SB 5761 - S AMD **67**
      By Senator Pearson

ADOPTED 03/03/2017

1   Strike everything after the enacting clause and insert the
2 following:

3   "**Sec. 1.** RCW 42.56.430 and 2008 c 252 s 1 are each amended to
4 read as follows:
5   The following information relating to fish and wildlife is exempt
6 from disclosure under this chapter:
7   (1) Commercial fishing catch data from logbooks required to be
8 provided to the department of fish and wildlife under RCW 77.12.047,
9 when the data identifies specific catch location, timing, or
10 methodology and the release of which would result in unfair
11 competitive disadvantage to the commercial fisher providing the catch
12 data, however, this information may be released to government
13 agencies concerned with the management of fish and wildlife
14 resources;
15   (2) Sensitive fish and wildlife data. Sensitive fish and wildlife
16 data may be released to the following entities and their agents for
17 fish, wildlife, land management purposes, or scientific research
18 needs: Government agencies, public utilities, and accredited colleges
19 and universities. Sensitive fish and wildlife data may be released to
20 tribal governments. Sensitive fish and wildlife data may also be
21 released to the owner, lessee, or right-of-way or easement holder of
22 the private land to which the data pertains. The release of sensitive
23 fish and wildlife data may be subject to a confidentiality agreement,
24 except upon release of sensitive fish and wildlife data to the owner,
25 lessee, or right-of-way or easement holder of private land who
26 initially provided the data. Sensitive fish and wildlife data does
27 not include data related to reports of predatory wildlife as
28 specified in RCW 77.12.885. Sensitive fish and wildlife data must
29 meet at least one of the following criteria of this subsection as
30 applied by the department of fish and wildlife:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Fisher name;

(b) Fisher signature;

(c) Total harvest value per species;

(d) Total harvest value;

(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."

SB 5761 – S AMD **67**
       By Senator Pearson

                                                    ADOPTED 03/03/2017

10   On page 1, line 1 of the title, after "Relating to" strike the

11 remainder of the title and insert "exempting certain fish and

12 shellfish harvest information from disclosure under chapter 42.56

13 RCW, the public records act; and amending RCW 42.56.430."

       EFFECT: Exempts certain commercial shellfish harvest information
from public disclosure.

                              --- **END** ---