

By: Baxter

H.B. No. 3464

A BILL TO BE ENTITLED

AN ACT

relating to federal approval of land for habitat conservation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 83, Parks and Wildlife Code, is amended by adding Section 83.021 to read as follows:

Sec. 83.021. FEDERAL APPROVAL OF LAND ACQUISITIONS. (a)

This section applies to a conservation agreement, as defined by Section 83.005, a habitat conservation plan, or a regional habitat conservation plan that:

(1) received a federal permit; and

(2) has planned the acquisition of more than 1,000 acres of land under the permit.

(b) After the submission of the original plan to the federal government, a permit holder shall prepare an amendment to the plan or agreement:

(1) not later than October 1 of each year, to include all land and conservation easements acquired during the 12 months ending August 31 of that year by the permit holder with public money for any environmentally related purpose; or

(2) for every 100 acres of land or conservation easements acquired.

(c) The permit holder shall submit the amendment to the plan or agreement to the appropriate federal agency under the federal act. The federal agency shall determine which portions of the land

1 acquired count toward the total area of land planned for
2 acquisition under the original habitat preservation plan or
3 agreement.

4 (d) If the federal agency approves the use of all or part of
5 the land included under Subsection (c) for partial completion of
6 the planned acquisitions under the original plan or agreement, the
7 permit holder shall reduce appropriately the number of acres that
8 need to be acquired to complete land acquisitions under the
9 original plan or agreement.

10 (e) At least 10 days before the meeting, a permit holder
11 shall invite in writing each private landowner who owns land in the
12 territory included in the originally permitted plan or agreement to
13 each meeting concerning the plan or agreement between the permit
14 holder and a representative of the federal government. A meeting
15 may not be held unless at least one private landowner is present.

16 (f) The permit holder shall provide a copy of any
17 correspondence related to the plan or agreement to each private
18 landowner who owns land in the territory included in the originally
19 permitted plan or agreement.

20 (g) This section does not apply to a plan or agreement after
21 the land acquisitions under the plan or agreement are complete.

22 SECTION 2. This section applies to a permit holder under
23 Section 83.021, Parks and Wildlife Code, as added by this Act, that
24 received a permit before the effective date of this Act. Not later
25 than October 1, 2005, the permit holder shall submit to the
26 appropriate federal agency as one combined amendment the amendment
27 described by Section 83.021(b)(1), Parks and Wildlife Code. The

1 combined amendment must include each year for which an amendment
2 would have been required under that subdivision if that subdivision
3 had been in effect at the time of the submission of the original
4 plan to the federal government.

5 SECTION 3. This Act takes effect September 1, 2005.