

# Title 08 DEPARTMENT OF NATURAL RESOURCES

## Subtitle 03 WILDLIFE

### .09 Wildlife Possession

Authority: Natural Resources Article, §§10-206 and 1-104, Annotated Code of Maryland

#### **.11 Deer Cooperator License**

*A. Scope. A deer cooperator license issued by the Service allows the licensee to conduct deer removal and handling operations upon issuance of an Operational Plan in accordance with §E of this regulation. The fee to apply for this license is \$100. A license expires 1 year from the date it is issued. If the Service does not issue the license, the fee shall be refunded. There are two deer cooperator licenses as follows:*

*(1) Agricultural Deer Cooperator License: valid only on agricultural lands actively farmed for commercial crops. Applicants for an Agricultural Deer Cooperator License must be the owner or lessee of the properties covered under the Deer Cooperator Operational Permit as described in §E(1) of this regulation, or their employee.*

*(2) General Deer Cooperator License: valid on commercial, private, or other lands. Applicants must be an owner or lessee of the properties covered under the Deer Cooperator Operational Permit as described in §E(1) of this regulation, or their designee. General Deer Cooperator Licensees may also conduct operations as an Agricultural Deer Cooperator in accordance with the requirements of §E(1)(c).*

*B. The requirements of this chapter are in addition to any requirements imposed by any other agency of State, federal, or local government relating to the:*

- (1) Possession or transportation of deer;*
- (2) Possession of firearms, ammunition, optics and suppressors;*
- (3) Possession of drugs for anesthetizing deer;*
- (4) Possession or discharge of a firearm during the day or night; or*
- (5) Use of centerfire rifles or handguns.*

#### *C. Qualifications for a Deer Cooperator License.*

*(1) An individual may not apply for a deer cooperator license if the individual has been convicted of any State or federal natural resources violation within 5 years at the time of the application.*

*(2) An individual applying for a deer cooperator license must successfully complete a written examination administered by the Service.*

*(3) The written examination for a deer cooperator license may contain questions relating to:*

- (a) Deer ecology;*
- (b) Deer conflicts with humans;*
- (c) Lethal and nonlethal deer management alternatives;*
- (d) Current statutes and regulations pertaining to wildlife, lethal control devices, and other equipment details;*
- (e) Deer data collection methodology; and*
- (f) Other questions necessary to determine an individual's ability to adequately assess, describe, and implement a safe and effective deer operation.*

*(4) An individual applying for a deer cooperator license is required to successfully complete a shooting proficiency test administered by the Service, a certified NRA instructor, or provide proof of successful completion of a preapproved comparable shooting proficiency test.*

*(5) Effective July 1, 2023, all new deer cooperator license holders and certified shooters for lethal operations shall possess a valid Maryland hunting license unless exempted from the license requirement pursuant to Natural Resources Article, §10-301(c), Annotated Code of Maryland.*

*(6) All deer cooperator license holders and certified shooters must meet the requirement of competency in firearms and hunter safety in accordance with Annotated Code of Maryland, Natural Resources Article §10-301.1.*

#### *D. Qualification of Certified Shooters.*

*(1) Certified shooters may operate under a deer cooperator licensee to assist with operations.*

*(2) An individual may not apply to become a certified shooter if the individual has been convicted of any State or federal natural resources violations within 5 years at the time of application.*

*(3) An individual applying to become a certified shooter is required to successfully complete a shooting proficiency test administered by the Service, a certified NRA instructor, or provide proof of successful completion of a preapproved comparable shooting proficiency test.*

*(4) Effective July 1, 2023, all new deer cooperator license holders and certified shooters for lethal operations shall possess a valid Maryland hunting license. Exempt from this requirement to possess a hunting license are those individuals so exempted pursuant to Natural Resources Article, §10-301(c), Annotated Code of Maryland.*

*(5) All deer cooperator license holders and certified shooters must meet the requirement of competency in firearms and hunter safety in accordance with Annotated Code of Maryland, Natural Resources Article §10-301.1.*

