

SB0747/793829/2

BY: Senator Conway

AMENDMENTS TO SENATE BILL 747
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Shooting at Nighttime” and substitute “Deer Management Permits and Deer Cooperator Permits”; in line 3, after “Department” insert “of Natural Resources”; in line 4, after “nighttime,” insert “authorizing the Wildlife and Heritage Service to issue a Deer Cooperator Permit; establishing an application fee for the Deer Cooperator Permit; requiring the Service to refund the application fee under certain circumstances; requiring an individual applying for a Deer Cooperator Permit to successfully complete a certain examination and a certain shooting proficiency test; specifying the contents of a certain examination; prohibiting an individual from applying for a Deer Cooperator Permit if the individual has been convicted of a certain violation within a certain period of time; establishing the term of a Deer Cooperator Permit; requiring the holder of a Deer Cooperator Permit to take certain actions relating to an operational plan; specifying the criteria that an operational plan must address; authorizing an operational plan to include deer control activities between certain times; authorizing the Service to conduct an evaluation before approving or denying an operational plan; authorizing the Service to approve an operational plan if the Service makes a certain determination; requiring the Service to provide the holder of a Deer Cooperator Permit with certain materials if an operational plan is approved; requiring the holder of a Deer Cooperator Permit to contact the Service immediately before undertaking certain activities authorized in an operational plan; establishing a process for a hearing, a contested case hearing, and appeal of a decision of the Service; authorizing the Service to revoke or suspend a Deer Cooperator Permit under certain circumstances; establishing that a violation of any provision or restriction on a certain approval document constitutes a violation of certain provisions of this Act; requiring the Department to adopt certain regulations; requiring the Department to exempt from a certain prohibition a holder or an agent of a holder of a certain Deer Management Permit; defining a certain term;”; in line 5, strike “shooting wildlife at

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nighttime” and substitute “Deer Management Permits and Deer Cooperator Permits”;
and after line 15, insert:

“BY adding to

Article – Natural Resources

Section 10-415.1

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 33, insert:

“10-415.1.

(A) IN THIS SECTION, “SERVICE” MEANS THE WILDLIFE AND HERITAGE SERVICE WITHIN THE DEPARTMENT.

(B) (1) THE SERVICE MAY ISSUE A DEER COOPERATOR PERMIT TO AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(2) A DEER COOPERATOR PERMIT AUTHORIZES THE HOLDER TO CONDUCT DEER CONTROL ACTIVITIES AND HANDLING OPERATIONS.

(C) (1) THE APPLICATION FEE FOR A DEER COOPERATOR PERMIT IS \$100.

(2) THE SERVICE SHALL REFUND THE APPLICATION FEE IF THE SERVICE DOES NOT ISSUE A PERMIT FOR THE APPLICATION.

(D) (1) (i) AN INDIVIDUAL APPLYING FOR A DEER COOPERATOR PERMIT SHALL SUCCESSFULLY COMPLETE A WRITTEN EXAMINATION ADMINISTERED BY THE SERVICE.

(ii) THE WRITTEN EXAMINATION FOR A DEER COOPERATOR PERMIT SHALL CONTAIN QUESTIONS RELATING TO:

1. DEER ECOLOGY;
2. DEER CONFLICTS WITH HUMANS;
3. LETHAL AND NONLETHAL DEER MANAGEMENT ALTERNATIVES;
4. CURRENT STATUTES AND REGULATIONS PERTAINING TO WILDLIFE, WEAPON, AND EQUIPMENT DETAILS;
5. DEER DATA COLLECTION METHODOLOGY; AND
6. OTHER QUESTIONS NECESSARY TO DETERMINE AN INDIVIDUAL'S ABILITY TO ADEQUATELY ASSESS, DESCRIBE, AND IMPLEMENT A DEER HANDLING OPERATION.

(2) AN INDIVIDUAL APPLYING FOR A DEER COOPERATOR PERMIT SHALL:

(i) SUCCESSFULLY COMPLETE A SHOOTING PROFICIENCY TEST ADMINISTERED BY THE SERVICE; OR

(II) PROVIDE PROOF OF SUCCESSFUL COMPLETION OF AN APPROVED COMPARABLE SHOOTING PROFICIENCY TEST.

