

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1525

By: Jolley

4  
5 AS INTRODUCED

6 An Act relating to endangered species; authorizing  
7 Secretary of Environment to develop certain habitat  
8 or candidate conservation plans; stating requirements  
9 for plans; defining terms; authorizing agreements  
10 with federal government for certain activities;  
11 authorizing establishment of certain fund;  
12 authorizing Secretary to implement certain fees;  
13 authorizing Secretary to solicit or accept certain  
14 funds; stating purpose; authorizing contracting for  
15 certain functions; authorizing designation of certain  
16 agencies for assistance; authorizing interagency  
17 agreements for certain purpose; providing for  
18 protection of certain information; stating exemption;  
19 authorizing rulemaking; providing for codification;  
20 and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-2-103 of Title 27A, unless  
24 there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Candidate conservation plan" means a plan to implement any  
actions necessary for the conservation of one or more candidate  
species or species likely to become a candidate species in the near  
future;

1        2. "Candidate species" means a species identified by the United  
2 States Department of the Interior as appropriate for listing as  
3 threatened or endangered; and

4        3. "Endangered species", "federal permit", "habitat  
5 conservation plan" and "mitigation fee" have the meanings assigned  
6 by Section 83.011 of the federal Parks and Wildlife Code.

7        B. To promote compliance with federal law protection endangered  
8 species and candidate species in a manner consistent with this  
9 state's economic development and fiscal stability, the Secretary of  
10 Environment may:

11        1. Develop or coordinate the development of a habitat  
12 conservation plan or candidate conservation plan;

13        2. Apply for and hold a federal permit issued in connection  
14 with a habitat developed by the Secretary or the development of  
15 which is coordinated by the Secretary;

16        3. Enter into an agreement for the implementation of a  
17 candidate conservation plan with the United States Department of the  
18 Interior or assist another entity in entering into such an  
19 arrangement;

20        4. Establish the habitat protection fund, to be held by the  
21 Secretary, outside the treasury, to be used to support the  
22 development or coordination of the development of a habitat  
23 conservation plan or a candidate conservation plan, or to pay the  
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1 costs of monitoring or administering the implementation of such a  
2 plan;

3 5. Impose or provide for the imposition of a mitigation fee in  
4 connection with a habitat conservation plan or any fees necessary or  
5 advisable for a candidate conservation plan developed by the  
6 Secretary or the development of which is coordinated by the  
7 Secretary; and

8 6. Implement, monitor, or support the implementation of a  
9 habitat conservation plan or candidate conservation plan developed  
10 by the Secretary or the development of which is coordinated by the  
11 Secretary.

12 a. The Secretary of Environment may solicit and accept  
13 appropriations, fees as authorized by this section,  
14 and gifts or grants from any public or private source,  
15 including the federal government, this state, a public  
16 agency, or a political subdivision of this state, for  
17 deposit to the credit of the fund established pursuant  
18 to this section.

19 b. The Legislature finds that expenditures described  
20 herein serve public purposes, including economic  
21 development in this state.

22 c. The Secretary of Environment may establish a nonprofit  
23 corporation or contract with a third party to perform  
24 the functions assigned pursuant to this section.

1 C. 1. Upon consideration of the factors identified in  
2 subsection B of this section, the Secretary of Environment may  
3 designate one of the following agencies to undertake the functions  
4 identified in this section:

- 5 a. the Oklahoma Department of Agriculture, Food, and  
6 Forestry,
- 7 b. the Department of Wildlife Conservation,
- 8 c. the Department of Transportation,
- 9 d. the Corporation Commission, and
- 10 e. the Department of Environmental Quality.

11 2. In designating an agency pursuant to this subsection, the  
12 Secretary shall consider the following factors:

- 13 a. the economic sectors impacted by the species of  
14 interest that will be included in the habitat  
15 conservation plan or candidate conservation plan,
- 16 b. the identified threats to the species of interest, and
- 17 c. the location of the species of interest.

18 D. The Secretary of Environment may enter into a memorandum of  
19 understanding or an interagency agreement with any of the agencies  
20 listed in subsection C of this section to implement the provisions  
21 of this section and to provide for the use of the habitat protection  
22 fund.

23 E. Information collected under this section by an agency, or an  
24 entity acting on the agency's behalf, from a private landowner or

1 other participant or potential participant in a habitat conservation  
2 plan or proposed habitat conservation plan is not subject to the  
3 Oklahoma Open Records Act and may not be disclosed to any person,  
4 including a state or federal agency, if the information relates to  
5 the specific location, species identification, or quantity of any  
6 animal or plant life for which a plan is under consideration or  
7 development or has been established under this section. The agency  
8 may disclose information described by this section only to the  
9 person who provided the information unless the person consents in  
10 writing to full or specified partial disclosure of the information.

11 F. The Secretary of Environment or the governing bodies of the  
12 agencies listed in subsection C of this section may promulgate rules  
13 as necessary for the duties required by this section.

14 SECTION 2. This act shall become effective November 1, 2012.

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