

SENATE BILL REPORT

SB 6158

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, January 26, 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: Senators Jacobsen, Oke, Spanel, Doumit, and Shin.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/12/06, 1/26/06 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass.

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

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 Substitute 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 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.

Substitute 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. 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 7/1/2006.

Testimony For: The intent of the DFW in requesting this bill is to share more data with cooperating entities, which benefits the agency, the cooperating entities or landowners, and the fish and wildlife of the state. Requests have been made to modify the bill to give the DFW the ability to share data with private researchers, and the DFW is working on modified language.

Testimony Against: None.

Who Testified: PRO: Bill Leonard; Steve Pozzanghera, DFW.