

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 657 (Delegates Frush and Hubbard)
 Environmental Matters

Natural Resources - Black Bear Hunt - Prohibition

This bill prohibits the Department of Natural Resources (DNR) from establishing an open season to hunt black bears. The bill also prohibits DNR from reducing the black bear population in any area of the State except under specified conditions.

Fiscal Summary

State Effect: Special fund revenue decrease of \$27,000 annually beginning in FY 2009 in forgone application fee revenues. Special fund savings of \$2,000 in FY 2009 due to the absence of a hunt; future year savings are adjusted for inflation. General fund expenditure increase of \$92,800 in FY 2010 to hire a technician to address the anticipated increase in nuisance complaints. Future year general fund expenditures reflect ongoing personnel and operating expenses and, in FY 2012, the need for another technician.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
SF Revenue	(\$27,000)	(\$27,000)	(\$27,000)	(\$27,000)	(\$27,000)
GF Expenditure	0	92,800	60,800	163,500	133,500
SF Expenditure	(2,000)	(2,000)	(2,100)	(2,100)	(2,200)
Net Effect	(\$25,000)	(\$117,800)	(\$85,700)	(\$188,400)	(\$158,300)

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

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

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: DNR would be allowed to reduce the black bear population under the following conditions: • in defense of a person, the person's property, or domesticated animals on that property; and • after exhausting all nonlethal methods of resolving chronic documented agricultural damage or depredation caused by the black bear.

Current Law: The Secretary of Natural Resources is responsible for conservation and management of wildlife and wildlife resources in the State. Because black bears are classified as forest game mammals, DNR has the authority to establish an open season to hunt them. 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.

Background: According to DNR, the State's population of black bears, estimated at more than 600, has increased significantly since the early 1990s. Until the 2004-2005 hunting season, a regulatory ban on hunting black bears had 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 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.

A 2004 report by the International Association of Fish and Wildlife Agencies (IAFWA) noted that expanded bear populations bring new wildlife management challenges. According to the report, nationally, bear populations had grown 12% in five years; bear complaints had increased 19%; personnel hours to resolve complaints had increased 22%; and state agency expenditures to control bear damage had increased 45%. To slow the growth of bear populations and reduce human-bear conflicts, over half of all states have established regulated bear hunting seasons. Some states have hunting seasons in their management plans.

Maryland's Black Bear Management Plan for 2004-2013 outlines several management goals and objectives. Major goals include ensuring the long-term viability of Maryland's black bear population through comprehensive research and monitoring; conserving black bear habitat in the State; and addressing human-bear conflicts. One plan objective is to use regulated hunting to achieve and maintain the black bear population at a level compatible with land use goals and to minimize potential nuisance situations.

DNR reports that in 2007 bear nuisance complaints decreased by 17% compared to 2006 and by 8% compared to the previous five-year average. The frequency of nuisance complaints in Garrett County, which contains most of Maryland's traditional bear range, has shown a decreasing trend over the last five years. Complaints in Allegany County decreased by 17% from 2006 to 2007 but were consistent with the previous five-year average. Complaints in Washington and Frederick counties, though they make up a relatively small percentage of the total number of complaints, have been increasing. DNR notes that the frequency of nuisance complaints can be influenced by a number of factors including the distribution and abundance of the black bear population; the level of acceptance/tolerance that the public has for bears; natural and artificial food source availability; and other social factors.

In 2007, black bear sightings, which DNR indicates are a valuable tool to monitor range expansion, increased by 12% over the previous five-year average (excluding sightings in Garrett County which are not recorded because sightings are so common).

For the 2004-2005 season, DNR established regulations instituting a limited black bear hunt, with a harvest target of 30 bears. DNR closed the hunt after only one day due to concern that the target would be surpassed if hunting continued. Twenty bears were harvested. For the 2005-2006 season, the harvest target was 40 to 55 bears. The season was closed after 40 bears had been harvested in four days. For the 2006-2007 season, DNR opened all of Allegany County to bear hunting in order to stabilize the growing bear population and had a harvest target of 35 to 55 bears. The season was closed after 41 bears had been harvested in two days. For the 2007-2008 season, the harvest target was 50-70 bears. The season was closed after 51 bears were harvested over four days.

