

Thurston County Voluntary Stewardship Program Work Plan

Appendix L – Confidentiality and Disclosure of Stewardship Plans

Confidentiality is essential to the success of the VSP. Information received from the SCC indicates that confidential financial, commercial, and proprietary information contained in an Individual Stewardship Plan (ISP) is exempt from disclosure (similar to the proprietary information in Farm Plans that is not disclosable under the State Public Records Act), unless permission is granted by the landowner or operator.

VSP relies on producer participation to promote protection and enhancement of critical areas, but producer participation rates rely on sufficient protections from disclosure of confidential information that might be contained in ISPs under the VSP. The Workgroup would like to assure producers of sufficient ISP confidentiality protections so our work plan can successfully achieve VSP objectives to maintain and enhance agricultural viability while also protecting and voluntarily enhancing critical areas. For that to occur, the issue of ISP confidentiality needs further resolution, but not by this Workgroup. To that end the Workgroup respectfully requests joint guidance, in writing, and as soon as possible, from the SCC and the WSDA to: a) help the Workgroup better understand how current confidentiality and/or non-disclosure provisions in statute apply (or do not apply) to ISPs developed under the VSP; b) describe how such provisions apply (or do not apply) to ISPs developed for particular types of agricultural operations; and c) make recommendations, which may include policy, procedure, rule, legislative and other options as needed and appropriate, and provide options-based advice on how to best promote producer participation, ensure sufficient confidentiality protection, and achieve VSP objectives.

- The following excerpts are from a Conservation Commission VSP document: <http://ofp.scc.wa.gov/wp-content/uploads/2014/12/An-Overview-of-the-VSP-and-GMA-Case-lae.pdf> and provide summary guidance on the confidentiality and disclosure of individual stewardship plans. For more detail see highlighted portions of the statutory provisions provided at the end of this document. Public Records Act RCW 42.56
 - Farm Plans: RCW 42.56.270(17)(a) and (b). The following financial, commercial and proprietary information is exempt from disclosure under this chapter:
 - (a) Farm Plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;
 - (b) Farm Plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190
 - Farm Plans for dairies, AFOs and CAFOs;
 - RCW 42.56.610 (same wording as RCW 90.64.190, which applies only to dairies)

- Range Rule RCW 42.56.610
 - The following information in plans, records and reports obtained by state and local agencies from dairies, animal feeding operations and concentrated animal feeding operations, not required to apply for a national pollution discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.
- §1619 of the 2008 Farm Bill
 - Applies to USDA “cooperators” (i.e. CDs)
 - Without landowner consent to full disclosure, §1619 prohibits disclosure of
 - Information provided by an agricultural producer or owner of ag lands
 - That concerns ag operations, farming, conservation practices, or the land itself (including GIS information)
 - **IF (and only if)** that information was provided so that an owner can participate in a USDA program that provides a **benefit** to a landowner (such as a loan, subsidy, grant or other form of payment or relief)
 - Does not apply if the information was required to be provided as a condition of legally engaging in agricultural operations

Controlling Statutes for Confidentiality and Disclosure Elements of Individual Stewardship Plans

RCW 89.08.560

Farm plans—Disclosure of information.

(1) **Conservation districts, before developing a farm plan, shall inform the landowner or operator in writing of the types of information that is [are] subject to disclosure to the public under chapter 42.56 RCW. Before completion of the final draft of a farm plan, the district shall send the final draft farm plan to the requesting landowner or operator for verification of the information. The final farm plan shall not be disclosed by the conservation district until the requesting owner or operator confirms the information in the farm plan and a signed copy of the farm plan is received by the conservation district.**

(2) For the purposes of this section and RCW [42.56.270](#), "farm plan" means a plan prepared by a conservation district in cooperation with a landowner or operator for the purpose of conserving, monitoring, or enhancing renewable natural resources. Farm plans include, but are not limited to, provisions pertaining to:

- (a) Developing and prioritizing conservation objectives;

- (b) Taking an inventory of soil, water, vegetation, livestock, and wildlife;
- (c) Implementing conservation measures, including technical assistance provided by the district;
- (d) Developing and implementing livestock nutrient management measures;
- (e) Developing and implementing plans pursuant to business and financial objectives; and
- (f) Recording, or records of, decisions.

