
**State Government, Elections &
Information Technology Committee**

ESB 5761

Brief Description: Exempting certain confidential fish and shellfish harvest information from disclosure under chapter 42.56 RCW, the public records act.

Sponsors: Senators McCoy, Hunt and Hasegawa.

Brief Summary of Engrossed Bill

- Exempts from public disclosure certain information regarding tribal fish and shellfish harvests and commercial shellfish harvests.

Hearing Date: 3/15/17

Staff: Sean Flynn (786-7124).

Background:

Fish and Shellfish Management. The Washington Department of Fish and Wildlife (DFW) operates under a legislative mandate to preserve, protect, perpetuate, and manage the state's fish and wildlife populations. Such responsibilities include regulating the time, place, and manner of fishing and hunting activities, and requiring licenses for recreational and commercial purposes.

The DFW authority to regulate fishing and shellfish activities does not directly apply to tribal fisheries. Federal law recognizes that treaties created in the 1850s between the United States and certain Indian tribes reserved certain rights for the tribes, including the right to manage and harvest certain species of fish and shellfish in the state. Based on such treaty rights, federal courts have required the state and the treaty tribes to implement a co-management plan for tribal and state fisheries and coordinate the protection and harvest of fish and shellfish resources. The co-management plan provides for sharing information regarding state and tribal fishery activities.

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.

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 fish and wildlife data that is collected and shared by the DFW for research and management purposes. Such information includes commercial fishing catch data that identifies specific location, timing, and methods that would create an unfair competitive disadvantage to the reporting party if such information were released.

The personal identifying information of recreational and commercial fishing licensees is exempt from disclosure, except for the person's name, contact address, and license type. The DFW may share licensee personal identifying information with other government agencies for purposes of fish and wildlife management, child support, and law enforcement. Finally, the PRA specifically recognizes that certain confidential information obtained by the DFW pursuant to federal law regarding the management of national and international fisheries is exempt from disclosure.

Summary of Bill:

Certain information shared with the DFW regarding tribal fish and shellfish harvests are exempt from disclosure under the PRA. Such information includes the fisher's name and signature, total value of the harvest and value per species, the price per pound, and any tribal tax information.

Certain information regarding commercial shellfish harvest information is also exempt from disclosure, including an individual farmer's name and signature, total value of the harvest and value per species, the price per pound, and any tax information.

Appropriation: None.

Fiscal Note: Not requested.

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