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HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE

OPPOSITION TO HOUSE BILL 594

Prohibition on the Sale of Wildlife – Local Venison Donation Programs -- Application

February 10, 2021

THE HONORABLE KUMAR P. BARVE, Chair
HONORABLE MEMBERS

The Hunters of Maryland oppose HB 594 which attempts to codify an initiative similar to the one launched by Anne Arundel County this past Fall – an initiative ruled illegal by Maryland’s Attorney General on November 20, 2021 because it violated the very section of law the sponsor is attempting to amend (attached). HB 595 would conditionally repeal the prohibition on “selling, bartering and exchanging” of wildlife.

Hunters have been donating deer to the needy for decades, aka Farmers & Hunters Feeding the Hungry. Never have hunters asked for payment in exchange for this charitable gesture. Why on Earth, Maryland hunters ask, would lawmakers sanction the exploitation of a publicly-owned resource – aka, Public Trust Doctrine – for personal financial gain? It violates all ethics of conservation hunting and is morally offensive to us. **We stated same in a November 22, 2020 Op Ed in the Capital Gazette and a 2021 COMMENTARY in the MD Reporter.**

Respectfully, we ask the Committee to consider the following in an effort to understand how Maryland’s deer population is regulated, from both a recreational hunting perspective and a landowner crop damage control perspective: (1) Maryland’s recreational bag limits for deer are among the highest of our neighboring states; (2) in several portions of the State the deer population is actually declining along with fewer deer being taken during the firearm season when almost half of the annual harvest occurs; (3) landowners with deer management permits are authorized to harvest deer every day of the year, including Sundays, with a wide array of weaponry; and (4) in 2019 DNR authorized the issuance of an Agriculture Deer Cooperator Permit whereby permitted individuals are authorized to harvest deer at night during January and February, aka legalized “jack lighting”.

NOTE: In 2018, Senate Bill 747 was introduced to make clear DNR could not allow holders of deer management permits to harvest deer at night. The proposal was approved by the SEHEA Committee but failed on the Senate Floor. Afterwards, DNR issued the nighttime shooting directive, not by law or COMAR.

Another unimaginable, but all so real scenario, involves increased poaching. When a monetary value is placed upon a marketable commodity – this time, commercialization of venison which HB 594 would allow – illicit schemes to capitalize are not uncommon. What will be the socio-economic impact of an insular few firing upon deer at all hours just to make a dollar? If the deer population in Montgomery County is deemed such a threat to the health and safety of its citizenry, DNR has multiple tools at its disposal to thin the population thru existing permits. Compensation for the killing of deer is not the answer. More importantly, it violates the conservation-minded spirit of fair chase and the attendant detrimental impact is beyond description.

*Maryland’s 88,000
hunters spend an
average of \$3,000 per
year – generating about
\$400 million in economic
activity – much of which
is spent local in-State.*

Bill Miles
Advocate, Hunters of Maryland



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

November 12, 2020

The Honorable Steuart Pittman
County Executive, Anne Arundel
44 Calvert Street
Annapolis, MD 21401

Dear County Executive Pittman:

Thank you for your engagement with the Department earlier this year on increasing deer management efforts and identifying sustainable sources of food in Anne Arundel County. I am pleased that we were able to serve as a helpful sounding board as you and your staff looked at a few public policy measures.

I am writing to you today, however, out of immense concern over the County's recently announced Venison Food Relief Program. After discussions with the Office of the Attorney General, it has been confirmed that paying hunters for deer harvested and delivered to a participating deer processor and making payments to the participating deer processors is in violation of Natural Resources Article Section 10-404(e), which prohibits the "exchange" for a game mammal taken from the wild.

While we believe the County had good intentions, it is disappointing that the Department was not asked to consult or provide feedback on the Venison Food Relief Act prior to its public commencement, especially given our recent collaborative work together. It is also unfortunate that your Venison Food Relief Program now puts both Maryland hunters and deer processors in a precarious legal position if they participate in the County program.

I am hopeful that we can work quickly together to address the legal deficiencies of Anne Arundel County's Venison Food Relief Program. My staff and the Office of the Attorney General are ready to assist you to revise the County program. Please feel free to contact me or Phil Hager, Assistant Secretary for Land Resources at 410-703-5952, or philip.hager@maryland.gov to begin that process.

