

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE
Revised

House Bill 10

(Delegate Edwards, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Black Bear Management Permit Program

This bill relates to the establishment of a black bear management permit program in the Department of Natural Resources (DNR).

The bill takes effect June 1, 2002.

Fiscal Summary

State Effect: General fund expenditure increase of \$113,900 in FY 2003 for DNR to administer the permit program. Future year estimates are annualized, adjusted for inflation, and reflect ongoing operating expenses. No effect on revenues.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	113,900	94,600	98,800	103,300	108,100
Net Effect	(\$113,900)	(\$94,600)	(\$98,800)	(\$103,300)	(\$108,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill would not directly affect local government finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill states that the General Assembly finds that it is in the public interest that DNR establish a black bear management permit program to address the management and control of nuisance bears.

DNR must issue a permit to a property owner, a lessee of agricultural or residential property, or a designee of an owner or lessee where it is demonstrated that there has been actual damage to the property caused by a black bear on the property or that a bear poses a threat of harm to human life or animals on the property. In addition, a permit applicant must show reasonable preventative measures taken to minimize the risk of bear activity on the property.

DNR may authorize the harvest of a bear on a site that is reasonably near to the property that is the subject of the permit. If the State's population of black bears is designated as threatened or endangered, DNR may suspend the permit program for the period of designation.

DNR must adopt regulations by October 1, 2002.

A penalty imposed by DNR relating to the violation of any regulations prohibiting the hunting, possession, selling, purchasing, shipping, carrying, transporting, or exporting black bears as provided under current law does not apply to an individual who kills or wounds a black bear in accordance with the bill.

Current Law: Although black bears are classified as forest game animals in Maryland, hunting black bear is prohibited. If the Secretary adopts any regulation to prohibit the hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting of black bears, a person who violates the regulation is subject to specified penalties. Any penalty imposed does not apply to an individual who kills or wounds a black bear in defense of the individual's own life, the lives of other individuals, or the lives of animals on the individual's property.

There is a Black Bear Damage Reimbursement Fund in DNR, funded by donations and proceeds from the sale of conservation bear stamps and decals. DNR may reimburse a person from the fund for any damage to the person's beehives, fruit, other crops, livestock, or poultry. A person is eligible for reimbursement if: (1) the person has followed all black bear damage preventive measures recommended by DNR; (2) the damage amount is determined by an extension agent of the University of Maryland Cooperative Extension; and (3) DNR has verified that the damage was caused by a black bear.

Background: In 1949 bear hunting was prohibited statewide. The black bear season was opened again for only one week in 1953 with a one bear bag limit. Since then, bear hunting has been prohibited. In 1953 there were an estimated 20 black bears in the State. Currently, there are an estimated 327 bears statewide. Because black bears prefer large

forested areas, Maryland's prime bear habitat is found in Garrett and Allegany counties. Bears are also found in limited numbers throughout the forests of Washington and Frederick counties. According to DNR, there are currently approximately 227 bears from Cumberland to the West Virginia border. DNR biologists estimate the population east of Cumberland to be about 100 bears.

According to DNR, several factors have contributed to the growth in the black bear population, including improved habitats, the absence of natural predators, increased restrictions on development, the ban on hunting black bears, and black bear protection programs. As the black bear population increases, the number of nuisance complaints and sightings also increases. In 1996, the first year black bear nuisance complaints were recorded by DNR, there were 196 complaints and sightings. In 2000 DNR received 617 complaints and sightings. While the majority of these complaints were of bears in trash, nearly 15% of the calls reported actual damage to crops or property. DNR advises that in 2000, approximately \$12,200 in agricultural damages were submitted to DNR for reimbursement from the Black Bear Damage Reimbursement Fund.

The 1995 Black Bear Citizens Task Force recommended, among other things, that DNR allow black bear hunting in areas where the population of black bears exceeded the carrying capacity, which was defined as the number of bears that people will allow to coexist with the local human population. The task force recommended that DNR regulate the timing of the black bear hunting season and that DNR establish a lottery permit system with nonrefundable application fees.

In September 2001 DNR issued its "Black Bear Nuisance Response Plan." The plan details nuisance bear management techniques and response protocols, including aversive conditioning and problem bear relocation. DNR considers euthanasia as a last resort to be employed only in unique circumstances.

In recent years, DNR has managed black bear according to a statewide plan adopted in 1992. This ten-year plan expires in 2002 and is currently being revised. In December 2001 DNR appointed 12 members to the Black Bear Task Force. The task force will be responsible for contributing to the development of the revised statewide Black Bear Management Plan. The task force will also review the Black Bear Population Study, the results of which were released in June. The task force will review all aspects of black bear management in Maryland, solicit public opinion, and make recommendations regarding management of the species.

State Expenditures: General fund expenditures could increase by an estimated \$113,900 in fiscal 2003, which assumes the permit program would take effect October 1, 2002. This estimate reflects the cost of hiring two natural resource technicians to respond

to calls relating to bear nuisances and requests for permits. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses, including costs for aversive conditioning supplies. This estimate is based largely on the assumption that the establishment of a permit program will result in a measurable increase in the number of calls received by DNR relating to bears.

Salaries and Fringe Benefits	\$61,400
Vehicle Purchases (two)	38,000
Other Equipment and Operating Expenses	<u>14,500</u>
Total FY 2003 State Expenditures	\$113,900

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: SB 363 (Senator Hafer) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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