

THE MARYLAND WILDLIFE ADVISORY COMMISSION
MINUTES – FEBRUARY 18, 2015

Chairman Plummer called the meeting to order at 9:35 a.m.

Approval for the February 18, 2015 Meeting Agenda

- Motion:
 1. Commissioner Boyles Griffin moved to accept the February 18th Wildlife Advisory Commission February 18, 2015 Meeting Agenda.
 2. Commissioner Gregor seconded.
 3. All in favor. Motion passed.

Approval for Minutes from November 19, 2014 Meeting

- Motion:
 1. Commissioner Gregor moved to approve the November 19th meeting minutes as presented.
 2. Commissioner Gulbrandsen seconded.
 3. All in favor. Motion passed.

Non-Game Wildlife Regulation Changes - Presentation given by Gwen Brewer, Science Program Manager

- Science Program Manager Gwen Brewer outlined proposed regulatory changes for Non-Game Mammals and Prohibiting the Use of Native Amphibians and Reptiles in Competitive Events. **[ATTACHMENT A]**
- Question and Answer Session followed.
 1. Discussions regarding ‘taking;’ removal of bats; managing bats in homes; protection of bat colonies; coyotes; non-game species; adding another layer of protection between game species and threatened species; Prohibition of Use of Native Reptiles and Amphibians in Competitions; update on the tiger beetle; and percentage of native species at events.
 - a. WHS is not going to make changes to regulations related to Wildlife Damage Control Operators and their dealings with bats.
 - b. WHS is not adding all mammals; the regulation is species specific. In addition, these species are not game mammals and therefore are not afforded regulatory protection at this time.
 - c. WHS is not listing all mammals just those listed in [ATTACHMENT A], which are non-game species.
 - d. WHS will make it clear to the few people that still engage in competitions that a regulatory change has occurred.
 - e. Chairman Plummer expressed his thanks to Gwen Brewer for keeping the Commission informed on threatened & endangered species.
 - f. People could still participate in these events but with non-native species.
- WHS requested the support or objection of the proposed non-game wildlife regulation changes.
 1. Discussion followed regarding fines and punitive damages; avoidance of a misdemeanor/criminal offense, etc. for violators of the proposed Prohibition of Use of Native Reptiles and Amphibians in Competitions, etc.
- Motion
 1. Commissioner Compton moved to support the proposed regulations for the protection of non-game mammals as written and presented to the Commission.

- a. Commissioner Gregor seconded.
 - b. All in favor. Commissioner Michael abstained. Motion passed.
2. Commissioner Compton moved to support the prohibition on use of native reptiles and amphibians in competitions with the stipulation that this violation would result only in a civil penalty no more than \$50.00.
- a. Commissioner Gregor seconded.
 - b. All in favor. Motion passed.

WHS Annual Schedule and Draft Monthly Agenda – Group Discussion.

- Director Peditto mentioned that the Commission received a copy of the 2015 Wildlife Advisory Commission Annual Schedule and Draft Monthly Agenda. [ATTACHMENT B]
- Director Peditto reminded the Commission of the March 18th WAC Field Day in Western Maryland. It would be difficult to hold a meeting that day because of the field activity that is being planned. The Commission has the option to come up the night before because the Commission will be meeting with staff at 9:30 am. Staff will provide list of areas for accommodations. Discussion followed regarding timeline for head count, follow up email from Ms. Spencer, etc.
- Director Peditto also pointed out that the July meeting has been moved to July 29th due to the Flyway Meeting.
- Commissioner Compton expressed that by the time we meet in February, the Commission is behind related to the Legislative Session issues. Commissioner Compton asked that the Commission hold a January meeting starting in 2016.
 1. Commissioner Boyles Griffin asked what the logic behind not having a meeting in January.
 - a. January is still part of the holiday season and it is still hunting season, so traditionally the Commission deferred to February.
 2. Commissioner Michael agreed with Commissioner Compton.
 3. Director Peditto suggested adding the Budget Update and the WHS Administrative Update to January along with the 2016 Legislative Session Update.