Sincerely,

Jeannie Haddaway-Riccio
Secretary

cc: Paul Peditto, Director, Wildlife and Heritage Service, Department of Natural Resources (DNR)
Phil Hager, Assistant Secretary, Land Resources, DNR
Col. Adrian Baker, Superintendent, Natural Resources Police
Shara Alpert, Office of the Attorney General
Michael Sanderson, Executive Director, Maryland Association of Counties



To: **The Honorable Kumar P. Barve**
 Chair, House Environment & Transportation Committee
 House Office Building
 6 Bladen Street
 Annapolis, MD 21401-1991

Re: **House Bill 490 (Montgomery County – Deer Management Permit Pilot Project), and
 House Bill 594 (Prohibition on the Sale of Wildlife – Local Venison Donation Programs –
 Application)**

Position: **OPPOSE**

Date: **February 4, 2021**

Dear Chairman Barve,

We, the undersigned organizations collectively representing the interests of hundreds of thousands of Maryland’s sportsmen and women, are writing to express our strong opposition to House Bill 490 (HB 490) and House Bill 594 (HB 594). Both bills, if passed, would authorize the sale of wild venison, and undermine the dedicated conservation work of sportsmen and women. These hunter-conservationists collectively recovered White-tailed deer from an estimate of only 100,000 individuals in the nation over a century ago to the burgeoning populations that are present across their historical range today.

During the early years of our nation there were few game laws or regulations in place that limited harvest, and market hunting – whereby individuals were able to make a profit from the sale of animals they shot – was rampant. As a result, deer^{1,2}, trumpeter swans³, wood ducks⁴, turkeys, and many other species have all experienced periods in which over-hunting or market gunning led to the collapse of populations throughout many of their historical ranges.

¹ DeCalesta, D. S. (1997). Deer and ecosystem management. In *Ecosystem management for deer* (pp. 267-279).
² Woolf, A., and Roseberry, J. L. (1998). Deer management: Our profession’s symbol of success or failure? *Wildlife Society Bulletin*, 26(3), 515-521.
³ Shea, R. E., Nelson, H.V., Gillette, L. N., King, J. G., and Weaver, D. K. (2002). Restoration of trumpeter swans in North America: A century of progress and challenges. *Waterbirds: The International Journal of Waterbird Biology*, 25(Special publication 1: Proceedings of the Fourth International Swan Symposium 2001), 296-300.
⁴ Bellrose, F. C. (1976). *Ducks, geese and swans of North America. Second edition*. Harrisburg: Stackpole, and Washington, DC: Wildlife Management Institute.

The result of this period of unregulated market hunting was that many species throughout the nation were either extirpated or threatened in areas in which they were traditionally found. Eventually, game managers and hunters alike began to realize that this type of harvest was not sustainable, and some form of regulation would be necessary to protect the resource and to ensure future use⁵. This awareness led to banning the practice of market hunting and the creation of the first wildlife management agencies at the state level in the late 19th and early 20th centuries⁶.

The North American Model of Wildlife Conservation – the codification of the guiding principles of wildlife management practiced in the United States for the past century – holds a prohibition on the commerce of wildlife and their parts as one of its seven tenets. Markets for wildlife privatize a public resource and have the potential to lead to precipitous population declines⁷ by financially incentivizing harvest. Today the North American Model is lauded as the most successful model of wildlife management in the world.

Although the darker period of unregulated market-hunting did occur and cannot be ignored, hunting in the United States today is largely a portrait of stewardship for the land that centers on the sustainable use of our nation's resources. Regulated hunting and game management programs sponsored by hunter dollars through the American System of Conservation Funding have a nearly century-long track record of success in providing active and sustainable management of game species and have proven successful for the restoration of imperiled species⁸ as well.

We urge you to consider this history when evaluating both HB 490 and HB 594. As conservationists, we must learn from past lessons to ensure a return to the darker days of exploitation of our wildlife resources does not occur. These bills set a dangerous precedent by allowing the sale of venison and are diametrically opposed with one of the primary principles of the most successful wildlife management Model in the world. The passage of either bill would bring us one step closer to ushering in a new era of wildlife markets.

Beyond our overarching concerns with these bills, mentioned above, we would also highlight the following points for your consideration.

HB 490

We are deeply concerned about the negative effect the passage of HB 490 would have on programs such as Farmers and Hunters Feeding the Hungry (FHFH), which relies on donated venison from farmers and hunters to provide much needed food for the less fortunate. Maryland has invested hundreds of thousands of taxpayer dollars into this program which is renowned throughout the nation as a model for other states to follow. Since 2002, FHFH has received grants from the Maryland Department of Natural Resources, and then appropriations through the state budget. Regardless of taxpayer support, this program ultimately relies on the charity of hunters and farmers to donate their surplus harvests. Establishing a marketplace for the sale of venison will decrease charitable donations and more Marylanders will go hungry. Each deer sold, rather than donated, will result in an estimated 200 fewer meals for the hungry.

Further, the fact that this bill seeks to reclassify wild deer as “livestock” for the purposes of bringing them to market denigrates the legacy of American sportsmen and women, state fish and wildlife agencies, and

⁵ Woolf, A., and Roseberry, J. L. (1998). Deer management: Our profession's symbol of success or failure? *Wildlife Society Bulletin*, 26(3), 515-521.

