

Comparison between H26 and the ANR draft proposed T&E legislative amendments

| H26 | ANR draft |
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| Transfers permitting authority from the Secretary to the Commission | Secretary retains authority |
| Does not require permitting consultation with the Endangered Species Committee (ESC) | Retains requirements for consultation with ESC |
| Eliminates provision that requires no undue interference with normal agricultural or silvacultural practices | Keeps provision |
| Exemptions for possession of listed species legally collected outside of the state are struck. | Exemptions for possession of listed species legally collected outside of the state are retained. |
| Deletes Education, exhibition, noncommercial cultural or ceremonial purposes, special purposes consistent with the ESA. | Retains Education, exhibition, noncommercial cultural or ceremonial purposes, special purposes consistent with the ESA. |
| Allows the issuance of permits based on the standard of "incidental take." | Allows the issuance of permits for "economic hardship." |
| Requires a recovery plan for every permit | Reasonable mitigation strategies and payments are at the discretion of the Secretary |
| Requires public notice and comment for all incidental permits based on procedure | Requires public notice and comment rules for economic hardship permits and general permits |
| States that Commissioner shall issue an incidental permit if certain findings are made | Secretary "may" issue a permit based on a similar list of considerations |
| States that findings include that "the taking will not appreciably reduce the likelihood of the survival or recovery of the endangered or threatened species in the State." | Has no such language |
| Does not require a permit if a federal permit is in place | Silent on whether both a state and federal permit are necessary |
| <ul style="list-style-type: none"> • Provides for a \$150 permit application fee • Rulemaking for impact fees • No mitigation cap • Recovery plans and mitigation are not voluntary • Statutory language is prescriptive and mandatory | <ul style="list-style-type: none"> • Application fee is \$50, or a \$250 per individual for economic hardship • \$25,000 cap for fees • Recovery and Mitigation are not voluntary • Allows flexibility to fit the impacts and circumstances |
| Does not allow GPs | Allows GPs |
| No change to location confidential | Extends location confidential to threatened species |
| Assumes protection of habitat without explicit definitions or designation authority | Provides the secretary with explicit authority to list and protect critical after consultation with the ESC, upon consideration of specific factors, after notice and consultation with state agencies and affected landowners, and in accordance with the administrative rulemaking process |