

THE MARYLAND WILDLIFE ADVISORY COMMISSION  
MINUTES – NOVEMBER 14, 2012

Chairman Jeffrey Plummer called the meeting to order at 9:30 a.m.

**Approval for the November 14, 2012 Meeting Agenda**

- The August 15, 2012 Wildlife Advisory Commission Meeting Agenda was presented to the Commission.
- Motion:
  1. Commissioner Boyles Griffin motioned to accept the November 14, 2012 Meeting Agenda as presented.
  2. Commissioner Compton seconded.
  3. All in favor. Motion passed.

**Approval for Minutes from August 15, 2012 Meeting**

- The August 15<sup>th</sup> meeting minutes were distributed to the Commission prior to the meeting.
- Motion:
  1. Commissioner Rodney motioned to approve the August 15<sup>th</sup> meeting minutes as presented.
  2. Commissioner Gregor seconded.
  3. All in favor. Motion passed.

**Presentation of 2011 Conservationist of the Year Award – to Dr. Susan Hagood - by Commissioner Stephanie Boyles Griffin**

- Director Peditto mentioned that this meeting is one of the best-attended WAC meetings in two decades – a simple testament to Dr. Hagood’s ability to bring others together to share her passion about her work.
- Commissioner Boyles Griffin said what an honor and privilege it is to acknowledge Dr. Hagood’s work with the Maryland’s Conservationist of the Year Award. This award is for Dr. Hagood’s lifetime of dedication and achievement in the field of wildlife conservation and protection. Dr. Hagood died of cancer on November 8, 2011. For more than 20 years, Dr. Hagood served as the wildlife specialist in the Wildlife Habitat and Protection Department of the Humane Society of the United States. Dr. Hagood’s many duties and responsibilities involved wildlife conservation and protection. Dr. Hagood championed the “Give Wildlife a Brake” campaign, which was a national outreach program focused on providing the public with safe driving guidelines in an effort to save lives and reduce human and wildlife collisions. In subsequent years, Dr. Hagood continued to pursue a passionate interest in mitigating human and wildlife conflicts in developed areas and making people more aware of the impact of transportation on the nation’s wildlife. In 2009, Dr. Hagood received her Ph.D in Ecology from the University of Maryland College Park. Dr. Hagood’s dissertation, “Genetic Differentiation of Selected Eastern Box Turtle Populations in Fragmented Habitats, and a Comparison of Road-Based Mortality Rates to Population Size,” was original and important work that broadened the scientific community understanding of turtles and the effects of development, road-building, and other human activities.
- Commissioner Boyles Griffin presented the Conservationist of the Year Award to Mr. Jerry Boxman, Dr. Hagood’s spouse, in Dr. Hagood’s honor.
- Director Peditto added that each of these awards is an original work done by Wade Henry.
- Mr. Boxman thanked friends and Dr. Hagood’s colleagues for taking the time to honor Susan (Dr. Hagood). Mr. Boxman mentioned that if Susan were present to accept this award, she would have done it with great humility and probably would have started out with some humorous comment. Susan would have mentioned several different people that she probably would have thought deserved the award more than she did. Mr. Boxman indicated that Susan was a role model to many of folks that she had been in contact with including Mr. Boxman. Dr. Hagood was a success

because in the words of one of Dr. Hagood's colleagues at HSUS: "Dr. Hagood was an advocate without being an adversary." Dr. Hagood was a woman with a calm demeanor. Dr. Hagood dedicated her life to wildlife and conservation. Dr. Hagood knew that this is what she wanted to pursue early on. Mr. Boxman thanked the Maryland Department of Natural Resources, Wildlife and Heritage Service, Wildlife Advisory Commission, Commissioner Boyles Griffin, and all those that wrote supporting letters for the Conservationist of Year nomination. Mr. Boxman final comment was that this was a wonderful tribute to Dr. Hagood, his beloved wife.

**Presentation of 2011 Employee of the Year Award** – Presentation given by Paul A. Peditto, Director.

- Director Peditto pointed out that normally WHS would present the Employee of the Year Award at the WHS Annual Meeting. However, this year with the fiscal situation WHS could not have its Annual Meeting. Director Peditto added that one of his major regrets not being able to present the Employee of the Year Award at that event.
- Director Peditto mentioned that the Employee of the Year Award goes to both Ken D'Loughy and Tom Decker of the Central Region. The Central Region has six counties and Baltimore City. Ken and Tom continue to respond to difficult challenging situations. Ken and Tom are able to solve these problems and also maintain positive public relations. Director Peditto added that Brian Eyler, Deer Project Leader, nominated Ken and Tom for this award as a testament to their contribution to WHS and the larger team in WHS
- Director Peditto presented the Employee of the Year Award to Ken D'Loughy and Tom Decker.
- Mr. D'Loughy said that this award was a complete surprise. Mr. D'Loughy mentioned between the two of them they have over 75 years of service. Mr. D'Loughy and Mr. Decker thanked Mr. Eyler and the Commission for the award.

**Employee Departure** – Presentation given by Jonathan McKnight, Associate Director.

- Mrs. Kathi Facht has been working on the Guide to Natural Areas. WHS has the Guide to Maryland Natural Areas book that Mr. McKnight will be presenting to Mrs. Facht.
- The Commission members agreed to include their signatures inside the Guide to Maryland Natural Areas as a thank you for Mrs. Facht's service.

**Break** – (Ten Minutes)

**Chesapeake Forest Lands Update** – Presentation given by Kenneth Jolly, Associate Director of the Forest Service.

- The Commission received copies of the DNR – Forest Service Proposed Changes to Chesapeake Forest Hunting Tracts Notice of Decision prior to the meeting. [ATTACHMENT A]
- Steve Koehn, Director of the Forest Service had planned to attend the Chesapeake Forest Lands update; however, Mr. Koehn was required to attend the Northeast winter meeting in Indianapolis. Mr. Koehn asked Mr. Jolly to be available for this presentation. Mr. Jolly is responsible for managing the operations portion of the Forest Service.
- Mr. Jolly explained that Chesapeake Forest is a unique situation. Chesapeake Forest is the only placed in the State that leased hunting occurs. The Forest Service received several comments that public hunting lands should not be held under a lease agreement. There was a lot of general philosophical opposition to issuing hunting leases on public lands.
- Mr. Jolly provided an overview of the history of the Chesapeake Forest to the Commission. Chesapeake Forest was acquired with the understanding that DNR would maintain the traditional usage of the land, which is for cutting timber and leased hunting.

1. The mandate also required the State of Maryland follow a management plan by the Sampson Group. The Department was given mandated objectives, a mandated management plan, and a mandated land manager position.
  2. Portions of the Chesapeake Forest (CF), about half of the acreage, were purchased up front and the other half stayed in the private hands by the Conservation Fund and other entities.
  3. There was a transitional period during which another mandate was presented to transfer all of the hunting leases that were in existence. Those leases were good for three years during the transitional phase of acquisition. This is how the Department took possession of the Chesapeake Forest. During this time period, the Wildlife Division and the Forest Service were one unit.
  4. The Chesapeake Forest Management Plan did not address public access or public recreation. Therefore, the Department had to figure out public hunting opportunities on CF.
  5. There were some advocates of public hunting that got SB 599 passed to mandate that by 2005 at least half of the current lease acreage (which at that time was 27,841 acres) would be opened to public hunting for the 2005-2006 hunting season. Mr. Jolly indicated that the Department exceeded that goal by opening 28,401 acres for public hunting.
  6. In 2004, the Board of Public Works adopted the eight evaluation criteria used to select individual properties for either public hunting or lease. When there is a new piece of land to be added to CF, the Department uses those eight evaluation criteria to decide the usage of that piece of land.
- Mr. Jolly reviewed the tracts that the public expressed concerns about, such as the Foster tract, which came with hunting lease agreements but it fits the public hunting criteria. Once the lease agreements on Foster tract expired, the Forest Service staff decided to follow the public hunting criteria for the Foster Tract. However, Forest Service was trying to maintain a balance of the amount of acreage between public hunting areas and lands that are under lease agreements.
    1. The Forest Service decided to do an assessment of Chesapeake Forest to evaluate the tracts to ensure the best fit for those tracts.
    2. After evaluating the tracts, some of the tracts were removed from the public hunting category and placed under lease agreements. There were some tracts that were under lease agreements that were placed in the public hunting category.
    3. The public hunting areas increased by 1,822 acres on CF by adding the Foster Tract. Forest Service removed 15 tracts equal to 2,995 acres from public hunting areas and opened them to lease agreements. The 15 tracts were listed in the document that Mr. Jolly provided the members.
    4. The Forest Service recognized that there is a huge demand for leased hunting. Every year, Forest Service has a higher demand for leased hunting tracts. When the 15 tracts went up for lottery for lease agreements, Forest Service received over 400 entries that were seeking those 15 tracts.
    5. The money that comes in from these leases is very important in to helping to manage CF. The Forest Service revenue increased by \$50,000.
  - Mr. Jolly explained the way the Forest Service does public participation.
    1. The Forest Service comes up with a proposal and reviews the proposal through Forest Service (FS) internal review team, which includes both directors discussing the proposal. After that is done, it goes to the Citizens Advisory Committee for comment and then it goes to a public participation process. The proposal is put on DNR's website and released to the media.
    2. Due to the timeframe restriction with the CF changes, Forest Service released the information to the Citizen's Advisory Committee and public participation simultaneously. At the end of that public participation process, the Forest Service determined that nothing of a technical nature had been overlooked. The Forest Service decided to proceed with the proposal as it was

presented.