RCW 42.56.610

Certain information from dairies and feedlots limited—Rules.

The following information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields. **The department of agriculture shall adopt rules** to implement this section in consultation with affected state and local agencies.

RCW 90.64.190

Information subject to public records disclosure—Rules.

This section applies to dairies, AFOs, and CAFOs, not required to apply for a permit. Information in plans, records, and reports obtained by state and local agencies from livestock producers under chapter 510, Laws of 2005 regarding (1) number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields shall be disclosable in response to a request for public records under chapter 42.56 RCW only in ranges that provide meaningful information to the public while ensuring confidentiality of business information. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

RCW 42.56.270

Financial, commercial, and proprietary information.

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW [47.60.680](#) through [47.60.750](#) or (b) highway construction or improvement as required by RCW [47.28.070](#);

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters [43.163](#) and [53.31](#) RCW, and by persons pertaining to export projects under RCW [43.23.035](#);

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters [43.325](#), [43.163](#), [43.160](#), [43.330](#), and [43.168](#) RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter [31.24](#) RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW [51.36.120](#);

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter [70.95H](#) RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW [36.102.010](#);

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW [67.16.260](#)(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling

commission pursuant to rules adopted under chapter [9.46](#) RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW [41.05.011](#);

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW [43.330.050](#)(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter [70.95N](#) RCW to implement chapter [70.95N](#) RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter [43.350](#) RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW [19.112.110](#) or [19.112.120](#), except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW [78.44.085](#);

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter [90.48 RCW](#) and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW [42.56.610](#) and [90.64.190](#);

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW [35.104.010](#) through [35.104.060](#), to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter [19.85 RCW](#) or RCW [34.05.328](#) that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW [28B.20.150](#), when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW [70.95N.190](#)(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW [21.20.883](#), when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW [21.20.880](#) or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Un-aggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW [90.56.565](#)(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW [90.56.565](#);

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW [69.50.325](#), [69.50.331](#), [69.50.342](#), and [69.50.345](#), when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter [69.50 RCW](#); and

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW [69.50.325](#), [69.50.331](#), [69.50.342](#), and [69.50.345](#) for the purpose of marijuana product traceability.

Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section; and

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter [35.39](#) RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure; and

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW [69.50.372](#), or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW [69.50.372](#).

RCW 42.56.010

Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" includes **all state agencies and all local agencies**. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, **commission**, or agency thereof, or **other local public agency**.

(2) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, "person in interest" means and includes the parent or duly appointed legal representative.

(3) "**Public record**" includes any **writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency** regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW [40.14.100](#) and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to,

letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

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Exemptions.

The Public Records Act provides that a number of types of information or records are exempt from public inspection and copying. In addition, **records are exempt from disclosure if any other statute exempts or prohibits disclosure**. Requestors should be aware of the following exemptions to public disclosure specific to department records. This list is **not exhaustive and other exemptions may apply**:

- (1) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy (reference RCW [42.56.230\(3\)](#)).
- (2) Investigative records (reference RCW [42.56.240](#)).
- (3) Test questions, scoring keys, and other examination data used to administer a license (reference RCW [42.56.250\(1\)](#)).
- (4) Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (reference RCW [42.56.290](#)).
- (5) Lists of individuals requested for commercial purposes (reference RCW [42.56.070\(9\)](#)).
- (6) Records related to the entry of prohibited agricultural products imported into Washington state or that had Washington state as a final destination received from the United States Department of Homeland Security or the United States Department of Agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552 (reference RCW [42.56.380\(12\)](#)).
- (7) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required or governed by other law (reference RCW [42.56.230\(5\)](#)).
- (8) Applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to the applicant (reference RCW [42.56.250\(2\)](#)).
- (9) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses,

residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency (reference RCW [42.56.250\(3\)](#)).

(10) Information provided for the semi-annual report for fertilizers, minerals and limes that would reveal the business operation of the person making the report (reference RCW [15.54.362\(5\)](#) and [42.56.380\(2\)](#)).

(11) The semiannual report required in the Commercial Feed Act is not a public record, and any information given in such report which would reveal the business operation of the person making the report is exempt from disclosure, and information obtained by the department from other governmental agencies or other sources that is used to verify information received in the report is exempt from public disclosure (reference RCW [15.53.9018](#)).