(3) AN INDIVIDUAL MAY NOT APPLY FOR A DEER COOPERATOR PERMIT IF THE INDIVIDUAL HAS BEEN CONVICTED OF ANY STATE OR FEDERAL NATURAL RESOURCES VIOLATION WITHIN THE PREVIOUS 5 YEARS OF SUBMISSION OF THE APPLICATION.

(E) A DEER COOPERATOR PERMIT SHALL BE VALID FOR 1 YEAR FROM THE DATE OF ISSUANCE.

(F) THE HOLDER OF A DEER COOPERATOR PERMIT SHALL:

(1) SUBMIT AN OPERATIONAL PLAN TO THE SERVICE AT LEAST 30 DAYS BEFORE THE OPERATION IS PLANNED TO BEGIN;

(2) OBTAIN WRITTEN PERMISSION TO UNDERTAKE THE DEER CONTROL ACTIVITIES DESCRIBED IN THE OPERATIONAL PLAN FROM THE OWNER OF THE LAND WHERE THE OPERATION IS TO TAKE PLACE;

(3) PROVIDE THE LANDOWNER'S WRITTEN PERMISSION OBTAINED UNDER ITEM (2) OF THIS SUBSECTION TO THE SERVICE; AND

(4) ALLOW NATURAL RESOURCES POLICE OFFICERS TO:

(I) INSPECT THE OPERATIONAL PLAN; AND

(II) BE PRESENT DURING THE DEER CONTROL ACTIVITIES DESCRIBED IN THE OPERATIONAL PLAN.

(G) (1) THE OPERATIONAL PLAN SHALL:

(I) DESCRIBE THE DEER PROBLEM FOR A SPECIFIC AREA;

(II) DESCRIBE THE CURRENT AND PROJECTED IMPACTS OF THE OPERATION TO LOCAL SOCIAL AND ECOLOGICAL CONDITIONS;

(III) DESCRIBE ANY MEASURES THAT HAVE BEEN TAKEN PREVIOUSLY TO ADDRESS THE EXISTING DEER PROBLEM;

(IV) INCLUDE DOCUMENTATION EVIDENCING COMMUNITY SUPPORT FOR THE PROPOSAL, INCLUDING:

1. RESULTS OF OPINION SURVEYS;

2. SUPPORTING LETTERS FROM COMMUNITY LEADERS OR ELECTED OFFICIALS; AND

3. SUPPORTING LETTERS FROM NEARBY RESIDENTS;

(V) DESCRIBE THE INTENDED NUMBER OF DEER TO BE REMOVED OR HANDLED;

(VI) DESCRIBE THE TYPE OF EQUIPMENT TO BE UTILIZED FOR THE DEER CONTROL ACTIVITIES, WHICH MAY INCLUDE FIREARMS, ARCHERY EQUIPMENT, OR DRUGS;

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(VII) DESCRIBE SPECIFIC DETAILS ABOUT THE DEER CONTROL ACTIVITIES, INCLUDING WHETHER THE ACTIVITIES INCLUDE LETHAL OR NONLETHAL CONTROL OF THE DEER;

(VIII) INCLUDE COPIES OF PERMITS OR LICENSES REQUIRED FROM THE STATE, FEDERAL, OR LOCAL GOVERNMENT TO POSSESS DEER OR ADMINISTER DRUGS TO DEER; AND

(IX) INCLUDE A SIGNED DOCUMENT FROM THE APPROPRIATE COUNTY ATTORNEY APPROVING:

1. THE OPERATIONAL PLAN; AND

2. IF APPLICABLE, THE USE OF RIFLES FOR DEER CONTROL ACTIVITIES IN THE LOCATIONS SPECIFIED IN THE OPERATIONAL PLAN.

(2) AN OPERATIONAL PLAN MAY NOT INCLUDE NIGHTTIME DEER CONTROL ACTIVITIES ON AGRICULTURAL LAND.

(3) AN OPERATIONAL PLAN MAY INCLUDE DEER CONTROL ACTIVITIES FOR ANY TIME BETWEEN ONE-HALF HOUR BEFORE SUNRISE AND ONE HOUR AFTER SUNSET.

