

1 **SSB 5179** - H AMD TO H AMD (H-2887.1) **443 WITHDRAWN 4-23-03**
2 By Representative Cooper

3 Strike everything after the enacting clause and insert the
4 following:

5 **"Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 are each amended to
6 read as follows:

7 The definitions in this section apply throughout RCW 77.15.194
8 through 77.15.198.

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

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

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

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

22 (5) "Animal problem" means any animal that threatens or damages
23 either timber or public or private property or threatens or injures
24 livestock or any other domestic animal.

25 **Sec. 2.** RCW 77.15.194 and 2001 c 1 s are each amended to read
26 as follows:

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

30 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
31 exchange, or offer to buy, sell, barter, or otherwise exchange the

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

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

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

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

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

37 (c) Nothing in this section prohibits the director from
38 granting a special permit to department employees or agents to use
39 traps listed in this subsection where the use of the traps is the

1 only practical means of protecting threatened or endangered species
2 as designated under RCW 77.08.010.

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

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

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.15
14 RCW to read as follows:

15 Any trapping allowed under RCW 77.15.194, section 5 of this
16 act, or section 6 of this act must be consistent with other
17 applicable provisions of this title.

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

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

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

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

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

1 trap mountain beaver (*Aplodontia rufa*) if nonlethal control tools,
2 including but not limited to fencing, electrical fencing, or tree-
3 wrapping, can not be reasonably applied.

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

7 NEW SECTION. **Sec. 6.** (1) The department of fish and wildlife
8 shall conduct a series of statewide public outreach and education
9 efforts during the 2003 calendar year that explain the availability
10 and function of the special permits allowed under RCW 77.15.194 and
11 sections 4 and 5 of this act.

12 (2) By December 31, 2003, the department of fish and wildlife
13 must report back to the appropriate committees of the legislature
14 with a summary of the educational and outreach efforts undertaken
15 pursuant to this section and a summary of the data collected on all
16 catch reports. In order to satisfy the reporting requirement of
17 this subsection, the department must collect from each permitted
18 trapper in the state information relating to trapping success,
19 including the number, general location, and species of all animals
20 captured, and a count of those animals captured that were not
21 covered by the permit.

22 (3) This section expires January 1, 2004.

23 NEW SECTION. **Sec. 7.** Nothing in this act prohibits the
24 buying, selling, bartering, or other exchange of the raw fur of a
25 mammal that has been trapped in this state pursuant to Title 77 RCW
26 and the rules adopted by the fish and wildlife commission, unless
27 the mammal was captured by a body-gripping trap, as that term is
28 defined in RCW 77.15.192.

29 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of
31 the state government and its existing public institutions, and
32 takes effect immediately."

33 Correct the title.

1 EFFECT: Replaces the language in the underlying bill with the
2 following provisions:

3 ∅ Excludes common gopher and mole traps from the definition
4 of a body-gripping trap.

5 ∅ Includes publicly-owned lands in the definition of an
6 "animal problem".

7 ∅ Allows the owner or operator of commercial timber to use
8 a number 110 Conibear trap to capture mountain beavers, if
9 nonlethal control measures cannot reasonably be applied.
10 Nonlethal control measures include fencing and tree-wrapping.
11 Mountain beavers trapped under this authority must be reported
12 to the Department of Fish and Wildlife on an annual basis.

13 ∅ Allows a 30-day coyote trapping permit to be issued for
14 the protection of commercial livestock during the birthing
15 season without having to show that nonlethal methods have been
16 exhausted.

17 ∅ Specifies that all permitted trapping must be done
18 consistent with the other provisions of the state's game laws.

19 ∅ Requires the Department of Fish and Wildlife to undertake
20 public outreach efforts and report back to the Legislature.