

So You Want to Pre-stake Your Traps Before the Season
Article from Nov - Dec 2002 Buckeye Trapper
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Go to any trapping convention, or the evening camp fires after the day's events, and sooner or later someone will bring up the question about pre-staking traps before season. The first question that comes up is "Is it legal to pre-stake traps before season?" To answer that question you need to check with your state wildlife agency to see how the wildlife laws are written regarding pre-staking. All references to wildlife laws in this article strictly apply to Ohio wildlife laws.

There are many forms of pre-staking traps before season: Digging beds, setting stakes, staking snares and closing the loops, placing the trap at the location and covering it up, staking traps off to the side of a slide, etc. I'm not here to argue the pros and cons of the topic. What I hope to do is explain the law on trapping in Ohio and some of the issues that come up when trappers pre-stake their traps. With that said let's look at the Ohio Revised Code and the definition of trapping.

"Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in the capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.

The first seven words of the Ohio Revised Code definition of trapping spells it out. A person can pre-stake traps before season. The reason is this; a person pre-staking traps and not actually setting the trap is not attempting to secure the animal until the trap is set to actually catch and hold the animal. Once the trap is set then the trapper is in the act of trapping because they are attempting to secure the animal with that particular device.

There are several law enforcement issues that can come up when a person elects to pre-stake their traps. Let's look at a couple examples.

Say that you decided to go out on one of the farms you have permission to trap. You inform the farmer that you are going to pre-stake some trap locations on his farm and that you will be back on opening day to set the traps. You pre-stake several locations and leave. Two days later you receive a phone call from that same farmer informing you that you have a red fox in one of the snares. When you arrive, you discover that someone has opened the loops on all of the snares you had pre-staked. As you remove the fox from the trap a State Wildlife Officer contacts you and arrests you for taking a fox during the closed season. What you didn't know while you were pre-staking your traps is that an adjacent landowner was watching. He was upset that you were there and decided to set your traps and then reported you to the Turn in a Poacher 1-800 line for trapping out of season. I realize this an extreme example but one that could occur.

Also, pre-staking traps, although legal, can appear to other people as someone trapping out of season. They in turn contact the local state wildlife officer. The officer responds and spends several hours locating the traps, contacting the trapper and landowner, only to discover that the trapper was just pre-staking his or her traps. As you can see, there are several issues that can come up when you pre-stake your traps. Pre-staking traps is legal in Ohio as long as the trap is not set. The Division of Wildlife does not encourage or discourage pre-staking traps. Pre-staking traps is a decision each individual trapper needs to make.

If you trap in other states please check with that state's wildlife agency on their current trapping regulations.

Keep your chains tight!