

SB 886 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

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Meeting Dates: 2/22

WHAT THE MEASURE DOES:

Removes requirement that the Oregon Department of Fish and Wildlife (ODFW) obtain a confidentiality agreement when disclosing certain fish or wildlife data to the federal government, a tribal government, public body, public utility, or college or university. Provides that ODFW refusal to disclose data because the disclosure could harm a species or individual animal, no longer requires ODFW to issue a proposed order refusing the disclosure request and to provide the requester with notice of rights and remedies. Extends sunset related to the department's ability to refuse disclosure of certain fish and wildlife data from January 2, 2024 to January 2, 2029.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The mission of the Oregon Department of Fish and Wildlife (ODFW) is to protect and enhance Oregon's fish and wildlife. As a part of the implementation of their mission, ODFW collects geographic information about the location of species, including sensitive species, on the landscape. Sometimes the data involves real time location information of individual members of species, as well as biological and health information about those individuals. According to ODFW, many of Oregon's wildlife species have strong site fidelity and return to the same locations to breed, nest, spawn and conduct other activities year after year, so location data can indicate species presence over short-, medium-, and long-term scales.

In 2019, the Legislative Assembly enacted House Bill 2841, which authorized ODFW, until January 2, 2024, to refuse disclosure of information regarding the habitat, location, or population of any sensitive species, including threatened or endangered species that are listed or are under consideration for listing, unless the public interest requires disclosure (ORS 192.345(13)). The measure also required ODFW to provide appeal and remedy information under the contested case statutes to a person requesting data whose request is denied. In addition, existing state law provides any person denied access to a public record the opportunity to petition the Attorney General to review the public record and to determine if it may be withheld from public inspection (ORS 192.411).

Senate Bill 886 would remove the requirement that ODFW obtain a confidentiality agreement when disclosing certain fish or wildlife data to certain parties, provide that ODFW refusal to disclose certain data is not subject to a contested case order review, and extend the sunset related to the department's ability to refuse disclosure of certain fish and wildlife data from January 2, 2024 to January 2, 2029.