

Initiative 713 - Trapping Prohibition in Washington

Statutory Authority – In November of 2000, Initiative 713 was passed into law which outlawed the use of any “body-gripping” traps on wildlife. The types of traps included in this law are leg-hold traps and snares. The only types of traps exempt from this statute are common rat and mouse traps. The initiative also made it a crime to sell, buy, barter, or exchange the fur of any animal that had been trapped with a body-gripping trap. The penalty for engaging in any of these activities is a gross misdemeanor.

Concerns with the Initiative – Initiative 713 has been the law in Washington for the past four years and problems with the law began to appear almost immediately.

The most common problem is with homeowners who wish to protect the landscaping in their yard from moles. Initiative 713 did not make an exception for the trapping of moles and the legal opinion from the state Attorney General Office concurs that moles cannot legally be trapped according to the provisions of I-713.

For livestock producers, coyotes create a financial hardship on them as sheep, goats, poultry and cattle are being harassed and even killed by these predators. In the past, licensed trappers would exchange their services for the right to keep the pelts of predators trapped on landowners’ property. Since it is against the law to sell pelts of these trapped animals, landowners end up paying for the services of varmint hunters. What used to be a mutual relationship between landowner and trapper now costs the landowner in money for services, time spent in protecting his livestock, and resources for additional fencing and protection of their livestock.

Timber owners are also faced with damage to young stands of timber from mountain beavers which destroy stands of recently planted saplings. Hatcheries are impacted from the predation of river otters. These predators destroy many hatchery-raised fish just to eat only their eggs. The cost to both industries is extensive.

In Washington there are more than 900 state regulated dams of which 300 pose a significant threat to downstream residents if they were to fail. The Department of Ecology conducts periodic inspections of existing dams to ensure the integrity of the dam and the proper maintenance of the facility. In some cases, gophers have tunneled into the earthen dams and caused damage which the dam owner must correct. Because body-gripping traps are not allowed, the safety of some residents is being compromised by an impractical law.

In Washington state it is against the law to waste wildlife. By having a state law which prohibits the selling, buying or bartering of animal fur from animals trapped with a “body-gripping” device, we have laws which are in conflict with each other. Even the state Department of Wildlife recognizes this problem and advocates that fur from these animals not be wasted.

Limited Trapping in Some Circumstances – Under certain circumstances, the director of the Department of Fish & Wildlife may presently grant permits to use “body-gripping” traps. But this is only for 30 days and the person must daily inspect the traps. Before a permit can even be issued, the individual must show in writing that attempts to abate the problem wildlife have been tried but failed. The crux of this matter is that an individual cannot address the wildlife problem *before* it occurs; he or she can only address it after it has occurred and all non-lethal means to stop it have failed.

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Legislative Actions

2003

The Legislature passed **SB 5179** which authorized the Fish & Wildlife Commission to implement a fur-bearer management program. All trapping was to be done by a trapper licensed and permitted by the Department of Fish & Wildlife. However, all individuals could have engaged in the trapping of mice, rats, mountain beavers, moles, gophers and nutria. Fur from animals lawfully trapped could also be bartered or sold so as to prevent wastage of the resource.

Veto by the Governor – After the Legislature adjourned, Governor Locke vetoed the bill in its entirety stating that he would like a report from the Fish & Wildlife Commission on how it would address trapping in the state. He also stated:

I also would expect that given current financial constraints, DFW would use its limited enforcement resources on higher priorities rather than against homeowners, businesses and the timber industry that have trapped for moles, gophers and mountain beavers.

Many were left in wonder why Governor Locke would request the agency to ignore this law rather than change it when he had the opportunity to do so.

2005 – 2006

Legislation was introduced during both the 2005 and 2006 sessions which would have allowed the trapping of nuisance wildlife under certain conditions. The primary bill introduced during the 2005 session was **SB 5319** and the legislation during the 2006 session was **HB 2641**. Neither of these bills passed the legislature. At issue was the unwillingness of certain animal rights groups to allow the sale of animal fur which would have lawfully been caught in a trap. Key legislators in the majority party were sympathetic to these groups and prevented the bills from moving forward in the legislative process.

During the 2006 session, legislation (**HB 2831**) passed the legislature with very little opposition which would have allowed for a specialized permit for the trapping of beaver. This permit would have allowed nuisance beavers in certain regions of the state where they are causing extensive property damage to be relocated to properties where the property owner request their relocation for improving riparian habitat and where there is low probability of beavers becoming a problem. Governor Gregoire, at the request of the department of Fish and Wildlife, vetoed this bill in its entirety much to the chagrin of the prime sponsor, other legislators and not a few beavers.

2007 - 2008

Legislation (**HB 1606**) was introduced in the House which would have repealed, reorganized and recodified all existing trapping statutes into one chapter of law. HB 1606 would have allowed for the use of body-gripping traps to manage wildlife problems, however, the bill never made it out of the House committee. In the Senate, **SB 5722** was introduced which would have included moles traps to the list of traps, including rat and mouse traps, that are not considered “body-gripping traps.” However, this bill failed to pass the Senate.

In an effort to prevent the DFW from enforcing penalties associated with the trapping of moles and mountain beavers, the democratic leadership inserted language into the 2007 Operating Budget which would have prohibited the department from using appropriated funds. Governor Gregoire vetoed this section stating “The budget bill is not the appropriate vehicle for making substantive policy changes in the way the state implements Initiative 713.”