
HOUSE BILL 1606

State of Washington

60th Legislature

2007 Regular Session

By Representatives Blake, Newhouse, Grant, Buri, Takko, VanDeWege, B. Sullivan, Eickmeyer, Kretz, Hailey, Warnick, Kessler, Strow, Hinkle, Dunn and Moeller

Read first time 01/24/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to trapping; amending RCW 77.08.010; adding a new
2 chapter to Title 77 RCW; creating new sections; repealing RCW
3 77.15.190, 77.15.191, 77.15.192, 77.15.194, 77.15.196, 77.15.198,
4 77.32.545, 77.65.450, and 77.65.460; and prescribing penalties.

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

6 **Sec. 1.** RCW 77.08.010 and 2005 c 104 s 1 are each amended to read
7 as follows:

8 As used in this title or rules adopted under this title, unless the
9 context clearly requires otherwise:

10 (1) "Director" means the director of (~~fish and wildlife~~) the
11 department.

12 (2) "Department" means the department of fish and wildlife.

13 (3) "Commission" means the state fish and wildlife commission.

14 (4) "Person" means and includes an individual; a corporation; a
15 public or private entity or organization; a local, state, or federal
16 agency; all business organizations, including corporations and
17 partnerships; or a group of two or more individuals acting with a
18 common purpose whether acting in an individual, representative, or
19 official capacity.

1 (5) "Fish and wildlife officer" means a person appointed and
2 commissioned by the director, with authority to enforce this title and
3 rules adopted pursuant to this title, and other statutes as prescribed
4 by the legislature. Fish and wildlife officer includes a person
5 commissioned before June 11, 1998, as a wildlife agent or a fisheries
6 patrol officer.

7 (6) "Ex officio fish and wildlife officer" means a commissioned
8 officer of a municipal, county, state, or federal agency having as its
9 primary function the enforcement of criminal laws in general, while the
10 officer is in the appropriate jurisdiction. The term "ex officio fish
11 and wildlife officer" includes special agents of the national marine
12 fisheries service, state parks commissioned officers, United States
13 fish and wildlife special agents, department of natural resources
14 enforcement officers, and United States forest service officers, while
15 the agents and officers are within their respective jurisdictions.

16 (7) "To hunt" and its derivatives means an effort to kill, injure,
17 capture, or harass a wild animal or wild bird.

18 (8) "To trap" and its derivatives means a method of hunting using
19 devices to capture wild animals or wild birds.

20 (9) "To fish," "to harvest," and "to take," and their derivatives
21 means an effort to kill, injure, harass, or catch a fish or shellfish.

22 (10) "Open season" means those times, manners of taking, and places
23 or waters established by rule of the commission for the lawful hunting,
24 fishing, taking, or possession of game animals, game birds, game fish,
25 food fish, or shellfish that conform to the special restrictions or
26 physical descriptions established by rule of the commission or that
27 have otherwise been deemed legal to hunt, fish, take, harvest, or
28 possess by rule of the commission. "Open season" includes the first
29 and last days of the established time.

30 (11) "Closed season" means all times, manners of taking, and places
31 or waters other than those established by rule of the commission as an
32 open season. "Closed season" also means all hunting, fishing, taking,
33 or possession of game animals, game birds, game fish, food fish, or
34 shellfish that do not conform to the special restrictions or physical
35 descriptions established by rule of the commission as an open season or
36 that have not otherwise been deemed legal to hunt, fish, take, harvest,
37 or possess by rule of the commission as an open season.

