

1 **SSB 5179** - H AMD TO H AMD (H-2887.1) **454 FAILED 4-23-03**  
2 By Representative Cooper

3 On page 1, beginning after line 2 of the striking amendment,  
4 strike the remainder of the amendment and insert the following:

5 **"Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 are each amended to  
6 read as follows:

7 The definitions in this section apply throughout RCW 77.15.194  
8 through 77.15.198.

9 (1) "Animal" means any nonhuman vertebrate.

10 (2) "Body-gripping trap" means a trap that grips an animal's  
11 body or body part. Body-gripping trap includes, but is not limited  
12 to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear  
13 traps, neck snares, and nonstrangling foot snares. Cage and box  
14 traps, suitcase-type live beaver traps, and common rat (~~and~~),  
15 mouse, gopher, and mole traps are not considered body-gripping  
16 traps.

17 (3) "Person" means a human being and, where appropriate, a  
18 public or private corporation, an unincorporated association, a  
19 partnership, a government, or a governmental instrumentality.

20 (4) "Raw fur" means a pelt that has not been processed for  
21 purposes of retail sale.

22 (5) "Animal problem" means any animal that threatens or damages  
23 either timber or public or private property or threatens or injures  
24 livestock or any other domestic animal.

25 **Sec. 2.** RCW 77.15.194 and 2001 c 1 s are each amended to read  
26 as follows:

27 (1) It is unlawful to use or authorize the use of any steel-  
28 jawed leghold trap, neck snare, or other body-gripping trap to  
29 capture any mammal for recreation or commerce in fur.

30 (2) It is unlawful to knowingly buy, sell, barter, or otherwise  
31 exchange, or offer to buy, sell, barter, or otherwise exchange the

1 raw fur of a mammal or a mammal that has been trapped in this state  
2 with a steel-jawed leghold trap or any other body-gripping trap,  
3 whether or not pursuant to permit.

4 (3) Except as provided in subsections (5) and (6) of this  
5 section, and sections 4 and 5 of this act, it is unlawful to use or  
6 authorize the use of any steel-jawed leghold trap or any other  
7 body-gripping trap to capture any animal(, ~~except as provided in~~  
8 subsections ~~(4) and (5) of this section~~)).

9 (4) Nothing in this section prohibits the use of a Conibear  
10 trap in water, a padded leghold trap, or a nonstrangling type foot  
11 snare with a special permit granted by ((~~the~~))the director under  
12 (a) through (d) of this subsection. Issuance of the special  
13 permits shall be governed by rules adopted by the department and in  
14 accordance with the requirements of this section. Every person  
15 granted a special permit to use a trap or device listed in this  
16 subsection shall check the trap or device at least every twenty-  
17 four hours.

18 (a) Nothing in this section prohibits the director, in  
19 consultation with the department of social and health services or  
20 the United States department of health and human services from  
21 granting a permit to use traps listed in this subsection for the  
22 purpose of protecting people from threats to their health and  
23 safety.

24 (b) Nothing in this section prohibits the director from  
25 granting a special permit to use traps listed in this subsection to  
26 a person who applies for such a permit in writing, and who  
27 establishes that there exists on a property an animal problem that  
28 has not been and cannot be reasonably abated by the use of  
29 nonlethal control tools, including but not limited to guard  
30 animals, electric fencing, or box and cage traps, or if such  
31 nonlethal means cannot be reasonably applied. Upon making a  
32 finding in writing that the animal problem has not been and cannot  
33 be reasonably abated by nonlethal control tools or if the tools  
34 cannot be reasonably applied, the director may authorize the use,  
35 setting, placing, or maintenance of the traps for a period not to  
36 exceed thirty days.

37 (c) Nothing in this section prohibits the director from  
38 granting a special permit to department employees or agents to use  
39 traps listed in this subsection where the use of the traps is the

1 only practical means of protecting threatened or endangered species  
2 as designated under RCW 77.08.010.

3 (d) Nothing in this section prohibits the director from issuing  
4 a permit to use traps listed in this subsection, excluding Conibear  
5 traps, for the conduct of legitimate wildlife research.

