

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 954

(Delegates Hornberger and Schmidt)

Environment and Transportation

Natural Resources - Hunting - Tundra Swans

This bill requires the Department of Natural Resources (DNR) to establish an annual tundra swan hunting season if authorized by federal law. DNR must request that the U.S. Fish and Wildlife Service (USFWS) authorize an annual tundra swan hunting season in the State and provide DNR with the number of permits to take tundra swan annually. If USFWS provides DNR with permits to take tundra swan, DNR must distribute the permits annually using a lottery based-system. A person is prohibited from hunting tundra swan without obtaining a permit from DNR, and a person who harvests tundra swan must report the information that DNR requires on a form provided by DNR.

Fiscal Summary

State Effect: Overall, the bill is not anticipated to materially affect State finances. DNR can implement the bill with existing budgeted resources. State revenues are not anticipated to be materially affected, as the bill does not authorize a fee for a permit issued under the bill and the bill is not anticipated to materially affect the number of hunting licenses and migratory game bird stamps issued each year.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: Potential meaningful.

Analysis

Current Law: The U.S. Department of the Interior, under the authority of the Migratory Bird Treaty Act, regulates the hunting of migratory birds. The Act prohibits the take (including killing, capturing, selling, trading, and transporting) of protected migratory bird

species without prior authorization by the U.S. Department of the Interior's USFWS. Tundra swans are protected as migratory birds under that Act. Accordingly, Maryland does not have the authority to establish a tundra swan hunting season in Maryland without approval from USFWS.

Under State law, a "migratory game bird" means any wetland game bird, dove, or woodcock, or any part, egg, offspring, or dead body of any of them. A "wetland game bird" means brant, coots, ducks, gallinules, geese, mergansers, rails, snipe, and swan or any part, egg, offspring, or dead body of any of them (including birds raised in captivity and released to the wild or otherwise used for hunting purposes).

With certain exceptions, a person may not hunt or attempt to hunt during open season and in any permitted manner any game birds and mammals in the State without a resident or nonresident hunter's license. Resident and nonresident hunting licenses enable the purchaser to hunt all legal game birds and mammals during any appropriate season without the purchase of additional stamps, unless the purchaser is hunting migratory game birds, wild waterfowl, or deer during bow and arrow season or black powder season, in which case specified stamps are required. In general, unless grandfathered by having obtained a license prior to July 1, 1977, or hunting with supervision under an apprentice hunting license, all hunters must obtain a certificate of competency in firearms and hunter safety in order to be eligible for a hunting license. In addition to any other requirement, a person hunting migratory game birds in the State must purchase a Maryland migratory game bird stamp.

DNR must annually establish and publish the open season for doves, mergansers, woodcock, and wetland game birds, including wild waterfowl, in conformity with the federal migratory bird rules and regulations adopted annually by the U.S. Secretary of Interior. Prior to establishing the open season for ducks (except sea ducks), geese, and swan, DNR must conduct public hearings on the proposed season, including at least one hearing that must be held in specified counties on an alternating basis.

Small Business Effect: DNR anticipates that USFWS will allow Maryland to establish a tundra swan hunting season and estimates that approximately 478 permits will be provided to DNR for distribution to hunters in the State through the lottery-based system required by the bill. More information regarding the establishment and timing of a tundra swan hunting season is addressed in the Additional Comments below.

Establishing a tundra swan hunting season in Maryland may benefit small businesses that sell related gear and services. USFWS reports that, in 2011, the average hunter in Maryland spent \$49 per hunting day on trip-related expenditures. In 2011, the National Survey of Fishing, Hunting, and Wildlife Associated Recreation estimated that hunters in Maryland spend more than \$260 million annually on food, lodging, equipment, and transportation.

Additional Comments: The 2022 *Joint Chairmen's Report* expressed interest in the possibility of establishing a tundra swan hunting season in Maryland and directed DNR to submit a report to the budget committees on the status of its work with USFWS to conduct the necessary flyover studies for permit allocation and to establish a fee and application process for licensed hunters.

In the [report](#) DNR submitted in response to that directive, DNR notes that since Maryland is considered a wintering state in the Management Plan for the Eastern Population of Tundra Swans, Maryland could be eligible for a percentage of the total number of permits allocated for the eastern population. DNR estimates that the State would receive approximately 478 permits, likely resulting in the taking of about 167 swans. DNR further notes that requests to establish a tundra swan hunting season must be submitted to the Atlantic Flyway Technical Section and the Atlantic Flyway Council to initiate the review process; USFWS then reviews the request. If approved, the State would then proceed with its regulatory process for establishing such a hunting season. Based on the framework that must be followed, DNR advises that the earliest a tundra swan hunting season could be adopted would be for the 2024-2025 hunting season.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Natural Resources; U.S. Fish and Wildlife Service; Department of Legislative Services

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km/lgc

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