

HOUSE BILL REPORT

SSB 5179

As Passed House - Amended:

April 23, 2003

Title: An act relating to body-gripping traps.

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

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

Brief History:

Committee Activity:

Fisheries, Ecology & Parks: 3/25/03, [Public Hearing Only].

Floor Activity:

Passed House - Amended: 4/23/03, 52-46.

**Brief Summary of Substitute Bill
(As Amended by House)**

- Requires all animal trapping to be conducted in furtherance of wildlife population management by a licensed trapper.
- 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.

HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

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.

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.

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.

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.

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. 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.

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 Amended 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 and permitted by the DFW, except that anyone can engage in the trapping of mice, rats, mountain beavers, moles, gophers, and nutria. 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 20 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 of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Initiative 713 has caused certain populations of wildlife to be out of control. Coyotes are a problem in eastern Washington, and moles and gophers are damaging property on the west side of the state. Those wishing to protect their property

must choose to break the law. The adverse impacts affect many aspects of society in the state. The consequences of the initiative should be addressed before the situation gets worse.

Mammal populations should be managed using best management practices by professional wildlife managers, and not driven by the ballot box. This bill is the compromise that occurs in the legislative process and provide managers with flexibility to manage on the population level, and not manage for individual mammals. That is the approach that has been endorsed by national and international wildlife management agencies, and that the state used prior to Initiative 713's passage. The bill could be less restrictive, but represents a good compromise.

The initiative's permitting process does not adequately address all situations where trapping is needed. Ranchers have a particular need for fast and timely action, which the permits can not provide. Ranchers have a duty to treat their livestock humanely, and not being able to trap prevents them from protecting the livestock from inhumane coyote maulings. Ranching has inherent risks, but landowners should be provided with the tools needed to manage the risks.

Foresters also have problems with mountain beavers, which kill young seedlings and interfere with the state law to reforest after a timber harvest. The traps allowed for mountain beaver under the initiative are more inhumane than prohibited traps, because they do not cause instant death.

Mole holes in parks cause an aesthetic problem, as well as a safety issue. The cost of mole management has increased since the initiative, and the safety issue raises liability concerns.

Mismanaged wildlife can also cause safety issues for airports. Planes can collide with deer, coyotes, and other wildlife, endangering the passengers. Trapping is the last resort for airports, but is often needed. Their managers should not have to be licensed and should not have to report catch back to the DFW.

In the past trappers would take care of problems at no cost to the landowner, since they could re-coop costs by selling the pelts. Now that commerce is prohibited, the trappers charge landowners money to get rid of nuisance wildlife.

Testimony Against: The idea of population management is just another way to allow recreational trapping. The changes in the bill effectively repeals the initiative. The definitions are too vague and do not require any attempts at lethal control. In addition, the allowance of pelt commerce creates a financial incentive to avoid non-lethal approaches and trap more animals. The initiative sponsors have acted in good faith, but had to resort to the initiative process. The bill as drafted would not have won the support of a majority of voters.

Wildlife that is managed by trapping can lead to a new set of problems. As the value of

pelts increase, more animals are trapped and population levels suffer. Once a population is reduced, they are often slow to recover. Low population levels threaten Washington's natural heritage and history, and could lead to future Endangered Species Act listings. There is no such thing as wildlife that is a nuisance. Humans are just encroaching on their habitat, and should learn to co-exist with the native animals.

Permits are available in all needed situations. Coyotes in eastern Washington are increasing because no one in the area has been applying for trapping permits. Permits are being issued rapidly, and the system is working when it is used.

Trapping can catch a lot of non-target animals, including domestic pets. Most animals trapped in body-gripping traps can not be rehabilitated. There are alternatives to trapping that can be employed, such as adding the presence of llamas to a farm.

The Supreme Court is reviewing the language of the initiative, so the Legislature should not change its language until after the court has ruled.

Testified: (In Support) Senator Oke, prime sponsor; Bruce Bjork and Steve Pozzanghera, Department of Fish and Wildlife; Ed Owens, Citizens for Responsible Wildlife Management and Hunters Heritage Council; Don Jacobs, Washington Farm Bureau; Bill Garvin, Washington Forest Protection Association; Kevin Godbout, Weyerhaeuser; Tip Hudson, Washington Cattleman's Association; Toni McKinley, Washington State Grange; Doug Sandau, Washington State Airport Managers Association; Darryl Druzianich; Nels Hanson, Washington Farm Forestry Association; Dawn Vyvyan Washington Recreation Park Association; and John Douglas, Washington Wildlife Federation.

(Opposed) Lisa Watne, The Humane Society of the United States; Mark Skatrud, Northwest Ecosystem Alliance; Shawn Newman; Ellen Leach; Robert Stagman; Katherine Bragdon; Deana Kraft; James Reynolds; Susan Mcihaels, Pasados Safe Haven; Donna Snow; David Bemel; Claudine Erlandson; Sarah Kress; and Kay Farrell.