

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

House Bill 451 (Delegate Frush, *et al.*)
 Environmental Matters

Natural Resources - Black Bear Hunt - Moratorium

This bill prohibits the Department of Natural Resources (DNR) from establishing an open season to hunt black bears and from reducing the black bear population in any area of the State before July 1, 2010. Until then, DNR may kill a black bear only in defense of a person, a person’s property, or domestic animals on a person’s property and only after exhausting all nonlethal methods. Beginning July 1, 2009, DNR must survey the black bear population and report its findings to the Governor and specified committees of the General Assembly by December 1, 2009.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: Special fund expenditures could decrease minimally from FY 2005 through FY 2009. General fund expenditures could increase by \$54,900 in FY 2006 to hire a contractual employee to address the anticipated increase in nuisance complaints in the absence of a hunt. Future year estimates reflect ongoing operating expenses and, in FY 2008, the need for another contractual employee. No material effect on revenues.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	54,900	34,400	93,700	75,100
SF Expenditure	(-)	(-)	(-)	(-)	(-)
Net Effect	\$0	(\$54,900)	(\$34,400)	(\$93,700)	(\$75,100)

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

Local Effect: Local expenditures relating to damage caused by black bears could increase.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Because black bears are classified as forest game mammals, DNR has the authority to establish an open season to hunt them. Under current regulations, hunting black bears is prohibited. DNR has the authority to reduce wildlife populations, if after an investigation, it is determined that the wildlife is seriously injurious to agricultural or other interests. Penalties applicable to violations of black bear prohibitions do 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.

Background: The State's population of black bears, which now nears 400, has more than doubled since 1995. A ban on hunting black bears has been in effect since 1953. Also adding to the population's steady increase is the absence of natural predators and improved habitats. As the population has grown, so has the number of sightings and complaints. DNR has been recording black bear sightings since 1980 and nuisance complaints since 1984. In 1980, 27 bear sightings were reported, all from Western Maryland. By contrast, 60 bear sightings were reported in 2002, not including Garrett County. (In Garrett County, DNR reports that sightings are no longer reported because sightings are considered commonplace.) In 1984, eight nuisance complaints were logged by DNR; in 2002, DNR logged 364 complaints. Bears in trash, birdfeeders, and agricultural crops are the most common complaints received by DNR. DNR has responded to these complaints by providing technical assistance and educational materials to landowners and electric fencing to beekeepers. Since 1996, the sale of black bear conservation stamps has generated funds to compensate farmers and other landowners who report damage to agricultural crops caused by black bears.

In January 2002, the Secretary of Natural Resources convened the Black Bear Task Force to make recommendations to DNR for inclusion in the 10-year management plan. The group, which examined DNR's previous black bear management efforts and solicited public input regarding bear management, submitted its final report and recommendations to DNR in March 2003. In January 2004, DNR released for public comment the draft 10-year Maryland Black Bear Management Plan; the draft plan incorporates many of the task force's recommendations. With respect to black bear hunting, the draft plan identifies a goal of including hunting as part of an integrated wildlife damage management approach to reduce human-bear conflicts and to obtain the desired black bear population, known as the Critical Carrying Capacity (CCC) or the maximum number of bears in an area that is acceptable to the human population. To meet that goal, the draft plan identifies regulated hunting as a means to target nuisance bears and to achieve and maintain the CCC as well as systematic monitoring of the bear population to evaluate

the impacts of a hunting program on the CCC. DNR is currently considering a limited black bear hunt for the 2004-2005 hunting season.

State Expenditures: Although current regulations specify a closed season for hunting black bears, DNR is currently considering a limited black bear hunt for the 2004-2005 season. DNR's Black Bear Response Team currently handles nuisance complaints relating to black bears. A continued increase in the bear population absent a hunting season is anticipated to result in increased nuisance complaints; however, DNR advises that the team cannot handle any additional workload. Because this bill would prohibit DNR from establishing a hunting season prior to fiscal 2011, general fund expenditures could increase by an estimated \$54,919 in fiscal 2006, assuming DNR would establish a hunting season in the absence of the bill. This estimate reflects the cost of hiring a contractual natural resources technician to address the additional nuisance complaints that are anticipated in the absence of a hunting season. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Salary/Fringe Benefits	\$29,131
Automobile Purchase	19,847
Equipment/Operating Expenses	<u>5,941</u>
Total FY 2006 State Expenditures	\$54,919

Future year expenditures reflect: (1) 4.6% annual increases in the salary and 6.8% employee turnover; (2) 1% annual increases in ongoing operating expenses; and (3) the cost of hiring an additional contractual technician in fiscal 2008 to handle additional complaints, including associated equipment and operating expenses.

Special fund expenditures could decrease minimally from fiscal 2005 through fiscal 2009 as a result of savings DNR would realize from costs that otherwise would be incurred if DNR were to establish a hunting season in the absence of the bill.

Small Business Effect: In the absence of a hunt, farmers and other small businesses could incur increased costs to address damage caused by black bears. According to the draft management plan, under the current reimbursement program, reported annual bear damage has ranged from \$10,389 to \$41,445 since 1996. Reimbursement is provided to agricultural producers suffering at least \$200 worth of agricultural damage. The maximum amount of reimbursable damage is capped at \$3,000 per person per year. If available funds are inadequate to fully compensate farmers, reimbursement is split among all eligible claims. The fund has not been able to fully reimburse farmers to date; payment has ranged between 41% and 70% of total claims. Not all farmers eligible for compensation have claimed damage due to concerns over the lack of funding.

Additional Information

Prior Introductions: Similar legislation was introduced during the 2003 session as HB 629. The House Environmental Matters Committee reported the bill unfavorably.

Cross File: None.

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

Fiscal Note History: First Reader - February 11, 2004
mh/ljm

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