

ESB 6821 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 03/07/2008

1       Strike everything after the enacting clause and insert the  
2 following:

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

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

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

14       (2) Sensitive fish and wildlife data. Sensitive fish and wildlife  
15 data may be released to the following entities and their agents for  
16 fish, wildlife, land management purposes, or scientific research needs:  
17 Government agencies, public utilities, and accredited colleges and  
18 universities. Sensitive fish and wildlife data may be released to  
19 tribal governments. Sensitive fish and wildlife data may also be  
20 released to the owner, lessee, or right-of-way or easement holder of  
21 the private land to which the data pertains. The release of sensitive  
22 fish and wildlife data may be subject to a confidentiality agreement,  
23 except upon release of sensitive fish and wildlife data to the owner,  
24 lessee, or right-of-way or easement holder of private land who  
25 initially provided the data. Sensitive fish and wildlife data does not  
26 include data related to reports of predatory wildlife as specified in  
27 RCW 77.12.885. Sensitive fish and wildlife data must meet at least one  
28 of the following criteria of this subsection as applied by the  
29 department of fish and wildlife:

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

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

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

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

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

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

14 (iv) The species has an extremely limited distribution and  
15 concentration; (~~and~~)

16 (3) The personally identifying information of persons who acquire  
17 recreational licenses under RCW 77.32.010 or commercial licenses under  
18 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
19 department, and type of license, endorsement, or tag; however, the  
20 department of fish and wildlife may disclose personally identifying  
21 information to:

22 (a) Government agencies concerned with the management of fish and  
23 wildlife resources;

24 (b) The department of social and health services, child support  
25 division, and to the department of licensing in order to implement RCW  
26 77.32.014 and 46.20.291; and

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

29 (4) Information that the department of fish and wildlife has  
30 received or accessed but may not disclose due to confidentiality  
31 requirements in the Magnuson-Stevens fishery conservation and  
32 management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and  
33 (i), and Sec. 1881a(b)).

34 **Sec. 2.** RCW 77.80.020 and 1984 c 67 s 1 are each amended to read  
35 as follows:

36 (1)(a) The department may purchase commercial fishing vessels and  
37 appurtenant gear, and the current state commercial fishing licenses,

1 delivery permits, and charter boat licenses if the license or permit  
2 holder was substantially restricted in fishing as a result of  
3 compliance with *United States of America et al. v. State of Washington*  
4 *et al.*, Civil No. 9213, United States District Court for Western  
5 District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F.  
6 Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F.  
7 2d 570 (9th Cir., 1976).

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

15 (2) The department shall not purchase a vessel under this section  
16 without also purchasing all current Washington commercial fishing  
17 licenses and delivery permits and charter boat licenses issued to the  
18 vessel or its owner. The department may purchase current licenses and  
19 delivery permits without purchasing the vessel.

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

22 The director shall adopt rules for the administration of ((~~the~~  
23 ~~program~~)) this chapter. To assist the department in the administration  
24 of ((~~the program~~)) this chapter, the director may contract with persons  
25 not employed by the state and may enlist the aid of other state  
26 agencies.

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

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

32 (2) There is created within the state treasury a fund to be known  
33 as the "vessel, gear, license, and permit reduction fund". This fund  
34 shall be used for purchases under RCW 77.80.020 and for the  
35 administration of ((~~the program~~)) this chapter. This fund shall be

1 credited with federal or other funds received to carry out the purposes  
2 of ((~~the program~~)) this chapter and the proceeds from the sale or other  
3 disposition of property purchased under RCW 77.80.020.

4 NEW SECTION. **Sec. 5.** RCW 77.80.010 (Definitions) and 2000 c 107  
5 s 88, 1985 c 7 s 150, 1983 1st ex.s. c 46 s 155, 1977 ex.s. c 230 s 3,  
6 & 1975 1st ex.s. c 183 s 3 are each repealed."

7 Correct the title.

--- END ---