Break 10:35 AM to 10:45 AM

Maryland Farm Bureau (MFB) Email Related to SB 0748 Discussion – Commission's Discussion.

- Copies of an email related to SB 748 from Matthew Tefteau, Assistant Government Relations Director for Farm Bureau were distributed. [ATTACHMENT C]
- Discussion followed regarding appropriateness of email; the Commission's obligation to their constituents; past Commission's responses to these requests and ethical concerns.
 1. The Commission may render an opinion but there is no bonding decision. After additional input and comments, Chairman Plummer agreed to have a conversation with Mr. Tefteau and outline the concerns of the Commission on this topic, along with pointing out that the Commission will certainly do what it feels is the right thing to do.

2015 Legislative Session Update – Presentation given by Associate Director Glenn Therres

- Associate Director Therres provided the Commission with a list of bills that the Wildlife and Heritage Service is following. [ATTACHMENT D]
- These bills are wildlife-related or otherwise affect the Wildlife and Heritage Service.
- The Commission can review natural resources related bills by going to <http://mgaleg.maryland.gov/webmga/frmlst.aspx?tab=home>, then click on By Broad Subject,

where you can select Natural Resources (M1) or Hunting and Fishing (M2); this will provide the list of all bills under the Department's jurisdiction or hunting and fishing section.

- a. Discussion and Question and Answers ensued regarding the difference between HB0411 Deer Bow Hunting – Private property – Additional Sunday in January and HB0414 Sunday Hunting – Deer Bow Hunting Season; age of a Senior License; Reciprocity formed in HB0554; HB0713 Natural Resources Trade in Ivory and Rhinoceros Horn Prohibition; Commercial Processors - SB0748
- WHS's established positions are:
 - a. HB0014 Hunting Licenses – Exemption was supported with amendment to require that the landowner state on the written permission the relation of the nonresident.
 - b. SB0068 Charles and St. Mary's Deer Hunting – Repeal was supported by the Administration.

Discussion on SB0748 Deer Hunting – Crop Damage Permit – Wild Venison

- Discussion ensued regarding this bill with several members indicating that this goes against the North American Model for Wildlife Conservation; that this bill is contrary to what has been taught as a conservationist and outdoorsman; wildlife belongs to the people and to treat deer as livestock on farm lands is so far from the concept by the North American Model for Wildlife Conservation.;
 - a. Commented that this bill is borne of rhetoric that we hear frequently that we need more tools in the tool box to kill more deer. The deer population in the 1970's was around 50% less than today; there was a vibrant hunting culture in 1970, which was more than today; there are less people hunting today; it is possible to dramatically reduce the deer herd by incentives.
 - b. Commissioner Michael suggested that if the Commission is opposed to this bill then Maryland needs a new paradigm on how to kill more deer...poisoning them, burying the carcasses or some other method -- or the rhetoric that Maryland needs more hunting needs to stop. Hunters are not cutting it and it needs to be something else.
- 2. This will be a significant cost for the Department, which may or may not benefit a small number of farmers
- Commissioner Michael commented that the Horse Council is in support of SB0748. Commissioner Michael indicated that he does not support SB0748. Commissioner Michael expressed that he supports poisoning the deer, night shooting and wholesale of night slaughter of deer to reduce the deer population.
- Motion
 1. Commissioner Compton moved for the Commission to compile a letter in opposition of SB0748 because this bill goes against the North American model of wildlife management and if it does get passed it is going to be expensive for the Wildlife and Heritage Service to manage, which does not receive general funds. The Commission has observed the Wildlife and Heritage Service general funds cut and failure of the increase of license fees. This is only going to be further drain on the Wildlife and Heritage Service funds.
 - a. Commissioner Gulbrandsen commented that it is not necessary for the Commission to decide whether this will or will not work and to comment that there is no model for this is incorrect.
 - b. Chairman Plummer reminded the Commission that the role of the Commission is to be a liaison between the public and the Department on wildlife conservation.
 2. Commissioner Boyles Griffin seconded.
 3. All in favor. Motion passed. Voting results were 4-supported and 3 opposed.

