

# House Bill 3086

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 **as introduced**.

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

1  
2 Relating to sage grouse; and declaring an emergency.

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

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

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

13 **(3)(a) Within 30 days of receipt of the report described in this section, the department**  
14 **shall evaluate whether the proposals for off-site mitigation specified in the report demon-**  
15 **strate that the beneficial effects of the off-site mitigation to the sage grouse population in**  
16 **this state offset the adverse effects of the proposed action to the sage grouse population in**  
17 **this state.**

18 **(b) If the department concludes that the proposals for off-site mitigation specified in the**  
19 **report demonstrate that the beneficial effects of the off-site mitigation to the sage grouse**  
20 **population in this state offset the adverse effects of the proposed action to the sage grouse**  
21 **population in this state, the department may not make a determination that prohibits the**  
22 **proposed action.**

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

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

27 **(2) The State Fish and Wildlife Commission may adopt rules or take any other action**  
28 **before the operative date specified in subsection (1) of this section that is necessary to im-**  
29 **plement, on or after the operative date specified in subsection (1) of this section, section 1**

**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 of this 2013 Act.

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

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