

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6821**

60th Legislature  
2008 Regular Session

Passed by the Senate March 11, 2008  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House March 7, 2008  
YEAS 92 NAYS 2

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6821** as passed by the 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 6821

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AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

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; amending  
2            RCW 42.56.430, 77.80.020, 77.80.050, and 77.80.060; and repealing RCW  
3            77.80.010.

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

5            **Sec. 1.** RCW 42.56.430 and 2007 c 293 s 1 are each amended to read  
6            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 competitive  
13           disadvantage to the commercial fisher providing the catch data,  
14           however, this information may be released to government agencies  
15           concerned with the management of fish and wildlife resources;

16           (2) Sensitive fish and wildlife data. Sensitive fish and wildlife  
17           data may be released to the following entities and their agents for  
18           fish, wildlife, land management purposes, or scientific research needs:  
19           Government agencies, public utilities, and accredited colleges and

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

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

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

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

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

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

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

26 (iv) The species has an extremely limited distribution and  
27 concentration; (~~and~~)

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

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

36 (b) The department of social and health services, child support  
37 division, and to the department of licensing in order to implement RCW  
38 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 77.80.020 and 1984 c 67 s 1 are each amended to read  
9 as follows:

10 (1)(a) The department may purchase commercial fishing vessels and  
11 appurtenant gear, and the current state commercial fishing licenses,  
12 delivery permits, and charter boat licenses if the license or permit  
13 holder was substantially restricted in fishing as a result of  
14 compliance with *United States of America et al. v. State of Washington*  
15 *et al.*, Civil No. 9213, United States District Court for Western  
16 District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F.  
17 Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F.  
18 2d 570 (9th Cir., 1976).

19 (b) The department may also make such purchases if the license or  
20 permit holder was substantially restricted in fishing as a result of  
21 compliance with *United States of America et al. v. State of Washington*  
22 *et al.*, 873 F. Supp. 1422 (W.D. Wash. 1994) as affirmed in part,  
23 reversed in part, and remanded 157 F.3d 630 (9th Cir., 1998), if the  
24 federal government provides funding to the state for the purpose of  
25 initiating these purchases.

26 (2) The department shall not purchase a vessel under this section  
27 without also purchasing all current Washington commercial fishing  
28 licenses and delivery permits and charter boat licenses issued to the  
29 vessel or its owner. The department may purchase current licenses and  
30 delivery permits without purchasing the vessel.

31 **Sec. 3.** RCW 77.80.050 and 1995 c 269 s 3201 are each amended to  
32 read as follows:

33 The director shall adopt rules for the administration of ((~~the~~  
34 ~~program~~)) this chapter. To assist the department in the administration  
35 of ((~~the program~~)) this chapter, the director may contract with persons

1 not employed by the state and may enlist the aid of other state  
2 agencies.

3 **Sec. 4.** RCW 77.80.060 and 2000 c 107 s 91 are each amended to read  
4 as follows:

5 (1) The director is responsible for the administration and  
6 disbursement of all funds, goods, commodities, and services received by  
7 the state under (~~the program~~) this chapter.

8 (2) There is created within the state treasury a fund to be known  
9 as the "vessel, gear, license, and permit reduction fund". This fund  
10 shall be used for purchases under RCW 77.80.020 and for the  
11 administration of (~~the program~~) this chapter. This fund shall be  
12 credited with federal or other funds received to carry out the purposes  
13 of (~~the program~~) this chapter and the proceeds from the sale or other  
14 disposition of property purchased under RCW 77.80.020.

15 NEW SECTION. **Sec. 5.** RCW 77.80.010 (Definitions) and 2000 c 107  
16 s 88, 1985 c 7 s 150, 1983 1st ex.s. c 46 s 155, 1977 ex.s. c 230 s 3,  
17 & 1975 1st ex.s. c 183 s 3 are each repealed.

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