

**PROPOSED AMENDMENTS TO
HOUSE BILL 3086**

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

3 **“SECTION 1. (1) Subject to and consistent with the federal Endan-**
4 **gered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.) as in effect**
5 **on the effective date of this 2013 Act, and notwithstanding any pro-**
6 **vision of ORS 496.171 to 496.182, when a private entity seeks a permit,**
7 **license, authorization or other form of permission required by law**
8 **from a state agency for a proposed action that may affect core area**
9 **habitat of sage grouse and the state agency requests a determination**
10 **from the State Department of Fish and Wildlife regarding the effects**
11 **of the proposed action on sage grouse, the private entity that proposes**
12 **the action may give the department a report that, using the best sci-**
13 **entific and commercial data available, provides a description of the**
14 **proposed action and its possible effects on the habitat.**

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

19 **“(3)(a) Within 30 days of receipt of the report described in this sec-**
20 **tion, the department shall evaluate whether the proposals for off-site**
21 **mitigation specified in the report demonstrate that the beneficial ef-**
22 **fects of the off-site mitigation on the sage grouse population in this**

1 state offset the adverse effects of the proposed action on the sage
2 grouse population in this state.

3 “(b) If the department determines that the proposals for off-site
4 mitigation specified in the report demonstrate that the beneficial ef-
5 fects of the off-site mitigation on the sage grouse population in this
6 state offset the adverse effects of the proposed action on the sage
7 grouse population in this state, the department may not make a de-
8 termination that prohibits the proposed action.

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

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

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

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

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