

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 363 (Senator Hafer)
Education, Health, and Environmental Affairs

Natural Resources - Black Bear Management

This bill relates to the establishment of a limited black bear hunting season by the Department of Natural Resources (DNR).

The bill takes effect June 1, 2002.

Fiscal Summary

State Effect: If a black bear hunting season were established, special fund expenditures related to black bear management would increase. Special fund revenues from the sale of lottery chances and black bear hunting stamps would increase correspondingly. Potential decrease in special fund revenues and expenditures related to the Black Bear Damage Reimbursement Fund.

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

Small Business Effect: Potential meaningful impact in Western Maryland.

Analysis

Bill Summary: The bill states that the General Assembly finds that due to the effect of the increasing black bear population on agricultural operations and on private property in Maryland, particularly in the two westernmost counties, it is in the public interest to implement the recommendations of the 1995 Black Bear Citizens Task Force that was assembled by DNR to address the management and control of nuisance bears.

This bill requires the Secretary of Natural Resources to adopt and implement regulations by October 1, 2002 to establish a limited black bear hunting season to control the black bear population in a region where the black bear population exceeds the region's "carrying capacity." "Carrying capacity" means the maximum number of a species that can be supported by a given habitat.

In establishing a limited black bear hunting season, DNR may:

- regulate the time period and locations where black bear hunting is allowed;
- establish the number of black bear hunting stamps to be issued at a level necessary to control the black bear population;
- provide for the distribution of stamps;
- operate a lottery to purchase a chance to compete for a black bear hunting stamp;
- require that the application fee for the lottery is nonrefundable;
- require that the application fee may be applied to the stamp fee;
- allow an agent selling stamps to retain a portion of the cost of the stamp; and
- establish the fee for a black bear hunting stamp at a level that DNR believes will generate adequate revenue to meet the black bear management needs of the State.

The regulations must require that money generated from the sale of lottery chances or black bear hunting stamps be credited to the Wildlife Management and Protection Fund. To the extent possible, a minimum of 10% of the black bear hunting stamps must be awarded to residents of the county where the hunting is to take place.

A person may hunt black bear on private land only if carrying the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting.

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: Hunting seasons have been established for several species in the State, including forest game animals. Although black bears are classified as forest game animals in Maryland, hunting black bear is prohibited. DNR does, however, have the authority to establish a black bear hunting season.

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.

A person may not hunt or attempt to hunt during open season and in any permitted manner any game birds or mammals in the State without first obtaining either a resident or nonresident hunter's license.

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 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 January 2000, the Maryland Sportsmen's Association, a statewide organization of hunters and anglers, asked the Maryland Wildlife Advisory Commission to establish a black bear hunting season in Maryland. In February 2000 the commission voted to approve a limited season in Western Maryland. In July 2000 DNR announced that there would be no bear hunting season in Western Maryland.

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 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.

Several states have black bear hunting seasons, including states that border Maryland such as Pennsylvania, Virginia, and West Virginia. Pennsylvania estimates that the population of black bears in that state totals 15,500. Pennsylvania holds a statewide three-day bear season the week of Thanksgiving. More than 3,000 bears have been harvested per year in 2000 and 2001. The black bear population in West Virginia is currently estimated at 8,000. While West Virginia has a bear hunting season, not all counties participate. In 2000 bear hunting was legal in 28 counties, and a total of 1,315 bears were harvested. In Virginia, hunters harvested approximately 1,000 bears in 2000.

In New Jersey the current population of black bears in their prime bear habitat, which includes four counties, is estimated at 1,146. In that state the black bear hunting season was suspended in 2000 at the Governor's request. A legal challenge to the black bear hunting season was filed in that state by a coalition of animal rights activists, a municipality, the Sierra Club, and several private citizens.

State Fiscal Effect: DNR advises that it does not know if any region in Maryland has a bear population in excess of the carrying capacity. Accordingly, DNR does not know whether any bear season would be established as a result of this bill. If a bear hunting season were established, special fund expenditures related to black bear management would increase, including costs to operate the lottery, distribute black bear hunting stamps, manage the black bear hunt, and improve DNR's black bear population monitoring activities. However, because any bear hunting season would be limited, DNR could handle the bill's requirements using existing staff.

Because the bill provides that the revenue generated from the sale of lottery chances and black bear hunting stamps must be adequate to meet the black bear management needs of the State, any increase in special fund expenditures would be offset by an increase in special fund revenues. A reliable estimate of the increase in special fund revenues and expenditures cannot be made at this time, however.

DNR currently administers a Black Bear Damage Reimbursement Fund that is funded by donations and proceeds from the sale of black bear conservation stamps and decals. To the extent that the establishment of a bear season results in a decrease in donations or the sale of conservation stamps and decals, revenues to that special fund could decrease. To the extent that damage caused by black bears decreases as a result of the bill, special fund expenditures could also decrease.

It is assumed that DNR could develop the required regulations using existing budgeted resources. It is also assumed that this bill would not result in an increase in the number of hunting licenses issued.

Small Business Effect: To the extent that the bill reduces the bear population in Western Maryland, small businesses could benefit from a decrease in expenditures related to damage caused by black bears. Although the total monetary loss associated with damage by black bear is unknown, in 2000 approximately \$12,200 in agricultural damages was reported to DNR for reimbursement from the Black Bear Damage Reimbursement Fund.

The establishment of a bear hunting season could result in an increase in revenues for tourism-related businesses in Western Maryland. Based on a 1998 survey by the U.S. Census Department, over 90% of fishing, hunting, and trapping businesses, over 93% of certain retail establishments (including sporting goods stores), and over 80% of accommodation establishments had fewer than 20 employees.

Additional Information

Prior Introductions: None.

Cross File: HB 10 (Delegate Edwards, *et al.*) – Environmental Matters.

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

Fiscal Note History: First Reader - February 1, 2002
ncs/jr

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