

THE MARYLAND WILDLIFE ADVISORY COMMISSION
MINUTES – APRIL 21, 2021

Chairman Lou Compton called the meeting to order at 10:30 a.m. This meeting was held via teleconference and videoconference. Chairman Compton asked for a roll call of individuals who were on the “call.” Unfortunately, because of the anonymity of Google Meet callers, it was impossible to determine the identity of every participant.

Introductory Remarks

- Director Peditto introduced Assistant Secretary of Land Resources Philip Hager to the Commission. Assistant Secretary Hager has been with the Department of Natural Resources for approximately 13 months. He was appointed one week prior to the COVID lockdown. The DNR Land Resources Assistant Secretary is responsible for the Maryland Forest Service, Park Service, Land Acquisitions & Planning, and the Wildlife & Heritage Service (WHS).
- Assistant Secretary Hager thanked Director Peditto for his kind comments and thanked Director Peditto for the continued work that he and his team do to make Maryland one of the best places in this area and country. It has been an absolute pleasure to be a part of this team. As Director Peditto expressed, it has been a real challenge dealing with the conditions and burdens borne of COVID. Assistant Secretary Hager added that he appreciates the opportunity to attend this meeting.
- Chairman Compton extended thanks to Assistant Secretary Hager for attending. Chairman Compton briefed Assistant Secretary Hager regarding the Commission’s concerns about the WHS vacancies and Pittman-Robertson funding issue.
 1. Assistant Secretary Hager reported that Secretary Jeannie Haddaway-Riccio is looking forward to meeting with the Commission in May to discuss the issues raised.
 2. Chairman Compton updated the Commission that Secretary Haddaway-Riccio is unable to attend the May 19, 2021 WAC meeting. Therefore, the May 19, 2021 WAC meeting is canceled. Chairman Compton stated that he is working with the Secretary’s office to identify another date or two in May for the Commission to consider.

Approval for April 21, 2021, Meeting Agenda

- Motion:
 1. Commissioner Schroyer moved to accept the Wildlife Advisory Commission April 21, 2021, Meeting Agenda.
 2. Commissioner Weinberg seconded.
 3. All in favor. Motion passed.

Approval for Minutes from March 17, 2021 Meeting

- Motion:
 1. Commissioner Gregor moved to accept the March 17, 2021 meeting minutes as presented.
 2. Commissioner Gulbrandsen seconded.
 3. All in favor. Motion passed.

2021 Legislative Session Outcome – Presentation by Associate Director Glenn Therres.

- Management Assistant Ms. Spencer emailed the Commission the ‘Summary of 2021 Bills’ that the Wildlife and Heritage Service was tracking during the recently-concluded legislative session. [ATTACHMENT A].
- The Wildlife and Heritage Service was monitoring 37 bills. Associate Director Therres noted that all of the Sunday hunting local bills failed. Associate Director Therres summarized the seven wildlife/hunting-related bills that passed.
- HB0007/SB0769 Venison Donation has the Montgomery County Program provision and the Statewide Grant Program.

1. WHS will run the Statewide Grant Program without an identifying source nor personnel outlined in the bill.
 2. Staff will verify these items and report back to the Commission.
- Staff informed the Commission that the legislature added budget language to HB0293 that requires Wildlife and Heritage Service to conduct a statewide study on coyotes. Including a statewide population study and impacts of coyotes in Maryland. WHS is mandated to report out to the legislature in one year. However, the bill did not identify the source of funding nor provide additional staffing. This is a massive undertaking with no additional sources of funding or staff going forward.
 - Q&A Section:
 - Commissioner Michael asked a series of questions related to the budget line item added to HB0293. First, Commissioner Michael asked if adding a budget line item occurred before and how the Commission tracks something like this because anything could be added to the budget language.
 1. Historically, staff would have been involved in the dialogue in the budget hearings, and that is where you will hear the budget committee members raise various issues. However, in this case, it appears that it was a Senate budget issue raised, and the conversation continued on the House side. WHS was not included in the dialogue.
 2. The way it works is that budget committee members include budget language in the budget bill. The budget language is an actual bill. The budget committee language requires that the Department of Natural Resources conducts the study and reports back to the legislature.
 - Discussion ensued on the bills that have created additional work assignments without outlining the source of the funding. Also, Commission discussed the lack of the Sunday hunting bills passing that were put in as local bills – that would typically pass.

