

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2307

Chapter 214, Laws of 2018

65th Legislature
2018 Regular Session

SENSITIVE FISH AND WILDLIFE DATA--CONFIDENTIALITY

EFFECTIVE DATE: June 7, 2018—Except for section 2, which becomes effective June 30, 2022.

Passed by the House February 14, 2018
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2018
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Approved March 22, 2018 3:51 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2307** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 26, 2018

**Secretary of State
State of Washington**

HOUSE BILL 2307

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By Representatives Van Werven and Young

Prefiled 12/20/17. Read first time 01/08/18. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to requiring confidentiality in the release of
2 sensitive fish and wildlife data; amending RCW 42.56.430; reenacting
3 and amending RCW 42.56.430; providing an effective date; and
4 providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 42.56.430 and 2017 c 246 s 1 and 2017 c 71 s 1 are
7 each reenacted and amended to read as follows:

8 The following information relating to fish and wildlife is exempt
9 from disclosure under this chapter:

10 (1) Commercial fishing catch data from logbooks required to be
11 provided to the department of fish and wildlife under RCW 77.12.047,
12 when the data identifies specific catch location, timing, or
13 methodology and the release of which would result in unfair
14 competitive disadvantage to the commercial fisher providing the catch
15 data, however, this information may be released to government
16 agencies concerned with the management of fish and wildlife
17 resources;

18 (2) Sensitive fish and wildlife data. Sensitive fish and wildlife
19 data may be released to the following entities and their agents for
20 fish, wildlife, land management purposes, or scientific research
21 needs: Government agencies, public utilities, and accredited colleges

1 and universities. Sensitive fish and wildlife data may be released to
2 tribal governments. Sensitive fish and wildlife data may also be
3 released to the owner, lessee, or right-of-way or easement holder of
4 the private land to which the data pertains. The release of sensitive
5 fish and wildlife data ((may)) must be subject to a confidentiality
6 agreement, except upon release of sensitive fish and wildlife data to
7 the owner, lessee, or right-of-way or easement holder of private land
8 who initially provided the data. Sensitive fish and wildlife data
9 does not include data related to reports of predatory wildlife as
10 specified in RCW 77.12.885. Sensitive fish and wildlife data must
11 meet at least one of the following criteria of this subsection as
12 applied by the department of fish and wildlife:

13 (a) The nesting sites or specific locations of endangered species
14 designated under RCW 77.12.020, or threatened or sensitive species
15 classified by rule of the department of fish and wildlife;

16 (b) Radio frequencies used in, or locational data generated by,
17 telemetry studies; or

18 (c) Other location data that could compromise the viability of a
19 specific fish or wildlife population, and where at least one of the
20 following criteria are met:

21 (i) The species has a known commercial or black market value;

22 (ii) There is a history of malicious take of that species and the
23 species behavior or ecology renders it especially vulnerable;

24 (iii) There is a known demand to visit, take, or disturb the
25 species; or

26 (iv) The species has an extremely limited distribution and
27 concentration;

28 (3) The following information regarding any damage prevention
29 cooperative agreement, or nonlethal preventative measures deployed to
30 minimize wolf interactions with pets and livestock:

31 (a) The name, telephone number, residential address, and other
32 personally identifying information of any person who has a current
33 damage prevention cooperative agreement with the department,
34 including a pet or livestock owner, and his or her employees or
35 immediate family members, who agrees to deploy, or is responsible for
36 the deployment of, nonlethal, preventative measures; and

37 (b) The legal description or name of any residential property,
38 ranch, or farm, that is owned, leased, or used by any person included
39 in (a) of this subsection;

1 (4) The following information regarding a reported depredation by
2 wolves on pets or livestock:

3 (a) The name, telephone number, residential address, and other
4 personally identifying information of:

5 (i) Any person who reported the depredation;

6 (ii) Any pet or livestock owner, and his or her employees or
7 immediate family members, whose pet or livestock was the subject of a
8 reported depredation; and

9 (iii) Any department of fish and wildlife employee, range rider
10 contractor, or trapper contractor who directly:

11 (A) Responds to a depredation; or

12 (B) Assists in the lethal removal of a wolf; and

13 (b) The legal description, location coordinates, or name that
14 identifies any residential property, or ranch or farm that contains a
15 residence, that is owned, leased, or used by any person included in

16 (a) of this subsection;

17 (5) The personally identifying information of persons who acquire
18 recreational licenses under RCW 77.32.010 or commercial licenses
19 under chapter 77.65 or 77.70 RCW, except name, address of contact
20 used by the department, and type of license, endorsement, or tag;
21 however, the department of fish and wildlife may disclose personally
22 identifying information to:

23 (a) Government agencies concerned with the management of fish and
24 wildlife resources;

25 (b) The department of social and health services, child support
26 division, and to the department of licensing in order to implement
27 RCW 77.32.014 and 46.20.291; and

