

Your Legislators: not protecting your dogs from body-gripping traps.

By Scott Slocum, 3/12/2017.

<http://www.ss-slocum.info/home/trapping/blog/your-legislators-not-protecting-your-dogs>

Last month on the show *Your Legislators* (Pioneer Public TV 2017b), four members of the Minnesota Senate and House of Representatives discussed some of the issues of the day, including the following question from a viewer in Brainerd, MN.

"When will the Minnesota Legislature protect our dogs from body-gripping traps?"

Before examining their responses, let's review the history of the question, the perspectives of the stakeholder groups, the ethics of trapping, and the role of the state legislature in resolving issues like this.

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History.

Ever year beginning in 2012, the call to protect dogs from body-gripping traps has been brought to the public, the Minnesota Trappers Association (MTA), the Minnesota Outdoor Heritage Alliance (MOHA), the Minnesota Department of Natural Resources (MN DNR), and the Minnesota Legislature.

Here are a few of the milestones:

- In 1997, the deaths of dogs in body-gripping traps prompted significant changes to the Wisconsin trapping regulations, led by the WI DNR and WI Trappers Association (Orrick 2012). Unfortunately, the changes were made only in Wisconsin--not in Minnesota.
- In 2007, the issue was discussed in statewide MN DNR public meetings (Spielman 2007).
- In 2010, the MN DNR made a Rule change to protect dogs from body-gripping traps set along the roads near their homes. The new Rule required landowner permission to set larger-sized body-gripping traps in the road right-of-way within 500 feet of a residence (MN DNR 2010a,

MN DNR 2010b).

- In 2012, the MN DNR recommended regulations to protect dogs from body-gripping traps, and legislators introduced a bill to enact them (Ward and Wiger 2012). Unfortunately, the recommendations and the bill were ignored. Instead, committee leadership included language in the Game & Fish Bill (Hackbarth and Ingebrigtsen 2012, Section 72) that effectively prevented the DNR from enacting its recommendations in Rules (Slocum 2012). Committee leadership claimed that it was a "compromise" to protect dogs, but it wasn't, and it didn't.
- In 2012, the grassroots group Dog Lovers 4 Safe Trapping MN (*DogLovers* 2012) was formed with members from three stakeholder groups: *RecreationalTrappersEthical*, *HuntingDogOwners*, and *HikingDogOwners* (the stakeholder groups are described below). Although *DogLovers* also had the support of the stakeholder group *AntiTrappers*, it kept its focus on solutions that would be fair and effective for dog owners and trappers alike.
- In 2013, the Minnesota Outdoor Heritage Alliance (MOHA, 2013) hosted a summit meeting with representatives of *DogLovers* and two Minnesota trapping associations. The meeting was moderated by then-president Tim Spreck--not someone you could call a "third-party facilitator," by 2015, Spreck was a registered lobbyist for the Minnesota Trappers Association. The summit failed to reach consensus, and didn't publish a press release, report, or recommendation.
- In 2014, the *DogLovers* group asked sportsmen to respond to a survey in two issues of *Outdoor News* about how they hunt with their dogs, and how they deal with the dangers of body-gripping traps (Kimmel 2014a). Given the limited resources of the organization, it was an informal survey. Of the 133 respondents, 65% reported that they either stopped hunting or modified their hunts with their dogs (Kimmel 2014b). The results of the survey were provided to the MN DNR, the MN Legislature, and the other stakeholder groups.
- In 2015, the *DogLovers* bill SF 1325 / HF 1655 (Hoffman and Fischer 2015) got its first legislative-committee hearings--but only in the Senate, not in the House. At the hearings, testimony was taken from all sides, and the bill was open to amendments (Slocum 2015). On their side, the trappers' associations opposed the bill in its entirety, without offering any compromises or amendments. On the *DogLovers* side, the Commissioner of the MN DNR testified in support of the bill. Over the following weeks, the bill was passed by all three of the assigned MN Senate committees, and was ready for a vote on the Senate floor. However, that was "too close for comfort" for the trapping lobby; it was never scheduled for a vote. It was

"killed" by Senate leadership (including Sen. Thomas Bakk, one of the panelists in this episode of *Your Legislators*). In the House of Representatives, it was silenced without a hearing or a vote.

