HB 1077 - S COMM AMD
     By Committee on Natural Resources, Ocean & Recreation

                              ADOPTED AS AMENDED 04/09/2007

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

3   "**Sec. 1.** RCW 42.56.430 and 2005 c 274 s 423 are each amended to
4   read 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 <u>fish and</u> wildlife data ((~~obtained~~))<u>. Sensitive fish</u>
15   <u>and wildlife data may be released to the following entities and their</u>
16   <u>agents for fish, wildlife, land management purposes, or scientific</u>
17   <u>research needs: Government agencies, public utilities, and accredited</u>
18   <u>colleges and universities. Sensitive fish and wildlife data may be</u>
19   <u>released to tribal governments. Sensitive fish and wildlife data may</u>
20   <u>also be released to the owner, lessee, or right-of-way or easement</u>
21   <u>holder of the private land to which the data pertains. The release of</u>
22   <u>sensitive fish and wildlife data may be subject to a confidentiality</u>
23   <u>agreement, except upon release of sensitive fish and wildlife data to</u>
24   <u>the owner, lessee, or right-of-way or easement holder of private land</u>
25   <u>who initially provided the data. Sensitive fish and wildlife data must</u>
26   <u>meet at least one of the following criteria of this subsection as</u>
27   <u>applied</u> by the department of fish and wildlife((~~, however, sensitive~~
28   ~~wildlife data may be released to government agencies concerned with the~~
29   ~~management of fish and wildlife resources. As used in this subsection,~~
30   ~~sensitive wildlife data includes~~)):

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; ((or))
12   (iii) There is a known demand to visit, take, or disturb((, and the
13 species behavior or ecology renders it especially vulnerable)) the
14 species; or
15   (iv) The species has an extremely limited distribution and
16 concentration; and
17   (3) The personally identifying information of persons who acquire
18 recreational licenses under RCW 77.32.010 or commercial licenses under
19 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
20 department, and type of license, endorsement, or tag; however, the
21 department of fish and wildlife may disclose personally identifying
22 information to:
23   (a) Government agencies concerned with the management of fish and
24 wildlife resources;
25   (b) The department of social and health services, child support
26 division, and to the department of licensing in order to implement RCW
27 77.32.014 and 46.20.291; and
28   (c) Law enforcement agencies for the purpose of firearm possession
29 enforcement under RCW 9.41.040."

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30   On page 1, line 2 of the title, after "data;" strike the remainder

1   of the title and insert "and amending RCW 42.56.430."

    <u>EFFECT</u>: Technical correction was made to make the amended language grammatically correct within the structure of the section.

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