3. The hand-out [ATTACHMENT A] was the public participation summary. Most of the comments received were of a general philosophical nature either support or oppose. There were a few that had technical comments that addressed the Forest Service criteria.
  4. As the CF continues to gain lands, Forest Service will use the eight criteria to determine the best land use with amount of lands being in balance.
- Q & A Section:
    1. Chairman Plummer asked when the legislature made this mandate did it include the verbiage that it must be half and half or is it at least half for public hunting.
      - a. Mr. Jolly explained that it is at least half for public hunting. Therefore, the lease acreage at that time of the mandate passing stated at least half of 54,962 acres must be open to public hunting by 2005-2006 hunting season. Forest Service met that minimum.
    2. Chairman Plummer asked with the mandate that required CF to maintain its traditional use how was Forest Service (FS) able to allow public hunting on CF.
      - a. Mr. Jolly said that the FS is maintaining the leased hunting agreements and timber harvesting. In addition, there is another mandate with CF that required the State to seek to get the CF dual certified by the two major forest certification standards both nationally and internationally through the Forest Stewardship Council and Sustainable Forestry Initiatives. One of the certification principles for the Forest Stewardship Council is to maintain indigenous and traditional rights that are written on a worldwide level. The interpretation of indigenous and traditional rights for CF includes public hunting and leased hunting agreements. The FS is within the mandate by keeping half and half for leased hunting agreements and public hunting areas.
    3. Chairman Plummer mentioned that the negative comments were about taking already public hunting areas and transferring them to leased hunting even though the Foster Tract was transferred to public hunting. Those previously held public hunting areas were some favorite locations for hunters.
      - a. Mr. Jolly recognized that the Forest Service did received individual comments from hunters that referenced individual tracts that hunters preferred to hunt. Mr. Jolly explained that when Forest Service initially got CF and public hunting areas were being established, the FS received the same type of comments from the leaseholders. These tracts are not anybody's tracts. The FS had to make some hard decisions. The FS reviewed the comments but there are other tracts on CF for public hunting. FS has to balance competing interests. Every agency has to deal with establishing a balance of competing interests. FS is mandated to follow the criteria for these tracts and that is how the decision was made.
    4. Chairman Plummer indicated another negative comment was that that plan was already released and the properties were already posted before the Citizen's Advisory Committee commented and the public participation was concluded - and then it got retracted and revisited.
      - a. Mr. Jolly acknowledged that FS staff made a mistake. The FS was under a fairly tight time pressure to get these tracts done for usage before the hunting season. Basically, staff started the process of preparing these tracts and the public found out. Staff stopped working on these tracts until after the comment period ended and comments were reviewed. However, by that time it had already spread throughout the hunting community.
    5. Commissioner Compton asked what are the criteria for future acquisitions to become part of the CF.
      - a. Mr. Jolly pointed out that there must be a willing seller and willing buyer. These transactions are reviewed by the Land Acquisition and Planning Unit. For each transaction there is a preliminary evaluation process and then it is sent to the units to see if the property can be utilized within the units. From that point, the units have an opportunity to comment

on the property and indicate whether the unit is willing to manage it.

6. Commissioner Compton commented that there is a problem with the lands that the Forest Service get to chose which have a 50% chance of becoming held under a lease agreement that generates revenue for Forest Service. Commissioner Compton continued that the Forest Service gets between 5% to 6% general funds (GF) and the Wildlife and Heritage Service gets less than 1% GF. Commissioner Compton added that this is an extreme imbalance even though the FS 5% to 6% is minuscule and it is shameful that it is at that rate but a worst situation is that a piece of property that is definitely going to be non-revenue generator for the Wildlife and Heritage Service (WHS) and WHS will be required to manage and it becomes a cost burden. Commissioner Compton recalled when the mandate of at least 50% public hunting areas on CF then why is FS applying those criteria to new acquisitions by including the acquisitions into CF. Commissioner Compton is troubled by this arrangement. Commissioner Compton commented that the Wildlife and Heritage Service is probably assisting with the management of the public hunting areas on CF and FS is getting the revenue for them. Commissioner Compton asked whether the revenue should be shared especially with the fiscal situation that is impacting all of State agencies.
  - a. Mr. Jolly raised that the FS does not sell hunting licenses.
  - b. Mr. Jolly emphasized that CF is a revenue source for FS. The revenue that is received from CF related to the hunting is significant for FS operations on CF. This revenue source does not drive the FS decision on what should be purchased or what should not be purchased or leased. The FS decision making process is driven by solving in holdings issues, solving access issue, solving boundary issues, and improving management opportunities. Mr. Jolly declared that providing leased hunting opportunities does not drive the FS decision on whether or not to manage properties. The FS decides on leased hunting opportunities after the decision has been made to acquire the property. FS funds that are generated go into the Forest and Parks Reserve Fund.
7. Commissioner Gulbrandsen asked how long a lease agreement is.
  - a. Mr. Jolly responded that the lease period is for five years with an opportunity of an extension of five years provided that the club stays in good standing. There is a yearly fee requirement that the clubs must pay.
8. Commissioner Rodney asked is the identification of what is leased and what is public is available on the DNR website along with on-site boundaries that mark leased vs. public.
  - a. Mr. Jolly indicated that yes the information about public hunting tracts is online and it is normally in the hunting guide. Also, the boundaries are clearly marked public hunting area and lease hunting area.
- Final Comment: Mr. Jolly concluded that FS hosted a public meeting on Eastern Shore and FS received positive comments. FS is in the process of developing a CF information forum on the FS webpage.

**WHS Regional Operations** – Presentation given by Karina Stonesifer, Associate Director.

- Karina Stonesifer, Associate Director of Regional Operations Program, provided an update on the WHS Regional Operations Program in a Power Point Presentation to the Commission. **[ATTACHMENT B]**
- Ms. Stonesifer highlighted some of the primary responsibilities of Regional Operations.
  1. Land Management – Staff members are responsible for 112,000 acres of WMA and either assist or manage Cooperative Wildlife Management Areas, State Forest Lands, and State Park Lands for wildlife habitat and hunting opportunities.
  2. Wildlife Response
  3. Outreach Events

4. Regulation Proposals that staff have been working on.
- Questions and Answers:
    1. Chairman Plummer asked when WHS contracts farmers to farm WMA, how has the price of grain affected the contracts.
      - a. WHS has fewer than 20 leases that are done through competitive bid process. There is some revenue generated from these lease agreements but WHS does not view this process as an income opportunity. WHS does not look at land to determine whether the property would be a good agriculture lease and WHS does not take lands from wildlife habitat to convert to crop lease. Now, if a land that WHS obtains has a crop lease then WHS will try to honor that lease agreement. Our goal is to manage wildlife habitat and taking our lands out of wildlife management and converting to commodity production is inconsistent with our mission.
    2. Commissioners Boyles Griffin asked about who is triaging the wildlife calls because these are not the total calls that WHS receives.
      - a. Sometimes the calls come from Natural Resources Police Communication Center. Those calls are typically after hours. Many times the calls will come from local governments or police departments. There is training involved to triage these calls. Our management team is involved in deciding whether our staff needs to respond but normally our wildlife response team make makes that decision. The data in the Power Point are those response calls that staff actual went and handled the situation and completed the paperwork along with submitting it for cataloging. Also, there are customer service emails that get triaged, telephone calls that go to US Department Agricultural Wildlife Service, and not to mention the calls that NRP handles, along with the telephone calls to the regional offices.

**WHS Game Management Program Update** – Presentation given by Pete Jayne, Associate Director.

- Pete Jayne, Associate Director of the Game Program, provided an update on the Game Management Program in a Power Point Presentation [ATTACHMENT C].
- The role of the Game Management Program is to manage the game species in Maryland for the benefit of all citizens.
- One of the topics that the Game Management Program is working on is monitoring the Atlantic Canada Goose population. Staff conducted extensive surveys on the breeding grounds of Northern Quebec. This is done very carefully. The graph represents the number of breeding pairs on the breeding grounds of Northern Quebec. From early 2000 to present the population has been relatively constant.
- Poplar Island had a disease issue. Poplar Island is a major restoration project on the Chesapeake Bay in Talbot County. It uses dredge material from the Baltimore Harbor and the approach channel. This process will create wetlands of various configurations, attracting a wide variety of water related birds.
- Deal Island WMA Impoundment Project is a multi-year project. The Deal Island Impoundment is around 2,800 acres; it is one of the largest tidal impoundment in the east that staff members know of. It includes tidal flow. Deal Island WMA Impoundment is a very complex issue. Deal Island WMA Impoundment has been known as one of the premier waterfowl sites in the east. It is also a destination for many other species of birds. This habitat has been declining on Deal Island WMA Impoundment for the last 15 years. Bill Harvey and staff members have been discussing the question of what has changed at Deal Island WMA Impoundment to cause a negative impact on bird use.
  1. The water control structure is a concern for staff, which works on a flood-gate system. It can only be fully opened or closed; therefore, the option to raise it or lower does not exist with this

- system. There is a cable system that could be used to raise or lower the gate. This is a difficult system to manage.
2. There were a number of leaks among some of these structures. Fixing the leaks caused an increased water level in the Deal Island WMA Impoundment, which caused a loss of emergent vegetation (plants that grow out of the wet soils above water level) and a loss of the submergent vegetation in the marsh. Deal Island WMA Impoundment gained open water that appeared to be at the detriment of waterfowl use there. The loss of the submergent vegetation in the marsh created a massive amount of organic matter in the open water. This organic matter is very loose so it could travel with strong winds, which caused lack of growth of submerged aquatic vegetation SAV.
  3. Staff members built some structures and trapped this organic matter along with planting some submerged plants and marsh plants. Staff is trying to control organic matter so it does not drift into the open water.
  4. Staff is managing the use of the Deal Island WMA Impoundment by hunters by limiting the amount of days that the impoundment is open to hunters and addresses the disturbance by other users.
  5. Staff members are asking the public for input.
- Hemorrhagic Disease in deer – Maryland had a modest outbreak.
  - Chronic Wasting Disease (CWD) – Pennsylvania found two cases in a captive herd. The two cases are about 12 miles from the Maryland line.
  - Coyote sightings in suburban areas are on the increase. WHS's advice is to learn to live with them by avoiding attractants around the home such as pet food left outside, unsecured trash, and birdfeeders that spill seed.
  - Bear population survey and hunt results – the quota for 2012 was 80-110 bears and the quota was reached with 92 bears in five days for 2012-2013 hunting season.
  - Questions and Answers:
    1. Commissioner Boyles Griffin asked if there is any evidence in scientific literature to indicate that climate change may be the cause of hemorrhagic disease moving north.
      - a. Staff have not seen research that has connected the movement of hemorrhagic disease to the north due to climate change.
      - b. There are bigger outbreaks during drier summers.

**Break – (Five Minutes)**

**Regulation Proposal – Presentation given by Glenn Therres, Associate Director.**

- WHS is preparing revisions to the current regulations for falconry.
- Falconry in Maryland has been around since early 1980's.
- Falconry is a joint regulated process with the USFWS (involves migratory birds/birds of prey) and Maryland Department of Natural Resources.
- The current regulations went in effect around 1986. These regulations were based upon guidelines from the USFWS to be in compliance with the original falconry program in the 80s.
- A few years ago, the USFWS came out with a new set of regulations that any state that is participating in the falconry program needs to be in compliance with the new federal regulations by January 1, 2014.
- Maryland's process is not only to be in compliance but it must be reviewed by the USFWS and published in the Federal Register. This means two regulation processes, Federal Register and Maryland Register.
- Mr. Therres outlined the Falconry Regulation [ATTACHMENT D]. Most of the changes are cut

and paste from the federal regulations on falconry. Maryland Department of Natural Resources does not have much of a choice as to whether or not to adopt these falconry regulations if the falconry program is going to continue in Maryland.