- 1 (12) "Closed area" means a place where the hunting of some or all
2 species of wild animals or wild birds is prohibited.
- 3 (13) "Closed waters" means all or part of a lake, river, stream, or
4 other body of water, where fishing or harvesting is prohibited.
- 5 (14) "Game reserve" means a closed area where hunting for all wild
6 animals and wild birds is prohibited.
- 7 (15) "Bag limit" means the maximum number of game animals, game
8 birds, or game fish which may be taken, caught, killed, or possessed by
9 a person, as specified by rule of the commission for a particular
10 period of time, or as to size, sex, or species.
- 11 (16) "Wildlife" means all species of the animal kingdom whose
12 members exist in Washington in a wild state. This includes but is not
13 limited to mammals, birds, reptiles, amphibians, fish, and
14 invertebrates. The term "wildlife" does not include feral domestic
15 mammals, old world rats and mice of the family Muridae of the order
16 Rodentia, or those fish, shellfish, and marine invertebrates classified
17 as food fish or shellfish by the director. The term "wildlife"
18 includes all stages of development and the bodily parts of wildlife
19 members.
- 20 (17) "Wild animals" means those species of the class Mammalia whose
21 members exist in Washington in a wild state (~~and the species Rana~~
22 ~~eatesbeiana (bullfrog)~~). The term "wild animal" does not include
23 feral domestic mammals (~~(or)~~), moles, gophers, Eastern grey squirrels,
24 California ground squirrels, and old world rats and mice of the family
25 Muridae of the order Rodentia.
- 26 (18) "Wild birds" means those species of the class Aves whose
27 members exist in Washington in a wild state.
- 28 (19) "Protected wildlife" means wildlife designated by the
29 commission that shall not be hunted or fished.
- 30 (20) "Endangered species" means wildlife designated by the
31 commission as seriously threatened with extinction.
- 32 (21) "Game animals" means wild animals that shall not be hunted
33 except as authorized by the commission.
- 34 (22) "Fur-bearing animals" means game animals that shall not be
35 trapped except as authorized by the commission.
- 36 (23) "Game birds" means wild birds that shall not be hunted except
37 as authorized by the commission.

1 (24) "Predatory birds" means wild birds that may be hunted
2 throughout the year as authorized by the commission.

3 (25) "Deleterious exotic wildlife" means species of the animal
4 kingdom not native to Washington and designated as dangerous to the
5 environment or wildlife of the state.

6 (26) "Game farm" means property on which wildlife is held or raised
7 for commercial purposes, trade, or gift. The term "game farm" does not
8 include publicly owned facilities.

9 (27) "Person of disability" means a permanently disabled person who
10 is not ambulatory without the assistance of a wheelchair, crutches, or
11 similar devices.

12 (28) "Fish" includes all species classified as game fish or food
13 fish by statute or rule, as well as all fin fish not currently
14 classified as food fish or game fish if such species exist in state
15 waters. The term "fish" includes all stages of development and the
16 bodily parts of fish species.

17 (29) "Raffle" means an activity in which tickets bearing an
18 individual number are sold for not more than twenty-five dollars each
19 and in which a permit or permits are awarded to hunt or for access to
20 hunt big game animals or wild turkeys on the basis of a drawing from
21 the tickets by the person or persons conducting the raffle.

22 (30) "Youth" means a person fifteen years old for fishing and under
23 sixteen years old for hunting.

24 (31) "Senior" means a person seventy years old or older.

25 (32) "License year" means the period of time for which a
26 recreational license is valid. The license year begins April 1st, and
27 ends March 31st.

28 (33) "Saltwater" means those marine waters seaward of river mouths.

29 (34) "Freshwater" means all waters not defined as saltwater
30 including, but not limited to, rivers upstream of the river mouth,
31 lakes, ponds, and reservoirs.

32 (35) "State waters" means all marine waters and fresh waters within
33 ordinary high water lines and within the territorial boundaries of the
34 state.

35 (36) "Offshore waters" means marine waters of the Pacific Ocean
36 outside the territorial boundaries of the state, including the marine
37 waters of other states and countries.

1 (37) "Concurrent waters of the Columbia river" means those waters
2 of the Columbia river that coincide with the Washington-Oregon state
3 boundary.

4 (38) "Resident" means:

5 (a) A person who has maintained a permanent place of abode within
6 the state for at least ninety days immediately preceding an application
7 for a license, has established by formal evidence an intent to continue
8 residing within the state, and who is not licensed to hunt or fish as
9 a resident in another state; and

10 (b) A person age eighteen or younger who does not qualify as a
11 resident under (a) of this subsection, but who has a parent that
12 qualifies as a resident under (a) of this subsection.

