

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6821

Chapter 252, Laws of 2008

60th Legislature
2008 Regular Session

FISH AND WILDLIFE HARVEST MANAGEMENT

EFFECTIVE DATE: 06/12/08

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

BRAD OWEN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

Approved March 28, 2008, 11:34 a.m.

CHRISTINE GREGOIRE

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.

THOMAS HOEMANN

Secretary

FILED

March 28, 2008

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6821

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.

Passed by the Senate March 11, 2008.

Passed by the House March 7, 2008.

Approved by the Governor March 28, 2008.

Filed in Office of Secretary of State March 28, 2008.