
ENGROSSED SENATE BILL 5761

State of Washington

65th Legislature

2017 Regular Session

By Senators McCoy, Hunt, and Hasegawa

Read first time 02/08/17. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to exempting certain fish and shellfish harvest
2 information from disclosure under chapter 42.56 RCW, the public
3 records act; and amending RCW 42.56.430.

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

5 **Sec. 1.** RCW 42.56.430 and 2008 c 252 s 1 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
13 competitive disadvantage to the commercial fisher providing the catch
14 data, however, this information may be released to government
15 agencies concerned with the management of fish and wildlife
16 resources;

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

1 tribal governments. Sensitive fish and wildlife data may also be
2 released to the owner, lessee, or right-of-way or easement holder of
3 the private land to which the data pertains. The release of sensitive
4 fish and wildlife data may be subject to a confidentiality agreement,
5 except upon release of sensitive fish and wildlife data to the owner,
6 lessee, or right-of-way or easement holder of private land who
7 initially provided the data. Sensitive fish and wildlife data does
8 not include data related to reports of predatory wildlife as
9 specified in RCW 77.12.885. Sensitive fish and wildlife data must
10 meet at least one of the following criteria of this subsection as
11 applied by the department of fish and wildlife:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (a) Fisher name;

9 (b) Fisher signature;

10 (c) Total harvest value per species;

11 (d) Total harvest value;

12 (e) Price per pound; and

13 (f) Tribal tax information; and

14 (6) The following commercial shellfish harvest information,
15 shared with the department of fish and wildlife:

16 (a) Individual farmer name;

17 (b) Individual farmer signature;

18 (c) Total harvest value per species;

19 (d) Total harvest value;

20 (e) Price per pound; and

21 (f) Tax information.

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