



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 27, 2019

TIME: 2:08 PM

WSR 19-20-077

Agency: Washington Department of Fish and Wildlife 19-246:

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: House Bill 1917, as passed by the 2019 legislative session, amended RCW 77.15.194 to provide that an airport operator may obtain a special trapping permit once every three years, and must annually report the previous year's trapping activity to the department. The rule change amends WAC 220-417-040 to reflect the same.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 220-417-040

Suspended:

Statutory authority for adoption:

RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020.

Other authority: None.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-16-112 on August 05, 2019 (date).

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>1</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: September 27, 2019

Name: Larry Carpenter

Title: Chair, Washington Department of Fish and Wildlife Commission

Signature:



WAC 220-417-040 Use of body-gripping traps—Special trapping permit required. (1) As used in this section, unless the context clearly requires otherwise, the following definitions apply:

(a) "Airport operator" means any municipality as defined in RCW 14.08.010(2) or state agency which owns and/or operates an airport.

(b) "Body-gripping trap" as defined by RCW 77.15.192 means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded-jaw leghold or padded foot-hold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

~~((b))~~ (c) "Conibear or Conibear-type trap" means any trap of various manufacturers having design and operational characteristics essentially the same as or like that developed by Frank Conibear and designed and set to grip and hold an animal's body across its main axis.

~~((e))~~ (d) "Padded-jaw leghold" or "padded foot-hold trap" means a trap designed and set to grip the foot of an animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

~~((d))~~ (e) "Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb. Noose traps used in falconry are not considered nonstrangling-type foot snare traps because they are not designed to ultimately kill the bird but rather to ensure the bird's health and safety and cause no harm by using slip nooses which are constructed of monofilament nylon.

~~((e))~~ (f) "Special trapping permit" means a permit issued to a person under the authority of RCW 77.15.194 and the provisions of this section to use certain body-gripping traps to abate an animal problem ~~(for thirty days)~~.

~~((f))~~ (g) "Permittee" means the person to whom a special trapping permit is granted.

(2) It is unlawful to trap wildlife using body-gripping traps without a special trapping permit issued by the department.

(3) It is unlawful to fail to comply with any conditions of a special trapping permit to trap.

(4) Persons issued a special trapping permit must submit a report of wildlife taken to the department within ten days after the permit expiration date or as defined on the permit.

(5) An airport operator that uses a padded foot, leghold, or any other body gripping trap for the protection of human and aviation security to secure an animal must obtain a special trapping permit from the director once every three years, and once each year, as conditioned on the permit, submit a report of wildlife taken to the department from the previous year's activities.

(6) It is unlawful to knowingly offer to sell, barter, or otherwise exchange the raw fur or carcass of a mammal that has been trapped pursuant to a special trapping permit.

~~((6))~~ (7) A person seeking a special trapping permit shall complete and submit a department-provided application.

~~((7))~~ (8) To conduct wildlife research, the applicant shall submit a scientific collection permit application as provided by the department.

~~((8))~~ (9) One permit renewal may be requested by completing the justification and applicant certification on the report of animals taken.

~~((9))~~ (10) The conditions of a special trapping permit shall be determined by the department and be annotated on the permit.

~~((10))~~ (11) All parts of animals taken under a special trapping permit must be properly disposed of in a lawful manner. Raw fur may only be retained for personal use or education purposes which do not result in retail sale or commerce.

~~((11))~~ (12) Any retention of raw fur obtained through the use of a special trapping permit requires a valid Washington state trapper's license unless the carcass is accompanied by a transfer authorization, as described in WAC 220-200-120, from a licensed trapper.

~~((12))~~ (13) A copy of the permit shall be in the immediate possession of the person authorized to trap pursuant to a permit.

~~((13))~~ (14) A special trapping permit may be denied when, in the judgment of the department:

(a) Other appropriate nonlethal methods to abate damage have not been utilized;

(b) The alleged animal problem either does not exist or the extent is insufficient to justify lethal removal;

(c) The use of the requested body-gripping trap(s) would result in direct or indirect harm to people or domestic animals;

(d) The use of the requested body-gripping trap(s) would conflict with federal or state law, local ordinance or department rule.

(e) The application is incomplete.

~~((14))~~ (15) A special trapping permit may be revoked if the department determines:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or

(c) The permittee or person trapping under the permit exceeds the number of animals authorized.

(d) Information becomes available that otherwise would have led to the denial of the original application or the inclusion of additional conditions in the permit.

~~((15))~~ (16) If the department denies or revokes a special trapping permit the department will provide the applicant a written notice including a statement of the specific reason(s) for the denial or revocation.

(a) The applicant may request an appeal to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request in writing within twenty days from the mailing date of the notice of denial or revocation. Address appeals to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(b) A notice contested by written appeal is final when that proceeding ends in a final order pursuant to chapter 34.05 RCW, or is otherwise dismissed.

(c) If there is no timely request for an appeal, then the department's denial or revocation of the permit is final and effective on the 21st calendar day following the mailing date of the notice of denial or revocation.