

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1876

Chapter 48, Laws of 2024

68th Legislature
2024 Regular Session

CONFIDENTIAL FISHERIES INFORMATION—PUBLIC RECORDS ACT EXEMPTION

EFFECTIVE DATE: June 6, 2024—Except for section 3, which takes effect June 30, 2027.

Passed by the House February 12, 2024
Yeas 86 Nays 11

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved March 13, 2024 1:45 PM

JAY INSLEE
Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1876** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 14, 2024

**Secretary of State
State of Washington**

HOUSE BILL 1876

Passed Legislature - 2024 Regular Session

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;

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

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

38 (b) The department of social and health services, child support
39 division, and to the department of licensing in order to implement
40 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 (4) (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 (5) 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 (6) 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 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.

Passed by the House February 12, 2024.
Passed by the Senate February 27, 2024.
Approved by the Governor March 13, 2024.
Filed in Office of Secretary of State March 14, 2024.

--- END ---