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ENGROSSED SENATE BILL 6821

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State of Washington

60th Legislature

2008 Regular Session

By Senators Hatfield and Jacobsen

Read first time 01/25/08. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to fish and wildlife harvest management; and  
2 amending RCW 42.56.430, 77.80.010, and 77.80.020.

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

4 **Sec. 1.** RCW 42.56.430 and 2007 c 293 s 1 are each amended to read  
5 as follows:

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

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

15 (2) Sensitive fish and wildlife data. Sensitive fish and wildlife  
16 data may be released to the following entities and their agents for  
17 fish, wildlife, land management purposes, or scientific research needs:  
18 Government agencies, public utilities, and accredited colleges and  
19 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 not  
8 include data related to reports of predatory wildlife as specified in  
9 RCW 77.12.885. Sensitive fish and wildlife data must meet at least one  
10 of the following criteria of this subsection as applied by the  
11 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; (~~and~~)

27 (3) The personally identifying information of persons who acquire  
28 recreational licenses under RCW 77.32.010 or commercial licenses under  
29 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
30 department, and type of license, endorsement, or tag; however, the  
31 department of fish and wildlife may disclose personally identifying  
32 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 RCW  
37 77.32.014 and 46.20.291; and

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

3 (4) 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)).

8 **Sec. 2.** RCW 77.80.010 and 2000 c 107 s 88 are each amended to read  
9 as follows:

10 As used in this chapter((+)

11 ~~(1) "Case areas" means those areas of the Western district of~~  
12 ~~Washington and in the adjacent offshore waters which are within the~~  
13 ~~jurisdiction of the state of Washington, as defined in *United States of*~~  
14 ~~*America et al. v. State of Washington et al.*, Civil No. 9213, United~~  
15 ~~States District Court for Western District of Washington, February 12,~~  
16 ~~1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as~~  
17 ~~amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an~~  
18 ~~area in which fishing rights are affected by court decision in a manner~~  
19 ~~consistent with the above mentioned decisions;~~

20 (+)) "program" means the program established under RCW 77.80.010  
21 through 77.80.060.

22 **Sec. 3.** RCW 77.80.020 and 1984 c 67 s 1 are each amended to read  
23 as follows:

24 The department may purchase commercial fishing vessels and  
25 appurtenant gear, and the current state commercial fishing licenses,  
26 delivery permits, and charter boat licenses if the license or permit  
27 holder was substantially restricted in fishing as a result of  
28 compliance with *United States of America et al. v. State of Washington*  
29 *et al.*, Civil No. 9213, United States District Court for Western  
30 District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F.  
31 Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F.  
32 2d 570 (9th Cir., 1976). The department may also make such purchases  
33 if the license or permit holder was substantially restricted in fishing  
34 as a result of compliance with *United States of America et al. v. State*  
35 *of Washington et al.*, 873 F.Supp 1422 (W.D. Wash. 1994) as affirmed in  
36 part, reversed in part, and remanded 157 F.3d 630 (9th Cir., 1998).

1       The department shall not purchase a vessel without also purchasing  
2 all current Washington commercial fishing licenses and delivery permits  
3 and charter boat licenses issued to the vessel or its owner. The  
4 department may purchase current licenses and delivery permits without  
5 purchasing the vessel.

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