- WHS asked for an endorsement from the Wildlife Advisory Commission to accept Maryland's falconry proposed regulation changes to meet USFWS requirements.
- Commissioner Boyles Griffin is pleased to see the changes related to care and handling restrictions by USFWS. Commissioner Boyles Griffin had the opportunity to review falconry management plans in other states. Commissioner Boyles Griffin added that the constituents that she represents in Maryland are philosophical opposed to the practice itself especially the allowance of taking wild birds. Commissioner Boyles Griffin appreciated the fact that there are very few birds taken from the wild but it is still not comforting because staff members do not know where these people acquired the captive breed birds and the conditions that these birds are raised in before the birds get to a falconer. The banding and/or micro chipping requirement is a difficult one. There is no way to identify an animal that has been captive raised vs. one that has been caught.
- Questions and Answers:
  1. Commissioner Boyles Griffin asked how the USFWS and the state agencies are enforcing these laws since there is no way of identifying a bird from captive raised vs. taken from wild.
    - a. Captive produced birds are raised in captivity by falconers that have a raptor propagation permit from the USFWS. USFWS is retaining oversight and the permitting authority for raptor propagation. Therefore, all captive produced raptors are going to remain under the USFWS direct supervision for permitting and enforcement and are subject to inspection by MD NRP. .
  2. Commissioner Plummer asked how many falconry permits are issued.
    - a. The Department processes between 100 and 125 permits annually. A person must start as an apprentice.
- Motion:
  1. Commissioner Gulbrandsen motioned to accept the proposed falconry regulations.
    - a. Commissioner Gregor seconded.
    - b. Six supported with one opposed.
    - c. Motion carried.

**Maryland Farm Bureau Update** – no report.

**Natural Resources Police (NRP) Update** – Presentation given by Captain Lloyd Ingerson.

- Captain Ingerson explained that a person does not have to have a hunting license to possess a limit of game. If someone has four people in a house then that household could have four limits (subject to other possession or permitting requirements).
- Captain Ingerson mentioned that NRP took a report of a stolen goshawk from a falconer with a value at \$10,000.
- NRP issued 20 citations and 2 warnings for people hunting bears over bait. There is no set distance from baiting; it is similar to the restrictions for waterfowl. The officer has to provide the burden of proof that a hunter is either hunting over bait or benefiting from the presence of the bait.
- NRP plans to be busy with the reopening of the goose season.
- NRP officers have been directed to focus their efforts on oysters and striped bass for the fall and winter months. NRP will be enforcing the hunting laws and regulations but not at the level that individuals are used to seeing.
- The NRP Academy Ceremony was held in November. NRP gained 17 new officers. There were some retired officers from other agencies that were on contract that NRP was able to convert to

permanent positions. These officers are now going through field training. In February, these officers will start training in the areas that they will be permanently assigned.

- The Cadet Program is not up and running. The job description for the Cadet Program is being reviewed by Maryland Department Budget and Management. As soon as the job description is approved then the job announcement will be released. In 2013, there will be about 10 to 12 retirements. It is going to be a struggle to keep up. At 30 years, an officer has to retire.
- Questions and Answers Section
  1. Commissioner Rodney asked if there have been any reports of large amounts of deer being harvested without a State license in the southern part of Maryland.
    - a. The Department has not received any reports of such activity in Maryland.

### **Old Business – no report.**

### **New Business**

- Chairman Plummer pointed out that he is in his sixth year with the American Legion of Centreville who brings five wounded soldiers from Walter Reed Army Medical Center to participate in sporting clays, a released duck hunt, wild duck hunt, and banquet. There is an allowance for a person serving in the United States Armed Forces who has a service-connected disability and possesses a valid military identification while hunting to do so without a hunting license but duck stamps are required along with completion of hunter safety. Chairman Plummer outlined that these soldiers are trained in firearms granted it is not a hunting situation but the soldiers are trained in firearms safety. Therefore, it seems that it is a little contradictory that these soldiers need a hunter safety card. The other portion of this, for example, if a person comes from North Carolina he or she can purchase a Non-resident 3-Day Waterfowl and Small Game License to hunt waterfowl only but does not need a hunter safety card. Chairman Plummer reported that Director Peditto suggested bringing the wounded soldiers to Maryland one day prior to hunt and the Department will arrange for hunter safety course for them. Chairman Plummer indicated that the program that Chairman Plummer has set-up is in a controlled environment with a guide and no more than three hunters per blind. Chairman Plummer raised that hunter safety requirement for a soldier does not make sense if the Department is going to allow non-resident to hunt waterfowl without completing hunter safety. Chairman Plummer opened the floor for discussion on this topic.
  1. Commissioner Compton added as a hunter safety instructor, he gets a lot of prior military individuals wanting to know the answer to the same question. Commissioner Compton informs them that this course is geared toward hunting education and situations as opposed to military training that teaches a person how to be a soldier. On the other hand, if the Department is allowing non-resident to hunt waterfowl without hunter education card than why not do so for the soldiers.
  2. Commissioner Compton mentioned impacts of this with hunter retention. The opportunity for more hunters is available and the requirement of a field day for those who take the hunter education course online makes it a hurdle to get individuals together for a field day to complete hunter education course.
  3. Commissioner Compton reported that some of the other states have apprentice hunting license and complete hunter safety course online to help with hunter retention and maybe these are some alternatives that the Department could look into implementing.
  4. Commissioner Boyles Griffin raised the accountability component of these methods. With online course, a teacher has to hope that the students understand the written material and online work.
  5. Commissioner Compton suggested that online courses without a field day would be available

- for anyone over the age of 16. The traditional course setting would be requirement for those under age of 16.
6. Director Peditto indicated about 22 states have the apprentice hunting license. However, the hunter apprentice program does not exempt someone from the requirement of completing hunter safety.
  7. Commissioner Compton agreed but the apprentice hunting license allows a hunter to go hunting with a mentor.
  8. Director Peditto mentioned that there are things that are taught in hunter education that are not taught in military training. Most hunting accidents involve tree stands – there is no tree stand training in the military. It is very difficult to teach tree stand safety through the internet. It is rare that individuals fail the written component of the hunter education course but there have been situations where instructors had to fail people on the field exercise.
  9. Director Peditto explained that many years ago the legislature passed the Non-resident 3-Day Waterfowl and Small Game License bill. The bill ensured no pediment to the waterfowl guide and outfitters industry because most of these hunters are hunting with a guide in a controlled environment but this was not a Departmental decision.
  10. Commissioner Compton emphasized that these men and women who devoted their lives to the military should definitely be exempt from hunter safety and deserve this break.
  11. Commissioner Boyles Griffin suggested if a person does not have Maryland hunter safety certificate he or she should have one from another state. In this way, the person receives the necessary education and training for being afield with firearms.
  12. Commissioner Gulbrandsen suggested that the Department makes an exemption at someone discretion either the Director or the Secretary of the DNR. There are already a lot of logistics for taking wounded warriors out afield. Commissioner Gulbrandsen also suggested that the organizer (guide or outfitter) could submit the applications for these wounded warriors to the Department and someone signs off on it, outlining that the organizer certifies that the oversight is acceptable and the guide is accountable that this organized activity may take place.
  13. Director Peditto offered a thought prior to the change to the law that automatically exempted the combat wounded active duty individuals, the Director's office handled these requests. The requests were for the licenses. Director Peditto highlighted his personal experience helping the wounded active duty individuals during deer hunts. It makes it difficult for someone to prove competency with hunter safety without the training. There are things that are taught in hunter safety only.
  14. Chairman Plummer commented that it is not logistically possible to get these wounded soldiers together for hunter safety course for a half-day due to their treatments, etc.
  15. Director Peditto added that hunting at large has this great reputation with legislatures and public due to this hunter safety requirement in Maryland.
  16. Director Peditto outlined where does the exemption end; the Department receives requests for police and firefighters too. This is the exact conversation that the Department had with the Commission several years ago.
  17. Commissioner Compton indicated that this issue would be resolved with the apprentice hunting license.
  18. Director Peditto repeated his response that the apprentice hunting license does not exempt someone from hunter safety.
  19. Commissioner Compton responded that it would in the combat wounded active duty situations. These soldiers are going to hunt under the supervision of experienced hunters in blinds.
  20. Director Peditto explained that the apprentice hunting licenses in most states are for individuals under the age of 18.
  21. Chairman Plummer suggested that if the Department designed an apprentice hunting license it

would be for any age group.

22. Director Peditto declared in Maryland there has not been an incident where a hunter shot a non-hunter and this is due to Maryland's requirement for hunter safety. Director Peditto brings this up every time there is introduction of an anti-hunting provision before the legislature or court of public opinion.

23. Chairman Plummer and Director Peditto agreed to discuss this at another time.

- Director Peditto introduced Matt Tefteau as Assistant Director of Government Relations for the Maryland Farm Bureau.
- Director Peditto announced that there is a new Commission member Beth Wojton. The Commission will meet Commissioner Wojton at the February 20<sup>th</sup> WAC meeting.

### **Adjournment**

- The meeting was adjourned at 1:35 P.M.

The next meeting will be held at 9:30 A.M. on Wednesday, February 20, 2013 in the Tawes State Office Building, C-1 Conference Room; Annapolis, Maryland.

