

Grand Island Residents Move to Ban Trapping on Town Land

Buffalo News Story By Anne Neville | News Staff Reporter | @AnneNeville1
on December 29, 2015 - 10:21 PM, updated December 29, 2015 at 10:29 PM

Nicole Gerber and Dave Reilly in late October were surprised to find leghold coyote traps concealed 3 feet off their posted Grand Island property, next to paths where they walk their leashed dogs. When they visited Town Hall a few days later to alert authorities about the traps, they got a second surprise – hobby or sport trapping is permitted on all town-owned land on Grand Island.

Although the Town Board acted about two weeks later to ban trapping on George Alt Boulevard, the undeveloped road next to the Reilly-Gerber property, the couple wants the board to ban sport trapping on all town-owned land, including parks, trails, undeveloped roads, meadows and town commons. Reilly and Gerber, who is a sixth-generation Grand Islander and whose family donated Alt Boulevard to the town, argue that traps on town land prevent residents and visitors from safely using the land. “The moment you set a trap on any land, you exclude other uses of that land,” Gerber said. “If it’s town land, and there are people who want to take a walk or a hike, you have prohibited that. It’s just not fair for the town not to address this on a community-wide level.”

But Josh Shipman, the 16-year-old Island resident who placed the traps on Alt Boulevard to catch fur-bearing animals whose pelts he sells, said he is well within both the law and his rights to set the traps on town land. “I’ve been trapping for five years, and I’ve never had an issue like this,” he said. “I thought I would eventually come across someone like this, but I never thought they would change town code.”

Mary Cooke, the outgoing town supervisor, warned incoming officials that they should research before changing the law. Trapping “is a legal activity, and my thought is that it’s legal for a reason,” she said. But town laws have not kept up with the times, said Paul Leuchner, a retired biologist for the U.S. Army Corps of Engineers who sits on the town recreational advisory board. “The code is seriously inadequate,” he said, for a town that now has 20,000 residents, many of whom “like to live here because they can be near the wide-open spaces.”

Gerber and Reilly differentiate between trapping and hunting. “Hunting is an active process with a specific target,” the couple said in a written statement. The hunter’s gun or bow is in “direct control of the hunter, the weapon is removed when the hunter leaves the area, and the hazard to the public is mitigated ...” Shipman said the traps he placed on Alt Boulevard would not injure a dog. In fact, he said he has never caught a cat or dog in his traps. The traps’ jaws, which spread nearly 6 inches, are smooth, offset metal bars, unlike sharp-toothed versions people often picture, Shipman said.

“It’s a small little trap that holds the animal’s foot while you are trying to get to it. If I wanted to, I could release that animal, and it would be fine,” he said. “I could put my dog in there right now, then I could take the trap off, and it would be totally fine.” Gerber and Reilly disagree. “Leghold traps’ steel bars will crush the leg, pinning together so the animal cannot get out,” Gerber said. Gerber and Reilly also argue that a person walking or hiking by would be shocked and upset to see a struggling trapped animal.

DEC laws prohibit people from springing traps, freeing trapped wild animals or harassing trappers. Shipman said he checks his traps every 24 hours, as required by law and kills the trapped animal with “a very high powered air rifle.” An adult who stepped on one of his traps “would probably not even realize it,” Shipman said.

"It would have to be like a 1-year-old child to have the trap hold its foot," he said. Cooke doesn't like that thought. "Would I want my child stepping in a trap? Absolutely not. If a child stepped in a trap, it could be an injury," she said. If a dog were to be injured by a trap, Cooke said the town would not be liable. "It is a civil matter; there is no negligence on the town, because this is a legal activity in New York state," she said. Coyote, which Shipman is trying to trap, have been blamed for attacks on dogs on the island. "We have a whole bunch of people here on the island whose dogs have been eaten by coyote, so there's a balance here," Cooke said. Yet, she noted, "You start messing with coyotes too much, and they start increasing their litters. You just have to ride it out." Gerber and Reilly agreed, citing research that shows that killing coyotes leads them to increase their numbers.

Grand Island is not the only town lacking laws that prohibit sport trapping on municipal land. Amherst also has no law banning hobby trapping on town-owned land, said Deputy Town Attorney Alan McCracken, who added that Amherst police told him they "were not aware of any complaints about persons trapping on public lands." Clarence, the Town of Tonawanda and Cheektowaga prohibit hobby trapping on all public land. Lancaster prohibits trapping in its parks.

Trapping is prohibited in Buckhorn and Beaver Island state parks, which occupy nearly 2,000 acres. Trapping, hunting and fishing are banned on all Grand Island school property. Gerber and Reilly are working with an attorney to draft a proposed local law that would ban sport trapping on all municipal land on Grand Island. "This is something we feel the public needs to have input on, they need to be aware and educated," said Gerber. But Cooke, who leaves office Jan. 1, said banning trapping on all town-owned land "might be killing an ant with a sledgehammer."

"Our country was pretty much founded on trapping and hunting," Shipman said. "I know trapping goes both ways, you either love it or you hate it, and I think it's just hard to please everybody about any subject." But Leuchner said Shipman should confine his trapping to privately owned land. "If I'm out walking my dog, or I've got a toddler with me, and we're on municipal land, we have the expectation that there is a reasonable degree of safety there, so I'm not expecting to have a toddler step into a trap that's set by somebody who is out there trying to make money selling fur pelts. "It's not about whether trapping should be allowed or not allowed; it's whether the public is safe when they are using public land."