
SENATE BILL 5126

State of Washington 60th Legislature 2007 Regular Session

By Senators Hargrove, Swecker, Jacobsen, Rockefeller, Morton and Rasmussen

Read first time 01/11/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to the public disclosure of sensitive fish and
2 wildlife data; amending RCW 42.56.430; providing an effective date; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 42.56.430 and 2005 c 274 s 423 are each amended to
6 read as follows:

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

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

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

1 Sensitive fish and wildlife data may be released to tribal governments.
2 Sensitive fish and wildlife data may also be released to the owner,
3 lessee, or right-of-way or easement holder of the private land to which
4 the data pertains. The release of sensitive fish and wildlife data may
5 be subject to a confidentiality agreement, except upon release of
6 sensitive fish and wildlife data to the owner, lessee, or right-of-way
7 or easement holder of private land who initially provided the data.
8 Sensitive fish and wildlife data must meet at least one of the
9 following criteria of this subsection as applied by the department of
10 fish and wildlife(~~(, however, sensitive wildlife data may be released~~
11 ~~to government agencies concerned with the management of fish and~~
12 ~~wildlife resources. As used in this subsection, sensitive wildlife~~
13 ~~data includes))):~~

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

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

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

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

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

25 (iii) There is a known demand to visit, take, or disturb(~~(, and the~~
26 ~~species behavior or ecology renders it especially vulnerable)) the~~

27 species; or
28 (iv) The species has an extremely limited distribution and
29 concentration; and

30 (3) The personally identifying information of persons who acquire
31 recreational licenses under RCW 77.32.010 or commercial licenses under
32 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
33 department, and type of license, endorsement, or tag; however, the
34 department of fish and wildlife may disclose personally identifying
35 information to:

36 (a) Government agencies concerned with the management of fish and
37 wildlife resources;

1 (b) The department of social and health services, child support
2 division, and to the department of licensing in order to implement RCW
3 77.32.014 and 46.20.291; and

4 (c) Law enforcement agencies for the purpose of firearm possession
5 enforcement under RCW 9.41.040.

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 July 1, 2007.

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