



State of Washington  
DEPARTMENT OF FISH AND WILDLIFE

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**To:** Steve Bear, Enforcement Chief

**From:** Kelly Susewind, Director

**RE:** Enforcement of RCW 77.15.194—Unlawful Traps

This memorandum provides interim, internal WDFW guidance with respect to enforcement of RCW 77.15.194 as relates to certain traps.

The Fish and Wildlife Enforcement Code includes prohibitions on the use certain types of traps. Specifically, RCW 77.15.194 provides, in part,

- (1) It is unlawful to use or authorize the use of any steel-jawed leghold trap, neck snare, or other body-gripping trap to capture any mammal for recreation or commerce in fur.  
....
- (3) It is unlawful to use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal, except as provided in subsections (4) and (5) of this section."

The term "body-gripping trap" is defined in RCW 77.15.192(2) as follows:

"Body-gripping trap" 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 traps, Conibear traps, neck snares, and nonstrangling foot snares. Cages and box traps, suitcase-type live beaver traps, and *common rat and mouse traps are not considered body-gripping traps.*

(Italics added). This definition is also set forth in WAC 220-417-040, which requires a special trapping permit in order to trap wildlife using a body-gripping trap.

Although both the statute and rule exclude "common rat and mouse traps" from the definition of body-gripping trap, neither defines what a "common rat and mouse trap" is. This has created uncertainty within the regulated community with respect to whether at least one particular trap--the 3.5 inch square by 4 inch tall Koro Rodent Trap--is subject to the use prohibitions in statute and rule.

It is my intention that the Department clarify the term "common rat and mouse trap" via a future rule-making process. In the meantime, and pending further guidance, WDFW Enforcement Officers should not cite or refer for prosecution any potential unlawful trapping violations premised solely on the use of a 3.5 inch square by 4 inch tall Koro Rodent Trap, but should instead document and report such incidents up the Enforcement chain of command, and share them with the Wildlife Program, to help inform the Department concerning the extent and nature of use of such devices, so that this information may be considered in the eventual rule-making process.

This guidance applies only to the 3.5 inch square by 4 inch tall Koro Rodent Trap; it does not apply to other Koro traps, including larger versions of the same design. Nor should this interim guidance be construed as predetermining the Department's ultimate position on whether this particular trap, will be considered a "common rat and mouse trap" within the meaning of the statute. Such a determination will be made in the future through a rule making process.