

HB 2841 B -12 STAFF MEASURE SUMMARY

Conference Committee on HB 2841

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Meeting Dates: 6/20

WHAT THE MEASURE DOES:

Authorizes Oregon Department of Fish and Wildlife (ODFW) to refuse disclosure of information related to habitat, location, or population of fish or wildlife species that is: threatened or endangered, under consideration for listing as threatened or endangered, or a sensitive species. Authorizes ODFW to refuse to disclose certain locational data if: species has commercial or black market value, there is existing history of harm to a local population, there is a known demand for illegally taking or harassing species, or a species is limited in distribution and concentration or is endemic. Authorizes ODFW to refuse disclosure of telemetry, radio frequency, or other locational data about species or individual member if data related to: present, projected, or recent locations of species; present, projected, or recent habitat of species; results or specific information from unpublished data and findings; or confidential information provided voluntarily by private landowners or representatives of private landowners. Allows ODFW disclose data to: federal government, tribal government, public bodies, public utilities, accredited colleges or universities; owners of, lessees of rights-of-way or holders of easement on private land to which data pertains; holders of public grazing permits for the land to which data pertains; and resource management partners and stakeholders. Requires ODFW to issue proposed order with specified contents when refusing disclosure. Requires ODFW to obtain signed agreement of confidentiality when disclosing information. Establishes that disclosure of information does not require ODFW disclose information to other parties. Establishes that ODFW may not withhold information about total numbers or health of species in Oregon or in a region of Oregon. Prohibits ODFW from withholding information relevant to ongoing petition, litigation, or other administrative or legal action in furtherance of species protection or conservation, or preparation of such actions. Requires that ODFW provide data, to extent practicable, to scale that does not create risk to species. Adds information described in measure to exemption from disclosure in ORS 192.345. Exempts specific ODFW information from disclosure unless public interest requires disclosure in the particular instance (ORS 192.345). Makes disclosure criteria and public record law exemption retroactive to September 1, 2018. Validates ODFW nondisclosures of information since September 1, 2018 and prior to measure effective date. Establishes that specified provisions do not allow ODFW to refuse information in violation of data-sharing commitment or obligation, including under a management plan, entered into by ODFW prior to the effective date of Act. Applies provision to this information requiring ODFW to aggregate data to extent practical to a scale that does not create risk to species or member of species. Sunsets measure on January 2, 2024. Declares emergency – effective upon passage.

FISCAL: Minimal Fiscal Impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-12 Allows Oregon Department of Fish and Wildlife (ODFW) to disclose data to owners of agricultural or forest land if the data pertains to the land and surrounding area. Establishes that ODFW may determine the surrounding area to which the data pertains based on range and behavior of the species.

BACKGROUND:

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The Oregon Department of Fish and Wildlife (ODFW) may currently refuse disclosure of information regarding the habitat, location, or population of any threatened or endangered species, unless the public interest requires disclosure in the particular instance (ORS 192.345 (13)). Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record and to determine if it may be withheld from public inspection (ORS 192.411). ODFW maintains a list of sensitive species, which are subject to a decline in number such that they may become eligible for listing on the state Threatened and Endangered Species List (OAR 635-100-0040).

House Bill 2841B would, with some exceptions, authorize ODFW to refuse disclosure of information regarding the habitat, location, or population of fish and wildlife species listed as threatened or endangered, under consideration for such listing, or identified as a sensitive species under ODFW rules. The measure would sunset on January 2, 2024.