

ESHB 1465 - S COMM AMD

By Committee on Natural Resources & Parks

ADOPTED AS AMENDED 04/07/2017

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

3 "Sec. 1. RCW 42.56.430 and 2008 c 252 s 1 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
11 competitive disadvantage to the commercial fisher providing the catch
12 data, however, this information may be released to government
13 agencies concerned with the management of fish and wildlife
14 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
18 needs: Government agencies, public utilities, and accredited colleges
19 and universities. Sensitive fish and wildlife data may be released to
20 tribal governments. Sensitive fish and wildlife data may also be
21 released to the owner, lessee, or right-of-way or easement holder of
22 the private land to which the data pertains. The release of sensitive
23 fish and wildlife data may be subject to a confidentiality agreement,
24 except upon release of sensitive fish and wildlife data to the owner,
25 lessee, or right-of-way or easement holder of private land who
26 initially provided the data. Sensitive fish and wildlife data does
27 not include data related to reports of predatory wildlife as
28 specified in RCW 77.12.885. Sensitive fish and wildlife data must
29 meet at least one of the following criteria of this subsection as
30 applied by the 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;

16 (3) The following information regarding any damage prevention
17 cooperative agreement, or nonlethal preventative measures deployed to
18 minimize wolf interactions with pets and livestock:

19 (a) The name, telephone number, residential address, and other
20 personally identifying information, of any person, including a pet or
21 livestock owner, and his or her employees or immediate family
22 members, who agrees to deploy, or is responsible for the deployment
23 of nonlethal, preventative measures; and

24 (b) The legal description or name of any residential property,
25 ranch, or farm, that is owned, leased, or used by any person included
26 in (a) of this subsection;

27 (4) The following information regarding a reported depredation by
28 wolves on pets or livestock:

29 (a) The name, telephone number, residential address, and other
30 personally identifying information of:

31 (i) Any person who reported the depredation; and

32 (ii) Any pet or livestock owner, and his or her employees or
33 immediate family members, whose pet or livestock was the subject of a
34 reported depredation; and

35 (b) The legal description, location coordinates, or name that
36 identifies any residential property, or ranch or farm that contains a
37 residence, that is owned, leased, or used by any person included in
38 (a) of this subsection;

39 (5) The personally identifying information of persons who acquire
40 recreational licenses under RCW 77.32.010 or commercial licenses

1 under chapter 77.65 or 77.70 RCW, except name, address of contact
2 used by the department, and type of license, endorsement, or tag;
3 however, the department of fish and wildlife may disclose personally
4 identifying information to:

5 (a) Government agencies concerned with the management of fish and
6 wildlife resources;

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

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

12 ((+4)) (6) Information that the department of fish and wildlife
13 has received or accessed but may not disclose due to confidentiality
14 requirements in the Magnuson-Stevens fishery conservation and
15 management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and
16 (i), and Sec. 1881a(b)).

17 **Sec. 2.** RCW 77.12.885 and 2007 c 293 s 2 are each amended to
18 read as follows:

19 Except for the personal information on reported depredations by
20 wolves that is exempted from disclosure as provided in RCW 42.56.430,
21 the department shall post on its internet web site all reported
22 predatory wildlife interactions, including reported human safety
23 confrontations or sightings as well as the known details of reported
24 depredations by predatory wildlife on humans, pets, or livestock,
25 within ten days of receiving the report. The posted material must
26 include, but is not limited to, the location and time, the known
27 details, and a running summary of such reported interactions by
28 identified specie and interaction type within each affected county.
29 For the purposes of this section and RCW 42.56.430, "predatory
30 wildlife" means grizzly bears, wolves, and cougars.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.56
32 RCW to read as follows:

33 By December 1, 2021, the public records exemptions accountability
34 committee, in addition to its duties in RCW 42.56.140, must prepare
35 and submit a report to the legislature that includes recommendations
36 on whether the exemptions created in section 1, chapter . . . , Laws
37 of 2017 (section 1 of this act) should be continued or allowed to
38 expire. The report should focus on whether the exemption continues to

1 serve the intent of the legislature in section 1, chapter . . ., Laws
2 of 2017 (section 1 of this act) to provide protections of personal
3 information during the period the state establishes and implements
4 new policies regarding wolf management. The committee must consider
5 whether the development of wolf management policy, by the time of the
6 report, has diminished risks of threats to personal safety so that
7 the protection of personal information in section 1, chapter . . .,
8 Laws of 2017 (section 1 of this act) is no longer an ongoing
9 necessity.

10 NEW SECTION. **Sec. 4.** This act expires June 30, 2022."

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11 On page 1, line 2 of the title, after "depredations;" strike the
12 remainder of the title and insert "amending RCW 42.56.430 and
13 77.12.885; adding a new section to chapter 42.56 RCW; and providing
14 an expiration date."

EFFECT: Clarifies the public records exemption for a location
related to a depredation and removes the department of fish and
wildlife employee and contractor exemption.

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