
**Fisheries, Ecology & Parks
Committee**

SSB 5179

Brief Description: Allowing the use of body-gripping traps in certain circumstances.

Sponsors: Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Mulliken, Rasmussen and T. Sheldon).

Brief Summary of Substitute Bill

- Requires all animal trapping to be conducted in furtherance of wildlife population management.
- Directs the Department of Fish and Wildlife to implement a furbearer management program.
- Authorizes the Fish and Wildlife Commission to issue rules relating to trapping, including permissible traps, safe handling of live animals, and the humane dispatch of captured animals.
- Requires all licensed trappers to report the details of catch successes, and the Department of Fish and Wildlife to analyze and submit to the Legislature the summaries of the trapping reports.

Hearing Date: 3/25/03

Staff: Jason Callahan (786-7117).

Background:

In November of 2000 the voters of Washington passed Initiative 713. This initiative made it 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. The initiative also made it 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 can not be reasonably controlled by non-lethal means. The holders of special permits are required to inspect any traps at least once daily (RCW 77.15.194).

The Director of 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 (RCW 77.15.194).

In addition to being prosecuted for a gross misdemeanor, a person who violates the provisions of Initiative 713 is required to lose 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).

Some aspects of current trapping law predates the passage of Initiative 713. An individual must possess a DFW-issued trapping license in order to trap furbearing mammals. 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 first 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:

The Fish and Wildlife Commission (Commission) is directed to implement a furbearer management program that addresses animal problems, which is defined as mammal population dynamics that threaten or danger property, livestock, human health and safety, or wildlife populations. The commission is also instructed to promulgate trapping and baiting rules that ensure the humane treatment of captured animals. All trapping licenses issued and adopted rules must be consistent with the furbearer management program.

Trapping rules issued by the Commission must address the minimum time intervals during which traps must be checked and animals removed. The rules must also prohibit the use of certain traps. Those prohibited must include steel traps that grip an animal with serrated teeth and snare traps attached to a spring pole. The rules issued by the Commission are not constrained by the necessity for a trapper to show in writing that the problem can not be reasonable controlled by non-lethal means. The rules may also allow for a trapping period that extends beyond 30 days.

All trapping must be conducted by trappers licensed by the DFW, except that anyone can engage in the trapping of mice, rats, moles, gophers, and other nuisance wildlife defined by

the commission. Body-gripping traps are also allowed for the capture of falcons, the management of bird problems, and for scientific research. The DFW may only authorize a trapping license for the management of animal problems. Animals trapped for any other reason must, if possible, be released unharmed. If it is not possible to release an improperly trapped animal unharmed, the animal still may not be sold or exchanged. Any trapped animal must be humanely dispatched. Any animal discovered by a property owner in a trap that was not authorized must be reported to the DFW . The Commission is authorized to adopt rules or guidelines for the humane handling and dispatching of trapped animals, including directions for bringing unintentionally captured animals to rehabilitation centers.

All non-federal licensed trappers must complete a catch report to the DFW by April 20th of each year. The report must include the details of that trapper's success, including the number of mammals caught, the species caught, and the general location of capture. Trappers must also report the capture of any non-targeted species. Any trapper that fails to submit a timely report will have his or her trapping license suspended for one year. The DFW must annually analyze the information appearing on the catch reports and present the data to the Legislature.

Individuals convicted of repeat gross misdemeanors for unlawful trapping will have their trapping license suspended for five years. Prior to having his or her trapping privileges reissued, the trapper must again complete a trapping education course. The course sponsored by the DFW must focus on the differences in trapping in a rural, urban, and suburban setting.

Appropriation: None.

Fiscal Note: Available.

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