Wildlife Advisory Commission Legislative Concepts Review – (Group Discussion)

- Commissioner Michael made his annual comment about legislation. Commissioner Michael reiterated that local courtesy bills are not an excellent way to manage wildlife laws. Commissioner Michael recognized that this session particularly honed in on Sunday hunting, safety zones, and the use of snares. The rub is that if a locality with very few hunters or trappers could outlaw some form of hunting or trapping. Commissioner Michael voiced concern that it is a pathway to outlaw certain things, a slippery slope that would ultimately haunt our constituency. Commissioner Michael thanked the Commission and staff for listening to his comments.
- Commissioner Wagner agreed with Commissioner Michael's comments about local courtesy bills in regards to managing wildlife.
- Chairman Compton acknowledged both comments from Commissioner Michael and Commissioner Wagner. Chairman Compton advised that the key to managing local courtesy bills is to get involved with the legislature. For the last two years, the Commission has been getting earlier bill notifications, and the addition of the January meeting is valuable. It is essential to engage our local constituency about wildlife legislation to get them involved. The local courtesy bills related to managing wildlife are something that the Commission has to watch closely.
- Commissioner Michael pointed out that the Commission needs to inform lawmakers of examples where the Wildlife and Heritage Service has been responsive to local issues related to wildlife management. Examples include the two deer regions and two waterfowl zones. Locality does not exist at the county line but more on natural lines of wildlife populations. In dealing with the human population, the Wildlife and Heritage Service has been responsive to where shotguns and rifles are used.
- Commissioner Michael noted that the time to engage the legislature is in November or December when the delegations are meeting to help them see that the Wildlife and Heritage Service has been responsive to managing wildlife issues and avoid introducing local bills.
- Chairman Compton observed that out of the 37 bills, the fact that only seven passed seems worth noting. It is very usual that these Sunday hunting local bills did not pass. Chairman Compton expressed that he hopes it is because of COVID and lack of testimony from the hunting community

and/or Wildlife and Heritage Service staff experts.

- Chairman Compton asked if there was something else going on besides COVID that contributed to the failure of the Sunday hunting bills.
 1. All of the Sunday hunting bills had county commission or otherwise local delegation support, and many held public hearings. The oppositions to all of the Sunday hunting bills were well organized and statewide oriented. There were concerns about public lands but that was a non-issue if the facts would have been presented. In nearly every county, the public lands that were implicated were already foreclosed from Sunday hunting due to the language barring Sunday hunting on state park lands. The Departmental bill that was adopted two years ago made Sunday hunting illegal on any lands managed by the Maryland Park Service.
 2. The virtual legislative session created more of an opportunity for the public to testify on bills. Someone can testify on a bill from his or her location and not take a trip to Annapolis. The rules did not change because it was virtual. Anyone could have testified on those bills. If the hunting community wants these Sunday hunting bills to pass, the hunting community must become more engaged.
 3. Commissioner Weinberg expressed his concern about the local Sunday hunting bills that did not pass with the support of their delegation.
- The Wildlife and Heritage Service staff will be involved in another deer workgroup borne of a failed bill introduced that would make it legal to sell venison. The Commission may recall the Anne Arundel County COVID relief dollars used to pay hunters and processors for dead deer. It was a bill that would have made it legal to do that despite that it was not legal from the office of the Attorney General. This workgroup is one of several unfunded WHS homework assignments from the 2021 legislative session.

Natural Resources Police Update – Presentation was given by Sergeant Bradley Lowe.

- Sergeant Lowe outlined NRP activity for March. NRP statewide issued 459 citations and 1095 warnings. There were a total of 36 wildlife violations, 168 boating, 220 public lands, and 768 fisheries (due to the trout season).
- The breakdown of the wildlife actions is as follows 17 law violations and 19 wildlife regulations. NRP is busy with the turkey season. In the Western Region, there have been 7 turkey baiting cases so far in the turkey season, including as follows Frederick (1), Washington (3), Allegany (2), and Garrett (1).
- Camping Season is keeping NRP busy too.
- 2021 NRP Academy has started with the physical and written testing. In addition, the cadets have been pulled for background checks.
- Chairman Compton asked about the NRP Report that included the traffic violations that the Commission in the past would get. Unfortunately, the Commission has not received that report for months.
 1. There were 462 enforcement actions statewide. The Central Region is a highly-populated area, and has the highest volume of non-conservation enforcement. There are a lot of officers trying to get their e-ticket certification.
 2. Sergeant Lowe could not speak on the other areas. However, keep in mind, as the Park Service gets busier, the Commission will see an increase in traffic violations.
 3. The 462 enforcement actions could be warnings and citations.
- Chairman Compton requested that the NRP Report includes the traffic violations going forward. Sergeant Lowe agreed to inform Lt. Fawley about the traffic violations request.
- Commissioner Michael announced that Lt. Fawley asked Commissioner Michael to speak at the Fallen NRP Officers Ceremony on May 18, 2021. Commissioner Michael expressed that it was an honor to accept that invitation. Commissioner Michael will be speaking on behalf of the Wildlife Advisory Commission. Chairman Compton thanked Commissioner Michael for participating in this honorable event.