- In 2016, the *DogLovers* bill got the same treatment from Senate and House leadership (no floor vote in the Senate and no hearing in the House).

Here's a summary of the *DogLovers* bill SF 1325 / HF 1655 (Hoffman and Fischer 2015):

Limit the uses of medium to large-sized body-gripping traps to the following:

1. Elevated five feet above the ground; or
2. Submerged underwater; or
3. Enclosed to limit access by dogs (three configurations specified).

Add the following requirements to protect dogs from traps:

1. Landowner permission required to trap on private property.
2. Dog-trapping incident reports required.

Stakeholder groups.

- *AnimalDamageControlTrappers*
 - The trapping that's done for animal-damage control (ADC) differs from commercial/recreational fur trapping in both motivation and methods. The motivation is to control property damage, and the primary tools are cage traps. The reason for choosing cage traps is that ADC trapping is done in residential and recreational areas where other types of traps are considered too dangerous.
 - One of the organizations that represents *AnimalDamageControlTrappers* is the National Wildlife Control Operators Association (NWCOA 2017).
- *RecreationalTrappersEthical*
 - Ethical trappers take precautions to avoid non-target catches of domestic pets in residential and recreational areas.
 - One of the organizations that represents *RecreationalTrappersEthical* is the educational wing of the Minnesota Trappers Association (MTA 2012). Unfortunately, the lobbying wing

of the MTA represents another stakeholder group: *RecreationalTrappersLegal*.

- *RecreationalTrappersLegal*
 - These trappers think all they have to do is follow the law (not the ethics). That's why it's necessary to incorporate more of the trapping ethics into the trapping regulations.
 - For a comparison of the stakeholder groups *RecreationalTrappersEthical* vs. *RecreationalTrappersLegal*, see Slocum 2015a.
 - The perspective of the stakeholder group *RecreationalTrappersLegal* can be found by searching for news with keywords like "trap kill dog" (without the quotes). These are the stories of dogs that have been killed by body-gripping traps or snares. Trapping proponents are often quoted in the articles, and trappers often comment on the articles online. The first thing the trapping proponents want to say is that the trapping was legal, and the second is that allowing the dog off-leash was not. Whether or not either of those statements is true in a given case (the details are not always provided), the overall goal is to deflect blame from those who set the traps, and onto those who were the traps' victims.
- *HuntingDogOwners*
 - Upland small-game hunters and their dogs are some of the hardest-hit by body-gripping traps. It's in the nature of hunting dogs that, sometimes, while they're hunting for game, they find traps. Some of the traps are even baited with the feathers and meat of the game birds they're hunting.
 - Groups representing hunting-dog owners on this issue include Dog Lovers 4 Safe Trapping MN (*DogLovers* 2012), the American Kennel Club (AKC 2015), and the Ruffed Grouse Society (Smith 2015).
- *HikingDogOwners*
 - Hikers and their dogs use many of the same lands and trails as upland small-game hunters-- plus residential areas where the dogs are sometimes off-leash in their yards and on walks with their owners. Although trappers' attorneys and lobbyists (representing the stakeholder group *RecreationalTrappersLegal*) are quick to blame dog owners for the slightest violations of leash ordinances, they're reluctant to blame trappers for violating trapping ethics.

- One organization that represents hikers and their dogs on this issue is Wyoming Untrapped (Wyoming Untrapped 2014).
- *AntiTrappers*
 - The anti-trapping movement (e.g. animal-protection advocates opposed to commercial/recreational fur trapping) encompasses a wide variety of viewpoints that range from sentimental (as the trapping lobby would like to characterize the entire movement) to technical (with biological and veterinary expertise that the trapping lobby can rarely match).
 - For example, the Humane Society of the United States (HSUS 2014), the Center for Biological Diversity (CBD 2016), and the Sierra Club (Sierra Club 2012).

Trapping Ethics.

Paraphrased from the Minnesota Trappers Association (MTA 2012):

- Use bait, traps, and methods that are appropriate to the location.
- Use bait, traps, and methods that are specific to the target animal.
- Check traps promptly.
- Operate in ways that are known to and approved by the landowner and the neighbors.