(12) The department has the authority to publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production (reference RCW [15.49.370\(8\)](#)).

(13) Business related information obtained under the Organic Food Products Act concerning an entity certified under that act or an applicant for certification under RCW [15.86.110](#), and records whose disclosure is prohibited by the federal Organic Certification Act, 7 U.S.C. Sec. 6515(g) and the rules adopted under that act (reference RCW [42.56.380\(1\)](#)).

(14) Consignment information contained on phytosanitary certificates issued by the department under chapters [15.13](#), [15.17](#), and [15.49](#) RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States Department of Agriculture, or on applications for phytosanitary certification required by the department (reference RCW [42.56.380\(4\)](#)).

(15) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by the former chapter [15.110](#) RCW or chapter [43.325](#) RCW (the energy freedom loan program) (reference RCW [42.56.270\(4\)](#)).

(16) Information obtained under RCW [15.19.080](#) regarding the purchases, sales, or production of an individual American ginseng grower or dealer (reference RCW [42.56.380\(6\)](#)).

(17) Financial statement information required to determine whether or not an applicant for a license to operate a warehouse under chapter [22.09](#) RCW, agriculture commodities, meets minimum net worth requirements (reference RCW [22.09.040\(9\)](#)).

(18) All financial statement information to determine whether or not an applicant for a license to be a grain dealer under chapter [22.09](#) RCW meets the minimum net worth requirements (reference RCW [22.09.045](#)(7)).

(19) Information submitted by an individual or business to the department of agriculture under the requirements of chapters [16.36](#), [16.57](#), and [43.23](#) RCW for the purpose of herd inventory management for animal disease traceability, is exempt from disclosure. This information includes animal ownership, numbers of animals, locations, contact information, movements of livestock, financial information, the purchase and sale of livestock, account numbers or unique identifiers issued by government to private entities, and information related to livestock disease or injury that would identify an animal, a person or location. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter [16.36](#) RCW once they are complete (reference RCW [42.56.380](#)(9)).

(20) Results of testing for animal diseases from samples submitted by or at the direction of the animal owner or the owner's designee and that can be identified to a particular business or individual is exempt from disclosure (reference RCW [42.56.380](#)(10)).

(21) Information that can be identified to a particular business and that is collected under chapter [15.17](#) RCW, standards of grades and packs, and specifically RCW [15.17.140](#)(2) and [15.17.143](#) for certificates of compliance (reference RCW [42.56.380](#)(7)).

(22) Financial statement information provided under RCW [16.65.030](#) (1)(d), public livestock markets, is confidential information and not subject to public disclosure (reference RCW [16.65.030](#) (1)(d) and [42.56.380](#)(8)).

(23) Privileged or confidential information or data that contains trade secrets, commercial, or financial information and is required and submitted under the Washington Pesticide Control Act (reference RCW [15.58.060](#) (1)(c) and [15.58.065](#)).

(24) Except for release of statistical information not descriptive of any readily identifiable person or persons, all financial and commercial information and records supplied by persons to the department with respect to export market development projects (reference RCW [43.23.270](#) and [42.56.270](#)(3)).

(25) Information submitted by an applicant under chapter [17.24](#) RCW that is privileged or confidential because it contains trade secrets or commercial or financial information (reference RCW [17.24.061](#)).

(26) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters [15.24](#), [15.26](#), [15.28](#), [15.44](#), [15.65](#), [15.66](#), [15.74](#), [15.88](#), [15.89](#), [15.100](#), and [16.67](#) RCW, or required by the department to administer these chapters or the department's programs (reference RCW [42.56.380](#)(3)).

(27) Financial and commercial information and records supplied by persons:

(a) To the department for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or

(b) To the department or commodity boards or commissions formed under chapters [15.24](#), 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.89, 15.100, or [16.67](#) RCW, with respect to domestic or export marketing activities or individual producer's production information (reference RCW [42.56.380\(5\)](#)).

(28) Farm plans developed by conservation districts, unless the farm plan is used for the application or issuance of a permit (reference RCW [42.56.270\(17\)](#)).