### **Attendance**

Members:	J. Bonomo, L. Compton, T. Gregor, S. Boyles Griffin, E. Gulbrandsen, G. Fratz, J. Plummer, and C. Rodney
Staff:	K. D'Loughy, T. Decker, B. Eyler, K. Jolly, L. Ingerson, P. Jayne, J. McKnight, T. Spencer, K. Stonesifer, and G. Therres
Guest:	S. Barnett, J. Boxman, M. Brasted, A. Brody, R. Farinato, J. Grandy, J. Hadidian, S. Hagood, T. Santelli, J. Snyder, and M. Tefteau, and P. VanDije

**Department of Natural Resources-Forest Service  
Proposed Changes to Chesapeake Forest Hunting Tracts  
Notice of Decision**

### Summary/Overview of the Proposal

The Chesapeake Forest is comprised of approximately 67,779 acres of forestland located on 238 tracts across six Counties on the Eastern Shore (Caroline, Talbot, Dorchester, Wicomico, Worcester, and Somerset Counties). Hunting opportunities on the Forest are managed via a combination of public and leased hunting opportunities. Each tract is managed for these opportunities based on eight specific Public Use suitability criteria. These criteria were developed through a public participation process and subsequently approved by an appointed Citizens Advisory Committee, and adopted as State Policy by the State Board of Public Works (BPW) in 2004 (the Board of Public Works is composed of the Governor, Comptroller, and Treasurer of the State of Maryland). The Criteria are as follows:

- **Proximity to Other DNR lands:** *Tracts that are adjacent or very close to existing DNR lands; Land managers have staffing in close proximity to manage and monitor these tracts effectively.*
- **Size of Complex:** *Tract meets minimum total acreage (250 acres) of all contiguous tracts. Larger sized tracts or complex improves ability to manage area effectively for public use.*
- **Access Into Complex:** *Access is directly off of a public road without having to use a right-of-way that crosses private land. This will allow for establishment of main access points and public parking areas. Tracts located on major highways without safe/adequate pull-off access do not meet this criteria.*
- **Water Access:** *These tracts or complexes have access points on water that could be used by kayakers and canoe paddlers.*
- **Readiness for Public Use:** *There is an existing network of suitable roads, parking areas and or trails that can be utilized with minimal improvement work.*
- **Opportunities for Public Use:** *These tracts or complexes hold opportunities for recreation and education activities, based on factors such as diversity of habitats, species, forest age classes and the presence of special features.*
- **Location:** *Under this criteria are tracts/complexes that based on their location in the county provide new opportunities for Public Use that may be lacking in that area.*

The proposal would result in a net increase of approximately 1,822 acres in public hunting areas on the Chesapeake Forest by applying the established Public Use suitability criteria to designate 4,817 acres that were previously managed under leased hunting into public hunting (the Foster Tract, located in Worcester County) and to designate 2,995 acres on 15 smaller parcels that were previously managed under public hunting into leased hunting. Using the Public Use criteria, the 4,817 acre Foster tract was evaluated as a very good fit to be designated for public hunting. It is immediately adjacent to large public hunting areas on Pocomoke State Forest (meeting the proximity criteria), it is a very large tract (significantly exceeding the minimum size criteria), it is very accessible off a primary public road (meeting the access criteria), can be made ready for public use with minimal improvement work (meeting the readiness criteria) and presents multiple opportunities for public use (meeting the opportunity criteria). Similarly, the 2,995 acres / 15 tracts proposed to be managed under the leased hunting program were evaluated as having significant limitations in regards to meeting the Public Use Criteria. The majority of the tracts (12 of the 15), do not meet the minimum acreage criteria for public use. In addition to being small, these tracts are all relatively isolated (not meeting the proximity criteria), have poor access or right-of-way limitations (not meeting the access criteria), do not have a good network of roads or parking areas that can be utilized with minimal improvement work (not meeting the readiness criteria) and do not provide new opportunities for public use, since there is existing public hunting relatively nearby (not meeting the location criteria). The 15 tracts proposed to be designated as leased hunting are as follows:

COUNTY	TRACT #	TRACT NAME	ACREAGE
Caroline	C02	Seipp	76
Dorchester	D21	Bell	452
Somerset	S11	McAllen/Austin	240
Somerset	S24	Oriole/Clarence Laird	569
Somerset	S55	Howard	75
Somerset	S55	N.T. Whittington	208
Wicomico	W02	Brown	67
Wicomico	W21	Louis Horner	423

Wicomico	W21	Louis Horner	41
Wicomico	W23	Layfield	119
Wicomico	W46	Adkins	103
Worcester	WR01	Donnaway	51
Worcester	WR19	Priscilla Pusey (Part)	164
Worcester	WR23	Apgar	198
Worcester	WR28	Abe Hammond	149
Worcester	WR34	Selby (Part)	60
<b>Total</b>			<b>2,995</b>

In conclusion, the proposal is designed to significantly increase the amount of land available on the Chesapeake Forest for public hunting (by 1,822 acres), and to appropriately classify 15 tracts for leased hunting that do not fit well with established criteria for public use. After managing both public and leased hunting on the Chesapeake Forest for the previous 13 years, it has become apparent that the hunting community values both types of these hunting opportunities. Each year a lottery is held for available lease tracts on the Chesapeake Forest and there are typically hundreds of entries into the lottery for a very small number of leased tracts. This proposal is thus designed with the intention of providing improved recreational hunting opportunities for both public and leased hunting on the Chesapeake Forest.

### Summary of Public Comments Received on the Proposal

The Department of Natural Resources posted a description of the proposed changes Chesapeake Forest-Hunting Tract Changes, along with tract maps, on the Department's website for 30 days, and advertised the solicitation of comments through media outlets for a 30-day period from July 12 through August 11, 2012. A total of 34 comments were received. All comments received are listed at the bottom of this document. Names and other identifying language (such as personal geographical references that may have been included in the comment) have been redacted, however, in all other respects the comments are provided verbatim and each response is identified by the initials of the person who submitted the comments.

The majority of the comments submitted contained *general* "support" or "oppose" statements on the proposal, although there were many comments that provided *specific* comments on individual tracts. The Department's response to the *general* comments will be presented first. While there were a range of reasons provided for supporting the proposal, those in opposition primarily based their objection to the concept of leasing public lands to hunt clubs. To respond to this objection, it must be realized that under the terms of the original 58,404 acre acquisition of the Chesapeake Forest in 1999, one of the mandated purposes for the purchase was to maintain the "traditional uses" of the forest, including sustainable forest management and hunting opportunities.

At the time of acquisition, virtually the entire acreage (54,962 acres, or 94.4% of the Forest) was managed under a leased hunting program, and several of the hunting clubs had been leasing the land since the 1960's. Due to the extreme longevity of leased hunting on this forestland, leased hunting was determined to be a "traditional use" of the property, and consequently, one of the *mandated* purposes for the Department's management of the Forest. This determination was made in the context of a well-attended public participation process and approved by an appointed citizen's advisory committee.

Notwithstanding, the Department fully realized that it was essential to provide public hunting opportunities on the Forest, and was actively engaged in a planning process to determine which tracts would be best suited for leased and public hunting, when in 2002 the Maryland General Assembly enacted SB 599 – entitled "Natural Resources-Hunting and Licenses and Stamps" (which is the legislation referred to some of the comments), which was amended with the following "non-codified" language:

*"(1) it is the intent of the General Assembly that, in accordance with Sections 10-209 and 10-308.1 of the Natural Resource Article, the Department of Natural Resources utilize special fund revenue generated as a result of the licensing fee increases under this Act, as appropriate, in order to open to public hunting at least half of the total acreage that is leased for hunting to private individuals on the properties known as the Chesapeake Forest lands by the 2005-2006 hunting season."*

This language specifically directed DNR to open up half of the total acreage leased for public hunting by the 2005-2006 hunting season. At the time this language was passed (in 2002), a total of 54,962 acres were under lease, so this bill expressly noted the General Assembly's intent that the Department open at least 27,481 acres for public hunting by the 2005-

2006 hunting season. The Department exceeded this goal by opening 28,401 acres for public hunting by the stipulated date, and – under the current proposal, the Department will *continue* to exceed the goal set by SB-599, with 30,066 acres available for public hunting. Subsequently, the eight evaluation criteria used to select individual properties for either leased or public hunting was formally adopted as official State Policy by the Board of Public Works in 2004.

Another category of “*general* comment” the Department received (in both positive and negative contexts) was in regards to the revenue received by the state that is associated with the leased hunting program. Although some expressed their concern with “taxpayer’s footing the bill” for the leased hunting tracts, other members of the public correctly pointed out that the revenue generated from the leased hunting program provides a substantial funding source that helps to pay for management activities provided by Forest staff that maintain public hunting opportunities on the forest. In addition, the leased hunting program also requires the performance of several important land management activities, including the maintenance of roads and trails on the leased tracts, which would otherwise be a management expense borne by the state. Additionally, half of the acreage of the original forestland purchase was gifted to the state by the Mellon Foundation, so no taxpayer funds were involved in that portion of the acquisition. Finally, since only 6% of the DNR-Forest Service budget is derived from General Fund (taxpayer) dollars, and the rest of the budget must be generated from other Special Fund sources, including leased hunting, taxpaying hunters are only footing a very small percentage of the true cost to maintain the land for public hunting.

The majority of specific tract comments that were received expressed concerns about the following tracts:

- Foster (WR45) tract, Worcester County. Some comments appeared to understand that the proposal would result in shifting all public hunting to this one large in Worcester County, at the expense of providing a variety of public hunting opportunities in the other counties involved in the proposal. In response, while it is accurate that the largest gain in public hunting would be located in Worcester County, there will continue to be public hunting opportunities on the Chesapeake Forest in all the Counties where the Chesapeake Forest is situated (not to mention public hunting opportunities on other DNR land units in these Counties). There was also a comment expressing a concern that designating this tract for public hunting was a tactic to increase forest harvesting in Worcester County. The method for selecting sites for harvesting and/or other silvicultural treatment on the forest is dictated by a wide variety of factors (which are described fully in the Sustainable Forest Management Plan which can be reviewed on the Department’s website), but is not linked to the management of recreational hunting.
- Louis Horner (W21) tract, Wicomico County and Bell (D21) tract, Dorchester County. Several comments correctly noted that these two tracts exceeded the “size criteria” establishing a minimum threshold of 250-acre tract size for public hunting, as well as good access on the north side of the W21 tract. However, other criteria were judged to be more significant in regards to determining these tracts were more suitable for leased hunting. In particular, the “Location” criteria considers the nearby availability of adequate public hunting in the nearby landscape to meet a lack in public hunting opportunities. For the W21 tract, there are 34,527 acres of public hunting available within five miles on various DNR land units, and for the D21 tract, there are 5,171 acres of public hunting opportunities within five miles. Additionally, the presence of Rare, Threatened, and Endangered species on the D21 tract and the limited accessibility to the southern portion of the W21 tract are limiting factors in regards to the “access” and “opportunity for public use” criteria. Also, one specific comment was received supporting the W21 proposal.
- Seipp (C01) tract, Caroline County. This tract did not meet the minimum size criteria for public hunting, and there are 7,717 acres of public hunting available within five miles of this tract on various DNR land units. A request was also received for preference in regards to leasing the property, however, the Department issues all leases by lottery.
- Howard (S55) tract, Somerset County. Comments received for this tract were requests for preference in regards to leasing the property, however, the Department is mandated by BPW policy to issue all leases by lottery.
- Apgar (WR23) tract, Worcester County. Concerns were expressed if this tract was designated as a leased hunting tract, it would prevent public hunting access to Pocomoke State Forest. In response, public access to the Pocomoke State Forest Whitesburg tract will not change. Access to this tract is still possible from either Sand Road or Whitesburg Road as it was before this proposal.
- Layfield (W23) tract, Wicomico County. Concerns were expressed about hunters exercising caution on this tract in regards to nearby residences, and questions about specific road access were raised.
- Abe Hammond (WR28) tract, Worcester County. Concern was expressed about converting this to leased hunting due to current public use.

