

<p>ORS Chapter 564 (Threatened of Endangered Plants) <a href="#">Link to ORS Chapter 564</a> <i>Statute Edition 2013 approved in Program</i></p>	<p>.100 Definitions for ORS 564.100 to 564.135</p> <p>.115 Protection and conservation programs; action by state agencies; alternatives; findings required if agency fails to adopt alternatives</p> <p>.120 Transactions in threatened or endangered species; restrictions; prohibition</p>	<p>-Consultation with ODA</p>
--	--	-------------------------------

**564.100 Definitions for ORS 564.100 to 564.135.** As used in ORS 564.100 to 564.135:

- (1) “Department” means the State Department of Agriculture.
- (2) “Director” means the Director of Agriculture.
- (3) “Endangered species” means:
  - (a) Any native plant species determined by the department to be in danger of extinction throughout any significant portion of its range.
  - (b) Any native plant species listed as an endangered species pursuant to the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.), as amended.
- (4) “Plant” means any member of the plant kingdom, including the seeds, roots or parts thereof, native to this state.
- (5) “Species” means any species or its subspecies or variety, whichever is the first taxonomic subspecific category for the plant in question.
- (6) “Take” means to collect, cut, damage, destroy, dig, kill, pick, remove or otherwise disturb.
- (7) “Threatened species” means:
  - (a) Any native plant species the director determines by a finding of fact is likely to become an endangered species within the foreseeable future throughout any significant portion of its range.

(b) Any native plant species listed as a threatened species pursuant to the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.), as amended.

**564.115 Protection and conservation programs; action by state agencies; alternatives; findings required if agency fails to adopt alternatives.**

(1) In developing protection and conservation programs pursuant to ORS 564.105 (3), the State Department of Agriculture shall consult with other states having a common interest in particular threatened species or endangered species and with other affected state agencies.

(2) In furtherance of programs to conserve or protect threatened species or endangered species under ORS 564.105 to 564.115, state agencies shall consult and cooperate with the department and any other state agency that has established programs to conserve or protect threatened species or endangered species. Before a state agency takes, authorizes or provides direct financial assistance to any activity on land owned or leased by the state, or for which the state holds a recorded easement, the state agency, in consultation with the department, shall:

(a) Determine that the action on land owned or leased by the state or for which the state holds a recorded easement is consistent with a program established by the department pursuant to ORS 564.105 (3); or

(b) If no program has been established for the listed species, determine whether such action has the potential to appreciably reduce the likelihood of the survival or recovery of any species of plant that is threatened or endangered.

(3) If a state agency determines that a proposed action on land owned or leased by the state, or for which the state holds a recorded easement, has the potential to appreciably reduce the likelihood of the survival or recovery of any species that is a threatened species or an endangered species, it shall notify the department. Within 90 days, the department shall recommend reasonable and prudent alternatives, if any, to the proposed action which are consistent with conserving and protecting the affected species.

(4) If a state agency fails to adopt the alternatives identified under subsection (3) of this section, after consultation with the department, it shall make findings to demonstrate that:

(a) The potential public benefits of the proposed action outweigh the potential harm from failure to adopt the alternatives; and

(b) Reasonable mitigation and enhancement measures shall be taken, to the extent practicable, to minimize the adverse impact of the action on the affected species.

(5) When an action under this section is initiated by a person other than a state agency, the agency shall provide final approval or denial of the proposed action within 120 days of receipt of a written request for final determination.

---

(6) An action initiated by a person other than a state agency that has met the standards or mitigation requirements of a federal agency for a particular species under the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.), as amended, shall be deemed to meet the requirements of ORS 564.100 to 564.130.

(7) The provisions of this section do not apply to lands acquired through foreclosures of loans made pursuant to programs of the Department of Veterans' Affairs.

**564.120 Transactions in threatened or endangered species; restrictions; prohibition.**

(1) Except as otherwise provided pursuant to ORS 564.105, no person shall take, import, export, transport, purchase or sell, or attempt to take, import, export, transport, purchase or sell any threatened species or endangered species.

(2) No person shall take or attempt to take any threatened species or endangered species without first having obtained permission from the person who owns or leases the land upon which the species is growing. When land is owned by the State of Oregon and leased for private use, permission to take or attempt to take a threatened species or endangered species must first be obtained from the Director of Agriculture.