

# SENATE BILL REPORT

## SB 5972

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As of February 3, 2022

**Title:** An act relating to extending the expiration date of a statute dealing with wildlife conflict resolution.

**Brief Description:** Concerning extending the expiration date of a statute dealing with wildlife conflict resolution.

**Sponsors:** Senators Warnick and Van De Wege.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/03/22.

**Brief Summary of Bill**

- Maintains until June 30, 2027, the exemption from public disclosure of certain personal identifying information of persons involved in preventative measures regarding wolf interactions that is scheduled to expire on June 30, 2022.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** The Washington Department of Fish and Wildlife (DFW) operates under a mandate to preserve, protect, perpetuate, and manage the state's wildlife. DFW's responsibilities include managing hunting and fishing activities, and protecting endangered species. 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. DFW monitors wolf activity in the state and must publish on its website all reported interactions with wolves and other predatory animals,

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including depredations on humans, pets, and livestock. DFW is authorized to pay owners who report the loss of livestock due to depredations by wolves and other predatory animals.

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 information related to persons involved in measures to minimize wolf interactions. The information includes the personal identifying information of any person, including a pet or livestock owner, who has a current damage prevention cooperation agreement with DFW, and 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. The 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, coordinates, or name of their 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 exemptions are scheduled to expire on June 30, 2022.

The Sunshine Committee provided a report to the Legislature on December 1, 2021, with recommendations on whether the exemptions should be extended beyond 2022. The recommendations were to continue the exemptions for persons entering into damage prevention agreements with DFW, and for individuals reporting depredation. The committee did recommend allowing the exemption from disclosure for employees or contractors who respond to reports of depredation or assist in lethal removal to expire. The committee also recommends that if the Legislature continues any exemptions they should be subject to further review in four years.

**Summary of Bill:** The exemption from public disclosure of certain personal identifying information of persons involved in preventative measures regarding wolf interactions, or responding to reported wolf depredations that is scheduled to expire on June 30, 2022, is maintained until June 30, 2027.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The exemptions that protect landowners who are reporting deprivations or accessing wildlife conflict programs should be maintained, consistent with the recommendations of the Sunshine Committee. It is concerning that the WDFW did not provide sufficient data to document reasons to continue the exemption for WDFW employees. The lack of threats make livestock producers more likely to use the program. Personal safety is a high priority, and government transparency is important. There is a public notice process for responding to dangerous wildlife, and that process could be used to create fear or cause harm. There have been incidents where members of the public were looking for WDFW staff or hanging out near their homes. Please reconsider language removing WDFW staff from the bill.

CON: The Sunshine Committee spent a significant amount of time over many meetings evaluating the exemptions. Please read the Sunshine Committee report on wolf deprivations that was recently completed. The WDFW had opportunity to make its case and did not provide the data. Those on public payroll should be subject to public disclosure like others including judges and police. Please take the recommendations by the Sunshine Committee, who carefully considered the exemptions, while the bill ignores their recommendations. It is very important to have an open and transparent government. There have only been four emails with threats identified.

**Persons Testifying:** PRO: Senator Judy Warnick, Prime Sponsor; Tom Davis, Washington Farm Bureau; Donny Martorello, WDFW; Mark Streuli, Washington Cattlemen's Association.

CON: Katherine George; Michael Fancher, Washington Coalition for Open Government; Lynn Kessler, Sunshine Committee; Rowland Thompson, Sunshine Committee.

**Persons Signed In To Testify But Not Testifying:** No one.