

HOUSE BILL REPORT

HB 1077

As Amended by the Senate

Title: An act relating to the public disclosure of sensitive fish and wildlife data.

Brief Description: Modifying requirements concerning the public disclosure of sensitive fish and wildlife information.

Sponsors: By Representatives Blake and Kretz.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/24/07, 1/26/07 [DP].

Floor Activity:

Passed House: 2/5/07, 95-0.

Senate Amended.

Passed Senate: 4/9/07, 37-9.

Brief Summary of Bill

- Allows disclosure of sensitive fish and wildlife data to government agencies, public utilities, accredited colleges and universities, tribal governments, and certain landowners.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

Staff: Alison Hellberg (786-7152).

Background:

The Department of Fish and Wildlife (DFW) manages more than 640 animal species and approximately 150 species of fish and shellfish. Among other activities, the DFW issues hunting and fishing licenses, enforces habitat protection laws, removes wild animals, and arrests poachers.

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.

The Public Records Act mandates disclosure of public records unless the record falls under a specific exemption. Certain sensitive information relating to fish and wildlife is exempt from public disclosure. The DFW may, however, release this sensitive information to government agencies concerned with fish and wildlife resource management.

The definition of sensitive fish and wildlife data includes location data that could compromise the viability of a specific fish or wildlife population and where at least one of the following criteria is met:

- a species with a known commercial or black market value;
- a history of malicious take of that species; or
- a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

Summary of Bill:

Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs:

- government agencies;
- public utilities;
- accredited colleges and universities;
- tribal governments; and
- owner, lessee, or right-of-way or easement holder of the private land to which the data pertains.

The release of sensitive data may be subject to a confidentiality agreement. This requirement does not apply when the release of sensitive data is to an owner, lessee, or right-of-way or easement holder of private land who initially provided the data.

The definition of sensitive fish and wildlife data includes location data that could compromise the viability of a specific fish or wildlife population and where at least one of the following criteria is met:

- the species has a known commercial or black market value;
- a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;
- a known demand to take, visit, or disturb the species; or
- the species has an extremely limited distribution and concentration.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment establishes that sensitive fish and wildlife data does not include data related to reports of predatory wildlife interactions. The Department of Fish and Wildlife is further required to post on its web site reported predatory wildlife interactions, including

reported human safety confrontations or sightings as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock.

The Senate amendment makes a technical correction so that the amended language is grammatically correct within the structure of the section.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2007.

Staff Summary of Public Testimony:

(In support) Many large landowners employ scientists to keep track of fish and wildlife. This bill is an effort to reach out to those landowners and prevent fear of the unknown. It is meant to promote collaboration in management of fish and wildlife between landowners and government agencies.

It is meant to ensure that those who need the data get it. It would be helpful for agencies implementing the bill to know whether the word "may" (giving agencies discretion) is the Legislature's intent.

This is a liberalization of the information the Department of Fish and Wildlife may release. It is meant to increase the flow of information and encourage collaboration. The bill was worked on quite a bit last year and from that work came the confidentiality agreement requirement. The word "may" is important because the agency should maintain the discretion it has had and it is consistent with other laws dealing with fish and wildlife data.

(Opposed) None.

Persons Testifying: Representative Blake, prime sponsor; Leonard Young, Department of Natural Resources; and Steve Pozzanghera, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.