### Analysis/Decision on the Proposal

Based on the natural resource assessment of this proposal which was conducted internally by a team of DNR resource professionals from Wildlife and Heritage-Wildlife Program, Wildlife and Heritage-Natural Heritage Program, Fisheries Service, Forest Service, Park Service, Land Acquisition & Planning and the Department of the Environment, a review of the proposal by the Chesapeake Forest's appointed citizen's advisory committee, and the comments received from the public, DNR has determined that no significant natural resource issues relevant to the proposed tract changes were overlooked during the review process. Consequently, DNR proposes to open the Foster tract for public use and to move all of the 15 proposed tracts from public hunting to the leased hunting program. This decision will continue to ensure diverse recreational hunting opportunities are provided to Maryland's hunting communities, whether they have a preference for leased and/or public hunting. It will also serve to increase the total amount of land open to public hunting on the Chesapeake Forest by 1,822 acres. It should also be noted that while this proposal was specifically for the Chesapeake Forest, there are multiple public hunting opportunities on other DNR lands in this area. For lands managed by the DNR-Forest Service, both Chesapeake Forest and Pocomoke State Forest are managed cooperatively and provide a combined 50,835 acres open for public hunting – in addition to several thousand additional acres on managed Wildlife Management Areas in the region. The DNR affirms that the Public Use criteria developed through the public review process in 2002 and adopted in 2004, which was used to determine land most suitable for public and leased hunting opportunities, continues to be an effective decision tool for analysis through the use of Geographic Information Systems (GIS) software, and that this proposal has satisfactorily identified those tracts that can sustain higher volumes of public hunters with increased frequency, as well as those tracts which cannot, due to the identified limiting criteria, those that may have sensitive areas in need of protection (i.e. limited impact), or exist in areas that already present sufficient opportunities for public hunting.

### **Listing of all comments received on this proposal**

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***From: P.W., Received: Saturday, August 11, 2012***

The law that was written about how much of the Chesapeake Forest should be public is a bad law. We now have way too much public land not being used. Some properties are just too hard to access. I hear all the time, when hunters do access these remote areas they are just hunting bucks because getting a deer out is so difficult. The farmers near these properties then need to shoot deer all summer to grow their crops. Many times this results in a wasted resource because the deer are shot and left in the field.

Another thing is the loss of income the state could and should be receiving as a property owner in Somerset and Wicomico Counties. Trespassing during turkey and deer hunting seasons has increased since the Chesapeake purchases. Our Department of Natural Resource Police is understaffed. We should increase penalties and fines on trespassers.

I realize that the Melon Family had certain restrictions when they helped purchase the property. If the law can be changed, more property should be leased with the proceeds going to the DNR.

Mr. Ciekot made a statement about our state forester, Steve Koehn. I am a third generation forest landowner and was in the sawmill business for over thirty years. Mr. Koehn is a great state forester and a very fair person to deal with. He also has a great staff all over Maryland. Unless Mr. Ciekot has a forestry degree to back up his statement, I feel his comment about our state forester is based on his own belief in how a forest should be managed and not science.

I realize that this was an opportunity to comment on the Foster Track and certain specific Chesapeake Forest Partials. I know I am not the only person who feels this way about what I have commented on.

Thank you for allowing me to comment.

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***From: R.D., Received: Saturday, August 11, 2012***

Hi,

I presently have a lease on [REDACTED] which I have been leasing for the past 8 years. We have 2 more years left on the lease 2012 and 2013. My question is what happens in 2014 as for as renewing the lease? The new properties proposed for leasing this year, are they a 5 year lease? Why is the cost per acre gone up so high? I have heard rumors that all leases will expire in 2014 and there will be a bid process to acquire leases, is that correct? Would all clubs leasing get 1st options to keep lease we already have? thanks,

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***From: E.H., Received: Friday, August 10, 2012***

I have just read the DNR proposals for the revisions to the hunting and leased areas. I was not aware that the Howard tract (S55) was to be included in your recommendations for leasing.

I currently reside at [REDACTED]. Mr. [REDACTED] owns the property which abuts to the Howard property on the [REDACTED]. Entrance to my property is at [REDACTED]

█████. I have been care taking and leasing the hunting rights on the █████ property since 2003. The █████ property runs along the █████ boarder of the Howard tract; in fact, the lane which runs through the Howard tract also runs through the █████ track.

In the past other property owners have contacted me with their concerns knowing that I take care of the █████ property. We have had numerous problems with individuals trespassing, leaving trash and parking issues. I can understand why this property could be a problem to your department. We continuously struggle especially during the fall and winter with hunters on my property, the █████ property and the Howard property; whom show little regard for safety or respect to other property owners.

I would like to be considered and provided with the opportunity to lease this property. I would appreciate the ability to talk to you or anyone who could provide additional information on the lease or information about obtaining the lease.

Thanking you in advance.

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**From: D.D., Received: Friday, August 10, 2012**

I read in the Aug 7, 2012 Daily Times about the States public hunting land proposal. I think my families land falls within that area. it is █████, described as █████. It is owned by █████.

I have received no information on this proposal to date and would like to find out if it affects our land. Would you please check to see if our land falls within the land known as the Foster tract, or if it falls within any lands in this Chesapeake Forest hunting proposal. Thank you,

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**From: J.H., Received: Friday, August 10, 2012**

First and foremost, I support the concept and idea of opening the Chesapeake Tract WR 45 Foster Estate Complex, 4,814 acres of land in Worcester County Maryland for PUBLIC USE, hunting, hiking, photography, bird watching, etc. I personally am of the opinion more land in the Chesapeake Tracts should be made available for public use, after all the state does provide support to these various tracts of land, such as maintenance, posting, monitoring, etc. My one concern and I want to address this to all on this email is this, I hope the Maryland DNR is not doing this as a move or tactic to open the door for more timber harvesting in Worcester County. I personally feel Worcester County has had enough of timbering, especially in the Nassawango Iron Furnace Road, St Lukes Road, Greenbriar Swamp Road, Scotty Road, Nassawango Creek Road and Route 12 section of the county. I use the public lands for various reasons and I have noticed a trend that the lands open for public use seem to get more attention from timbering than on some of the parcels that are privately leased. One of the most beautiful area's in the State Of Maryland is Worcester County, because of its cultural and environmental diversity. Much revenue comes to the county and state because of this diversity and beauty that is almost becoming extinct, in some area's of the county. In closing, as I stated above, more of the Chesapeake Tact Land need to be open for PUBLIC USE and not set aside for private use and gain, after all it is under the stewardship of the Tax Payers of our Great State of Maryland. Regards,

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**From: S.A., Received: Thursday, August 9, 2012**

Why are we leasing "PUBLIC LAND" to a select few. If I understand this right, several tracts would be closed to the public, so "Hunt Clubs" can lease the tract. Everyone else would then forced onto one large tract. Thats great if you live near that large tract. Again, if you got money you can get the government to do anything. NO TO HUNT CLUBS. Keep it up and the only people legally hunting will be the rich.

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**From: M.R., Received: Sunday, August 5, 2012**

This is in regaurd to the State's proposed restucturing of public access of Chesapeake forest tracts listed through the link on the DNR home page.

1: The state is going to take away local public access areas and give the public one large public access area.

2: This proposal will benifit the state more than it will benifit the public by:

a: shifting responsibility of 15 tracts from the state to hunt club lease

b: Taking in revenue from the 15 hunt club leases

c: Reducing states responsibility from 15 tracts to 1 tract

Responsibility to my understanding is maintence of gates and fire roads

3: The Foster tract have been on hunt club lease, thearfore it has been harvested with the legal use of bait, what is the estimated population of deer in this tract?

4: some tracts like Apgar have proximity acreage to Pocomake State Forest

5: There will be NO LEGAL ACCESS TO POCOMOKE STATE FOREST IF APGAR IS TURNED INTO HUNT CLUB LEASE, SEE ATTACHED DOCUMENT.

6: There needs to be a survey of the how many times the public access the smaller tracts.

7: The FOSTER tract is only borderd by public land to the south, the north and west side are private lands.

The state just need's to come out and say what the truth is in that the are trying to reduce budget and gain revenue by reduceing land responsibility, that plain and simple is whats going on here and the public will be the ones to suffer.

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**From: M.K., Received: Sunday, August 5, 2012**

These smaller tracts are of great value to the local public. These tracts offer a safe hunting experence, as they do not attract large numbers of hunters on any one day. We have enjoyed many of these tracts for years, and have been very disapointed hearing of the States change. Sincerely,

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**From: B.N., Received: Friday, August 3, 2012**

I am remonstrating the proposed conversion of Wicomico County public hunting tract, Louis-Horner W-21, into leased hunting management. I reviewed DNR's website and found Louis-Horner meeting the criteria listed for assessing suitability of tracts for public use:

**Proximity to other DNR lands**-Louis-Horner is by no means completely isolated from other public use land. Greenhill north and Greenhill south is close by and has other public use land is nearby.

**Size of complex**-the tract exceeds the minimum by 214 acres.

**Access into complex**-the tract is extremely easy to access and is right off a paved public road and does not require use of a right-a-way due to private land.

**Water access**-Canoe paddlers and kayakers can access the South property from Wetipquin creek that connects to the Nanticoke River.

**Readiness for public use**-there is an excellent parking area and a well groomed road/trail that extends through out the property.

**Opportunities for public use**-as mentioned above there is a large and exceptional parking area with the access gate well away from main road which is favorable for safety when used for school field trips or horse trailers. There are two creeks that parallel the property, the Northeast section is bordered by Peters Creek and the South property by Wetipquin Creek which vastly increases the property's diversity in pant and animal life. A well maintained road/trail though the property provides the public great use from hiking, horse riding, hunting and other activities.

**Location**-there are already many leased hunting properties in the area. The Louis-Horner is used by may hunters that enjoy the quality of the property.

In summary the Louis-Horner property should not be converted, not only in my opinion, but by the criteria set forth by MD DNR Forest Service. Many hunters like myself have invested time in studying the game habits and the lay of the land. I would not choose to start all over again, farther away and with less access this property already has. If it is leased I likely will never have the opportunity to hunt this land again, I would not be able to afford it.

I appreciate your time in reading about my concerns on the matter. Best regards,

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**From: B.W., Received: Wednesday, August 1, 2012**

It is very concerning to read the newspaper about the changes in public hunting lands.