(H) IF THE OPERATIONAL PLAN PROVIDES FOR THE LETHAL CONTROL OF DEER, THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE OPERATIONAL PLAN:

(1) WEAPONS OR EUTHANASIA EQUIPMENT TO BE USED FOR THE DEER CONTROL ACTIVITIES;

(2) AMMUNITION OR EUTHANASIA DRUGS TO BE USED FOR THE DEER CONTROL ACTIVITIES;

(3) ADDITIONAL EQUIPMENT TO BE USED FOR THE DEER CONTROL ACTIVITIES, INCLUDING NIGHT VISION, SUPPRESSORS, SPOTLIGHTS, OR TRAPPING EQUIPMENT;

(4) THE HOURS DURING WHICH THE DEER CONTROL ACTIVITIES WILL BE PERFORMED;

(5) A DETAILED DESCRIPTION OF THE LOCATION WHERE THE DEER CONTROL ACTIVITIES WILL BE PERFORMED, WITH AN ACCOMPANYING AERIAL PHOTOGRAPH OR LOCATION MAP;

(6) FIREARMS SHOT OR DRUG DELIVERY DISTANCES;

(7) FIREARMS SHOT OR DRUG DELIVERY PLACEMENT;

(8) SHOOTING POSITIONS INCLUDING BAIT STATION, TREE STAND, OR VEHICLE;

(9) DEER BIOLOGICAL DATA COLLECTION PROCEDURES;

(10) CARCASS AND ENTRAIL REMOVAL AND DISPOSITION PROCEDURES; AND

(11) EDIBLE VENISON REMOVAL AND DISPOSITION PROCEDURES.

(I) IF THE OPERATIONAL PLAN PROVIDES FOR THE NONLETHAL CONTROL OF DEER, THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE OPERATIONAL PLAN:

(1) THE ANESTHESIA TO BE USED, INCLUDING:

(I) A DETAILED DESCRIPTION OF DELIVERY DEVICES AND METHODS;

(II) DELIVERY EQUIPMENT LICENSE OR CERTIFICATION;

(III) DRUG DESCRIPTIONS AND DOSES; AND

(IV) DRUG HANDLING LICENSE OR CERTIFICATION;

(2) DEER HANDLING METHODOLOGY;

(3) DEER BIOLOGICAL DATA COLLECTION PROCEDURES;

(4) DISPOSITION OF DEER; AND

(5) MARKING OR TAGGING EQUIPMENT AND METHODS.

(J) IF THE OPERATIONAL PLAN PROVIDES FOR THE LIVE CAPTURE AND HANDLING OF DEER, THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE OPERATIONAL PLAN:

(1) LIVE CAPTURE EQUIPMENT AND METHODOLOGY;

(2) LIVE TRANSPORT EQUIPMENT AND METHODOLOGY;

(3) DOCUMENTATION FROM ANY COOPERATING ORGANIZATIONS, INDIVIDUALS, OR UNITS OF STATE OR LOCAL GOVERNMENT;

(4) DEER HANDLING METHODOLOGY;

(5) DEER BIOLOGICAL DATA COLLECTION PROCEDURES;

(6) DISPOSITION OF DEER; AND

(7) MARKING OR TAGGING EQUIPMENT AND METHOD.

(K) IF THE OPERATIONAL PLAN WILL RESULT IN THE HOLDER OF THE DEER COOPERATOR PERMIT POSSESSING OR HANDLING A DEER CARCASS, THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE OPERATIONAL PLAN:

(1) CARCASS PICKUP LOCATIONS;

(2) TRANSPORTATION METHODS;

(3) DISPOSAL METHODS; AND

(4) DOCUMENTATION FROM ANY COOPERATING ORGANIZATIONS, INDIVIDUALS, OR UNITS OF STATE OR LOCAL GOVERNMENT.

(L) (1) THE SERVICE MAY CONDUCT AN EVALUATION BEFORE APPROVING OR DENYING AN OPERATIONAL PLAN.

(2) THE SERVICE MAY APPROVE AN OPERATIONAL PLAN IF THE SERVICE DETERMINES IT MEETS THE REQUIREMENTS OF THIS SECTION.

