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HOUSE BILL 2307

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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.

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