
HOUSE BILL 1787

State of Washington

60th Legislature

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By Representatives B. Sullivan, Hankins, Eickmeyer, Walsh, Williams, Hinkle, Grant and Kessler

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1 AN ACT Relating to wildlife management at airports; amending RCW
2 77.12.240, 77.32.010, and 77.15.194; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that incidents of
5 aircraft coming in contact with wildlife is the second leading cause of
6 death in the aviation industry. Interactions between aircraft and
7 wildlife can occur both with birds in the air and with large mammals on
8 the runways. The legislature further finds that most airport operators
9 employ or consult with trained wildlife management professionals to aid
10 in minimizing the safety risks posed by wildlife. Therefore, the
11 legislature concludes, given the risk to public safety created when
12 aircraft and wildlife come into contact and the level of professional
13 wildlife management utilized by airport operators, that airport
14 operators should have the management tools necessary for protecting
15 public safety readily available.

16 **Sec. 2.** RCW 77.12.240 and 1989 c 197 s 1 are each amended to read
17 as follows:

18 (1) The director may authorize the removal or killing of wildlife:

1 (a) That is destroying or injuring property(~~(, or~~));

2 (b) That is posing a threat to human health or safety at public
3 airports, as the term "airport" is defined in RCW 47.68.020; or

4 (c) When it is necessary for wildlife management or research.

5 (2)(a) Except as otherwise provided in this subsection, the
6 director shall authorize operators of public airports, as the term
7 "airport" is defined in RCW 47.68.020, to remove or kill wildlife that
8 is posing a threat to human health or safety either on the grounds of
9 a public airport or in the immediate vicinity of the airport. Wildlife
10 removed or killed in the immediate vicinity of an airport must be
11 posing a threat to aircraft taking off or landing at the airport before
12 it can be removed or killed.

13 (b) The operator of a public airport, when acting under the
14 authority granted by the director under this section, may take or kill
15 wildlife in any manner without the permits or licenses required by the
16 department under RCW 77.32.010 or chapter 77.32 RCW.

17 (c) The authority granted by the director to an airport operator
18 under this section extends to employees of the federal government
19 invited by the airport operator to control wildlife or otherwise engage
20 in wildlife management at the airport or in the immediate vicinity of
21 the airport.

22 (d) Nothing in this section authorizes airport operators or federal
23 employees invited to manage wildlife at airports to take or kill
24 species listed as threatened or endangered by the commission under RCW
25 77.12.020.

26 (e) No part of wildlife taken or killed at public airports under
27 the authority granted by the director under this section may be sold,
28 traded, bartered, or exchanged in any manner and must be disposed of in
29 a timely manner by the operator of the airport.

30 (f) The director may require airport operators to request the
31 authority to remove or kill wildlife under this section before removal
32 actions are allowed and may require airport operators to submit to the
33 department a summary of the individual animals taken or killed under
34 this section.

35 (3) Except for wildlife taken or killed by an airport operator
36 under this section, the director or other employees of the department
37 shall dispose of wildlife taken or possessed by (~~them~~) the department
38 under this title in the manner determined by the director to be in the

1 best interest of the state. Proceeds from any sales shall be deposited
2 in the state treasury to be credited to the state wildlife (~~fund~~)
3 account created in RCW 77.12.170.

4 **Sec. 3.** RCW 77.32.010 and 2006 c 57 s 1 are each amended to read
5 as follows:

6 (1) Except as otherwise provided in this (~~chapter~~) title, a
7 recreational license issued by the director is required to hunt for or
8 take wild animals or wild birds, fish for, take, or harvest fish,
9 shellfish, and seaweed. A recreational fishing or shellfish license is
10 not required for carp, smelt, and crawfish, and a hunting license is
11 not required for bullfrogs.

12 (2) A permit issued by the department is required to park a motor
13 vehicle upon improved department access facilities.

14 **Sec. 4.** RCW 77.15.194 and 2003 c 53 s 374 are each amended to read
15 as follows:

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

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

24 (3) Except for the operators of public airports when acting under
25 the authority to protect public health or safety provided in RCW
26 77.12.240, it is unlawful to use or authorize the use of any steel-
27 jawed leghold trap or any other body-gripping trap to capture any
28 animal, except as provided in subsections (4) and (5) of this section.

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

1 (a) Nothing in this section prohibits the director, in consultation
2 with the department of social and health services or the United States
3 department of health and human services from granting a permit to use
4 traps listed in this subsection for the purpose of protecting people
5 from threats to their health and safety.

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

18 (c) Nothing in this section prohibits the director from granting a
19 special permit to department employees or agents to use traps listed in
20 this subsection where the use of the traps is the only practical means
21 of protecting threatened or endangered species as designated under RCW
22 77.08.010.

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

26 (5) Nothing in this section prohibits the United States fish and
27 wildlife service, its employees or agents, from using a trap listed in
28 subsection (4) of this section where the fish and wildlife service
29 determines, in consultation with the director, that the use of such
30 traps is necessary to protect species listed as threatened or
31 endangered under the federal endangered species act (16 U.S.C. Sec.
32 1531 et seq.).

33 (6) A person violating this section is guilty of a gross
34 misdemeanor.

35 NEW SECTION. **Sec. 5.** Nothing in this act creates a cause of
36 action or civil liability against the state or an airport operator for

1 failing to protect the public health or safety at or in the vicinity of
2 airports.

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