

HB 2841 -4 STAFF MEASURE SUMMARY

House Committee On Natural Resources

Prepared By: Kailey Kornhauser, LPRO Analyst

Meeting Dates: 3/7, 4/9

WHAT THE MEASURE DOES:

Exempts specific Department of Fish and Wildlife (Department) information from disclosure unless public interest requires disclosure in the particular instance (ORS 192.345). Allows Department to refuse disclosure of information relevant to Department ability to manage or protect described fish or wildlife species or individual members or populations of species.

Allows Department to refuse disclosure of information regarding species that are: sensitive, threatened, or endangered; proposed to be listed as threatened or endangered; or subject to specific monitoring. Allows Department to refuse to disclose species specific information about: location of individual members or populations, locations used by individual members or populations, or tracking and monitoring equipment or methods. Allows Department to refuse disclosure of information about a species, individual member of species, or populations of species if information is: unpublished results of research, monitoring, or evaluation; voluntarily provided by private land owner; capable of comprising viability of species due to value of species; history of harm to species; or a known demand for visiting, taking or disturbing species; or if the species has a limited distribution and concentration. Allows Department to disclose information to: federal government, a public body, public utility, credited college or university; tribal governments; owners, lessees of rights-of-way, or easement holders for private lands which information pertains; and resource management partners and stakeholders. Requires Department obtain signature of the recipient of the information in agreement to maintain confidentially.

Makes disclosure criteria and public record law exemption retroactive to September 1, 2018. Validates Department nondisclosures of information since September 1, 2018.

Fiscal: Minimal fiscal impact

Revenue: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Replaces measure.

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 disclosure of location or habitat data of individual member or population of species if: species has commercial or black market value; there is existing history of harm to local population; known demand for taking or harassing species; or species 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. Requires ODFW disclose data to: federal government, public bodies, public utility, accredited college or university; tribal governments; owner of, lessees of rights-of-way or holder of easement on private land which data pertains; holders of public grazing permits; and resource management partners and stakeholders. Requires ODFW to obtain signed agreement of confidentiality when disclosing

This summary has not been adopted or officially endorsed by action of the committee.

HB 2841 -4 STAFF MEASURE SUMMARY

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. Requires that ODFW provide data, to extent practicable, to scale that does not create risk to species.

Exempts specific Department of Fish and Wildlife (Department) information from disclosure unless public interest requires disclosure in the particular instance (ORS 192.345). Allows Department to refuse disclosure of information relevant to Department ability to manage or protect described fish or wildlife species or individual members or populations of species.

FISCAL: Minimal fiscal impact

REVENUE: No revenue impact

BACKGROUND:

The Oregon Department of Fish and Wildlife (Department) 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). The Department 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 2841 would exempt specific Department information from disclosure, and allow the Department to refuse disclosure of information relevant to the Department's ability to manage or protect certain fish and wildlife species or individual members or populations of species.