13 (39) "Nonresident" means a person who has not fulfilled the
14 qualifications of a resident.

15 (40) "Shellfish" means those species of marine and freshwater
16 invertebrates that have been classified and that shall not be taken
17 except as authorized by rule of the commission. The term "shellfish"
18 includes all stages of development and the bodily parts of shellfish
19 species.

20 (41) "Commercial" means related to or connected with buying,
21 selling, or bartering.

22 (42) "To process" and its derivatives mean preparing or preserving
23 fish, wildlife, or shellfish.

24 (43) "Personal use" means for the private use of the individual
25 taking the fish or shellfish and not for sale or barter.

26 (44) "Angling gear" means a line attached to a rod and reel capable
27 of being held in hand while landing the fish or a hand-held line
28 operated without rod or reel.

29 (45) "Fishery" means the taking of one or more particular species
30 of fish or shellfish with particular gear in a particular geographical
31 area.

32 (46) "Limited-entry license" means a license subject to a license
33 limitation program established in chapter 77.70 RCW.

34 (47) "Seaweed" means marine aquatic plant species that are
35 dependent upon the marine aquatic or tidal environment, and exist in
36 either an attached or free floating form, and includes but is not
37 limited to marine aquatic plants in the classes Chlorophyta,
38 Phaeophyta, and Rhodophyta.

1 (48) "Trafficking" means offering, attempting to engage, or
2 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
3 deleterious exotic wildlife.

4 (49) "Invasive species" means a plant species or a nonnative animal
5 species that either:

6 (a) Causes or may cause displacement of, or otherwise threatens,
7 native species in their natural communities;

8 (b) Threatens or may threaten natural resources or their use in the
9 state;

10 (c) Causes or may cause economic damage to commercial or
11 recreational activities that are dependent upon state waters; or

12 (d) Threatens or harms human health.

13 (50) "Prohibited aquatic animal species" means an invasive species
14 of the animal kingdom that has been classified as a prohibited aquatic
15 animal species by the commission.

16 (51) "Regulated aquatic animal species" means a potentially
17 invasive species of the animal kingdom that has been classified as a
18 regulated aquatic animal species by the commission.

19 (52) "Unregulated aquatic animal species" means a nonnative animal
20 species that has been classified as an unregulated aquatic animal
21 species by the commission.

22 (53) "Unlisted aquatic animal species" means a nonnative animal
23 species that has not been classified as a prohibited aquatic animal
24 species, a regulated aquatic animal species, or an unregulated aquatic
25 animal species by the commission.

26 (54) "Aquatic plant species" means an emergent, submersed,
27 partially submersed, free-floating, or floating-leaving plant species
28 that grows in or near a body of water or wetland.

29 (55) "Retail-eligible species" means commercially harvested salmon,
30 crab, and sturgeon.

31 (56) "Body-gripping trap" means any trap, other than a net, that
32 grips an animal's body or body part, and leghold and foothold traps,
33 neck snares, and nonstrangling foot snares.

34 (57) "Prohibited trap" means:

35 (a) All body-gripping traps;

36 (b) Traps or other devices that use sodium fluoroacetate or sodium
37 cyanide as a killing agent; and

1 (c) Any other trap types prohibited from use in Washington by the
2 commission.

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

5 (59) "Animal problem" means a situation where a wild animal
6 threatens or damages either public or private property or resources,
7 threatens or injures livestock or any other domestic animal, or creates
8 a threat to public health and safety.

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

10 NEW SECTION. Sec. 2. The commission has the authority to manage
11 the trapping of wild animals in Washington. This authority includes
12 the ability to establish trapping seasons, prohibit the use of any trap
13 type, establish prerequisites for the receipt of a trapping license,
14 establish requirements for commerce in raw fur, establish required
15 timelines for checking set traps, establish requirements for the
16 handling, holding, transport, dispatch, and release of captured
17 wildlife, and adopt any other rules deemed necessary by the commission
18 for the management of wild animal trapping consistent with this
19 chapter.