The DNR should follow the law to the letter and wait for public input before making the kind of changes that are propossed for public hunting areas. Any changes in public hunting areas should be advertised well in advance and AFTER public input. The people that currently use these areas may not realize that the place they have hunted for years is now rented to a hunt club.

If I remember the public hearings when the state recieved this land, there would be public input and more info available to the public concerning any proposed changes for this land.

We are extremely lucky in Maryland to to have this much land that is open for public use, it is a real shame that any of it is leased. It should all be open for everyone, not just the rich.

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**From: C.B., Received: Wednesday, August 1, 2012**

Public comment on worcester tract. As a resident of the lower shore i was excited to see the potential for more public hunting opportunities especially waterfowl hunting.

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**From: R.T., Received: Wednesday, August 1, 2012**

I am writing in regard to the conversion of the Foster Tract to public hunting land and converting 15 tracts of land to be leased by private parties. For many years a group of friends, my son and I have hunted Route 12 area. Leasing some of the land to private clubs will raise a little money for the State which will help Department of Natural Resources with maintenance expenses.

I enjoy hunting in this area and think leasing tracts of land would be beneficial to hunters and the State of Maryland. I think when people hunt on leased property, they are much safer, as they know who they are hunting with. I am very much in favor of and interested in the proposed changes.

Thank you for your valuable time.

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**From: H.F., Received: Monday, July 30, 2012**

will the access road to layfield tract come from the green hill church rd.? there is a bulldozer there is this to open the road?

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**From: J.B., Received: Monday, July 30, 2012**

I am an outdoorsman who has enjoyed public hunting areas from Western Maryland to the Eastern Shore. In the past few years I have become more interested in land for lease. After finding fellow hunters who feel the same, and who are very familiar with the tracts of land involved, we all see this a " good thing " for everyone. I look forward to enjoying the Maryland outdoors. Thank You

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**From: R.T., Received: Monday, July 30, 2012**

As an avid outdoorsman in the state of Maryland for over thirty years, I am writing to inform you that I am in favor of the proposed changes. If the state of Maryland is going to give a "tradeoff" by converting the Foster Tract to public hunting and convert the fifteen individual tracts to leased; I really don't see where there is any harm at all. I am actually very familiar with the areas of public hunting land around the Foster Tract. I have hunted across Rt.12 for many years, this area is nice due to having access off of a main road with semi-adequate parking available. You also have alot of public property that will border this new tract down on Old Iron Furnace Road. Im sure by trading off the 2000+ acres and adding an additional 1800 acres in one desired location it will help make the DNR's job a little easier, by safety and maintenance standards.

As far as the fifteen tracts of land going up for private lease, this is great in my opinion. If the \$15-\$16.00 per acre of income that the state will accrue from these leases can in any way help the DNR or the forestry/wildlife services in this state, then we are definitely looking at a positive aspect. It will also allow clubs in this state to grow, which will help the average hunter possibly keep costs down.

In conclusion, in my opinion the public has a right to safe hunting property in this state, and in turn the state can also make a few dollars by leasing tracts to individual clubs and these clubs can grow, everybody is winning. I personally hunt both private and public lands in this state. I am also very involved with teaching my ten year old son the heritage and value of safe outdoors. I look forward to seeing what happens with these tracts of land. Sincerely,

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**From: R.G., Received: Monday, July 30, 2012 (continuation)**

re: Chesapeake Forest Lands D21-Bell. As a follow-up the our communications below, I wanted to add the following information for your consideration. Our hunting club has 28 members and approximately half of the members hunt solely on the D21 property. We rent the fields [REDACTED]. As stated below we have been hunting this property over the past 45 years. If you decide to return this property to the lease program and did not re-issue the lease that our club previous had with the DNR, the members in our club that currently hunt on the D21 property would lose a place to hunt because the property that we lease from the [REDACTED] could handle that increased pressure. Again, thank you for your consideration in this matter.

**From: R.G., Received: Monday, July 16, 2012 (continuation)**

Thank you for your response. I checked the link out that you provided below and confirmed that the track D21, named the Bell property, was the property that we were previously renting from the DMR up until 2004. We were renting the two tracts that I referenced below. One was the Bell Farm and the other was called the Le Compte Centennial. We look forward to a favorable response to our request below and will be monitoring your website after 8/11/12 if we do not receive a communication from you before then.

**From: R.G., Received: Monday, July 16, 2012**

I understand that the Chesapeake Forest Land property D21-Le Compte Complex is under review to be converted from public hunting land back into the leased program.

## ATTACHMENT A

I represent the hunting club [REDACTED]. We had been renting the Le Compte Complex property for over 40 years. We had first rented that property from [REDACTED] approximately 45 years ago, when the [REDACTED] sold it to the Chesapeake Corp. we rented the property from the Chesapeake Corp. up to the time when the property was turned over to the MDNR, Forest Service Chesapeake Forest Lands, we then rented the property from the DNR that was defined as "Chesapeake Forest Right-of- Entry Agreement Tract # 4260 and 4256" up to I believe 2004 when the property was moved into the use for Public Hunting.

We are still renting the property [REDACTED] to D21-Le Compte Complex from [REDACTED]. If you decide to place this property back into the leased program, can any consideration be given to our group to re-activate the lease for this property with the DNR considering the history and the fact that we had the contract with the DNR up to the time the property was converted to public hunting property? If you have any questions please respond via email or you can call me at [REDACTED]. Thank you for your consideration.

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**From: T.R., Received: Friday, July 27, 2012**

I belong the [REDACTED] hunt club in [REDACTED] md. We leased several acres including S55 for many years. We put thousands of dollars toward that property. We maintained and enjoyed it, then the state took it for public use which was fine ,now they are returning it to a lease. I would think if they really need to do that, which I can't figure why. Don't You think we should get first rights? This will be the second piece of ground that they have done this to us. We leased a piece on [REDACTED] that they let someone else lease leaving us with nothing .We are a hunt club in good standings with DNR.I hope these comments will encourage them to leave it public or at least give prior renters first rights. Thanks

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**From: D.K., Received: Wednesday, July 25, 2012**

I'm grateful for the opportunity to weigh in on the proposed changes to the CFL regs. Hopefully, many other like minded citizens will do the same. Being familiar with many of the tracts in question, I vehemently oppose adding previously public tracts to the rolls of leased properties. While another subject entirely, the idea of taking the TAXPAYERS land and offering it to a select few for exclusive access if they are willing to pay a little more sickens me. To add insult to injury, providing additional exclusive access to special interests (they are not "clubs", since clubs denote private organizations on private property) on previously public lands will enrage many, myself included. Many hours of scouting and patiently hunting in all sorts of weather on these lands over the years would be a wasted investment if these proposals become law, unless some lucky sap get's an invitation into "the club". One poor excuse I hear for legitimizing private leases on land I'm part owner of without my consent is revenue. Any revenue lost from dissolving private leases on the CFL could easily be made up by selling a CFL Access Stamp, available over the counter to sportsmen when they purchase their hunting licenses. I've also heard about the manpower that the "clubs" provide on the properties they lease and personally know some folks involved. The "free" labor provided for maintenance is minimal at best from what I've heard. I will grant the point that small, landlocked or irregularly shaped tracts not conducive to hunting shouldn't have public access. These properties could be sold to the highest bidder, which would then be eligible for property taxes to paid once in private hands, providing additional revenue to the state and counties. To protect these lands from uses outside their intended purposes, deed restrictions could be put in place prior to sale. Opening the Foster Tract for public use is a wise move and one I applaud. However, it does not make up for the foolish idea of leasing tracts over 100 acres with good access in my opinion. All this said, I understand the state is in a tough spot on how to best handle this situation and want to say "thank you" to the hard working employees at the MD DNR. I also strongly encourage the DNR to do what's right and treat Marylanders (and visitors) equally by giving equitable access to all for the enjoyment of our precious natural resources while being good stewards of the taxpayers hard earned money. Best regards,

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**From: E.W., Received: Tuesday, July 24, 2012**

Comments-Proposed Leased hunting Tracks- WR 23-198 Acres

[REDACTED] have a home at [REDACTED]. It is, we believe, [REDACTED] to track WR23. Currently near our property line the State Forest has a metal gate on its land with a handicap sign for hunters. We both are happy to see the state expanding the acres for hunting because be both feel there are too many deer grazing on cropland and because of deer ticks and the deer eating our landscaping. We also think there are far too many Canadian Geese!

That being said please instruct the hunters on track WR23 to please refrain from shooting in the general direction of our home. Of course if the hunter is in a stand shooting downward towards the ground we should be safe. Not so sure of the bullet's direction if the shooter is on the ground in a wheelchair. Thanks,

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**From: J.W., Received: Tuesday, July 24, 2012**

Sir, I have reviewed the criteria for changes to state managed public hunting tracts (i.e, 100ac or less) and this piece (Louis-Horner Tract) does not fit many of them. The tract is almost 500 acres. It is less than a mile from the Salisbury-Nanticoke

Rd. (A primary county rd) It is on a paved rd. (Wetipquin Rd) The parking area is off the rd and will accomodate 12-15 vehicles that are not parking on a county rd shoulder hindering traffic like many other public hunting areas. These are just a few of the reasons. I doubt if these comments will have any bearing on the decision. It is already a done deal

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**From: B.W., Received: Monday, July 23, 2012**

These comments are for the Chesapeake Forest area (Seipp) in Caroline County that is proposed to be turned into a leased area. From the criteria listed the only one that is not met is the size criteria and that is partially because the Department has used Smithville Road as a dividing line separating it from the area across the street. Having hunted the area since it was opened, I can say from a personal observation that a minimum of 15 hunters use that area on a consistent basis during the deer season and to a lesser extent during the spring turkey season. The interior section is extremely thick which doesn't allow decent stand-hunting as the trees are too small and thick to put up tree stands. The section along the creek is the only section where a tree stand could be put up then you run into the regulation of being too close to adjoining private property which would cause conflicts with landowners. That section alone would hold two maybe three hunters comfortably. The revenue generated for this parcel couldn't be enough to justify taking it from a large group of hunters and letting a handful lease the area. Finally, though the Department is adding additional acreage it's not in Caroline County. As there is relatively little public hunting land in Caroline County which is limited to Idywild WMA and the Chesapeake Forest land off Line Road taking even a small area away increases hunting pressure on the other open areas which increases hunter conflict and the potential for hunting accidents. The group of people I hunt with on this parcel are not going to go to Worcester County to hunt unfamiliar territory nor pay the expense of travel and lodging due to the distance traveled. I'm not against the proposal of changing any of the other areas but the Department needs to consider this area and leave it as is.