Role of the legislature in conflict resolution.

Minnesotans are represented at our state capitol in Saint Paul by legislators who make, revise, and repeal laws on our behalf. Laws are necessary in cases where two or more stakeholder groups disagree about what should be allowed, and what should not. When a dispute is brought to legislators, they try to hear both sides. They confer with experts on the issue; for example, wildlife and trapping experts at the MN DNR. The experts weigh the testimony from both sides with their knowledge of the subject area, and they make recommendations to legislators about how the dispute might best be resolved. It might be resolved in law or in rule; or through improved public education; or outside of the legislature, through mediation or the courts.

Of course, legislators do what they can to help all of the stakeholders reach consensus, because that's generally the most effective and enduring way to resolve disputes. But even then, the consensus might be that a law or rule should be established. And even then, when it comes to a vote, it's not likely to be unanimous. Most issues are decided by divided votes, and many are returned to the legislature in later

years for reconsideration.

Rarely will all of the stakeholders come to a consensus outside of the legislature, agree to what's needed in legislation, and abide by the legislation that's passed. In fact, if that happened more, there wouldn't be much need for a legislature.

Of the several guides to the legislative process that are provided by the Minnesota Legislature (MN Legislature 2017), none of them advises stakeholder groups to resolve their differences outside of the legislature. To the contrary, they describe the process of resolving differences through the legislative process: beginning in committee hearings, information is gathered by legislators, agencies, and staff, testimony is taken from stakeholder groups for or against the proposed changes, votes are taken, and bills are recommended to the full legislature.

In other words, if someone tells you that you should "resolve your conflicts before bringing them to the legislature" he's probably an opponent who's trying to avoid the issue.

Your Legislators.

Considering the above history, stakeholders, trapping ethics and regulations, and role of the legislature, let's examine the responses of "*Your Legislators.*"

The moderator of the show, Barry Anderson (Pioneer Public TV 2017a), stated the question "*When will the Minnesota Legislature protect our dogs from body-gripping traps?*" He made personal introductions including the history of trapping in each legislator's district, and each legislator's experience with the issue. Finally, he left them on their own to answer--without asking any follow-up questions.

Sen. Paul Torkelson (R-Hanska) (<http://www.house.leg.state.mn.us/members/members.asp?id=15304>) stated the importance of *AnimalDamageControlTrappers* to farmers, and the right of *RecreationalTrappersEthical* and *RecreationalTrappersLegal* to pursue their pastime and supplement their incomes (as their predecessors have done in the great history of the North American fur trade). He ignored the problem of dog deaths, and ignored the concerns of the other stakeholder groups.

Sen. Eric Pratt (R-Prior Lake) (https://www.senate.mn/members/member_bio.php?leg_id=15386) recounted his experience in trapping, and implied that, since the problem doesn't lie with

RecreationalTrappersEthical, that they shouldn't be restricted by a "one size fits all" solution to enforce trapping ethics on *RecreationalTrappersLegal*. He ignored the problem and the concerns of the other stakeholder groups, and failed to offer a solution that he might find more flexible.

Sen. Thomas Bakk (D-Cook) (https://www.senate.mn/members/member_bio.php?leg_id=10027)--without identifying himself as a lifetime member of the MN Trappers Association and an opponent of the *DogLovers* bill--suggested that the only way to bring the issue to a workable resolution would be for the stakeholder groups to work out their disputes outside of the legislature--and to bring their consensus to the legislature if there was a need to "enact something into law." He ignored the history of efforts to find solutions by consensus, ignored stakeholder groups other than *RecreationalTrappersEthical* and *AntiTrappers*, and attempted to cast the *AntiTrappers* stakeholder group as 1) lacking in credibility and 2) driving the issue (apparently as part of its "thinly-veiled plan to ban all forms of trapping").

Again, it should be noted that the Minnesota movement to protect dogs from body-gripping traps has been driven by the group Dog Lovers 4 Safe Trapping MN (*DogLovers*), representing the stakeholder groups *RecreationalTrappersEthical*, *HuntingDogOwners*, and *HikingDogOwners*. The *DogLovers* group represents hunters, trappers, and other outdoor recreationists; and is fiercely independent of the anti-trapping movement.