6 (5) Nothing in this section prohibits the United States fish  
7 and wildlife service, its employees or agents, from using a trap  
8 listed in subsection (4) of this section where the fish and  
9 wildlife service determines, in consultation with the director,  
10 that the use of such traps is necessary to protect species listed  
11 as threatened or endangered under the federal endangered species  
12 act (16 U.S.C. Sec. 1531 et seq.).

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.15  
14 RCW to read as follows:

15 Any trapping allowed under RCW 77.15.194, section 5 of this  
16 act, or section 6 of this act must be consistent with other  
17 applicable provisions of this title.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.15  
19 RCW to read as follows:

20 (1) The director may issue a special trapping permit during the  
21 livestock birthing season to a person who applies for such a permit  
22 in writing, and establishes that there exists on his or her  
23 property an individual coyote, or an identified group of coyotes,  
24 that is either causing injury, or is a threat to cause injury, to  
25 commercial livestock during the birthing season of that species of  
26 livestock.

27 (2) The special trapping permit authorized by this section may  
28 be issued upon a written finding by the director that a threat of  
29 injury to livestock exists, and may authorize the use, setting,  
30 placing, or maintenance of a padded leghold trap or a nonstrangling  
31 type foot snare for a period not to exceed thirty days in order to  
32 capture the identified coyote or coyotes.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.15  
34 RCW to read as follows:

35 (1) The owner or operator of commercial timber, as those terms  
36 are defined in RCW 76.09.020, may use a number 110 Conibear trap to

1 trap mountain beaver (*Aplodontia rufa*) if nonlethal control tools,  
2 including but not limited to fencing, electrical fencing, or tree-  
3 wrapping, can not be reasonably applied.

4 (2) Any individual mountain beavers trapped under this section,  
5 and the approximate location of the trapping, must be reported to  
6 the department on an annual basis.

7 NEW SECTION. **Sec. 6.** (1) The department of fish and wildlife  
8 shall conduct a series of statewide public outreach and education  
9 efforts during the 2003 calendar year that explain the availability  
10 and function of the special permits allowed under RCW 77.15.194 and  
11 sections 4 and 5 of this act.

12 (2) By December 31, 2003, the department of fish and wildlife  
13 must report back to the appropriate committees of the legislature  
14 with a summary of the educational and outreach efforts undertaken  
15 pursuant to this section and a summary of the data collected on all  
16 catch reports. In order to satisfy the reporting requirement of  
17 this subsection, the department must collect from each permitted  
18 trapper in the state information relating to trapping success,  
19 including the number, general location, and species of all animals  
20 captured, and a count of those animals captured that were not  
21 covered by the permit.

22 (3) This section expires January 1, 2004.

23 NEW SECTION. **Sec. 7.** Nothing in this act prohibits the  
24 buying, selling, bartering, or other exchange of the raw fur of a  
25 mammal that has been trapped in this state pursuant to Title 77 RCW  
26 and the rules adopted by the fish and wildlife commission, unless  
27 the mammal was captured by a body-gripping trap, as that term is  
28 defined in RCW 77.15.192.

29 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of  
31 the state government and its existing public institutions, and  
32 takes effect immediately."

33 Correct the title.

EFFECT: Replaces the language in the underlying bill with the following provisions:

- ∅ Excludes common gopher and mole traps from the definition of a body-gripping trap.
- ∅ Includes publicly-owned lands in the definition of an "animal problem".
- ∅ Allows the owner or operator of commercial timber to use a number 110 Conibear trap to capture mountain beavers, if nonlethal control measures cannot reasonably be applied. Nonlethal control measures include fencing and tree-wrapping. Mountain beavers trapped under this authority must be reported to the Department of Fish and Wildlife on an annual basis.
- ∅ Allows a 30-day coyote trapping permit to be issued for the protection of commercial livestock during the birthing season without having to show that nonlethal methods have been exhausted.
- ∅ Specifies that all permitted trapping must be done consistent with the other provisions of the state's game laws.
- ∅ Requires the Department of Fish and Wildlife to undertake public outreach efforts and report back to the Legislature.