(29) Under RCW [42.56.610](#) and [90.64.190](#), information identifying the number of animals; volume of livestock nutrients generated; number of acres covered by the plan or used for land application of livestock nutrients; livestock nutrients transferred to other persons; and crop yields in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a National Pollutant Discharge Elimination System permit is disclosable in the following ranges:

(a) Number of animals: Beef cattle

- 1 to 19
- 20 to 159
- 160 to 299
- 300 to 999
- 1,000 to 5,999
- 6,000 to 10,999
- 11,000 to 15,999
- 16,000 to 20,999
- 21,000 to 25,999
- 26,000 to 31,199
- 31,200 to 37,439
- 37,440 to 44,999
- 45,000 and above

(b) Number of animals: Mature dairy cattle

- 1 to 37
- 38 to 199
- 200 to 699
- 700 to 1,699
- 1,700 to 2,699
- 2,700 to 3,699
- 3,700 to 4,699
- 4,700 to 5,699
- 5,700 to 6,839
- 6,840 and above

(c) Number of animals: Dairy heifers

- 1 to 49
- 50 to 149
- 150 to 299

300 to 999

1,000 to 1,999

2,000 to 2,999

3,000 to 3,999

4,000 and above

(d) Number of animals: Swine (fifty-five pounds or greater)

1 to 19

20 to 159

160 to 399

400 to 749

750 to 2,499

2,500 to 4,249

4,250 to 5,999

6,000 to 7,749

7,750 and above

(e) Number of animals: Swine (less than fifty-five pounds)

1 to 99

100 to 499

500 to 1,099

1,100 to 1,999

2,000 to 2,999

3,000 to 9,999

10,000 to 16,999

17,000 to 23,999

24,000 to 30,999

31,000 and above

(f) Number of animals: Layers (all ages)

1 to 199

200 to 999

1,000 to 10,999

11,000 to 24,999

25,000 to 81,999

82,000 to 138,999

139,000 to 195,999

196,000 to 252,999

253,000 to 309,999

310,000 to 371,999

372,000 to 446,399

446,400 to 535,679

535,680 to 642,815

642,816 to 771,379

771,380 to 925,655

925,656 to 1,110,787

1,110,788 to 1,332,945

1,332,946 and above

(g) Number of animals: Broilers (all ages)

1 to 199

200 to 999

1,000 to 17,999

18,000 to 37,499

37,500 to 124,999

125,000 to 212,499

212,500 to 299,999

300,000 and above

(h) Number of animals: Horses

1 to 19

20 to 79

80 to 149

150 to 499

500 to 849

850 to 1,199

1,200 to 1,549

1,550 and above

(i) Livestock nutrients generated or exported by volume (ft³/day)

1 to 74

75 to 134

135 to 299

300 to 449

450 to 749

750 to 1,499

1,500 to 2,499

2,500 to 4,999

5,000 to 8,499

8,500 to 11,999

12,000 to 15,999

16,000 and above

(j) Livestock nutrients generated or exported by weight (tons/year)

1 to 5,256

5,257 to 10,512

10,513 to 21,024

21,025 to 42,048

42,049 to 84,096

84,097 to 164,184

164,185 to 262,734

262,735 to 394,200

394,201 to 558,384

558,385 to 722,634

722,635 to 919,734

919,735 to 1,051,134

1,051,135 and above

(k) Number of acres covered by the plan or used for land application of livestock nutrients

0 to 25

26 to 65

66 to 120

121 to 300

301 to 550

551 to 900

901 to 1,300

1,301 to 1,800

1,801 to 2,500

2,501 to 3,200

3,201 to 4,000

4,001 to 6,000

6,001 to 9,000

9,001 to 11,500

11,501 to 14,000

14,001 and above

(l) Crop yields - tons/acre

0 to 1

1.1 to 2

2.1 to 3.5

3.6 to 5

5.1 to 7

7.1 to 9

9.1 to 12

12.1 to 14.5

14.6 to 17

17.1 to 19.5

19.6 to 22

22.1 to 26

26.1 and above

(30) Records of international livestock importation that can be identified to a particular animal, business, or individual received from the United States Department of Homeland Security or the United States Department of Agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552 (reference RCW [42.56.380\(11\)](#)).

(31) A person aggrieved by a violation of chapter [17.21](#) RCW or the rules adopted under that chapter is entitled, on request, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available to persons outside the department except as provided in RCW [17.21.340](#) (1)(a)(ii).