

**Enrolled**  
**Senate Bill 886**

Sponsored by COMMITTEE ON NATURAL RESOURCES

CHAPTER .....

AN ACT

Relating to the release of animal data; creating new provisions; and amending sections 2 and 6, chapter 532, Oregon Laws 2019.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2, chapter 532, Oregon Laws 2019, is amended to read:

**Sec. 2.** (1) The State Department of Fish and Wildlife may refuse to disclose information described in subsection (3) of this section regarding the habitat, location or population of a fish or wildlife species that is:

(a) Listed by the federal government or by the State Fish and Wildlife Commission as a threatened species or an endangered species;

(b) Under consideration by the commission for listing as a threatened species or an endangered species; or

(c) A sensitive species as defined by the department by rule.

(2) The department may refuse to disclose data described in subsection (3) of this section if:

(a) The species has value as a commercial species or game species, or has black market value;

(b) There exists a history of harm to a local population of the species from malicious or unlawful behavior, accidental taking, disturbance or harassment and the behavior or ecology of the species makes the species especially vulnerable to that harm;

(c) There is a known demand for illegally taking or harassing the species; or

(d) The species has limited distribution and concentration or is an endemic species.

(3) The department may refuse to disclose telemetry, radio frequency or other locational data about a species, an individual member of a species or the habitat of a species or individual member of a species, that are described in subsection (1) or (2) of this section if the data concern:

(a) Present, projected or recent past locations of individual members or populations of the species;

(b) Present, projected or recent past habitat used by the species, including but not limited to habitat used for breeding, nesting, denning, migration, dispersal or other sensitive or vulnerable life stages, if disclosure of the habitat could be expected to lead to discovery of the location of the species or of an individual member of the species;

(c) Results or other specific information from the unpublished data and findings of research, monitoring or evaluation efforts conducted by the state or by an entity acting jointly with the state; or

(d) Confidential information provided on a voluntary basis by private landowners or representatives of private landowners.

[(4)(a)] (4) The department may disclose data **that may be** withheld under subsections (1) to (3) of this section to a requester that is one or more of the following:

[(A)] (a) The federal government, a tribal government, a public body as defined in ORS 174.109, a public utility or an accredited college or university;

[(B)] (b) Owners of, lessees of rights-of-way in or holders of easements on private land to which the data pertain;

[(C)] (c) Holders of public grazing permits for the land to which the data pertain;

[(D)] (d) Owners of agricultural land or forestland, if the disclosure might prevent loss to an agricultural or forest operation; and

[(E)] (e) Resource management partners and stakeholders.

[(b) *If the department refuses disclosure because disclosure could harm a species or member of a species, the department shall issue a proposed order refusing the disclosure request and provide the requester with notice of rights and remedies as provided in ORS 183.415.*]

(5) The department shall require a recipient of information disclosed under subsection [(4)] (4)(b) to (e) of this section to sign an agreement to maintain the confidentiality of the information. The agreement may include, but need not be limited to, a proposed protective order for use, if necessary, in a legal proceeding to maintain confidentiality of the information. If the department is prohibited under subsection (8) of this section from withholding the information, the agreement may prohibit the recipient from disclosing the information, except to further the protection or conservation of a species in a manner described in subsection (8) of this section.

(6) A disclosure of information under subsection (4) of this section does not require that the department disclose the information to any other party.

(7) Subsections (1) to (3) of this section may not be used to withhold data, studies or other information about the total numbers or health of a species in this state or in a region of this state.

(8) The department may not withhold information under subsection (3) of this section if the information is relevant to:

(a) An ongoing petition, litigation or other administrative or legal action in furtherance of the protection or conservation of a species; or

(b) The preparation of a petition, or for a litigation or other administrative or legal action, in furtherance of the protection or conservation of a species.

(9) If the department provides data described in this section, to the extent practicable the department shall aggregate the data to a scale that does not create a risk to the fish or wildlife species or members of the species.

**SECTION 2.** Section 6, chapter 532, Oregon Laws 2019, is amended to read:

**Sec. 6.** [*Section 2 of this 2019 Act*] **Section 2, chapter 532, Oregon Laws 2019, as amended by section 1 of this 2023 Act,** is repealed on January 2, [2024] 2029.

**SECTION 3.** (1) **On or before September 15, 2024, the State Department of Fish and Wildlife shall submit a report, in the manner prescribed in ORS 192.245, to the committees or interim committees of the Legislative Assembly related to natural resources.**

**(2) The report must include:**

**(a) Data on conflicts between wolves and livestock.**

**(b) A summary of discussions, during the department's five-year review of the Oregon Wolf Conservation and Management Plan, related to the release of wolf location data, including any discussion of other states' models for sharing wolf location data with livestock producers and others.**

**SECTION 4.** Section 3 of this 2023 Act is repealed on January 2, 2025.

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**Passed by Senate April 25, 2023**

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House May 25, 2023**

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Dan Rayfield, Speaker of House

**Received by Governor:**

.....M,....., 2023

**Approved:**

.....M,....., 2023

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2023

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Secretary of State