#### *E. Permits for Conducting Operations under the Deer Cooperator License.*

(1) A deer cooperator licensee shall submit an operational plan to the Service at least 45 days before the planned commencement of each operation. The Service shall review the plan within 45 days and issue an operational permit upon approval of the plan. Any corrections needed within the plan will require an additional 45-day review. The four types of Operational Permits are defined as:

(a) Public Safety Operational Permit: issued for airports operating under the authority of the Maryland Aviation Administration or a state or federal law enforcement agency certified police driver training facility where deer have been documented to cause a threat to public safety. Permits shall be valid from July 1 thru June 30.

(b) Standard Operational Permit: issued to applicants where documented deer damage has occurred and all other efforts to manage the deer herd have been exhausted. Permits shall be valid from January 15 thru April 15.

(c) Agricultural Operational Permit: issued on agricultural lands actively farmed for commercial commodities. Applicants for an Agricultural Deer Cooperator Operational Permit must be the owner or lessee, of the property where the deer management will occur, or their employee. Permits shall be valid from January 15 thru April 15.

(d) Non-Lethal Operational Permit: issued for operations where deer are live-captured and released for the purpose of research or fertility control treatments authorized by the Service. Permits shall be valid from January 15 thru April 15.

(2) The operational plan shall include:

(a) Type of operational permit being requested;

(b) Written permission from the owner or owners of the land covered under the Operational Plan;

(c) The area-specific deer problem;

(d) The current and projected impacts of the operation to local social and ecological conditions;

(e) All measures that have previously been taken to address the existing deer problem;

(f) For Standard and Agricultural Permits the plan must include current documentation evidencing community support for the proposed operation. Documentation shall be dated within two years of the proposed operation and will include, but not limited to:

(i) Results of opinion surveys;

(ii) Supporting letters from community leaders or elected officials; or

(iii) Supporting letters from nearby residents.

(g) Letter of authorization from the County office of law permitting the use of centerfire rifles that are otherwise prohibited for deer hunting in the county;

(h) Letter of authorization from the County office of law permitting discharge of weapons at night;

(i) The intended number and sex of deer to be removed or handled. Disposal of antlered deer will be considered on a site by site basis;

(j) Hours of operation;

(k) Detailed description of the location of the operation with accompanying aerial photograph or location map;

(l) Deer biological data collection procedures;

(m) Copies of contracts between permit holders and landowners;

(n) Specific details about lethal operations, including:

(i) A list of certified shooters including full names and date of birth;

(ii) Weapons or euthanasia equipment to be used in the operation including make, model and caliber;

(iii) Ammunition or euthanasia drugs to be used in the operation;

(iv) Additional equipment including, but not limited to, night vision, suppressors including brand name, spotlights, or trapping equipment;

(v) Shooting distances and positions, including, but not limited to, bait station, tree stand, or vehicle;

(vi) Copies of permits or licenses required from the State, federal, or local governments to possess deer or administer drugs to deer;

(vii) Carcass retrieval and tagging procedures;

(viii) Entrails removal and disposition procedures; and

(ix) Plan for final disposition of venison, including the name of the processing facility and contract documents related to disposition, in accordance with §G of this regulation.

(o) Specific details about non-lethal operations or operations that otherwise require the handling of live deer, including:

(i) Capture method to be used;

(ii) Types and volumes of anesthesia and immobilizing agents to be used;

(iii) A detailed description of drug delivery devices and methods;

(iv) Copies of permits or licenses required from the State, federal, or local governments to possess deer or administer drugs to deer;

(v) Drug handling certifications or licenses;

(vi) Deer handling equipment and methodology;

(vii) Live transport methods including equipment and methodology;

(viii) Marking or tagging equipment and methods;

(ix) Disposition of deer; and

(x) Professional licensing documentation from any cooperating agencies, organizations, veterinarians or individuals including, law enforcement, elected officials, communities, or government agencies.