Maryland Farm Bureau Update – Presentation was given by Maryland Farm Bureau (MFB) Director of Government Affairs and Public Relations Colby Ferguson.

- Mr. Ferguson gave an update on HB1025 Pesticides – Carbofuran – Collection, Disposal, and Prohibition on Possession or Storage. HB1025 did not pass. There were concerns about unintended consequences. However, the MDA did revive their pesticides disposal program for farmers. Mr. Ferguson outlined points from the advocates of this bill. Mr. Ferguson wanted to keep the Commission informed just in case there is more discussion about this in the future.
- MFB will be spending time trying to figure a way to fund non-lethal deer deterrents, such as cost-share for fencing and the use of sacrificial crops like forage-based soybeans. MFB put this information on the Governor's radar. Mr. Ferguson notified the Commission that it did not get into the Governor's budget. MFB needs to vet the non-lethal deer deterrents a little more.
- Mr. Ferguson mentioned that several of the MFB county representatives are trying to get the Farmer of the Year nominations to Ms. Spencer.

Old Business –

- WHS Vacancies and Pittman-Robertson (PR) Fund Discussion – Commission Members
 1. Chairman Compton mentioned to the Commission that he has been working with Executive Assistant Carrie Cook to confirm a meeting with Secretary Haddaway-Riccio. PR funds discussion has been on the Commission's radar for a couple of years – thanks to Commissioner Michael's efforts.
 2. Chairman Compton reinforced for Assistant Secretary Hager that for some time, this is an issue that concerns the Commission. In the years that Maryland has had increased PR funds available, it is regretful that Maryland had to 'leave money on the table'. It is the Commission's responsibility to review what is going on in the agency for the benefit of wildlife management and the citizens in the State of Maryland. The Commission is trying to address this in a polite and courteous matter. The Commission appreciates Assistant Secretary being present at the April 21, 2021 WAC meeting. The Commission looks forward to meeting with the Secretary and any personnel she feels is essential to this discussion to resolve the WHS vacancies and PR fund concerns.
 3. Chairman Compton recalled at the February meeting there were approximately ten WHS vacancies, and most of them could be utilized for the 25% match to gain the 75% PR funds. Chairman Compton added that Wildlife Advisory Commission takes its mission very seriously and to pursue this matter with a favorable resolution such that all of the allocation of federal funding is captured. If Maryland does not use the allocated PR funds, another state will use it, it cannot be put into a reserve account. Chairman Compton requested that Assistant Secretary Hager reinforce these concerns to the Secretary.
 4. Commissioner Michael reiterated that it was the Commission's idea to bring this issue to the Secretary's attention because it was raised in the past and seemed to have been resolved previously. Commissioner Michael had hoped that the Department could resolve this issue quickly this time. Commissioner Michael questioned why this is so difficult to solve – conceptually, it is not hard to understand. Commissioner Michael also asked has something occurred on the agency side of things.
 - a. Assistant Secretary Hager informed the Commission that the Wildlife and Heritage Service did receive approval for a couple of seasonals and one wildlife technician position subsequent to receiving the letter from the Commission.
 - b. Associate Director Therres indicated that WHS received approval to replace the fiscal officer. The person started on April 21, 2021, with WHS. Unfortunately, the previously hired employee decided to retire after starting with us for a few months. Therefore, WHS had to go back to the interview panel to select a replacement. This action occurred before the February meeting. The ten full-time permanent and/or LTC positions remain unfilled – some going on more than a year now.
 5. Assistant Secretary Hager queried if all these vacancies are filled, would it be true that WHS will

still be leaving money on the table.

