
HOUSE BILL 2414

State of Washington

60th Legislature

2007 Regular Session

By Representatives Goodman, Ericks, McDonald, Rodne, B. Sullivan, Sells, Clibborn, Dunshee, Moeller, Springer, Williams, Roberts, Flannigan, P. Sullivan, Sommers, Rolfes and Morrell

Read first time 04/22/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the management of mammals; amending RCW
2 77.12.240, 77.32.010, 77.15.194, and 77.15.192; and creating a new
3 section.

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

5 **Sec. 1.** RCW 77.12.240 and 1989 c 197 s 1 are each amended to read
6 as follows:

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

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

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

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

12 (2)(a) Except as otherwise provided in this subsection, the
13 director shall authorize operators of airports, as the term "airport"
14 is defined in RCW 47.68.020, to remove or kill wild animals that are
15 posing a threat to human health or safety either on the grounds of an
16 airport or in the immediate vicinity of the airport. Wild animals
17 removed or killed in the immediate vicinity of an airport must be
18 posing a threat to aircraft taking off or landing at the airport before
19 it can be removed or killed.

1 (b) The operator of an airport, when acting under the authority
2 granted by the director under this section, may take or kill wild
3 animals in any manner without the permits or licenses required by the
4 department under RCW 77.32.010 or chapter 77.32 RCW.

5 (c) The authority granted by the director to an airport operator
6 under this section extends to employees of the federal government
7 invited by the airport operator to control wild animals or otherwise
8 engage in wildlife management at the airport or in the immediate
9 vicinity of the airport.

10 (d) Nothing in this section authorizes airport operators or federal
11 employees invited to manage wild animals at airports to take or kill
12 species listed as threatened or endangered by the commission under RCW
13 77.12.020.

14 (e) No part of any wild animal taken or killed at airports under
15 the authority granted by the director under this section may be sold,
16 traded, bartered, or exchanged in any manner and must be disposed of in
17 a timely manner by the operator of the airport.

18 (f) The director may require airport operators to request the
19 authority to remove or kill wild animals under this section before
20 removal actions are allowed and may require airport operators to submit
21 to the department a summary of the individual animals taken or killed
22 under this section.

23 (3) Except for wild animals taken or killed by an airport operator
24 under this section, the director or other employees of the department
25 shall dispose of wildlife taken or possessed by ((them)) the department
26 under this title in the manner determined by the director to be in the
27 best interest of the state. Proceeds from any sales shall be deposited
28 in the state treasury to be credited to the state wildlife ((fund))
29 account created in RCW 77.12.170.

30 **Sec. 2.** RCW 77.32.010 and 2006 c 57 s 1 are each amended to read
31 as follows:

32 (1) Except as otherwise provided in this ((chapter)) title, a
33 recreational license issued by the director is required to hunt for or
34 take wild animals or wild birds, fish for, take, or harvest fish,
35 shellfish, and seaweed. A recreational fishing or shellfish license is
36 not required for carp, smelt, and crawfish, and a hunting license is
37 not required for bullfrogs.

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

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

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

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

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

18 (4) Nothing in this section prohibits the use of a Conibear trap in
19 water, a padded leghold trap, or a nonstrangling type foot snare with
20 a special permit granted by the director under (a) through (d) of this
21 subsection. Issuance of the special permits shall be governed by rules
22 adopted by the department and in accordance with the requirements of
23 this section. Every person granted a special permit to use a trap or
24 device listed in this subsection shall check the trap or device at
25 least every twenty-four hours.

26 (a) Nothing in this section prohibits the director, in consultation
27 with the department of social and health services or the United States
28 department of health and human services from granting a permit to use
29 traps listed in this subsection for the purpose of protecting people
30 from threats to their health and safety.

31 (b) Nothing in this section prohibits the director from granting a
32 special permit to use traps listed in this subsection to a person who
33 applies for such a permit in writing, and who establishes that there
34 exists on a property an animal problem that has not been and cannot be
35 reasonably abated by the use of nonlethal control tools, including but
36 not limited to guard animals, electric fencing, or box and cage traps,
37 or if such nonlethal means cannot be reasonably applied. Upon making

1 a finding in writing that the animal problem has not been and cannot be
2 reasonably abated by nonlethal control tools or if the tools cannot be
3 reasonably applied, the director may authorize the use, setting,
4 placing, or maintenance of the traps for a period not to exceed thirty
5 days.

6 (c) Nothing in this section prohibits the director from granting a
7 special permit to department employees or agents to use traps listed in
8 this subsection where the use of the traps is the only practical means
9 of protecting threatened or endangered species as designated under RCW
10 77.08.010.

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

14 (5) Nothing in this section prohibits the United States fish and
15 wildlife service, its employees or agents, from using a trap listed in
16 subsection (4) of this section where the fish and wildlife service
17 determines, in consultation with the director, that the use of such
18 traps is necessary to protect species listed as threatened or
19 endangered under the federal endangered species act (16 U.S.C. Sec.
20 1531 et seq.).

21 (6) A person violating this section is guilty of a gross
22 misdemeanor.

23 **Sec. 4.** RCW 77.15.192 and 2001 c 1 s 2 are each amended to read as
24 follows:

25 The definitions in this section apply throughout RCW 77.15.194
26 through 77.15.198.

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

28 (2) "Body-gripping trap" means a trap that grips an animal's body
29 or body part. Body-gripping trap includes, but is not limited to,
30 steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps,
31 neck snares, and nonstrangling foot snares. Cage and box traps,
32 suitcase-type live beaver traps, and all common rat (~~and~~) traps,
33 mouse traps, gopher traps, and mole traps are not considered body-
34 gripping traps.

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

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

3 (5) "Animal problem" means any animal that threatens or damages
4 timber or private property or threatens or injures livestock or any
5 other domestic animal.

6 NEW SECTION. **Sec. 5.** Nothing in this act creates a cause of
7 action or civil liability against the state or an airport operator for
8 failing to protect the public health or safety at or in the vicinity of
9 airports.

--- END ---