

# Senate Bill 886

Sponsored by COMMITTEE ON NATURAL RESOURCES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes requirement that State Department of Fish and Wildlife obtain confidentiality agreement when disclosing certain animal data to federal government, tribal government, public body, public utility or college or university. Provides that department refusal to disclose certain animal data is not subject to review of order in contested case.

Extends sunset of provisions related to department ability to refuse disclosure of certain animal data to January 2, 2029.

## A BILL FOR AN ACT

1  
2 Relating to the release of animal data; amending sections 2 and 6, chapter 532, Oregon Laws 2019.

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

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

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

8 (a) Listed by the federal government or by the State Fish and Wildlife Commission as a threat-  
9 ened species or an endangered species;

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

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

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

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

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

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

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

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

23 (a) Present, projected or recent past locations of individual members or populations of the spe-  
24 cies;

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

29 (c) Results or other specific information from the unpublished data and findings of research,

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 monitoring or evaluation efforts conducted by the state or by an entity acting jointly with the state;  
 2 or

3 (d) Confidential information provided on a voluntary basis by private landowners or represen-  
 4 tatives of private landowners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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