State Revenues: Special fund revenues could decrease by an estimated \$27,000 annually beginning in fiscal 2009, which reflects foregone application fees (\$15 per application) that DNR would otherwise collect from a limited black bear hunt. This estimate assumes that, in the absence of the bill, DNR would receive approximately 1,800 applications for bear-hunting permits each year.

State Expenditures: DNR's Black Bear Response Team currently handles nuisance complaints relating to black bears in Garrett County and general wildlife control personnel respond in other counties, in some cases with assistance from the response team. Absent the continuation of a bear hunting season, DNR expects the bear population and nuisance complaints to increase. Accordingly, general fund expenditures could increase by an estimated \$92,785 in fiscal 2010 for an additional natural resources technician to address the additional nuisance complaints that are anticipated in the absence of a hunt. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	1
Salary and Fringe Benefits	\$49,221
Automobile Purchase/Operations	30,600
Other Operating Expenses/Equipment	<u>12,964</u>
Total FY 2010 General Fund Expenditures	\$92,785

DNR advises that it cannot use special or federal funds to cover the increased workload due to Federal Aid in Wildlife Restoration Act requirements.

Future year general fund expenditures reflect • 4.4% annual increases in the salary and 3% employee turnover; • 2% annual increases in ongoing operating expenses; and • the cost of hiring an additional natural resources technician in fiscal 2012 to handle additional complaints, including associated equipment and operating expenses.

The above estimate is consistent with prior year fiscal notes and DNR's estimate for an identical bill in 2005 (HB 371). In the department's estimates for identical bills over the past two years and in its estimate for this bill, DNR has advised that, in order to address the anticipated increase in nuisance complaints, it would need to hire a total of six natural resources technicians (one in fiscal 2009, two more in fiscal 2010, two more in fiscal 2011, and one more in fiscal 2012).

DNR's current black bear response personnel are not devoted full-time to bear response activities and it is unclear whether six full-time staff would be needed in future years solely for the purpose of addressing bear nuisance complaints in the absence of a hunting season. Therefore, it is assumed that hiring one technician in fiscal 2010 and another in fiscal 2012, would suffice. If, however, in the absence of a hunt, nuisance complaints increase to such an extent that additional staff are needed, DNR may request additional positions through the annual budget process.

Special fund expenditures would decrease by an estimated \$2,000 in fiscal 2009 as a result of savings DNR would realize in costs for printing, tagging, and supplies that would otherwise be incurred to hold a black bear hunt. Future year savings are adjusted for inflation.

Small Business Effect: Absent the continuation of a black bear hunt, farmers and other small businesses could incur increased costs to address damage caused by black bears. According to the 2004 IAFWA report, bears can cause a wide range of economic damage, including damage to timber, beehives, agricultural crops, and various livestock

and poultry. According to the Black Bear Management Plan for 2004-2013 developed in 2004, reported annual agricultural damage at the time ranged from \$10,389 to \$50,524 since 1996, some of which was reimbursed to farmers with funding generated from the sale of black bear conservation stamps and other materials. A survey conducted by the Maryland Field Office of the U.S. Department of Agriculture's National Agricultural Statistics Service reported in 2005, that farmers in Allegany and Garrett counties lost just under \$92,000 in potential crop production income due to bear damage.

In addition, any tourism benefit that would otherwise occur as a result of a black bear hunting season would be eliminated.

Additional Information

Prior Introductions: Identical legislation was introduced as HB 1368 of 2007, HB 1157 of 2006, SB 663 of 2006, and HB 371 of 2005. HB 1368 of 2007 received a hearing in the House Environmental Matters Committee but no further action was taken. HB 1157 of 2006 and HB 371 of 2005 both received unfavorable reports from Environmental Matters. SB 663 of 2006 received a hearing in the Senate Education, Health, and Environmental Affairs Committee but no further action was taken. HB 451 of 2004 and HB 629 of 2003 would have established a moratorium on hunting black bears but received unfavorable reports from Environmental Matters.

Cross File: None.

Information Source(s): Department of Natural Resources, International Association of Fish and Wildlife Agencies, U.S. Department of Agriculture (National Agricultural Statistics Service), Department of Legislative Services

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