

SENATE JOINT RESOLUTION 15

Unofficial Copy
M2

2002 Regular Session
(21r2673)

ENROLLED RESOLUTION

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senator Frosh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

RESOLUTION NO. _____

1 A Senate Joint Resolution concerning

2 **Natural Resources - Mute Swans - Federal Agency Control Measures**

3 FOR the purpose of urging the U.S. Fish and Wildlife Service to act with expedience
4 to craft and conduct appropriate regulatory processes which will allow
5 Maryland to establish a method of controlling the mute swan population and to
6 mitigate the mute swan population's impact permanently and statewide; urging
7 the U.S. Department of the Interior to appeal a certain holding; and generally
8 relating to certain federal agency measures to control the mute swan population.

9 WHEREAS, The bird species known as the mute swan is not native to the
10 Chesapeake Bay; and

11 WHEREAS, Surveys of the Chesapeake Bay indicate that the mute swan
12 population is growing at an alarming rate, increasing from less than 100 birds in
13 1973 to nearly 4,000 in 1999; and

14 WHEREAS, Mute swans negatively impact native species and habitats in parts
15 of the Chesapeake Bay by displacing State-listed nesting waterbirds and removing
16 large amounts of submerged aquatic vegetation which is vital to all life in the Bay;
17 and

1 WHEREAS, Mute swans have repeatedly disrupted efforts to restore submerged
2 aquatic vegetation, obstructing progress toward the Chesapeake 2000 Agreement goal
3 of restoring 114,000 acres of the vegetation by 2010; and

4 WHEREAS, The U.S. Court of Appeals for the District of Columbia ruled that
5 mute swans are protected by U.S. Fish and Wildlife Service regulations governing
6 activities involving direct contact with protected birds under the Migratory Bird
7 Treaty Act; and

8 WHEREAS, The Maryland General Assembly passed House Bill 728 during the
9 2001 Legislative Session, requiring the Department of Natural Resources to establish
10 a program to control the State's mute swan population; and

11 WHEREAS, The urgent need to plan and implement mute swan population
12 control measures and to mitigate mute swan impacts increases exponentially each
13 year; now, therefore, be it

14 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the U.S.
15 Fish and Wildlife Service *is urged to* act with expedience to craft and conduct
16 appropriate regulatory processes which will allow Maryland to establish a method of
17 controlling the mute swan population and to mitigate the mute swan population's
18 impact permanently and statewide; and be it further

19 RESOLVED, That the United States Department of the Interior is urged to
20 appeal the holding of the U.S. Court of Appeals for the District of Columbia that
21 declared the mute swan to be a migratory bird protected under international treaties;
22 and be it further

23 RESOLVED, That a copy of this Resolution be forwarded by the Department of
24 Legislative Services to the Honorable Parris N. Glendening, Governor of Maryland;
25 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the
26 Honorable Casper R. Taylor, Jr., Speaker of the House of Delegates; the Honorable
27 Barbara A. Mikulski, U.S. Senate, 709 Hart Senate Office Building, Washington, D.C.
28 20510; the Honorable Paul S. Sarbanes, U.S. Senate, 309 Hart Senate Office
29 Building, Washington, D.C. 20510; the Honorable Wayne T. Gilchrest, U.S. Congress,
30 2245 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Robert
31 L. Ehrlich, Jr., U.S. Congress, 1632 Longworth House Office Building, Washington,
32 D.C. 20515; the Honorable Benjamin L. Cardin, U.S. Congress, 2267 Rayburn House
33 Office Building, Washington, D.C. 20515; the Honorable Albert R. Wynn, U.S.
34 Congress, 434 Cannon Office Building, Washington, D.C. 20515; the Honorable Steny
35 H. Hoyer, U.S. Congress, 1705 Longworth House Office Building, Washington, D.C.
36 20515; the Honorable Roscoe G. Bartlett, U.S. Congress, 2412 Rayburn House Office
37 Building, Washington, D.C. 20515; the Honorable Elijah E. Cummings, U.S.
38 Congress, 1632 Longworth House Office Building, Washington, D.C. 20515; the
39 Honorable Constance A. Morella, U.S. Congress, 2228 Rayburn House Office
40 Building, Washington, D.C. 20515; the Honorable Gale A. Norton, Secretary of the
41 Interior, U.S. Department of the Interior, 1849 C Street NW, Washington, D.C. 20240;
42 Mr. Marshall Jones, Director (Acting), U.S. Fish and Wildlife Service, 1849 C Street
43 NW, Washington, D.C. 20240; and Mr. Jon Andrew, Chief, U.S. Fish and Wildlife

1 Service, Division of Migratory Bird Management, 4401 N. Fairfax Drive, Arlington,
2 VA 22203.