

RARE SPECIES DATA



BROWN'S CREEK WATERSHED DISTRICT

FEBRUARY 14, 2024

ISSUE

Location of protected wild animals and endangered or threatened species is not-public data “if disclosure is likely to:

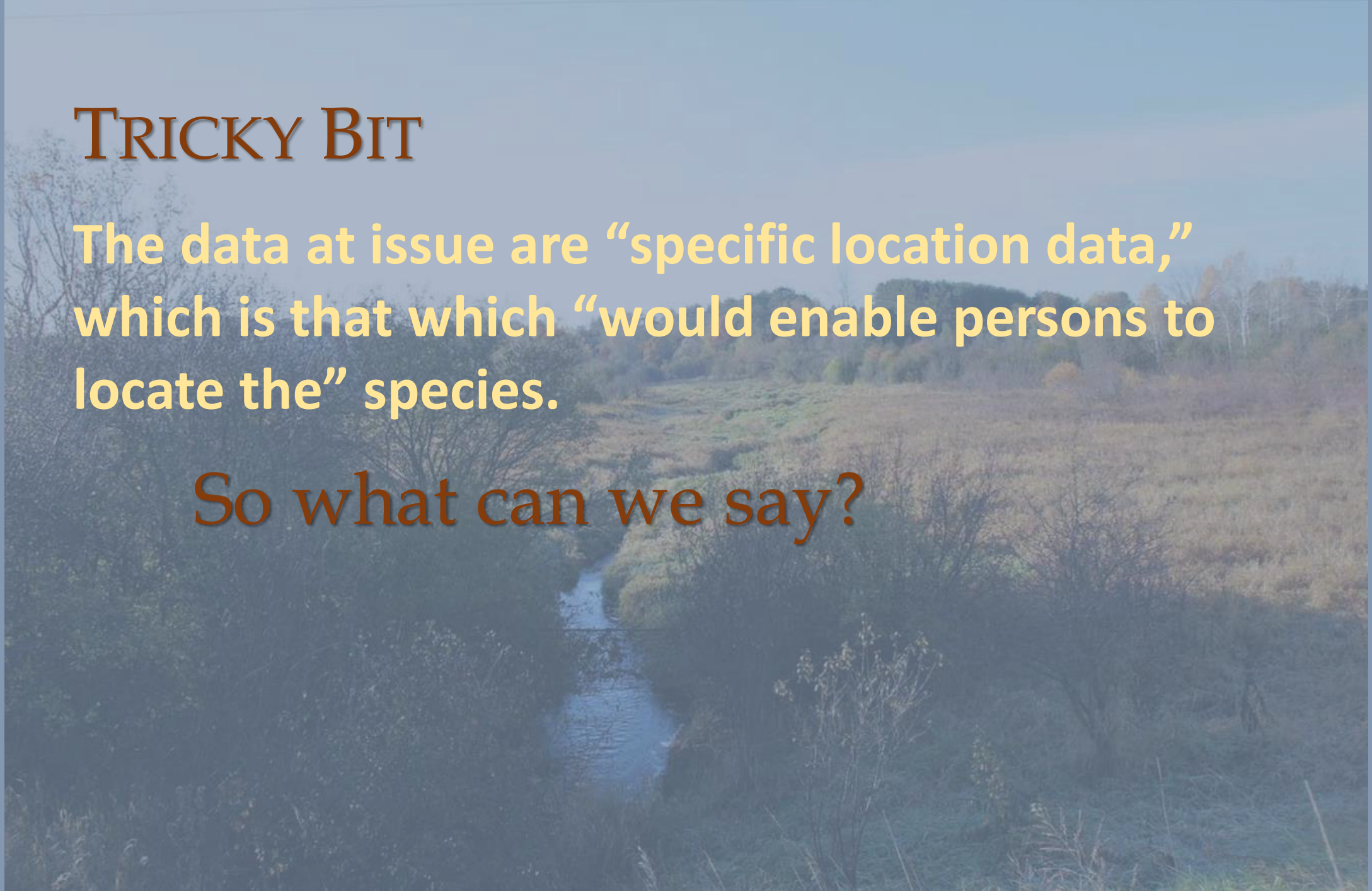
- a. hinder management, propagation, or research;**
- b. facilitate unfair chase or illegal taking, transport, or sale; or**
- c. decrease the likelihood of establishing a protected wild animal or bringing an endangered, threatened, or special concern species to a point at which it is no longer endangered, threatened, or of special concern.”**

Minn. Stat. § 84.0872, subd. 2

TRICKY BIT

The data at issue are “specific location data,” which is that which “would enable persons to locate the” species.

So what can we say?