4. Chairman Plummer requested that Commissioner Compton email the reasons for opposing SB0748 and Chairman Plummer agreed to compile the letter and send it to the Commission for approval. Chairman Plummer also requested that Ms. Spencer provide all the contact information of the individuals that the letter needs to go to. Chairman Plummer will send the approved letter to the Administration, Cabinet Secretary, Governor's Office, and sponsor of the bill along with the Chair and members of the Committee.

General Discussion on Legislation

- Commissioner Michael requested that the Commission consider the issue of local bills. Commissioner Michael reported that the granularity that was reflected at this meeting was not good policy for the Wildlife Advisory Commission nor for the DNR nor for the public. Wildlife is a public resource. When there are different wildlife related rules by different counties, it is difficult to enforce and difficult to understand. Commissioner Michael would like the Wildlife Advisory Commission to make the recommendation, either formally or non-formally, that the Department opposes county-by-county bills as wildlife policy. Commissioner Michael added that a regulation is fine because that is what a regulation is for.
- Commissioner Gulbrandsen responded, traditionally, the Commission has opposed, if not in a formal letter, it was reflected in the meeting minutes the general opposition to county-by-county mandating of Sunday hunting and instead supported bills which allow the Department to establish Sunday hunting based on stakeholders input and scientific input.
- Commissioner Boyles Griffin gave an example that what is good for Garrett County may not be good for Montgomery County. The county-by-county wildlife bills are a response from the public who have taken notice of problems. The public has to have a recourse. Commissioner Boyles Griffin informed the Commission that her constituency has a problem with the safety yardage becoming smaller.
- Commissioner Compton commented that unfortunately with the failure of the Statewide Sunday bill in 2003, now the State has this county-by-county model, which has caused these counties to have a model to develop these different wildlife related legislation bills. Commissioner Compton added that sometimes he thinks it would be so much easier to have it Statewide.
- Commissioner Boyles Griffin asked even with the laws of the State, do the counties not have authority to pass local laws that would change it any way.
 1. Commissioner Michael responded that game laws are preempted by the State.
- Motion
 1. Commissioner Michael moved that the Commission send a letter to the Speaker of the House and President of the Senate that, as wildlife policy, the Commission prefers bills to be statewide.
 2. Commissioner Gulbrandsen seconded.
 3. Motion failed. Voting results were 3 to 3.

Natural Resources Police (NRP) Update – Presentation given by Captain Edward Johnson

- Captain Johnson's region received two new officers; he updated the Commission on two baiting cases that involved Canada geese on the same farm; mentioned a case that involved taking a deer with a firearm during the January archery deer season in Baltimore County; reported that a county police officer arrested a hunter during a traffic stop and found a deer that was shot and the individual was a felon in possession of firearm; NRP investigated a taxidermy shop that had a buck with a gunshot that was checked-in under the archery season; NRP off-duty officer in the Mt.

Airy area witnessed a person who shot a deer at a truck stop, which was reported to NRP officers; two/three weapons were seized; reported that a person in Montgomery County took two bucks with a crossbow - it took some investigating, but NRP was able to make a case; announced that in April NRP plans to have an academy, and are working on the background investigations.

- NRP currently has around 130 to 140 officers in the field.
- Commissioner Michael briefly mentioned an interstate investigation involving an elk that was taken in Colorado and transported to Garrett County. Captain Johnson pointed out that NRP works with other law enforcement entities across the Country on resources related cases.
- Captain Johnson and Director Peditto summarized a special ops case that involved baiting black bears regarding two men that were serving as guides; both individuals were convicted in federal court. The two men plead out and they were sentenced to pay \$8,000 and \$5,000 – half of that will go to restitution and half will go to black bear research and management. The men were also sentenced to no guiding in North America for five years and no hunting for three years. One of the men held a waterfowl guide license, which was immediately suspended.

Old Business

New Business

- Conservationist, Employee, and Farmer of Year Nominations - The Maryland Farm Bureau sent out announcement for nominations for the Farmer of Year. Chairman Plummer requested that if the members of the Commission have any nominations to please send them to Ms. Spencer by no later than April 7th.
- Commissioner Boyles Griffin mentioned that several of the wildlife rehabilitators would like to give a presentation to the Commission at a future meeting. Chairman Plummer requested that Commissioner Boyles Griffin work with Ms. Spencer to get this on agenda.

