

HOUSE BILL REPORT

ESHB 1465

As Amended by the Senate

Title: An act relating to exempting from public disclosure certain information regarding reports on wolf depredations.

Brief Description: Exempting from public disclosure certain information regarding reports on wolf depredations.

Sponsors: House Committee on State Govt, Elections & IT (originally sponsored by Representatives Short, Lytton, Kretz, Koster, Schmick and Fitzgibbon).

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 2/1/17, 2/17/17 [DPS].

Floor Activity:

Passed House: 3/7/17, 95-2.

Senate Amended.

Passed Senate: 4/7/17, 40-7.

Brief Summary of Engrossed Substitute Bill

- Exempts from public disclosure certain personal identifying information of persons involved in preventative measures regarding wolf interactions, or responding to reported wolf depredations.
- Expires the exemptions in 2022 and requires the Sunshine Committee to make recommendations to the Legislature by 2021 whether the exemptions should be extended.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Koster, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin, Kraft and Pellicciotti.

Staff: Sean Flynn (786-7124).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Wolf Management Information. The Washington Department of Fish and Wildlife (DFW) operates under a legislative mandate to preserve, protect, perpetuate, and manage the state's wildlife. Some of the DFW's responsibilities include managing hunting and fishing activities, and protecting endangered species.

The DFW has listed the gray wolf as an endangered species, and has adopted a wolf conservation and management plan to promote wolf recovery, as well as livestock and wildlife protection. The plan includes preventative measures to control wolf predation, including nonlethal and lethal actions. The DFW monitors wolf activity in the state and must publish on its website all reported interactions with wolves and other predatory animals, including depredations on humans, pets, and livestock. The DFW is authorized to pay owners who report the loss of livestock due to depredations by wolves and other predatory animals.

Public Records Act. The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions in the PRA or otherwise provided in law. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

The PRA exempts from public disclosure certain sensitive fish and wildlife data that is collected and shared with the DFW and other agencies for research and management purposes. The information generally relates to the location of protected species. The exemption does not apply to the reported data regarding interactions with predatory animals, including wolves, that the DFW collects and publishes on its website.

Public Records Sunshine Committee. The Public Records Exemption Accountability Committee, commonly referred to as the Sunshine Committee, was formed in 2007 to provide annual recommendations to the Legislature on whether existing exemptions to the PRA should be continued, modified, or terminated. The Sunshine Committee has 13 members, representing the Governor, State Auditor, Legislature, local governments, and stakeholders.

Summary of Engrossed Substitute Bill:

Certain information related to persons involved in measures to minimize wolf interactions is exempt from public disclosure. Such information includes the personal identifying information of a pet or livestock owner, or any other person, who is involved in deploying nonlethal preventative measures to minimize wolf interactions, as well as the legal description of that person's home, ranch, or farm.

The exemption also protects the information of people involved in reporting and responding to depredations by wolves on pets and livestock. Such information includes the personal identifying information of:

- any person who reports a wolf depredation;

- any owner whose pet or livestock is subject to a wolf depredation, including that owner's family and employees, and the legal description of his or her home, farm or ranch; and
- any DFW employee or contractor who directly responds to a depredation, or assists in the lethal removal of a wolf.

The location of a wolf depredation is exempt from disclosure to the extent it contains personally identifying information or could reasonably be used to identify a person or any private residential property.

The exemptions created in the act expire June 30, 2022. The Sunshine Committee must report to the Legislature by December 1, 2021, with recommendations on whether the exemptions should be extended beyond 2022. The recommendations must consider whether the development of the state's wolf management policy has diminished the risks of threats to personal safety to the degree that the exemptions are no longer necessary.

EFFECT OF SENATE AMENDMENT(S):

The exemption for the identifying information of persons involved in preventative measures is limited to people who have a current damage prevention cooperative agreement with the Department of Fish and Wildlife (DFW). The exemption regarding the location of residential property is changed to include location coordinates. The exemption of identifying information for DFW employees is removed. The exemption for information regarding a depredation that could be used to personally identify a person or private property is removed. The deadline for the Sunshine Committee report, as well as the expiration date, is changed from 2021 to December 2019.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Publishing the names of people who report wolf attacks on livestock subjects those people to harassment and the danger of retaliatory attacks. There are even examples of people receiving death threats. Ranchers and others who report depredations should not be victimized for protecting their livestock and livelihood. They are already under anxiety from the attacks, which is exacerbated when they are threatened and made to feel unsafe in their own homes.

The public employees who work on wolf management issues did not sign up for the dangers associated with the threats and harassment they receive for doing their jobs. Wolf conflicts are causing a disproportionate amount of harm in particular areas, which requires certain control measures. Wolf removal is the last resort of any intervention, though sometimes it is necessary. The location of the depredation should be disclosed when it occurs on public land.

(Opposed) Exempting this information will impede the ability to report the facts to the public on a very important issue.

(Other) Private information should be protected, but public employees in public work should not be exempt from disclosure. The public has an important interest in knowing the activities of public officials. Transparency is important and the public has a right to know the how publically funded state policy is being implemented, such as the location of agency actions.

Persons Testifying: (In support) Representative Kret; Wes McCart, Stevens County; Neil Beaver, The Lands Council; Tom Davis, Washington Farm Bureau and Washington Cattlemen's Association; and Donny Martorello, Washington Department of Fish and Wildlife.

(Opposed) Karen Ducey, Animal News Northwest.

(Other) Kim Thorton Henning; and Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: None.