20 NEW SECTION. Sec. 3. (1) A person must possess a department-
21 issued Washington trapping license in order to lawfully trap wild
22 animals throughout the state. Prior to being issued a trapping
23 license, the person must satisfy the requirements of section 4 of this
24 act.

25 (2)(a) A Washington trapping license allows the holder to trap wild
26 animals and wild birds on his or her property, or on the property of
27 another, consistent with this title.

28 (b) A Washington trapping license is valid from the date of
29 issuance until the April 1st following the date of issuance.

30 (c) The fee for a Washington trapping license is thirty-six dollars
31 for residents sixteen years of age or older, fifteen dollars for
32 residents under sixteen years of age, and one hundred eighty dollars
33 for nonresidents.

34 (3)(a) The holder of a trapping license under this section must
35 complete and submit to the department an accurate annual report of
36 catch as required by rule of the commission. The report must be

1 submitted to the department regardless of trapping success, and
2 indicate the number, general location, and species of all wild animals
3 captured that were not part of an animal problem controlled pursuant to
4 section 6 of this act.

5 (b) The holders of trapping licenses that fail to submit a report
6 of catch shall, in addition to the penalties provided for in RCW
7 77.15.280, have their trapping privileges suspended for one year.

8 (c) It is the responsibility of each trapping licensee to submit a
9 report of trapping results as required by rule of the commission.

10 (d) The department shall maintain and summarize all catch reports
11 received under this section, and shall present the summarized
12 information to the commission.

13 (4) All persons trapping with a license issued under this section
14 must comply with the provisions of this title and all rules adopted by
15 the commission under this title.

16 NEW SECTION. **Sec. 4.** (1) Prior to being issued an initial
17 Washington trapping license under section 3 of this act, a person must
18 present the department with a certification of completion of a course
19 of instruction in safe, humane, and proper trapping techniques or pass
20 an examination to establish that the applicant has the requisite
21 knowledge.

22 (2) The department shall establish a program for training persons
23 in trapping techniques and responsibilities, including the use of
24 trapping devices designed to painlessly capture or instantly kill. The
25 department shall cooperate with Washington-based animal shelters,
26 humane organizations, wildlife rehabilitation centers, and similar
27 entities providing animal care and rehabilitation services, hunter
28 education groups, and Washington-based trapping organizations in the
29 development and instruction of a curriculum for the training program.
30 Upon successful completion of the course, trainees receive a training
31 certificate signed by an authorized instructor, which must be accepted
32 by the department as evidence of compliance with this section.

33 NEW SECTION. **Sec. 5.** (1) All individuals setting a trap for a
34 wild animal must attach to the chain of their traps or devices a
35 legible metal tag with either the department identification number of

1 the trapper or the name and address of the trapper in English letters
2 not less than one-eighth inch in height.

3 (2) No person may place a trap on private property without
4 permission of the owner, lessee, or tenant if:

- 5 (a) The land is improved and apparently used;
- 6 (b) The land is fenced or enclosed in a manner designed to exclude
7 intruders or to indicate a property boundary line; or
- 8 (c) Notice that the land is used is given by posting in a
9 conspicuous manner.

10 (3) When a property owner, lessee, or tenant presents a trap
11 identification number to the department for a trap found upon the
12 property of the owner, lessee, or tenant and requests identification of
13 the trapper, the department shall provide the requestor with the name
14 and address of the trapper. Prior to disclosure of the trapper's name
15 and address, the department shall obtain the name and address of the
16 requesting individual in writing and after disclosing the trapper's
17 name and address to the requesting individual, the requesting
18 individual's name and address shall be disclosed in writing to the
19 trapper whose name and address was disclosed.

20 (4) A property owner, lessee, or tenant may remove any trap placed
21 on the owner's, lessee's, or tenant's posted or fenced property.

22 NEW SECTION. **Sec. 6.** (1) Except as otherwise provided in this
23 section, it is unlawful to use, attempt to use, or authorize the use of
24 any prohibited trap to capture any wild animal.