Adjournment

- The meeting was adjourned at 12:45 P.M.

The next meeting will be held at 9:30 A.M. on Wednesday, June 17, 2015 in the Tawes State Office Building, C-1 Conference Room; Annapolis, Maryland.

Attendance

Members:	L. Compton, T. Gregor, S. Boyles Griffin, E. Gulbrandsen, J. Michael, J. Plummer, and B. Wojton
Absent:	G. Fratz and C. Rodney
Guest:	
Staff:	P. Jayne, E. Johnson, J. McKnight, P. Peditto, T. Spencer, and G. Therres

Proposed Regulatory Changes for Wildlife Advisory Commission Consideration, February 18, 2015

1. Protection for Nongame Mammals

Need: Although some mammals are protected through Maryland's endangered species regulations, a number of other mammals of concern currently have no specific legal protection. All migratory bird species have specific federal and state protection, and regulations also limit the collection and use of native reptiles and amphibians. Of particular concern are bat species, several of which have recently suffered precipitous declines due to White Nose Syndrome, and porcupine, which is proposed to be delisted but will still be considered to be rare in the state.

Proposed Regulatory Change: We propose to add a list of protected nongame mammal species to the current endangered species regulations. This list would include the following species: little brown myotis, northern myotis, silver-haired bat, eastern pipistrelle, big brown bat, eastern red bat, hoary bat, evening bat, Seminole bat, North American porcupine, and eastern spotted skunk. The regulation would require in general that a permit be obtained in order to take, export, possess, process, sell, offer for sale, deliver, carry, transport, or ship by any means the species on this list. A person will be able to possess a protected nongame mammal legally obtained from outside of Maryland provided they have the proper documentation. Permits will be issued for scientific research and educational purposes, and incidental take permits will not be required. No special permit will be needed, however, for activities related to protection of human health and safety, or alleviation of damage to property. To cover these situations, language will be added to the Wildlife Damage Control regulations to cover porcupine and spotted skunk, as these regulations already include procedures for dealing with bats. The new regulations will encourage the use of nonlethal methods for control of porcupine and spotted skunk, and require that WHS approve any lethal control activities. Guidelines will be prepared for USDA-Wildlife Services and WHS staff so that landowners and wildlife damage control operators will be well-informed about procedures and options for control.

2. Prohibition on Use of Native Reptiles and Amphibians in Competitions

Need: Significant disease issues for reptiles and amphibians such as Ranavirus continue to impact our native species. Recent cases of Ranavirus in box turtles in addition to amphibians such as wood frogs suggest that this disease poses a threat to a broader range of animals than was previously realized. Turtle derbies, turtle races, and frog jumping contests provide a potential opportunity for transmission of disease when they involve native animals that are released back into the wild after coming into contact with one another. In order to limit transmission of Ranavirus and other diseases, the Department has, in the past, encouraged the use of only non-native species for these contests or their discontinuation all together. Despite our efforts and those of our conservation partners, events continue to allow the use of native species and therefore they continue to pose a risk to our native animals.

Proposed Regulatory Change: We propose to add new language to the current regulations for captive reptiles and amphibians that prohibits the use of native reptiles and amphibians in competitive events such as turtle derbies, turtle races, and frog jumping contests. This would include all of the native species covered in that regulation regardless of origin, since that can be difficult to determine. The only native species not covered would be snapping turtle.