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**From: W.B., Received: Monday, July 23, 2012**

DEAR SIR: I strongly object to the closing of the Louis-Horner tract of land to public hunting in Wicomico county (w-21). Most of the private land in this area is already leased to hunting clubs and areas of land for public hunting is getting harder to come by. This land is used by a lot of hunters and has good access from the hard road onto a nice parking lot for public access. The road into the public hunting area is well maintained and very accessible, some hunters even use bicycles to get in and out on the north side of complex. This is a large tract of land and certainly meets your standards of 250 acres (tract is 464 acres), has good access without crossing private land from Wetipquin rd. and also adjoins the Wetipquin creek on the south side of the complex also accessible from Wetipquin rd. for waterfowl hunting. As a resident of wetipquin rd. I have enjoyed being able to hunt this area for the last three years, as I am a new resident in this area which is continuing to grow. For the last few years I have even volunteered my time, and my own equipment to keep the north side access rd. cut and clear of any fallen trees crossing the access rd. at no expense to the state, with an agreement with [REDACTED]. I have received many thank yous from hunters being able to use this tract of land from both Marylanders and people from Delaware that stay at local campgrounds ([REDACTED] and [REDACTED] campgrounds) that use this tract of land. I personally think it would be a shock to hunters to come down this year and find this tract of land not open to the public. I would personally appreciate any consideration by you and the people involved to keep this tract open. Thank You Very Much

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**From: E.O., Received: Sunday, July 22, 2012**

Wr28 (ab hammond) is a tract that I and my family hunt its a rather long hike but we harvest multiple deer from this tract. Surrounding property owners have been running 4wheelers thru this tract for years and dnr has done nothing after we have made multiple complaints. After the drastic changes done to harvest numbers please don't take the one tract that my family hunts religiously away.

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**From: M.J., Received: Saturday, July 21, 2012**

I would like the DNR to abide by the 2002 state legislature recommendation, and allow public hunting on half of the CFL property. Thanks for your consideration.

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**From: D.S., Received: Friday, July 20, 2012**

How will the proposed Leased lands be competitively offered for lease and when? And when will the Public lands be made available? I am hearing rumor that some have already been leased prior to the public comment period ends. It would be good to know the facts from DNR. That would aid in developing my public comment. Your response is most appreciated.

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**From: B.M., Received: Wednesday, July 18, 2012**

I am strongly opposed to the suggested changes of taking 15 CFL tracts from public hunting in 5 counties and replacing with one large tract (Foster) in Worcester County for the following reasons:

1. As a resident of Somerset County I choose to hunt those properties that are closest, most convenient and offers diversity for me to hunt. Several of those I hunt are listed to be removed from public hunting! I do not wish to drive to another county to hunt on a very large tract. Your proposal will effectively **limit my hunting opportunities** in order to satisfy DNR interest.
2. It has been my experience large public hunting tracts often have limited access to much of the property and cause hunters to congregate near the closest parking area. This **reduces hunting opportunities** and **creates a safety issue**. This situation will discourage hunters from hunting public lands. Smaller tracts are often much easier to access and not over-run by large numbers of hunters.
3. Finally, it appears to me DNR has a desire to take away 15 tracts from public hunting and replace with one tract for your convenience, not that of the hunters. I always assumed the purpose of these lands were to optimize their use for the PUBLIC, not for what is most "convenient" for DNR.

Sincerely

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**From: S.S., Received: Wednesday, July 18, 2012**

I am writing to voice my opposition to including the "Bell Complex" in the to be leased properties of the Chesapeake Forest Lands. This is a 452 acre property with a good road system and a decent size parking area. The Bell Complex has good deer and turkey hunting and is located in a good hunting region within Dorchester Co.

Replacing this property with property in Worcester Co. is not convenient to the public who routinely uses this tract.

Why not replace it with another property within Dorchester Co.? That would make much more sense and be more equitable to the citizens who use the Bell Complex, who if leased, will need to travel farther at additional expense to hunt the "trade-off" land in Worcester Co. !!!

I gotta believe that there are some political pressures being applied resulting in this poorly conceived plan.

The Bell Complex already meets the required criteria for "public use" and should remain public access. I vehemently oppose the proposed changes and see no valid justification for their implementation.

A justifiable response is requested.

Thank you

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**From: B.D., Received: Tuesday, July 17, 2012**

I'm sure you get enough negative comments to last a lifetime but here is one more if you have the time.

I am a licensed surveyor and have worked on the Lower Shore since 1974, licensed in 1989 and self-employed. I have been involved in land development for the majority of my career and will never understand how the taxpayers of MD choked down the "green theme" that was marketed to sell the idea of taxpayer money buying 60,000 acres of land in the name of wildlife/woodland (whatever label you choose to give it) preservation.

The truth is that likely not two acres out of ten owned by Chesapeake would have been fit for residential development even in the early 90's and regulation/zoning laws have been put in place by the local and state planning offices, and finally, the Environmental Health office have only made development more difficult. I have hunted or surveyed alongside many of these lands and they are typically fraught with too many environmental issues to have ever been considered for residential development. Just more political B..S.

I have saved my biggest howl for the subject of leases. Our state government takes every penny that it can coerce or steal - that proof is easy to find in most facets of our daily life. If my tax dollars bought the land, why am I not allowed to hunt it? There are have several tracts totalling probably 500 acres near my home that I could ride a bicycle to, but because of some beaurocrat in Annapolis, a few lucky hunters have exclusive rights to these lands.

The state of MD would do well to model its public lands program after Pennsylvania. I have hunted there for many years and while not perfect, their Game Commission seems to have the funds needed to operate without playing favorites. The whole idea of leases of public land for sport stinks, and I would eliminate it completely forever.

No, I am not done yet. I also disagree with some of the criteria to add a tract to the Public Land system. What does being in close proximity to another DNR tract have to do with anything? Is the thinking (that) an isolated DNR tract would be a game warden's headache? i.e. "just one more stop to have to make" I realize that staff and funds are stretched thin already, but really - what will a few more tracts of land do to the overall picture? A game warden's presence in the neighborhood is now quickly spread around with cell phones - good for the warden and bad for the criminals

I also don't know why acreage should be an issue, but I can understand something if it's explained simply enough.

And last of all, readiness. Does this mean the absence or existence of roads throughout the tract? Correct me here if I need it...we are HUNTERS, not picknickers. Game animals don't care if there's a pony path through their forest. If there are too

many briars to suit you, go somewhere else. My experience with DNR lands is that they are many times a combination of mature forest and newly or fairly recently timbered land. The timbered lands are frequently bisected by the logging-equipment paths and roads that work nicely for dragging a deer. I will close with a concession on the road issue. With the public on these lands, there are always smokers who could easily start a fire which would need a fire truck or two to put it out.

I want to finish up the ranting and griping with a compliment to the DNR as a whole. I do all my hunting in MD and PA on public lands and while I've never killed anything for the "books" I have had a modicum of success, and a lifetime of enjoyment spent in the forest and marshes, and hopefully will continue to do so for some time yet. I know the DNR has many financial constraints that are out of its control and like lots of us these days "can only do so much". I also know that there are too many of us to make everyone happy, but hopefully you can make the majority happy.

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**From: P.T., Received: Wednesday, July 18, 2012**

After reading the article in today's Daily Times and being made aware of what is going on I ask that you comply with the 50% allocation of DNR property to the public use. Leave the hunting leases out of it and make it available to all of the public. We paid for it with our taxes. I am a resident of Maryland and a taxpayer and a hunter, fisherman, bird watcher, and hiker.

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**From: J.S., Received: Tuesday, July 17, 2012**

I agree with all tracts except wr23 and wr28

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**From: E.P., Received: Monday, July 16, 2012**

I would like to express my support for some of the current CFL properties to be leased to clubs or groups of hunters. I for one do not care to hunt public land I like to hunt from permanent stands and I also like the option of using my truck or ATV to remove harvested game from remote locations. The use of permanent stands allows me to take my daughters in comfort so they may enjoy a day with dad in the woods. The use of the ATV allows me to take a doe without thinking of the 2+ mile drag back to the road.

Although I am not familiar with all the CFL land I am very familiar with the ones in Southern Wicomico County. If W21 and W23 were to be leased that would still leave over 7000 acres of public hunting land within a 20 minute drive of these properties. These would include W22 and 23 Green Hill 3200 acres, W 10 Athol 682 acres, W 30 Fair Meadow 362 acres, Nanticoke WLMA 1600 acres and Ellis Bay WLMA 1000+ acres. These are the ones of the top of my head there may be more. With that being said [REDACTED] the land adjacent to W21 Louis Horner tract on opening day of rifle there may be 3 cars in the lot one car on Monday and that's it for the week and at least one of those people end up [REDACTED] at some point. I will be putting in for the lottery but even if I do not pick this piece up I am looking forward to a relationship with a club to respect boundary lines and to thin out the exploding doe population that has occurred since this piece went public. In addition the cost saving would be significant due to the fact that clubs would now maintain these lands; marking boundaries, fixing gates, cutting grass, maintaining roads and picking up illegally dumped trash. As I currently hold a piece of CFL leased land I know what is involved in the maintenance aspect. Please feel free to contact me for any reason.

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**From: C.A., Received: Saturday, July 14, 2012**

Why is any of this land leased, every acre should be available to all hunters who buy a license not to a select few with deep pockets. Another case of the intended user getting the shaft again. This is the kind of bull that is causing the sport to lose people every year .

---

**From: W.R., Received: Friday, July 13, 2012**

The Bell D21 area is the only one that I disagree with. This area is open to the public, meets the criteria and is a much shorter commute for sportsmen on the western shore. I have hunted this area and it has adequate parking and well groomed trails or logging roads. I just don't see where it makes sense to take away something, especially something in Dorchester that is already established and works. In today's economy, fuel prices and tolls have caused lots of sportsmen to give up some opportunities because they just can't afford it. Much rather see this property open to the public and not open some of the properties further south.