25 (2)(a) The department may authorize a public or private landowner,
26 tenant, or designee of the landowner or tenant to use specific types of
27 body-gripping traps identified by the commission under section 7 of
28 this act on his or her own property in order to address an animal
29 problem if:

30 (i) The individual operating the traps holds a valid trapping
31 license under section 3 of this act or has contracted with a trapper
32 licensed under section 3 of this act; and

33 (ii) The landowner or tenant has documented to the department that
34 a specific animal problem either exists or could potentially exist, and
35 that nonlethal methods for addressing the animal problem cannot be
36 reasonably and effectively applied.

1 (b) The owner or operator of commercial timber, as those terms are
2 defined in RCW 76.09.020, may use otherwise prohibited body-gripping
3 traps to capture mountain beavers. All individual mountain beavers
4 trapped under this section, and the approximate location of the
5 trapping, must be reported to the department on an annual basis.

6 (c) Department employees, or individuals working with the
7 permission of or under the supervision of department employees, may use
8 otherwise prohibited traps if the use of the traps is the only
9 practical means of protecting threatened or endangered species as
10 designated under RCW 77.08.010.

11 (d) The department may authorize the use of otherwise prohibited
12 traps to conduct legitimate wildlife research.

13 (e) Federal wildlife agencies and their employees and agents, while
14 acting lawfully within the scope of their authority, are not subject to
15 the provisions of this section.

16 (f) The operators of public airports or the operators of private
17 airports open to the public may use otherwise prohibited body-gripping
18 traps, either on property controlled by the airport operator or on
19 property in the immediate vicinity of the airport, to capture any
20 wildlife not listed as threatened or endangered if the wildlife is
21 posing a threat to human health and safety. Animals trapped under this
22 section must be reported to the department on an annual basis.

23 (3) If the commission has not identified at least one specific type
24 of body-gripping trap for a particular animal problem in accordance
25 with subsection (2) of this section, the director may issue a special
26 permit to a public or private tenant or landowner for that animal
27 problem consistent with WAC 232-12-142, as it existed on January 1,
28 2006.

29 (4) A violation of this section is a gross misdemeanor.

30 NEW SECTION. **Sec. 7.** (1) The commission shall adopt and maintain
31 a list of body-gripping traps that may be lawfully used under section
32 6 of this act. The commission shall adopt specific trap types for
33 specific animal problems that are the most humane effective traps for
34 the targeted animal problem. The adoption of permissible trap types
35 under this section must be consistent with the recommendations and
36 advice forwarded by the advisory panel created in this section.

1 (2)(a) The commission shall convene and maintain a trap type
2 advisory panel to provide recommendations and guidance for identifying
3 humane traps to be used for managing animal problems. The panel must
4 consist of a balanced representation of interests and expertise,
5 including representatives of the department, state humane
6 organizations, trapping organizations, wildlife rehabilitation centers
7 or similar entities providing animal care and rehabilitation services,
8 private landowners, local governments, and livestock operators.

9 (b) Members of the advisory panel shall serve without compensation,
10 but may be reimbursed for travel expenses as authorized in RCW
11 43.03.050 and 43.03.060.

12 (c) The members of the advisory panel, or individuals acting on
13 their behalf, are immune from civil liability for official acts
14 performed in the course of their duties.

15 NEW SECTION. **Sec. 8.** (1) It is unlawful to knowingly buy, sell,
16 barter, or otherwise exchange, or offer to buy, sell, barter, or
17 otherwise exchange a wild animal, or the raw fur of a wild animal, that
18 has been trapped in this state with a prohibited trap, unless the wild
19 animal was trapped lawfully under section 6 of this act. Raw fur from
20 other sources may be bought, sold, or bartered consistent with any
21 rules adopted by the commission.

22 (2) The carcass of any animal captured in a prohibited trap may be
23 donated by the department to a public health or research institution.

24 (3) A violation of this section is a gross misdemeanor.