(p) *Renewal of Public Safety Operational Permits* – Public safety permit holders may submit the following for annual renewal of their ongoing operational plan:

(i) *A list of certified shooters including full name and date of birth;*

(ii) *Written permission from the owner or owners of the land covered under the Operational Plan;*

(iii) *If the office of law signatory changes, an updated letter of authorization from the County office of law permitting night-shooting and the use of centerfire rifles that are otherwise prohibited for deer hunting in the county where the operation occurs;*

(iv) *The intended number and sex of deer to be removed or handled. Antlered deer will be considered on a site by site basis;*

(v) *Hours of operation;*

(vi) *Plan for final disposition of venison, including the name of the processing facility and contract documents, in accordance with §G of this regulation.*

(vii) *Copies of contracts between permit holders and landowners; and*

(viii) *Any changes to the existing Operational Plan.*

F. *All deer taken under the authority of any Deer Cooperator License must be processed for consumption unless the Deer Cooperator reports to the Department that the deer was unfit for consumption. The disposition of all deer must be included in the report filed with the Department.*

G. *Deer taken on Federal, State or County lands must be commercially processed and donated to a local food bank unless another recipient of the donation or means of disposal is approved by the Service.*

H. *If the operational plan is conducted within the established Chronic Wasting Disease (CWD) Management Area described on the Service's website, the licensee:*

(1) *May be required to collect CWD samples and furnish them to the Service in accordance with approved collection methods per COMAR 08.03.04.22;*

(2) *May be required to process all deer at an authorized commercial deer processor.*

I. *If the licensee is entering into a contract for deer cooperator services, the terms of the contract shall be provided for deer management services. All contracts shall include: the parties to the contract, the price terms for all products and services, the time period covered by the contract, and any other requirements and deliverables contemplated by the parties.*

J. *The Service shall conduct an evaluation before approving or denying an operational plan.*

K. *If the Service approves the operational plan it shall issue an approval document in writing to the licensed deer control cooperator. This approval document shall describe:*

(1) *The number of deer to be removed or handled;*

(2) *The hours of operation;*

(3) *Approved weapons and associated equipment;*

(4) *Location of the activities;*

(5) *Deer data collection requirements;*

(6) *Venison processing and nonedible parts disposition;*

(7) *Any reporting procedure that the Service determines is necessary;*

(8) *Any additional terms or conditions the Service determines are necessary to provide for public safety or the success of the plan; and*

(9) *A list of approved shooters.*

L. *A deer cooperator licensee shall contact local law enforcement and Natural Resources Police within 48 hours of undertaking the operational plan in accordance with the instructions on the approval document.*

M. *Appeal Procedure. An individual who has applied to the Service for a deer cooperator license or submitted an operational plan proposal as an approved deer cooperator permittee and has been denied a license or operational plan approval, may file, within 15 days after the decision was mailed, a petition for a hearing with the Director of the Service. The Director of the Service shall render a decision in writing to the complainant within 15 days after the date of the hearing. If the complainant is further aggrieved, the complainant may initiate proceedings for an appeal to the Secretary of Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401. The appeal procedure for the denial of a deer cooperator permit, or operational plan approval is not a contested case hearing under State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.*

N. *The Service may revoke or suspend the deer cooperator license or permit if the Service finds that the licensee or any certified shooter violated:*

(1) *The terms and conditions of the permit;*

(2) *The terms and conditions of the approval document; or*

(3) *Any State or federal wildlife law or regulation.*

O. *The Service shall provide the opportunity for a contested case hearing conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04 when suspending or revoking a deer cooperator permit.*

P. *Violation. A violation of any provision or restriction on the Deer Cooperator License or Deer Cooperator Operational Permit constitutes a violation of this regulation.*

Q. *The time of year requirements in §E(1) of this regulation shall sunset and have no further force and effect on January 1, 2025.*

**JEANNIE HADDAWAY-RICCIO**

**Secretary of Natural Resources**