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**HOUSE BILL 1876**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Springer, McEntire, Reeves, and Thai; by request of Department of Fish and Wildlife

Prefiled 12/05/23. Read first time 01/08/24. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to confidential fisheries information collected  
2 by other states and maintaining that confidentiality under the public  
3 records act; amending RCW 42.56.430 and 42.56.430; creating a new  
4 section; providing an effective date; and providing an expiration  
5 date.

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

7 NEW SECTION. **Sec. 1.** Fishery data and recordkeeping occurs  
8 primarily at the state level on the west coast, but many fishers  
9 participate in multiple fisheries along the coast and deliver their  
10 catches into multiple states. Coastal states regularly share  
11 confidential data to ensure regulations are enforced, to understand  
12 fisheries performance, and to analyze the need for and likely effects  
13 of potential rule changes. The goal of this act is to expressly  
14 authorize the department of fish and wildlife to protect data  
15 received from other coastal states if that data is confidential under  
16 the originating state's laws.

17 **Sec. 2.** RCW 42.56.430 and 2018 c 214 s 1 are each amended to  
18 read as follows:

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

1 (1) Commercial fishing catch data from logbooks required to be  
2 provided to the department of fish and wildlife under RCW 77.12.047,  
3 when the data identifies specific catch location, timing, or  
4 methodology and the release of which would result in unfair  
5 competitive disadvantage to the commercial fisher providing the catch  
6 data, however, this information may be released to government  
7 agencies concerned with the management of fish and wildlife  
8 resources;

9 (2) Sensitive fish and wildlife data. Sensitive fish and wildlife  
10 data may be released to the following entities and their agents for  
11 fish, wildlife, land management purposes, or scientific research  
12 needs: Government agencies, public utilities, and accredited colleges  
13 and universities. Sensitive fish and wildlife data may be released to  
14 tribal governments. Sensitive fish and wildlife data may also be  
15 released to the owner, lessee, or right-of-way or easement holder of  
16 the private land to which the data pertains. The release of sensitive  
17 fish and wildlife data must be subject to a confidentiality  
18 agreement, except upon release of sensitive fish and wildlife data to  
19 the owner, lessee, or right-of-way or easement holder of private land  
20 who initially provided the data. Sensitive fish and wildlife data  
21 does not include data related to reports of predatory wildlife as  
22 specified in RCW 77.12.885. Sensitive fish and wildlife data must  
23 meet at least one of the following criteria of this subsection as  
24 applied by the department of fish and wildlife:

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

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

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

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

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

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

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

1 (3) The following information regarding any damage prevention  
2 cooperative agreement, or nonlethal preventative measures deployed to  
3 minimize wolf interactions with pets and livestock:

4 (a) The name, telephone number, residential address, and other  
5 personally identifying information of any person who has a current  
6 damage prevention cooperative agreement with the department,  
7 including a pet or livestock owner, and his or her employees or  
8 immediate family members, who agrees to deploy, or is responsible for  
9 the deployment of, nonlethal, preventative measures; and

10 (b) The legal description or name of any residential property,  
11 ranch, or farm, that is owned, leased, or used by any person included  
12 in (a) of this subsection;

13 (4) The following information regarding a reported depredation by  
14 wolves on pets or livestock:

15 (a) The name, telephone number, residential address, and other  
16 personally identifying information of:

17 (i) Any person who reported the depredation;

18 (ii) Any pet or livestock owner, and his or her employees or  
19 immediate family members, whose pet or livestock was the subject of a  
20 reported depredation; and

21 (iii) Any department of fish and wildlife employee, range rider  
22 contractor, or trapper contractor who directly:

23 (A) Responds to a depredation; or

24 (B) Assists in the lethal removal of a wolf; and

25 (b) The legal description, location coordinates, or name that  
26 identifies any residential property, or ranch or farm that contains a  
27 residence, that is owned, leased, or used by any person included in  
28 (a) of this subsection;

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

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

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

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

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

8 (b) Fisheries related information that was collected by another  
9 state and is confidential under the laws of that state;

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

- 12 (a) Fisher name;
- 13 (b) Fisher signature;
- 14 (c) Total harvest value per species;
- 15 (d) Total harvest value;
- 16 (e) Price per pound; and
- 17 (f) Tribal tax information; and

18 (8) The following commercial shellfish harvest information,  
19 shared with the department of fish and wildlife:

- 20 (a) Individual farmer name;
- 21 (b) Individual farmer signature;
- 22 (c) Total harvest value per species;
- 23 (d) Total harvest value;
- 24 (e) Price per pound; and
- 25 (f) Tax information.

26 **Sec. 3.** RCW 42.56.430 and 2018 c 214 s 2 are each amended to  
27 read as follows:

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

30 (1) Commercial fishing catch data from logbooks required to be  
31 provided to the department of fish and wildlife under RCW 77.12.047,  
32 when the data identifies specific catch location, timing, or  
33 methodology and the release of which would result in unfair  
34 competitive disadvantage to the commercial fisher providing the catch  
35 data, however, this information may be released to government  
36 agencies concerned with the management of fish and wildlife  
37 resources;

38 (2) Sensitive fish and wildlife data. Sensitive fish and wildlife  
39 data may be released to the following entities and their agents for

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

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

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

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

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

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

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

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

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1 (c) Law enforcement agencies for the purpose of firearm  
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6 management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and  
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18 (6) The following commercial shellfish harvest information,  
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- 22 (c) Total harvest value per species;
- 23 (d) Total harvest value;
- 24 (e) Price per pound; and
- 25 (f) Tax information.

26 NEW SECTION. Sec. 4. Section 2 of this act expires June 30,  
27 2027.

28 NEW SECTION. Sec. 5. Section 3 of this act takes effect June  
29 30, 2027.

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