 **in a net loss of either the quality or quantity of sage grouse habitat and do provide a net**
20 **benefit to the quality or quantity of sage grouse habitat, the department shall issue an order**
21 **finding that the core area of habitat of sage grouse affected by the proposed action is not**
22 **irreplaceable. The department may not thereafter reverse or modify the order.**

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

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

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

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

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

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