



Date: May 20, 2019

From: Bob Sallinger, Conservation Director, Audubon Society of Portland

To: Senate Committee on Environment and Natural Resources

Re: HB 2841 (sensitive wildlife location data bill)

Dear Chair Dembrow, Vice Chair Olsen and Members of the Senate Environment and Natural Resources Committee,

I am writing on behalf of Audubon Society of Portland regarding HB 2841. Our goal here is not to impede passage of this bill at this point in the process—we appreciate the work that has gone into this bill. However, we do want to put on record concerns that this bill may well have unintended consequences and urge the Senate Committee on Environment and Natural Resources to **consider including a sunset clause** that will ensure that the efficacy of this legislation is revisited and reviewed in the future.

Audubon recognizes that there is a significant problem with poaching in Oregon and has supported multiple pieces of legislation aimed at addressing these crimes. We also recognize that there is much more to be done. Disclosure of sensitive wildlife information to parties with malicious intent is a real and legitimate concern.

At the same time, as a “watchdog group,” Audubon also places a very high premium on transparency on the part of governmental agencies and is very cautious about supporting any legislation that would further restrict or limit transparency. We have faced too many situations where legitimate requests for information have been unnecessarily impeded. The ability to of the public to get information from governmental agencies is a recognized problem in Oregon.¹ This ultimately undermines government accountability.

HB 2481 gives that State of Oregon significantly expanded powers to restrict disclosure of sensitive wildlife information. It also includes an extensive list of exemptions from those restrictions. We are very concerned that this legislation could result in situations in which legitimate requests for information are impeded or obstructed, while at the same time creating enough loopholes that highly sensitive information could still reach the public sphere. In short, we are not convinced that this legislation will achieve its primary objective of protecting sensitive wildlife information from individuals and organizations with malicious intent, but may create significant barriers to disclosure and accountability in situations where there is a legitimate request for that information.

One section that stands out in particular is Section 2(3)(d) in which limits access to information provided by landowners on a voluntary basis. The State of Oregon does enter into “voluntary agreements” regarding wildlife

¹ <https://www.oregonlive.com/opinion/2019/05/opinion-efforts-to-hide-government-records-never-stop.html>

with landowners that include expenditures of public funds as well as limitations on future liability under wildlife laws. These types of agreements should absolutely be subject to public scrutiny, not veiled in secrecy.

Ultimately while we fully appreciate the intent of HB 2841, we remain concerned its impact may be counter-productive. Rather than thwarting wildlife poaching, it may actually make it more difficult for the public to get the information it needs to ensure that wildlife in the State of Oregon is receiving adequate protection and management. A sunset clause would help ensure that if problems related to this legislation do occur, that there will be a time certain in the future where these concerns can be day-lighted and addressed by the legislature.

We appreciate your consideration of these comments.

Respectfully,

A handwritten signature in black ink that reads "Bob Sallinger". The signature is written in a cursive, slightly slanted style with a long, sweeping tail on the final letter.

Bob Sallinger
Conservation Director
Audubon Society of Portland