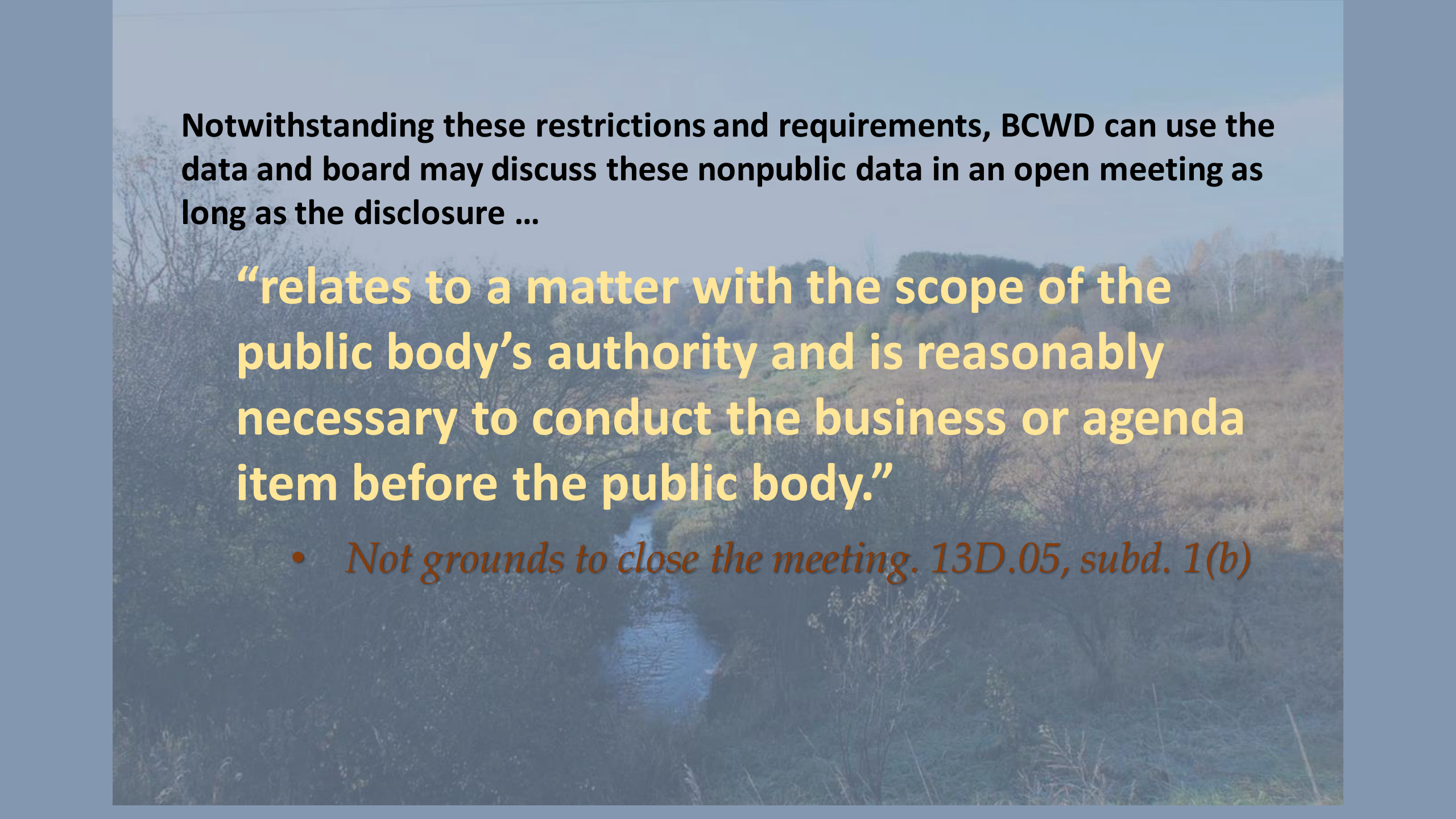


DNR (only) can allow disclosure of data to promote public benefit by:

- a. aiding the environmental review process;**
- b. aiding research, education, or conservation planning; or**
- c. providing information to landowners about locations occurring on the landowners' property,**

if provision of the information will promote protection of the resource.

Minn. Stat. § 84.0872, subd. 3



Notwithstanding these restrictions and requirements, BCWD can use the data and board may discuss these nonpublic data in an open meeting as long as the disclosure ...

“relates to a matter with the scope of the public body’s authority and is reasonably necessary to conduct the business or agenda item before the public body.”

- *Not grounds to close the meeting. 13D.05, subd. 1(b)*

UPSHOTS

Why might such data need to be disclosed?

Limit disclosure to circumstances where disclosure is important to BCWD achieving resource-management goals.

Does the board concur in the need to disclose to property owners?

If yes, staff will work with DNR on disclosure plan.

QUESTIONS ...

