

# 2024 Legislative Requests

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# Possible Agency Policy Request

1. Protecting the confidentiality of other states fisheries information.
2. Allow concurrent application for habitat recovery pilot project permits and cultural resources reviews.
3. Expand land management authority to better utilize non-profits and volunteers.
4. Increase state funding of crop damage.



# 1. Protecting other State's confidential fisheries information

- The sharing of confidential data among the department of fish and wildlife and partner agencies is a key element of successful fisheries management on the west coast.
- Recordkeeping occurs primarily at the state level on the west coast. However, many fishers participate in multiple fisheries and deliver their catches into multiple states. Sharing data among states is therefore often necessary to enforce regulations, understand fisheries performance, and analyze the need for and likely effects of potential rule changes.
- The department of fish and wildlife believed the existing provisions of RCW 42.56.430 sufficiently covered the types of data the department uses in collaboration with its partners.



# Insert into 42.56.430 amending the Public Records exemptions:

This statute is specific to certain fish and wildlife data being exempt from disclosure. It expressly covers Washington data, federal data, and tribal data.

...

(6) (a) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a (b)); and  
(b) Fisheries related information that was collected by another state and is confidential under the laws of that state;

...



## 2. Expedited Permits – 77.55.480.

The habitat recovery pilot program was created in 2021:

In order to be included in this statewide pilot program an environmental restoration project must:

- directly benefit freshwater, estuarine, or marine fish, or habitat; and
- must be included on a list of projects reviewed, approved, or funded by existing restoration programs;

Complete applications are expected to be processed within 25 to 45 days by the multiagency team.

If approved, no other local or state permits required.

Pilot program expires on June 30, 2025.



# Amendments to 77.55.480.

...must review the project with the department of archaeology and historic preservation and complete any required site surveys ~~before the project applicant files an application under this section....~~

... A project applicant must provide a copy of its application to the department of archaeology and historic preservation and to affected federally recognized tribes ~~no fewer than 60 days before the application may be filed with the department~~



# Retain the current language:

...the department **shall provide notice** to the local government within whose geographical jurisdiction the project will be located, to potentially affected federally recognized tribes, and to the members of the multiagency permitting team of receipt of a complete permit application...

...The department **may not review a project** under the expedited process created in this section if a cultural resource site is identified at the project site or if an affected federally recognized tribe withholds its consent that the project should be expedited according to the process set forth in this section...



### 3. land management authority

Currently, DFW staff maintain and operate roughly 1 million acres and 500 water access sites.

In 2014, DNR statute adopted to expressly authorize 'collective agreements' with nonprofits and other partners.

Collective agreements are not required and do not displace existing agreements.





# Land management authority

Express authority to manage in conjunction with any public agency, nonprofit organization, or volunteer organization

Authority to enter cooperative agreements for the purpose of providing a benefit to lands managed by the department

Volunteers may not be considered employees or agents of the department and the department is not subject to any liability arising out of volunteer activities or projects.



## 4. Increased funds for commercial crop damage by deer or elk

- Under current law, \$150,000 is provided annually to address qualifying commercial crop damage by deer or elk.
- DFW can agree to claims of actual damage or \$10,000, whichever is less.
- An appeal can be made for an amount over \$10,000.



# Increased funds for crop damage

Option 1 - Increase the general fund amount available for deer or elk commercial crop damage to \$300,000 (current amount is \$30,000).

Option 2 - Unpaid claims will be held over for one year to allow the Legislature to act, if not funded in the next fiscal year, the claim expires (currently claims do not expire).



# Optional additions:

Option 3 - Allow DFW to agree to single claims of up to \$30,000 (current limit is \$10,000)

Option 4 - Limit appeal awards to no greater than \$30,000

Option 5 - The Department of Fish and Wildlife will submit a report to the Legislature recommended amendments to the crop damage statutes - due December 1, 2024.



# Questions?

