
HOUSE BILL 2371

State of Washington

58th Legislature

2004 Regular Session

By Representatives Cooper, Upthegrove, Hunt, Simpson, G., Chase, Hudgins, Wood, McIntire, Moeller and Kagi

Read first time 01/13/2004. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to the implementation of a wildlife management
2 program that allows the limited use of body-gripping traps in specific
3 situations; amending RCW 77.15.192, 77.15.194, and 77.15.194; adding
4 new sections to chapter 77.15 RCW; adding a new section to chapter
5 77.12 RCW; creating new sections; providing an effective date;
6 providing expiration dates; and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 are each amended to read as
9 follows:

10 The definitions in this section apply throughout RCW 77.15.194
11 through 77.15.198 and sections 5 and 6 of this act.

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

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

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

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

6 (5) "Animal problem" means any animal that threatens or damages
7 either timber or public or private property or threatens or injures
8 livestock or any other domestic animal.

9 (6) "Mountain beaver" means the species *Aplodontia rufa*.

10 (7) "Conibear trap" includes traps sold under the brand name
11 "Conibear," as well as traps with similar function and design sold
12 under a different brand name.

13 **Sec. 2.** RCW 77.15.194 and 2001 c 1 s 3 are each amended to read as
14 follows:

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

18 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
19 exchange, or offer to buy, sell, barter, or otherwise exchange the raw
20 fur of a mammal or a mammal that has been trapped in this state with a
21 steel-jawed leghold trap or any other body-gripping trap, whether or
22 not pursuant to permit.

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

28 (4) Nothing in this section prohibits the use of a Conibear trap in
29 water, a padded leghold trap, or a nonstrangling type foot snare with
30 a special permit granted by ~~((the))~~ the director under (a) through
31 (d) of this subsection. Issuance of the special permits shall be
32 governed by rules adopted by the department and in accordance with the
33 requirements of this section. Every person granted a special permit to
34 use a trap or device listed in this subsection shall check the trap or
35 device at least every twenty-four hours.

36 (a) Nothing in this section prohibits the director, in consultation
37 with the department of social and health services or the United States

1 department of health and human services from granting a permit to use
2 traps listed in this subsection for the purpose of protecting people
3 from threats to their health and safety.

4 (b) Nothing in this section prohibits the director from granting a
5 special permit to use traps listed in this subsection to a person who
6 applies for such a permit in writing, and who establishes that there
7 exists on a property an animal problem that has not been and cannot be
8 reasonably abated by the use of nonlethal control tools, including but
9 not limited to guard animals, electric fencing, or box and cage traps,
10 or if such nonlethal means cannot be reasonably applied. Upon making
11 a finding in writing that the animal problem has not been and cannot be
12 reasonably abated by nonlethal control tools or if the tools cannot be
13 reasonably applied, the director may authorize the use, setting,
14 placing, or maintenance of the traps for a period not to exceed thirty
15 days.

16 (c) Nothing in this section prohibits the director from granting a
17 special permit to department employees or agents to use traps listed in
18 this subsection where the use of the traps is the only practical means
19 of protecting threatened or endangered species as designated under RCW
20 77.08.010.

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

24 (5) Nothing in this section prohibits the United States fish and
25 wildlife service, its employees or agents, from using a trap listed in
26 subsection (4) of this section where the fish and wildlife service
27 determines, in consultation with the director, that the use of such
28 traps is necessary to protect species listed as threatened or
29 endangered under the federal endangered species act (16 U.S.C. Sec.
30 1531 et seq.).

31 **Sec. 3.** RCW 77.15.194 and 2003 c 53 s 374 are each amended to read
32 as follows:

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

36 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
37 exchange, or offer to buy, sell, barter, or otherwise exchange the raw

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

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

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

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

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

34 (c) Nothing in this section prohibits the director from granting a
35 special permit to department employees or agents to use traps listed in
36 this subsection where the use of the traps is the only practical means
37 of protecting threatened or endangered species as designated under RCW
38 77.08.010.

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

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

11 (6) A person violating this section is guilty of a gross
12 misdemeanor.

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

15 Any trapping allowed under RCW 77.15.194 or section 6 or 7 of this
16 act must be consistent with other applicable provisions of this title.

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

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

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

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.15 RCW
32 to read as follows:

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

1 mountain beaver if nonlethal control tools, including but not limited
2 to fencing, electrical fencing, or tree-wrapping, cannot be reasonably
3 applied.

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

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.12 RCW
8 to read as follows:

9 Nothing in this act prohibits the buying, selling, bartering, or
10 other exchange of the raw fur of a mammal that has been trapped in this
11 state under this title and the rules adopted by the commission, unless
12 the mammal was captured by a body-gripping trap, as that term is
13 defined in RCW 77.15.192.

14 NEW SECTION. **Sec. 8.** (1) The department of fish and wildlife
15 shall conduct a series of statewide public outreach and education
16 efforts during the 2004 calendar year that explain the availability and
17 function of the special permits allowed under RCW 77.15.194 and
18 sections 5 and 6 of this act.

19 (2) By December 31, 2004, the department of fish and wildlife must
20 report back to the appropriate committees of the legislature with a
21 summary of the educational and outreach efforts undertaken under this
22 section and a summary of the data collected on all catch reports. In
23 order to satisfy the reporting requirement of this subsection, the
24 department of fish and wildlife must collect from each permitted
25 trapper in the state information relating to trapping success,
26 including the number, general location, and species of all animals
27 captured, and a count of those animals captured that were not covered
28 by the permit.

29 (3) This section expires January 1, 2005.

30 NEW SECTION. **Sec. 9.** (1) The legislative furbearer study group is
31 created to meet during the interim between the 2004 and 2005
32 legislative sessions.

33 (2) The study group is composed of four members, appointed as
34 follows:

1 (a) One member from each caucus of the Washington state house of
2 representatives, selected by the speaker of the house of
3 representatives, from the membership of the house of representatives
4 fisheries, ecology, and parks committee; and

5 (b) One member from each caucus of the Washington state senate,
6 selected by the president of the senate, from the membership of the
7 senate parks, fish, and wildlife committee.

8 (3) The study group shall limit its activities to investigating the
9 issues and options associated with the proper treatment and ultimate
10 disposition of animal pelts and carcasses lawfully captured and killed
11 by a body-gripping trap. Issues that the study group may explore
12 include the proper ownership of pelts captured by body-gripping traps,
13 the role of such pelts in modern commerce, the costs associated with
14 prohibitions on pelt sales, and the possibility of creating economic
15 incentives that favor lethal trapping methods over nonlethal methods if
16 pelts obtained from use of a body-gripping trap were allowed to be sold
17 by the trapper or landowner.

18 (4) The study group will report to the legislature by December 31,
19 2004, with its recommendations, if any, in the form of suggested
20 legislation.

21 (5) Staff to the study group will be provided by the office of
22 program research and senate committee services.

23 (6) This section expires January 1, 2005.

24 NEW SECTION. **Sec. 10.** (1) Section 2 of this act expires July 1,
25 2004.

26 (2) Section 3 of this act takes effect July 1, 2004.

27 NEW SECTION. **Sec. 11.** Except for section 3 of this act, this act
28 is necessary for the immediate preservation of the public peace,
29 health, or safety, or support of the state government and its existing
30 public institutions, and takes effect immediately.

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