
**Agriculture & Natural Resources
Committee**

HB 1115

Brief Description: Concerning animal trapping.

Sponsors: Representatives Blake, Orcutt, Takko, Goodman, Warnick, Van De Wege, Green, Ericks, McCune, Herrera and Hinkle.

Brief Summary of Bill

- Repeals, reorganizes, and recodifies state law relating to wildlife trapping into one central chapter in the Fish and Wildlife Code.
- Creates a mechanism for the use of body-gripping traps to manage animal problems.

Hearing Date: 2/6/09

Staff: Jason Callahan (786-7117)

Background:

It is a gross misdemeanor to use any body-gripping trap, defined as a trap that grips an animal or an animal's body part, to capture any mammal or to use a leghold or neck snare trap to capture a mammal for recreation or commerce. It is also illegal to buy, sell, barter, or otherwise exchange the fur of a mammal that has been trapped with a body-gripping trap. Common rat and mouse traps are exempted from the definition of body-gripping traps (RCW 77.15.194).

The Director of the Department of Fish and Wildlife (DFW) may grant permits to use certain traps in limited circumstances, including for the protection of public health and safety. Before an individual can be issued a 30-day special permit, he or she must show in writing that the problem cannot be reasonably controlled by non-lethal means. The holders of special permits are required to inspect their traps at least once daily (RCW 77.15.194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Director of the DFW is also authorized to allow DFW employees and wildlife scientists to use otherwise unlawful traps. Likewise, employees of the United States Fish and Wildlife Service are expressly exempted from the current law's coverage when protecting endangered species (RCW 77.15.194).

In addition to being prosecuted for a gross misdemeanor, a person who violates the provisions of the state trapping law loses his or her trapping privileges for five years. Repeat violators of the state's trapping laws face losing their trapping privileges permanently (RCW 77.15.198).

Trapping fur-bearing mammals with a non-body gripping trap is allowed during trapping seasons. An individual first must possess a DFW-issued trapping license. Prior to receiving a trapping license, an applicant must complete a course in safe, humane, and proper trapping techniques (RCW 77.65.460). The DFW is required to conduct such a program and focus the education on trapping techniques designed to painlessly capture or instantly kill targeted mammals. In developing the educational program, the DFW is required to consult with, among others, humane and trapping organizations (RCW 77.65.460).

A trapper must seek the permission of the landowner before setting a trap on private property, and all traps must carry an identification tag indicating the owner. If a property owner discovers a trap on his or her property, the owner may remove the trap and contact the DFW for the name and address of the trapper.

Summary of Bill:

Provisions in the Fish and Wildlife Code that deal with the trapping of wildlife are all repealed, reorganized, and recodified into a separate chapter dedicated to trapping. Substantive changes to the state's trapping law are made that impact the use of body-gripping traps.

Unregulated use of body-gripping traps

Certain species may be trapped in otherwise prohibited traps, including body-gripping traps. These species may also be trapped by individuals who do not possess a trapping license. Species that are unregulated are moles, gophers, squirrels, rats, and mice. Management and regulation of these species exists outside of the scope of the state's trapping laws.

In addition, the regulations on the use of body-gripping traps do not apply to any animal that is not a mammal. This includes birds and reptiles.

Regulated use of body-gripping traps

As a general rule, the use of body-gripping traps is prohibited. However, there are instances when certain body-gripping traps can be used by commercial timber owners, airport operators, and private landowners. These groups may use specific types of body-gripping traps. The identified problem facing the landowner or land manager must be actual damage or threatened damage to property or resources, including livestock and pets, or threats to public safety.

Each type of land manager or land owner using a body-gripping trap has to satisfy certain criteria. A forest landowner who uses a body-gripping trap to capture mountain beavers must

annually report to the DFW the number of mountain beavers captured and their approximate location. Airport managers may only use body-gripping traps to capture wildlife that is posing a threat to human health and safety. Other landowners may only use body-gripping traps if the landowner has documented the existence of a specific problem that cannot be reasonably addressed using non-lethal means.

In addition to private landowners, airport managers, and timber owners, body-gripping traps may be used by certain other professionals. These are DFW employees and those working with their permission to protect threatened and endangered species, federal wildlife agencies, and wildlife researchers.

Which body-gripping traps may be used?

The Fish and Wildlife Commission (Commission) is required to adopt a list of body-gripping traps that may be used in specific situations. These trap types must be the most humane effective trap for the targeted problem. Any traps identified for use by the Commission must be consistent with the advice given by the Trap Type Advisory Panel.

Trap Type Advisory Panel

The Commission must convene the Trap Type Advisory Panel to help Commission members identify the most humane effective trap types for a problem. The panel must consist of a balanced representation of interests and expertise. The members of the panel will convene upon request by the Commission and forward advice on the specific questions posed by the Commission.

Commerce of fur

The only fur that may be sold is fur from animals captured lawfully by a permissible trap as identified by the Commission. Animals that are captured in violation of state law may not be entered into commerce but may be donated to a public health or research institution.

Trapper's reporting

All licensed trappers must submit an annual report to the DFW that indicates the number, general location, and species of animals captured during the past year. Failure to submit a report results in a one-year suspension of trapping privileges.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.