- a. Director Peditto communicated that WHS should be able to capture the total amount of what is coming to WHS. Director Peditto explained the use of the word “should” because some of this relates to the complexity of timely execution of contracts for federal fund eligible big-ticket procurement purchases and contracts. For example, if the timing on the state side of things rolls over to another fiscal year for the conclusion of the grant, then WHS runs the risk of being unable to use the purchase as match.
 - b. Associate Director Therres highlighted that WHS had increased the ability to recover federal reimbursement through a WHS request to USFWS. Ultimately, USFWS agreed to that request. Therefore, Maryland is the first state to use a state-owned property as a match. Browns Branch WMA was purchased by State dollars, which is likely to increase our federal revenue potential more than one million dollars over this fiscal year and future fiscal years. In addition, many of the vacancies are land management grant eligible positions. In the past, WHS could not maximize the federal money coming in. With this new match opportunity using the value of land that increases WHS's chance to recover more of that federal money than we had in the past.
6. Assistant Secretary Hager asked Associate Director Therres, with the fulfillment of these vacancies and utilize the ability to match with land acquisition grant and increase the sale of ammunitions sales and tax revenue, will WHS be able to use all PR funds.
- a. Associate Director Therres acknowledged that he needs to take a harder looked at it, but it is around a million dollars, which is more than WHS had received in the past. The federal system requires the states to spend the money first and then get reimbursed for it. The vacancy problem is that those are positions that WHS could be spending money that is federal eligible for reimbursement – and every day they are not working on federal fund eligible projects we are losing the opportunity to capture the reimburseable federal funding.
7. Commissioner Wagner asked for the other areas or ways that WHS can capture PR funds instead of hiring staff.
- a. The only way to increase the State’s ability to match is through more revenue generated in state-side funding. WHS’ only real mechanism to generate revenue is through higher fees (licenses, stamps, and permits) that come to WHS. That ‘cash’ can serve as a new match for increased federal funding.
8. Commissioner Michael acknowledged Assistant Secretary Hager’s questions about WHS's ability to spend all PR money. Commissioner Michael warned what if WHS does not fill the positions, WHS cannot capture the PR money. Commissioner Michael praised Director Peditto and Associate Director Therres for doing a better job in finding ways to capture all of the federal allocation .
9. Commissioner Michael proceeded to ask a series of yes and no questions.
- a. WHS has the revenue from the Stateside to fill the vacancies? WHS does not need general funds to make this occur? Associate Director Therres explained that those positions are in the current approved budget for FY21. Also, in the approved budget for FY22. Those positions are special and federal funded – no general funds allocation.
10. Commissioner Michael reiterated that WHS has already earned money. It does not seem to be any reason that we should not be using the money that hunters and permit holders have already spent. These constituents are expecting products/services in return and constituents are not getting their value. For every dollar hunters and permit holders spend, they would get three dollars of PR. We deny our constituents that right, that privilege, and expectation.
11. Commissioner Michael asked the last question on the Stateside funds. Since WHS has earned the Stateside funds from our license buyers, where does that money go if WHS does not spend all the Stateside money?
- a. Associate Director Therres summarized that the hunting license revenue is classified as a special fund; it goes into the State Wildlife Management and Protection Fund. Therefore, it can be used only for wildlife conservation efforts and protection. The hunting license revenue

that WHS does not spend goes into a reserve account for the Wildlife Management and Protection Fund. It does not disappear; it is reserved. The larger pool of money, the federal “PR funds” are not eligible for reserve or ‘savings’, that money is lost if it is not captured.

12. Commissioner Michael expressed his frustration about the process. He cautioned that the Department is cheating their constituents out of the licenses they brought, and cheating them from the much larger PR bonus they are not getting. The PR bonus could make WHS and Maryland’s opportunities the best that they can be.
13. Mr. Ferguson asked the question about the eligibility of the other match of the PR money if Program Open Space (POS) funding for maintenance of WMAs and parkland maintenance could count towards matching funds or is that not eligible.
 - a. Associate Director Therres is the WHS Federal Aid Coordinator and Fiscal Officer. Associate Director Therres pointed out that USFWS accepts any non-federal use of funds for, in WHS case, WMA activities as an eligible match. POS money could be a match if it was directed toward fed-eligible projects by staff doing work on those projects or big-ticket expenditures. Likewise, if General Funds were made available to WHS for similar work. WHS has to be careful not to burn special funds down on activities like nuisance wildlife management that cannot be billed to federal money. For example, the issuance of deer management permits is not eligible for federal money.
14. Assistant Secretary Hager thanked the Commission for having this discussion in his presence, along with the candid words that were expressed. Assistant Secretary Hager recognized that this is an essential issue for the Commission. Assistant Secretary Hager acknowledged that it is not just a matter with the Commission about spending this money. It is also about the people of Maryland who have invested in Maryland’s hunting licenses who expect to receive the total value of their investment. Assistant Secretary Hager stated that he will do all he can to get these positions filled and make the most out of the potential borne of these federal dollars.
 - Chairman Compton appreciated Assistant Secretary Hager’s time and attention – and engaging in this dialogue. Chairman Compton reiterated the importance of this issue. Chairman Compton invited Assistant Secretary Hager to join any future meeting.
 - Chairman Compton recognized Ms. Tracey Spencer since it is Administrative Assistant Day for the work she does for the Commission. She is awesome!!

