

# HOUSE BILL REPORT

## HB 1115

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to trapping.

**Brief Description:** Concerning animal trapping.

**Sponsors:** Representatives Blake, Orcutt, Takko, Goodman, Warnick, Van De Wege, Green, Ericks, McCune, Herrera and Hinkle.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 2/6/09, 2/19/09 [DP].

### Brief Summary of Bill

- Repeals, reorganizes, and recodifies state law relating to wildlife trapping into one central chapter in the Fish and Wildlife Code.
- Creates a mechanism for the use of body-gripping traps to manage animal problems.
- Allows for the commerce of fur from animals that are trapped with allowable body-gripping traps.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 9 members: Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, Liias, McCoy, Pearson, Van De Wege and Warnick.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Jacks, Vice Chair; Nelson and Ormsby.

**Staff:** Jason Callahan (786-7117)

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

It is 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. It is also 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 Washington Department of Fish and Wildlife (WDFW) may grant permits to use padded leghold traps, Conibear traps in water, and non-strangling foot snares 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 cannot be reasonably controlled by non-lethal means. The holders of special permits are required to inspect their traps at least once daily.

The Director of the WDFW is also authorized to allow employees of the WDFW and wildlife scientists to use otherwise unlawful traps. Likewise, employees of the U.S. Fish and Wildlife Service are expressly exempted from the current law's coverage when protecting endangered species.

In addition to being prosecuted for a gross misdemeanor, a person who violates the provisions of the state trapping law loses his or her trapping privileges for five years. Repeat violators of the state's trapping laws face losing their trapping privileges permanently.

Trapping fur-bearing mammals with a non-body gripping trap is allowed during trapping seasons. An individual first must possess a trapping license issued by the WDFW. Prior to receiving a trapping license, an applicant must complete a course in safe, humane, and proper trapping techniques. The WDFW 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 WDFW is required to consult with, among others, humane and trapping organizations.

A trapper must 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 WDFW for the name and address of the trapper.

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### **Summary of Bill:**

Provisions in the Fish and Wildlife Code that deal with the trapping of wildlife are all repealed, reorganized, and recodified into a separate chapter dedicated to trapping. Substantive changes to the state's trapping law are made that impact the use of body-gripping traps.

#### Unregulated Use of Body-Gripping Traps.

Certain species may be trapped in otherwise prohibited traps, including body-gripping traps. These species may also be trapped by individuals who do not possess a trapping license.

Species that are unregulated are moles, gophers, squirrels, rats, and mice. Management and regulation of these species exist outside of the scope of the state's trapping laws.

In addition, the regulations on the use of body-gripping traps do not apply to any animal that is not a mammal. This includes birds and reptiles.

#### Regulated Use of Body-Gripping Traps.

As a general rule, the use of body-gripping traps is prohibited. However, there are instances when certain body-gripping traps can be used by commercial timber owners, airport operators, and private landowners. These groups may use specific types of body-gripping traps. The identified problem facing the landowner or land manager must be actual damage or threatened damage to property or resources, including livestock and pets, or threats to public safety.

Each type of land manager or land owner using a body-gripping trap has to satisfy certain criteria. A forest landowner who uses a body-gripping trap to capture mountain beavers must annually report to the WDFW the number of mountain beavers captured and their approximate location. Airport managers may only use body-gripping traps to capture wildlife that is posing a threat to human health and safety. Other landowners may only use body-gripping traps if the landowner has documented the existence of a specific problem that cannot be reasonably addressed using non-lethal means.

In addition to private landowners, airport managers, and timber owners, body-gripping traps may be used by certain other professionals. These are employees of the WDFW and those working with their permission to protect threatened and endangered species, federal wildlife agencies, and wildlife researchers.

#### Allowable Body-Gripping Traps.

The Fish and Wildlife Commission (Commission) is required to adopt a list of body-gripping traps that may be used in specific situations. These trap types must be the most humane effective trap for the targeted problem. Any traps identified for use by the Commission must be consistent with the advice given by the Trap Type Advisory Panel (Panel).

#### Trap Type Advisory Panel.

The Commission must convene the Trap Type Advisory Panel (Panel) to help Commission members identify the most humane effective trap types for a problem. The Panel must consist of a balanced representation of interests and expertise. Members of the Panel will convene upon request by the Commission and forward advice on the specific questions posed by the Commission.

#### Commerce of Fur.

The only fur that may be sold is fur from animals captured lawfully by a permissible trap as identified by the Commission. Animals that are captured in violation of state law may not be entered into commerce but may be donated to a public health or research institution.

#### Trapper's Reporting.

All licensed trappers must submit an annual report to the WDFW that indicates the number, general location, and species of animals captured during the past year. Failure to submit a report results in a one-year suspension of trapping privileges.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The Legislature has grappled with the topic of trapping for many years and has tried different approaches for a solution. This version is watered-down but is still an acceptable way to put the decisions about furbearer management into the hands of scientists and professionals while still respecting the integrity of the initiative that established the current law.

In the bill, body-gripping traps are only allowed to correct an animal problem. This is consistent with the initiative. Fur can be sold, but only if the animal was lawfully trapped. Allowing otherwise would be allowing the animals to be wasted.

The Forest Practices Act requires the successful replanting of trees, but mountain beavers frustrate the execution of the requirement and cause great expense. Unmanaged mountain beavers can destroy a freshly planted stand of trees. The current permissible ways to kill mountain beavers are less humane than body-gripping traps and are much less effective. Mountain beaver pelts have no financial value, and the traps are set in such a way that there are no unintended species captured.

Airports need relief from the unintended consequences of the current law. Wildlife strikes are the second leading cause of aviation fatalities, and the current law ties the hands of airport operators to prevent the problem. Livestock operators face potential loss of investments during calving season. The agriculture community needs tools to protect itself against loss. Many groups of landowners and land managers have specific issues with particular types of wildlife. It is important to address all categories of problems and not just choose among them for solutions.

(Opposed) There are legitimate concerns with the current law, but offers to compromise on solutions have been rejected in the past. Any compromise must not open up a market for dealing in the fur of a trapped animal. Allowing the trapper to receive a direct financial benefit from the sale of fur counters the intent of the initiative that established the current law.

The language that sets a process for allowable traps is too vague. It also entrusts the Commission to make the final decision, which may conflict with allowing all voices to be

heard. Allowing trapping for potential damage may lead to additional and unnecessary trapping.

**Persons Testifying:** (In support) Geor Ziegltrum, Washington Forest Practices Association; Ed Owens, Hunters Heritage Council; Norm Schaaf, Merrill and Ring; Jerry Kilpatrick, Yakima Air Terminal; Jack Field, Washington Cattlemen's Association; Steve Pozzanghera, Washington Department of Fish and Wildlife; and John Stuhlmiller, Washington Farm Bureau.

(Opposed) Jennifer Hillman and Carey Morris, The Humane Society.

**Persons Signed In To Testify But Not Testifying:** None.