

**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.) and not-**
5 **withstanding any provision of ORS 496.171 to 496.182:**

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

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

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

1 **“(B)(i) If the department concludes that the proposals for off-site**
2 **mitigation do not result in a net loss of either the quality or quantity**
3 **of sage grouse habitat and do provide a net benefit to the quality or**
4 **quantity of sage grouse habitat, the department shall issue an order**
5 **finding that the core area of habitat of sage grouse affected by the**
6 **proposed action is not irreplaceable. The department may not there-**
7 **after reverse or modify the order.**

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

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

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

18 **“(2) The State Fish and Wildlife Commission may adopt rules or**
19 **take any other action before the operative date specified in subsection**
20 **(1) of this section that is necessary to implement, on and after the**
21 **operative date specified in subsection (1) of this section, section 1 of**
22 **this 2013 Act.**

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

26