

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5761**

65th Legislature  
2017 Regular Session

Passed by the Senate March 3, 2017  
Yeas 45 Nays 0

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**President of the Senate**

Passed by the House April 6, 2017  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5761** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 5761

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Passed Legislature - 2017 Regular Session

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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