25 NEW SECTION. **Sec. 9.** (1) A person is guilty of unlawful trapping
26 if the person:

27 (a) Sets out traps that are capable of taking wild animals, game
28 animals, or furbearing mammals and does not possess all licenses, tags,
29 or permits required under this title;

30 (b) Violates any rule of the commission or director regarding
31 seasons, bag or possession limits, closed areas including game
32 reserves, closed times, or any other rule governing the trapping of
33 wild animals that does not constitute a violation of section 6 of this
34 act; or

35 (c) Fails to identify the owner of the traps or devices consistent
36 with section 5 of this act.

1 (2) Unlawful trapping is a misdemeanor.

2 NEW SECTION. **Sec. 10.** (1) The director may revoke the trapping
3 license of a person placing unauthorized traps on private property.
4 Any unauthorized traps found on private property may be removed by the
5 department.

6 (2) The director shall revoke the trapping license of any person
7 convicted of a violation of section 6 of this act, and suspend the
8 violator's trapping privileges for five years following the revocation.
9 If a person is convicted of subsequent violations of section 6 of this
10 act, the director shall permanently suspend his or her trapping
11 privileges.

12 (3) A person who has his or her trapping privileges revoked under
13 this section must satisfy the trapping education requirements of
14 section 4 of this act no more than one year before a new trapping
15 license is granted.

16 (4) The suspensions and revocations outlined in this section are to
17 be applied in addition to any appropriate criminal penalties.

18 NEW SECTION. **Sec. 11.** (1) By vesting the authority to assess and
19 approve trap types with the fish and wildlife commission, the
20 legislature recognizes the specialized expertise of the fish and
21 wildlife commission in overseeing the management of problem wildlife.
22 Section 7 of this act is intended to create a process that ensures the
23 decision to allow a specific type of body-gripping trap in the state of
24 Washington will receive an elevated level of scrutiny that is in
25 balance with the gravity of the decision.

26 (2) To ensure that the process created in section 7 of this act is
27 working to satisfy the goals of this act, the fish and wildlife
28 commission shall work with the advisory committee created in section 7
29 of this act to prepare a report to the appropriate committees of the
30 legislature. The report must be completed prior to the commencement of
31 the regularly scheduled 2009 legislative session, and must assess the
32 trap type evaluation and approval process created in this act in light
33 of the legislature's goals in adopting this act.

34 NEW SECTION. **Sec. 12.** The code reviser is directed to alphabetize
35 and renumber the defined terms in RCW 77.08.010.

1 NEW SECTION. **Sec. 13.** Sections 2 through 10 of this act
2 constitute a new chapter in Title 77 RCW.

3 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 77.15.190 (Unlawful trapping--Penalty) and 1999 c 258 s 9
6 & 1998 c 190 s 34;

7 (2) RCW 77.15.191 (Revocation of trapper's license--Placement of
8 unauthorized traps) and 2000 c 107 s 268 & 1987 c 372 s 4;

9 (3) RCW 77.15.192 (Definitions) and 2001 c 1 s 2;

10 (4) RCW 77.15.194 (Unlawful traps--Penalty) and 2003 c 53 s 374 &
11 2001 c 1 s 3;

12 (5) RCW 77.15.196 (Unlawful poison--Penalty) and 2003 c 53 s 375 &
13 2001 c 1 s 4;

14 (6) RCW 77.15.198 (Violation of RCW 77.15.194 or 77.15.196--
15 Penalty) and 2003 c 53 s 376 & 2001 c 1 s 5;

16 (7) RCW 77.32.545 (Removal of trap--Identification of traps--
17 Disclosure of identities) and 1998 c 190 s 121, 1993 sp.s. c 2 s 75,
18 1988 c 36 s 51, 1987 c 372 s 1, 1980 c 78 s 85, & 1955 c 36 s
19 77.16.170;

20 (8) RCW 77.65.450 (Trapper's license) and 1991 sp.s. c 7 s 3, 1987
21 c 372 s 3, 1985 c 464 s 4, & 1981 c 310 s 23; and

22 (9) RCW 77.65.460 (Trapper's license--Training program or
23 examination requisite for issuance to initial licensee) and 1987 c 506
24 s 82, 1981 c 310 s 24, 1980 c 78 s 114, & 1977 c 43 s 1.

--- END ---