

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

Senate Joint Resolution 15 (Senator Frosh)

Education, Health, and Environmental Affairs

Environmental Matters

Natural Resources - Mute Swans - Federal Agency Control Measures

This joint resolution urges the U.S. Fish and Wildlife Service (USFWS) to act with expedience to craft and conduct appropriate regulatory processes that allow Maryland to establish a method of controlling the mute swan population and to mitigate the mute swan population's impact permanently and statewide. The joint resolution also urges the U.S. Department of the Interior to appeal a recent U.S. Court of Appeals decision relating to mute swans.

Fiscal Summary

State Effect: Compliance with this joint resolution would not materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 679 of 2001 requires the Department of Natural Resources (DNR) to establish a program to control the population of mute swans. The program may include the managed harvest of adult mute swans and the solicitation of licensed hunters to participate in the managed harvest. The hunting of native swans is prohibited.

Background: Mute swans arrived in Maryland approximately 40 years ago. In 1968 there were an estimated 18 mute swans in the State. By 1974 there were over 100.

According to DNR, the mute swan population in Maryland has grown from approximately 2,700 in 1997 to more than 4,000 today.

Biologists are concerned about the long-term effect of mute swans on the Chesapeake Bay. Mute swans feed primarily on submerged aquatic vegetation (SAV), depleting the food source for migratory birds such as the tundra swan and black duck. According to DNR, a population of 4,000 mute swans has the potential to consume more than 12 million pounds of SAV annually.

In July 1997 the Atlantic Flyway Council adopted a policy advocating population control of mute swans in the Atlantic Flyway. Six states in the Atlantic flyway, including Maryland, have attempted to control mute swan population growth. Working with USFWS, DNR has used egg-addling and the removal of adult swans to prevent the establishment of mute swans on State and federal land. Limited mute swan control by landowners has been authorized in some cases to resolve nuisance, safety, and depredation problems. The lethal removal of adult swans was prohibited in 1998.

In 1998 a 16-member Mute Swan Task Force was formed to address issues relating to the management of mute swans in Maryland. In January 2001 the task force published recommendations for public comment. Mute swan management was addressed by the General Assembly during the 2001 session. Although not a direct result of the task force recommendations, Chapter 679 of 2001 (House Bill 728) required DNR to establish a program to control the population of mute swans. The program may include the managed harvest of adult mute swans.

In December 2001, however, the U.S. Court of Appeals for the District of Columbia ruled that mute swans are protected under the federal Migratory Bird Treaty Act. This decision reverses the USFWS policy that allows federal and state agencies, as well as private citizens, to take the swans and their eggs. Now, anyone wishing to take a mute swan must obtain a permit from USFWS. USFWS is currently studying how best to deal with the court's ruling.

Additional Information

Prior Introductions: None.

Cross File: HJ 12 (Delegates Weir and Hurson) – Environmental Matters.

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

Fiscal Note History: First Reader - March 1, 2002
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