⁶ Duda, M. D., Jones, M. F., & Criscione, A. (2010). *The Sportsman's Voice: Hunting and Fishing in America*. State College: Venture Publishing Inc. ISBN-10: 1-892132-90-7.

⁷ Organ, J.F., V. Geist, S.P. Mahoney, S. Williams, P.R. Krausman, G.R. Batcheller, T.A. Decker, R. Carmichael, P. Nanjappa, R. Regan, R.A. Medellin, R. Cantu, R.E. McCabe, S. Craven, G.M. Vecellio, and D.J. Decker. (2012). The North American Model of Wildlife Conservation. *The Wildlife Society Technical Review 12-04*. The Wildlife Society, Bethesda, Maryland, USA.

⁸ Duda, M. D., Jones, M. F., & Criscione, A. (2010). *The Sportsman's Voice: Hunting and Fishing in America*. State College: Venture Publishing Inc. ISBN-10: 1-892132-90-7.

HOUSE BILL 594

M2

11r2323

By: **Delegate Fraser-Hidalgo**

Introduced and read first time: January 20, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prohibition on Sale of Wildlife – Local Venison Donation**
3 **Programs – Application**

4 FOR the purpose of establishing that the prohibition against selling, offering for sale,
5 bartering, or exchanging a game bird or game mammal taken from the wild does not
6 apply to certain venison that is donated to certain local venison donation programs
7 for processing and distribution to certain nonprofit entities; making certain
8 conforming changes; and generally relating to the application of the prohibition
9 against selling, offering for sale, bartering, or exchanging a game bird or game
10 mammal taken from the wild.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–634
14 Annotated Code of Maryland
15 (2020 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 10–404(e)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Natural Resources
23 Section 10–404(g)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2020 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

1
2 5–634.

3 (a) In this section, “person” has the meaning stated in § 21–322 of the
4 Health – General Article.

5 (b) The limitation on liability provided for in subsection (c) of this section does not
6 apply to any person who:

7 (1) Donates food to a nonprofit corporation, organization, or association
8 that sells or offers for sale any donated food;

9 (2) Prepares donated food for use or distribution by a nonprofit corporation,
10 organization, or association that sells or offers for sale any donated food; or

11 (3) Serves donated food distributed by a nonprofit corporation,
12 organization, or association that sells or offers for sale any donated food.

13 (c) Unless the act or omission amounts to gross negligence or willful and wanton
14 misconduct, a person is not civilly liable for any act or omission that affects the nature, age,
15 condition, or packaging of the donated food if the person in good faith:

16 (1) Donates food for use or distribution by a nonprofit corporation,
17 organization, or association;

18 (2) Prepares donated food for use or distribution by a nonprofit corporation,
19 organization, or association;

20 (3) Serves donated food distributed by a nonprofit corporation,
21 organization, or association; or

22 (4) Dispenses donated food distributed by a nonprofit corporation,
23 organization, or association.

24 **Article – Natural Resources**

25 10–404.

26 (e) (1) Except as provided in paragraph (2) of this subsection or §
27 10–512(a)(2)(ii) of this title, a person may not sell, offer for sale, barter, or exchange, at any
28 time within the State any game bird or game mammal taken from the wild, in the State or
29 in another state, territory, or country.

30 (2) The prohibitions of paragraph (1) of this subsection do not apply to
31 [the]:

1 (i) **[Meat] THE MEAT**, pelt, carcass, or mounted specimen of any
2 beaver, coyote, fisher, fox, mink, muskrat, nutria, opossum, otter, raccoon, skunk, or
3 long-tailed weasel legally taken by the person;

4 (ii) **[Hide] THE HIDE**, hair, tail, or feet, excluding a mounted
5 specimen of deer, squirrel, or rabbit legally acquired;

6 (iii) **[Feathers] THE FEATHERS**, skin, or feet, excluding a mounted
7 specimen of upland and forest game birds legally acquired;

8 (iv) Except as prohibited by federal law, **THE** feathers of wetland
9 game birds legally acquired; [or]

10 (v) **[Antlers] THE ANTLERS** of deer legally acquired in another
11 state and manufactured into an article of commerce in another state; **OR**

12 **(VI) VENISON FROM A LAWFULLY HARVESTED WHITE-TAILED**
13 **DEER THAT IS DONATED TO A VENISON DONATION PROGRAM, ADMINISTERED BY**
14 **THE COUNTY IN WHICH THE DEER WAS HARVESTED, FOR PROCESSING AND**
15 **DISTRIBUTION TO A FOOD PANTRY OR FOOD BANK THAT IS EXEMPT FROM TAXATION**
16 **UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

17 (g) Except as authorized under Subtitle 5 or Subtitle 9 of this title, a person may
18 not purchase, offer to purchase, barter, or exchange any game bird or game mammal or any
19 part of a game bird or game mammal if the sale, offer for sale, barter, or exchange is
20 prohibited by this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2021.