

Amendment to HB 1603-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 Endangered Species Conservation Act; Conservation Program. RSA 212-A:9, III is repealed
4 and reenacted to read as follows:

5 III.(a) All other state departments and agencies, to the extent possible, consistent with their
6 authorities and responsibilities, shall take such action as is reasonable and prudent to ensure that
7 actions authorized, funded, or carried out by them do not appreciably jeopardize the continued
8 existence of such species or result in the destruction or modification of habitat of such species which
9 is determined by the executive director to be critical, by requiring that all such action is designed to
10 avoid, minimize, and mitigate harm to such species and habitat designated as critical. Other
11 departments and agencies may consult with the executive director or hire their own internal wildlife
12 biologists to carry out the requirements of this paragraph. The executive director shall assist other
13 departments and agencies in carrying out this paragraph.

14 (b) The executive director shall adopt rules pursuant to RSA 541-A, not later than one
15 year after the effective date of this paragraph and not to exceed one year after passage, to establish
16 procedures requiring all records added to the database after the effective date of this paragraph to
17 verify the accuracy of records for threatened and endangered wildlife records under this paragraph,
18 as well as:

19 (1) Requiring data to be reviewed and approved by the fish and game department;
20 and

21 (2) Notifying landowners a new record was added to the database.

22 (c) The executive director shall adopt rules pursuant to RSA 541-A not later than one
23 year after the effective date of this paragraph, to establish procedures to obtain landowner
24 permission for entry onto private property for the purposes of gathering by the fish and game
25 department of site-specific species location data.

26 (d) For the purpose of this statute, "appreciably jeopardize the continued existence of
27 such species" shall be defined in rules adopted by the executive director pursuant to RSA 541-A.
28 The provisions of RSA 212-A or any rule promulgated under this chapter shall not be applicable to a
29 state department or agency when that state department or agency, in the process of undertaking an
30 action, is required by federal law or regulation to address the environmental impact on wildlife or
31 wildlife habitat, of that action.