Sen. Ilhan Omar (D-Minneapolis) (<http://www.house.leg.state.mn.us/members/members.asp?id=15470>) began by explaining that she didn't know anything about trapping. That might have been an appropriate point to stop talking--except that it wouldn't have sounded so "decisive" as repeating what Sen. Bakk had said about resolving disputes outside of the legislature.

Conclusion.

This is how politics fail: 1) evidence is either stressed or ignored, depending on whether it supports a party's preferred conclusions, 2) undecided legislators vote according to their political alliances, 3) premature conclusions are made with an air of "decisiveness," and 4) the discussion moves onto the next item on the agenda.

The way politics are supposed to work is illustrated, at least in part, by the way the 2015 MN Senate committee hearings were held: 1) evidence is presented and heard, 2) sound solutions are offered and evaluated, 3) conclusions are made based on all of the evidence regarding the problem and the proposed solutions, and 4) the matter is either voted down or forwarded to the legislature for a vote.

Unfortunately, politics haven't been operating as they should on this issue.

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Transcript.

Mr. Anderson: A viewer from Brainerd wants to talk about, is concerned about, "when will the legislature protect our dogs from body-grip traps?" I'm going to pick on you, Rep. Torkelson, on the theory that your district is more rural than Sen. Pratt's. Why don't you take us into the body-grip trap problem and tell us what's going on there, if anything?

Rep. Torkelson: Well, it's certainly a controversial issue. We have a trapping industry in Minnesota that is very important to controlling unwanted critters, and also an economic opportunity for those that do trap and sell furs. There's a long history in Minnesota. Most trappers do a really good job: they're very careful about how they set their traps, and they do their best to protect against unwanted trappings of dogs. But it does happen [that a dog is caught], there are examples where it does happen. I don't know if we can prevent every mishap, but we can take steps, so that trappers understand what they can do to protect dogs. And, at the same time, I feel strongly that we need to protect the trappers and what they do for our state.

Mr. Anderson: I probably should have picked on you first, Sen. Bakk, because I know you and I have had this discussion before on prior programs. Tell us how you see this issue unfolding.

Sen. Bakk: Well, I think in my experience at the legislature, when two sides come in and bring their battle to the legislature, oftentimes they don't get the resolution that they want. And I've kind of learned over time... and you've got the trappers: very, very important heritage in this state; you've got people who don't want to worry about the safety of their pets... so for years, I've told those two parties "don't bring your dispute to us, and make us try to pick a winner or a loser." I frankly don't understand why those two sides can't get together around a table someplace and figure out how both can be considerate of each other's concerns. But there are requirements already on body-grip traps: depending on the size, they have to be so far off the ground, larger ones need to be set in water. But it's a very emotional issue for people who have lost a pet to them. But some of it has been driven by outside groups that are just anti-trapping, period. Right? For a long, long time, there was a campaign against leghold traps, and how bad leghold traps were. Well the truth is, body-gripping traps kill animals, so they're much more humane to use. Well, now the attack seems to be less on the legholds, and it's moved over to the body-gripping traps. I hope the sides can get together and bring some resolution, and then bring us the solution, and if we need to enact something into law, we will.

Mr. Anderson: Sen. Pratt, any thoughts on this topic?

Sen. Pratt: It's been years since I've run traps. I used to run traps with my cousin. But I think responsible trappers are doing a good job, and I agree with Sen. Bakk: let's see if we can find a solution, because we tend to take a very big approach, a one-size-fits-all approach, and it's not always the best way to solve a problem. I think we need, more often, parties coming to the table to work it out before they come to us.

Mr. Anderson: Rep. Omar, any thoughts on this? Not a lot of body-grip traps in your district, I guess. Your district is pretty urban, right?

Rep. Omar: It is very urban, and I don't think I've ever actually seen trapping or anyone who actually practices trapping. But, to me, I would agree with what Sen. Bakk was saying about making sure that we are not the body that people use to solve every problem. And I think the people need to see themselves as being part of the solution, and this is something that I think we can find the proper

advocates from both sides to really come up with a solution that everybody can live with.

