

SENATE BILL REPORT

HB 2331

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 23, 2006

Title: An act relating to clarifying the public disclosure of sensitive fish and wildlife data.

Brief Description: Concerning public disclosure requirements for sensitive fish and wildlife data.

Sponsors: Representatives Blake, Buck, Upthegrove, Sump and B. Sullivan.

Brief History: Passed House: 2/07/06, 97-0.

Committee Activity: Natural Resources, Ocean & Recreation: 2/15/06, 2/23/06 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: Washington State's public disclosure laws require that agencies make available all public records for public inspection and copying, unless a record falls within an exemption to public disclosure. The Legislature has declared by statute that such laws are to be interpreted so as to liberally construe public disclosure requirements and narrowly construe exemptions.

RCW 42.56.430 provides an exemption from public disclosure for certain information relating to fish and wildlife. One aspect of this exemption applies to sensitive wildlife data obtained by the Department of Fish and Wildlife (DFW). The exemption does allow, however, the release of sensitive wildlife data to government agencies concerned with the management of fish and wildlife resources. Examples of sensitive wildlife data include: nesting sites or specific locations of endangered, threatened, or sensitive species; radio frequencies used in, or locational data generated by, telemetry studies; and certain location data that could compromise the viability of a specific fish or wildlife population.

Summary of Amended Bill: Sensitive wildlife data and sensitive fish data are included under the public disclosure exemption within RCW 42.56.430, regardless of which agency obtains such data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: government agencies; public utilities; and accredited colleges and universities. Sensitive fish and wildlife data may be released to Tribal governments. Sensitive fish and wildlife data may be released to the owner, lessee, or right of way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a

confidentiality agreement. To be considered sensitive fish and wildlife data, data must meet the statutory criteria as applied by DFW.

Amended Bill Compared to Original Bill: The public disclosure exemption for sensitive fish and wildlife data is expanded from data obtained by DFW to data obtained by any agency subject to public disclosure requirements. Such data may be shared with the agents of entities authorized to receive sensitive fish and wildlife data under the exemption. Sensitive fish and wildlife data may be released to Tribal governments. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2006.

Testimony For: This bill would provide benefits to landowners by encouraging them to share sensitive wildlife data with the Department and by allowing them to receive such data pertaining to their lands.

Testimony Against: None.

Testimony Other: The language of the bill is good, but should include language allowing reciprocal data exchanges between the Department and tribes.

Who Testified: PRO: Rep. Blake; Steve Pozzanghera, DFW.

OTHER: Steve Wehrly, Muckleshoot tribe.