28 (c) Law enforcement agencies for the purpose of firearm
29 possession enforcement under RCW 9.41.040;

30 (6) Information that the department of fish and wildlife has
31 received or accessed but may not disclose due to confidentiality
32 requirements in the Magnuson-Stevens fishery conservation and
33 management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and
34 (i), and Sec. 1881a(b));

35 (7) The following tribal fish and shellfish harvest information,
36 shared with the department of fish and wildlife:

37 (a) Fisher name;

38 (b) Fisher signature;

39 (c) Total harvest value per species;

40 (d) Total harvest value;

- 1 (e) Price per pound; and
- 2 (f) Tribal tax information; and
- 3 (8) The following commercial shellfish harvest information,
- 4 shared with the department of fish and wildlife:
- 5 (a) Individual farmer name;
- 6 (b) Individual farmer signature;
- 7 (c) Total harvest value per species;
- 8 (d) Total harvest value;
- 9 (e) Price per pound; and
- 10 (f) Tax information.

11 **Sec. 2.** RCW 42.56.430 and 2017 c 71 s 1 are each amended to read
12 as follows:

13 The following information relating to fish and wildlife is exempt
14 from disclosure under this chapter:

15 (1) Commercial fishing catch data from logbooks required to be
16 provided to the department of fish and wildlife under RCW 77.12.047,
17 when the data identifies specific catch location, timing, or
18 methodology and the release of which would result in unfair
19 competitive disadvantage to the commercial fisher providing the catch
20 data, however, this information may be released to government
21 agencies concerned with the management of fish and wildlife
22 resources;

23 (2) Sensitive fish and wildlife data. Sensitive fish and wildlife
24 data may be released to the following entities and their agents for
25 fish, wildlife, land management purposes, or scientific research
26 needs: Government agencies, public utilities, and accredited colleges
27 and universities. Sensitive fish and wildlife data may be released to
28 tribal governments. Sensitive fish and wildlife data may also be
29 released to the owner, lessee, or right-of-way or easement holder of
30 the private land to which the data pertains. The release of sensitive
31 fish and wildlife data (~~may~~) must be subject to a confidentiality
32 agreement, except upon release of sensitive fish and wildlife data to
33 the owner, lessee, or right-of-way or easement holder of private land
34 who initially provided the data. Sensitive fish and wildlife data
35 does not include data related to reports of predatory wildlife as
36 specified in RCW 77.12.885. Sensitive fish and wildlife data must
37 meet at least one of the following criteria of this subsection as
38 applied by the department of fish and wildlife:

1 (a) The nesting sites or specific locations of endangered species
2 designated under RCW 77.12.020, or threatened or sensitive species
3 classified by rule of the department of fish and wildlife;

4 (b) Radio frequencies used in, or locational data generated by,
5 telemetry studies; or

6 (c) Other location data that could compromise the viability of a
7 specific fish or wildlife population, and where at least one of the
8 following criteria are met:

9 (i) The species has a known commercial or black market value;

10 (ii) There is a history of malicious take of that species and the
11 species behavior or ecology renders it especially vulnerable;

12 (iii) There is a known demand to visit, take, or disturb the
13 species; or

14 (iv) The species has an extremely limited distribution and
15 concentration;

16 (3) The personally identifying information of persons who acquire
17 recreational licenses under RCW 77.32.010 or commercial licenses
18 under chapter 77.65 or 77.70 RCW, except name, address of contact
19 used by the department, and type of license, endorsement, or tag;
20 however, the department of fish and wildlife may disclose personally
21 identifying information to:

22 (a) Government agencies concerned with the management of fish and
23 wildlife resources;

24 (b) The department of social and health services, child support
25 division, and to the department of licensing in order to implement
26 RCW 77.32.014 and 46.20.291; and

27 (c) Law enforcement agencies for the purpose of firearm
28 possession enforcement under RCW 9.41.040;

29 (4) Information that the department of fish and wildlife has
30 received or accessed but may not disclose due to confidentiality
31 requirements in the Magnuson-Stevens fishery conservation and
32 management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and
33 (i), and Sec. 1881a(b));

34 (5) The following tribal fish and shellfish harvest information,
35 shared with the department of fish and wildlife:

36 (a) Fisher name;

37 (b) Fisher signature;

38 (c) Total harvest value per species;

39 (d) Total harvest value;

40 (e) Price per pound; and

- 1 (f) Tribal tax information; and
2 (6) The following commercial shellfish harvest information,
3 shared with the department of fish and wildlife:
4 (a) Individual farmer name;
5 (b) Individual farmer signature;
6 (c) Total harvest value per species;
7 (d) Total harvest value;
8 (e) Price per pound; and
9 (f) Tax information.

10 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30,
11 2022.

12 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June
13 30, 2022.

Passed by the House February 14, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 22, 2018.
Filed in Office of Secretary of State March 26, 2018.

--- END ---