**2015 WILDLIFE ADVISORY COMMISSION
ANNUAL SCHEDULE AND DRAFT MONTHLY AGENDA**

JANUARY 2015 – NO MEETING SCHEDULED

FEBRUARY 18, 2015

- 2015 Legislative Session Update (Paul Peditto and Glenn Therres)
- 2015 Working Agenda – WAC Review and Approval
- Non-Game Wildlife Regulation Changes – (Jonathan McKnight)

MARCH 18, 2015 – FIELD DAY

APRIL 15, 2015

- 2015 Legislative Session Outcome (Paul Peditto and Glenn Therres)

MAY 20, 2015 - NO MEETING SCHEDULED

JUNE 17, 2015

- WHS Regional Operations Program Update (Karina Stonesifer)
- WHS Information and Education Program Update (Patricia Handy)
- WAC Legislative Concepts Finalized (Group Discussion)

JULY 29, 2015

- Migratory Game Bird Advisory Committee Report (Migratory Game Bird Committee and Larry Hindman)
- 2015 – 2016 Waterfowl Season Proposals (Larry Hindman)
- Wildlife and Heritage Service FY15 and FY16 Budget Update (Glenn Therres)
- WHS Administration Update (Glenn Therres)

AUGUST 19, 2015

- Finalize Selections of 2015-2016 Waterfowl Hunting Seasons (Larry Hindman and Migratory Game Bird Advisory Committee)

SEPTEMBER 16, 2015 – NO MEETING SCHEDULED

OCTOBER 21, 2015

- Natural Heritage Program Update (Jonathan McKnight)
- Wildlife Diversity Advisory Committee (Jonathan McKnight and Committee Chairperson)

NOVEMBER 18, 2015

- Presentation of 2014 Conservationist of the Year Award (Paul Peditto)
- WHS Game Program Update (Pete Jayne and staff)

DECEMBER 16, 2015 – NO MEETING SCHEDULED

----- Forwarded message -----

From: **Matt Tefteau** <mteffeau@mdfarmbureau.com>

Date: Wed, Feb 18, 2015 at 6:59 AM

Subject: Re: Wildlife Advisory Commission - Proposed February 18th Meeting Agenda and the November 19th Meeting Minutes

Due to our Day-in Annapolis event, I will not be able to attend today's meeting.

I know this is last minute and apologize, but the Maryland Farm Bureau would respectfully request that the Wildlife Advisory Commission not take a position on SB 748, the commercial sale of venison for those who harvest deer under crop damage permits. We ask that you allow the legislative process to play out and also allow stakeholders including DNR, MDA, Maryland Horse Council, Sportsmen, and others to discuss this matter further before taking a position.

I believe the Maryland Horse Council would ask for the same request. Again, sorry for the late notice and request.

Thank you,

Matt Tefteau

Greetings,

Attached are the unofficial meeting minutes from the November 19th and the proposed February 18th meeting agenda. The meeting will be held in the C-1 Conference Room at Tawes State Office Building, 580 Taylor Avenue, Annapolis MD 21401 and the meeting begins at 9:30 AM. Free parking has been made available on the Navy Stadium Parking Lot Gate 6 for the Commission. If you have problems getting into the parking lot, please contact the Department of General Services at [410-260-2911](tel:410-260-2911).

Also, attached is the 2015 WAC Annual Schedule and Draft Monthly Agenda.

If you have any questions, please feel free to contact me directly. Thank you and have a delightful day.

Sincerely,

Tracey Spencer

Assistant to the Director,

Wildlife and Heritage Service

Office: [410.260.8564](tel:410.260.8564)

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Note New Email Address: tracey.spencer@maryland.gov

Matt Teffeau
Assistant Director of Government Relations
Maryland Farm Bureau, Inc.