New Business – No New Business.

Adjournment

- The meeting was adjourned at 11:58 a.m.

The next meeting will be determined.

Attendance

Members:	L. Compton, T. Gregor, S. Boyles Griffin, E. Gulbrandsen, S. Keithley, J. Michael, J. Schroyer, C. Wagner, and R. Weinberg
Absent:	
Guest:	C. Ferguson
Staff:	B. Eyler, P. Hager, T. Larney, B. Lowe, J. McKnight, P. Peditto, T. Spencer, H. Spiker, and G. Therres

Bills that passed the General Assembly in 2021

HB 7/SB 769 Venison Donation:

Chapters 172 and 173 of 2018 established a tax credit for qualified expenses incurred to donate certain processed deer meat to a nonprofit venison donation program. Through the program, an individual can claim a credit of up to \$50 for the expenses incurred to butcher and process an antlerless deer, generally not exceeding a total of \$200 each taxable year, if the hunter complied with applicable State hunting laws and regulations. The tax credit program terminates June 30, 2023. Senate Bill 769/House Bill 1017 (both passed) require venison donation programs that accept donations of processed deer meat to report to the Comptroller, on or before January 31 each year, the name and address of, and the number of deer donated by, each donor who intended to claim the venison donation income tax credit. The bills also require DNR to report to the General Assembly by December 31, 2021, on the testing of deer brought to deer processors for chronic wasting disease.

HB 92 Invasive and Nuisance Plant Species Use of State Funds:

House Bill 92 (passed) prohibits State funds from being used to purchase or plant an invasive plant species for an outdoor project. The bill provides an exception if the plant is commonly used for agricultural or horticultural purposes and is maintained for education or research.

HB 208/SB 375 Neonicotinoids:

Chapters 661 and 662 of 2016 established certain restrictions on the sale and use of neonicotinoid pesticides, allowing for retail sales only from certain registered dealers and use only by certified pesticide applicators and farmers, or persons working under the supervision of a certified applicator or farmer, and veterinarians. Senate Bill 375/House Bill 208 (both passed) establish that a neonicotinoid pesticide may only be sold at retail to a certified applicator or farmer. The bills also require a retailer to store neonicotinoid pesticides in a manner that is inaccessible to a customer without assistance.

HB 293 Organized Killing Contests:

The Department of Natural Resources (DNR) issues permits for a person to hunt, either individually or in a group, a fur-bearing mammal, including coyotes, foxes, and raccoons. House Bill 293 (passed) prohibits a person from sponsoring, conducting, or participating in a contest organized in

Maryland that has the objective of killing a coyote, fox, or raccoon for prizes or monetary rewards. However, the bill may not be construed to prohibit (1) a landowner or the landowner's agent or lessee from killing coyotes, foxes, or raccoons on the landowner's property if the killing is not part of an organized contest or (2) lawful dog training or dog performance competitions. A person is subject to a \$50 fine for each coyote, fox, or raccoon killed in violation of the bill.

HB 545 Licenses and Stamps:

DNR is authorized to develop and implement an electronic system for the sale and issuance of licenses, permits, and registrations and the recording and releasing of security interests. House Bill 545 (passed) requires DNR to make available and, on request, issue any recreational hunting or fishing license or stamp (except for a recreational boat license for which a special Chesapeake Bay and coastal sport fishing license decal is issued for attachment to the applicable boat) in a digital or electronic format. An individual may satisfy any requirement under the Natural Resources Article of the Maryland Code to possess or display the recreational licenses or stamps by possessing or displaying the document in a digital or electronic format as provided by DNR. The bill repeals requirements that an angler's license holder or a hunting license holder electronically or physically sign the license.

HB 637/SB 453 Archery Hunting Safety Zones – Allegany and Garrett Counties:

Generally, a person, other than the owner or occupant, may not shoot or discharge a firearm or other deadly weapon while hunting, or shoot at any game bird or mammal present, within 150 yards of a dwelling house, residence, church, or other building or camp occupied by human beings without the advance permission of the owner or occupant (an area known as the "safety zone"). Senate Bill 453/House Bill 637 (both passed) decrease the archery hunting safety zone in Allegany and Garrett counties from 150 yards to 50 yards, a distance that is consistent with the archery hunting safety zones in Calvert, Carroll, Cecil, Frederick, Harford, Montgomery, St. Mary's, and Washington counties.