(M) (1) IF THE SERVICE APPROVES AN OPERATIONAL PLAN, THE SERVICE SHALL PROVIDE THE HOLDER OF THE DEER COOPERATOR PERMIT WHO SUBMITTED THE OPERATIONAL PLAN WITH:

(I) A COPY OF THE APPROVAL IN WRITING; AND

(II) IF THE OPERATIONAL PLAN REQUIRES THE POSSESSION OR HANDLING OF A DEER CARCASS, APPROPRIATE NONHUNTING TAGS.

(2) THE WRITTEN APPROVAL SHALL DESCRIBE:

(I) THE NUMBER OF DEER THAT MAY BE REMOVED OR HANDLED;

(II) THE HOURS DURING WHICH THE DEER CONTROL ACTIVITIES MAY BE PERFORMED;

(III) APPROVED WEAPONS AND ASSOCIATED EQUIPMENT;

(IV) LOCATION WHERE THE DEER CONTROL ACTIVITIES MAY BE PERFORMED;

(V) DEER DATA COLLECTION REQUIREMENTS;

(VI) VENISON PROCESSING AND NONEDIBLE PARTS DISPOSITION;

(VII) ANY REPORTING PROCEDURE THAT THE SERVICE DETERMINES IS NECESSARY; AND

(VIII) ANY ADDITIONAL TERMS OR CONDITIONS THE SERVICE DETERMINES ARE NECESSARY TO PROVIDE FOR PUBLIC SAFETY OR THE SUCCESS OF THE OPERATIONAL PLAN.

(N) THE HOLDER OF A DEER COOPERATOR PERMIT SHALL CONTACT THE SERVICE IMMEDIATELY BEFORE UNDERTAKING ANY OF THE DEER CONTROL ACTIVITIES AUTHORIZED IN THE OPERATIONAL PLAN.

(O) (1) AN INDIVIDUAL OR A HOLDER OF A DEER COOPERATOR PERMIT WHO HAS BEEN DENIED A DEER COOPERATOR PERMIT OR APPROVAL OF AN OPERATIONAL PLAN, AS APPLICABLE, MAY FILE A PETITION FOR A HEARING WITH THE DIRECTOR OF THE SERVICE WITHIN 15 DAYS AFTER THE DECISION WAS MAILED.

(2) THE DIRECTOR OF THE SERVICE SHALL PROVIDE A WRITTEN DECISION TO THE INDIVIDUAL WITHIN 15 DAYS AFTER THE DATE OF THE HEARING.

(3) IF THE INDIVIDUAL IS FURTHER AGGRIEVED, THE INDIVIDUAL MAY INITIATE PROCEEDINGS FOR AN APPEAL TO THE ASSISTANT SECRETARY OF THE RESOURCE MANAGEMENT SERVICE.

(4) THE APPEAL PROCEDURE FOR THE DENIAL OF A DEER COOPERATOR PERMIT OR OPERATIONAL PLAN APPROVAL IS NOT A CONTESTED

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CASE HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
ARTICLE OR COMAR 08.01.04.

(P) THE SERVICE MAY REVOKE OR SUSPEND A DEER COOPERATOR
PERMIT IF THE SERVICE FINDS THAT THE HOLDER OF THE DEER COOPERATOR
PERMIT HAS VIOLATED:

(1) THE TERMS AND CONDITIONS OF THE PERMIT;

(2) THE TERMS AND CONDITIONS OF THE APPROVAL DOCUMENT;

OR

(3) ANY STATE OR FEDERAL WILDLIFE LAW OR REGULATION.

(Q) WHEN SUSPENDING OR REVOKING A DEER COOPERATOR PERMIT,
THE SERVICE SHALL PROVIDE THE OPPORTUNITY FOR A CONTESTED CASE
HEARING CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE
STATE GOVERNMENT ARTICLE AND COMAR 08.01.04.

(R) A VIOLATION OF ANY PROVISION OR CONDITION ON THE WRITTEN
APPROVAL GRANTED UNDER SUBSECTION (M) OF THIS SECTION CONSTITUTES A
VIOLATION OF THIS SECTION.

(S) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural
Resources shall exempt from the prohibition against shooting or discharging a firearm
at nighttime a holder or an agent of a holder of a Deer Management Permit:

- (1) issued before July 1, 2018; and
- (2) for which nighttime hunting is authorized.”.

On page 3, in line 1, strike “2.” and substitute “3.”.