 MD_Farm_Bureau

**Summary of 2015 Proposed Legislation
Wildlife and Heritage Service
(as of February 18, 2015)**

HB0014	Hunting Licenses - Exemption for Retired Members of the Armed Forces	Delegate O'Donnell	In the House - Second Reading Passed with Amendments	Environment and Transportation 2/5/2015 - 2:00 p.m.
HB0018 (SB0378)	Baltimore County - Sunday Hunting	Delegate Cluster	In the House - First Reading Environment and Transportation	Environment and Transportation
HB0055	Calvert and St. Mary's Counties - Archery Hunting - Safety Zone	Delegate O'Donnell	In the House - Hearing 2/25 at 1:00 p.m.	Environment and Transportation 2/25/2015 - 1:00 p.m.
HB0170 (SB0088)	Natural Resources - Game Birds - Baiting	Delegate Beitzel	In the House - Hearing 2/11 at 1:00 p.m.	Environment and Transportation 2/11/2015 - 1:00 p.m.
HB0285 (SB0117)	Caroline County and Dorchester County - Sunday Hunting	Caroline County Delegation	In the House - Hearing 3/04 at 1:00 p.m.	Environment and Transportation 3/4/2015 - 1:00 p.m.
HB0387	Harford County - Archery Hunting - Safety Zone	Delegate Glass	In the House - First Reading Environment and Transportation	Environment and Transportation
HB0411	Deer Bow Hunting Season - Private Property - Additional Sunday in January	Delegate Glass	In the House - Hearing 2/25 at 1:00 p.m.	Environment and Transportation 2/25/2015 - 1:00 p.m.
HB0412	Natural Resources - Deer Bow Hunting Season - End Date	Delegate Glass	In the House - Hearing 2/25 at 1:00 p.m.	Environment and Transportation 2/25/2015 - 1:00 p.m.
HB0414	Sunday Hunting - Deer Bow Hunting Season	Delegate Glass	In the House - Hearing 2/25 at 1:00 p.m.	Environment and Transportation 2/25/2015 - 1:00 p.m.
HB0554	Nonresident Senior Hunting License - Establishment	Delegate Beitzel	In the House - Hearing 3/04 at 1:00 p.m.	Environment and Transportation 3/4/2015 - 1:00 p.m.
HB0655	Harford County - Sunday Hunting - Deer Bow Hunting Season	Delegate Glass	In the House - First Reading Environment and Transportation	Environment and Transportation
HB0713	Natural Resources - Trade in Ivory and Rhinoceros Horn - Prohibition	Delegate Luedtke	In the House - Hearing 3/04 at 1:00 p.m.	Judiciary 3/4/2015 - 1:00 p.m.
HB0958 (SB0447)	Sales and Use Tax - Tax-Free Periods - Hunting and Sporting Goods	Delegate Mautz	In the House - Hearing 3/03 at 1:00 p.m.	Ways and Means 3/3/2015 - 1:00 p.m.
HB1045	Hunting - Use of Motorized Vehicles - Wounded or Disabled Military	Delegate Beitzel	In the House - Hearing 3/13 at 1:00 p.m.	Environment and Transportation 3/13/2015 - 1:00 p.m.
HB1074	Complimentary Hunting License for Former Prisoners of War or Disabled Veterans - Reciprocity	Delegate Kipke	In the House - Hearing 3/13 at 1:00 p.m.	Environment and Transportation 3/13/2015 - 1:00 p.m.
HJ0005	Natural Resources - Goose and Duck Hunting Seasons - Extension	Delegate Mautz	In the House - First Reading House Rules and Executive Nominations	Rules and Executive Nominations

SB0068	Charles County and St. Mary's County - Deer Hunting - Repeal	Senator Conway	In the Senate - Hearing 2/03 at 2:00 p.m.	Education, Health, and Environmental Affairs 2/3/2015 - 2:00 p.m.
SB0088 (HB0170)	Natural Resources - Game Birds - Baiting	Senator Astle	In the Senate - Hearing 2/10 at 1:00 p.m.	Education, Health, and Environmental Affairs 2/10/2015 - 1:00 p.m.
SB0117 (HB0285)	Caroline County and Dorchester County - Sunday Hunting	Senator Hershey	In the Senate - Hearing 2/17 at 1:00 p.m.	Education, Health, and Environmental Affairs 2/17/2015 - 1:00 p.m.
SB0378 (HB0018)	Baltimore County - Sunday Hunting	Senator Salling	In the Senate - Hearing 2/24 at 1:00 p.m.	Education, Health, and Environmental Affairs 2/24/2015 - 1:00 p.m.
SB0447 (HB0958)	Sales and Use Tax - Tax-Free Periods - Hunting and Sporting Goods	Senator Ready	In the Senate - First Reading Budget and Taxation	Budget and Taxation
SB0748	Deer Hunting - Crop Damage Permit - Wild Venison	Senator Middleton	In the Senate - Rereferred to Education, Health, and Environmental Affairs	Education, Health, and Environmental Affairs