I would love to see all of the forest properties open to the public. Charge an access fee for anyone using the properties. With private lease prices going through the roof, I'm pretty confident that Maryland hunters would not hesitate to pay a permit fee for access to hunt 67,000 acres. Hunters are already leasing tracts. Why not make it a little more fair to all the tax payers. I personally wouldn't hesitate to pay a couple hundred bucks to have that kind of access. I know it's a little farfetched and probably goes against the agreement made when the state took over the land. Thanks

---

***From: T.H., Received: Friday, July 13, 2012***

I am writing you to express my opposition to leasing the proposed portion of Tract# CO2. While the proposed tract is relatively small, it is located just across Smithville Road and adjoins a much larger piece of public hunting land; and it is very accessible to the public via Smithville Road or an old logging road. It is also very close to Idylwild WMA (~4000 acres) and provides an additional hunting opportunity when hunting Idylwild. For these reasons, I wish you to reconsider this proposal and continue to allow public hunting there. Sincerely,

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# Maryland Department of Natural Resources

Wildlife and Heritage Service  
Regional Operations Update



# Regional Operations

- 51 staff in 15 offices

## 3 Primary Areas of Responsibility:

- Land Management
- Wildlife Response
- Outreach Events

# Land Management

- 49 Wildlife Management Areas totaling more than 111,000 acres
- WMA's range in size from 12 to 28,000+ acres
- 8 of the 49 host a field office, most do not have on-site staff. One crew manages 14 WMA's

# New WMA's open this year

- Riverside WMA 394
- Nanjemoy Creek WMA 216
  
- Additions to Myrtle Grove WMA 773
- Additions to Nanjemoy NRMA 275

# Wildlife Response

- Issue Deer Damage Management Permits
  - 1554 in 2011
- Respond to Wildlife Emergencies (respond 24/7)
- Sick, Injured and Nuisance animals

## 468 Wildlife Response Calls in 2012

- 163 deer
- 85 bears
- 220 other species

# Bear Response team

- On call 24/7
  - Road kills
  - Bears in homes
  - Aggressive bears
  - Livestock damage
  
- 85 Black Bear Response Calls



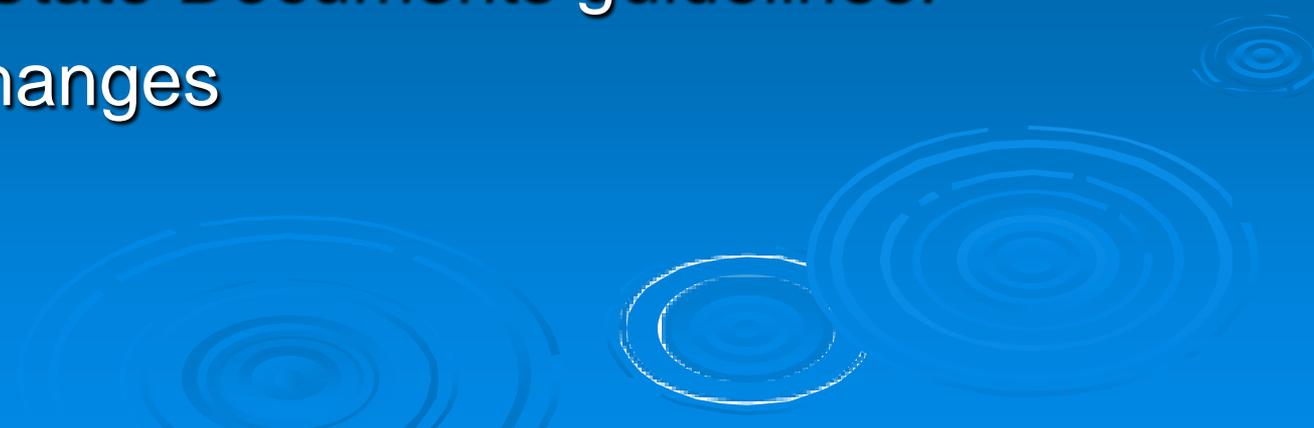
# Outreach events

- Junior Hunter Field Days
- Envirothon
- Wetlands and Wildlife Field Days
- “Becoming an Outdoors-Woman”
- Hunter Safety
- School Programs
- State Fair
- Community Programs and Events

# Assisting Other Programs

- Survey's
  - Bird Banding
  - Deer Data Collection
  - Blind Site licensing
  - CWD sampling
  - Eagle project
- 

# WMA Regulation Proposals

- Updated out existing regulations which govern our Wildlife Management Areas.
  - Cleaned up outdated language and made the regulations easier for people to understand and Natural Resources Police to enforce.
  - Bringing the regulations into compliance with Division of State Documents guidelines.
  - No major changes
- 

# WMA Regulation Proposals

- Expanded the definition section
- Updated regulations to make them consistent with other public land and game program regulations.
- New Proposed Regulations: Use of dogs, Grazing, Geocaching, Release of Animals or Plants

# Game Management Program Update

## Wildlife Advisory Commission

### November 2012



**Maryland Department of Natural Resources**

*Wildlife and Heritage Service*

# Program Basics

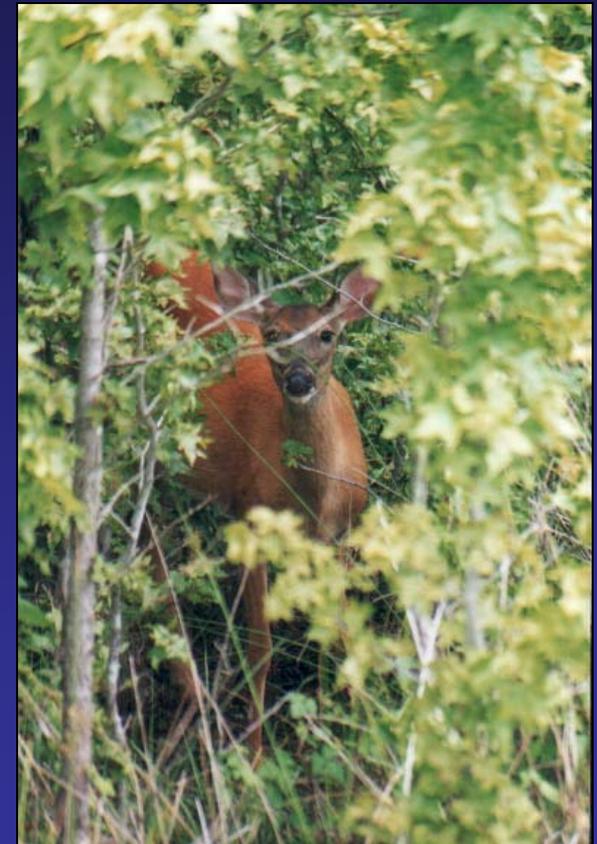
Role is to manage the game species in Maryland for the benefit of all Maryland citizens.

Much of our work is focused on hunting management.

- Season dates, bag limits, various regulations.

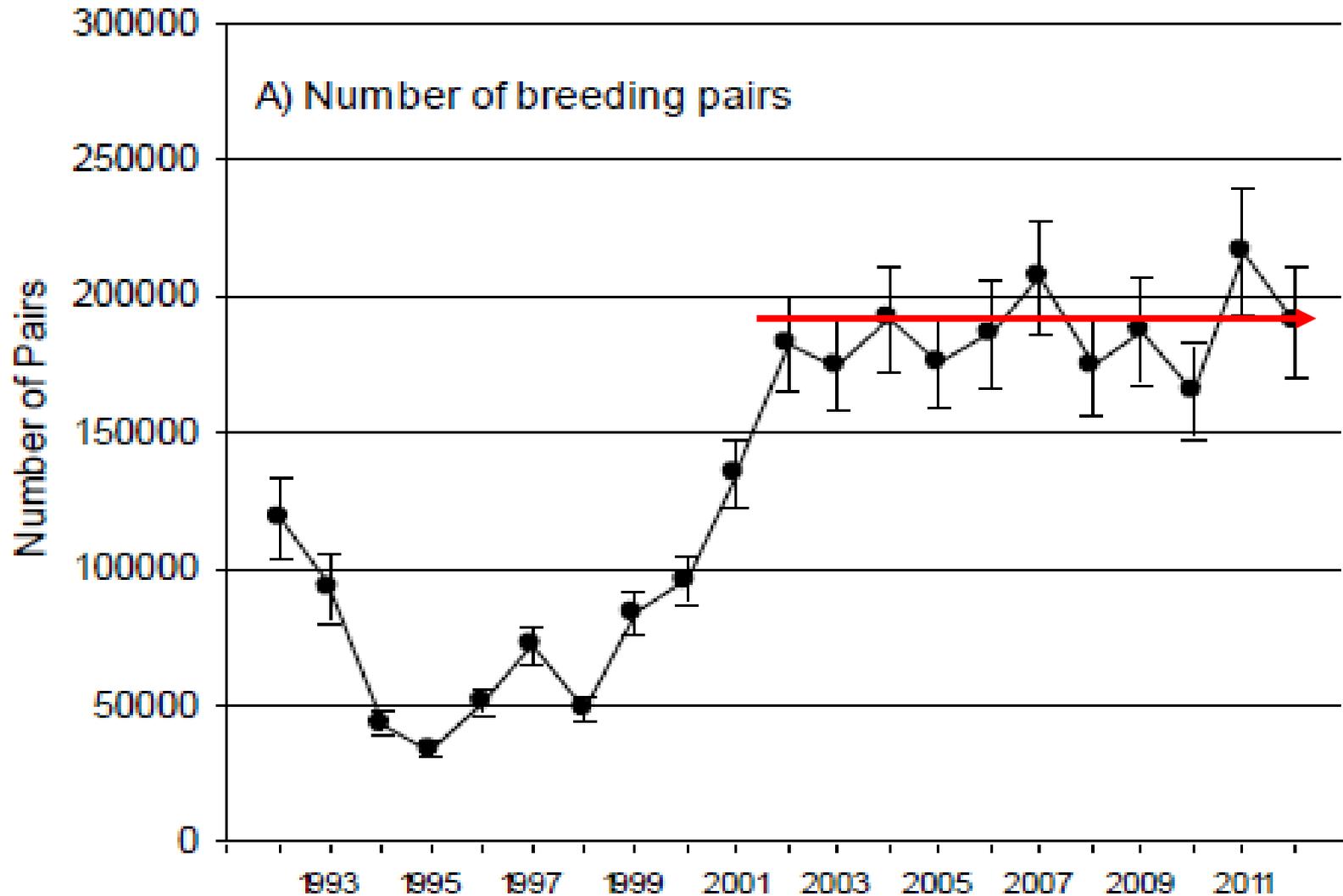
We also monitor the health of game populations from several angles:

- Disease monitoring and response.
- Population level management.
- Impacts on habitat, other species, etc.
- Provide input for much of the nuisance animal work in the State.



Overall impact is to provide balanced populations for all Marylanders.

# Game Bird Section



## Poplar Island Complex disease issue

- Major restoration project using dredge material from the Baltimore Harbor and approach channel.
- Uses several cells within a large impoundment to pump material for 'dewatering'.
- Goal is to create a beneficial use of the significant dredge material.

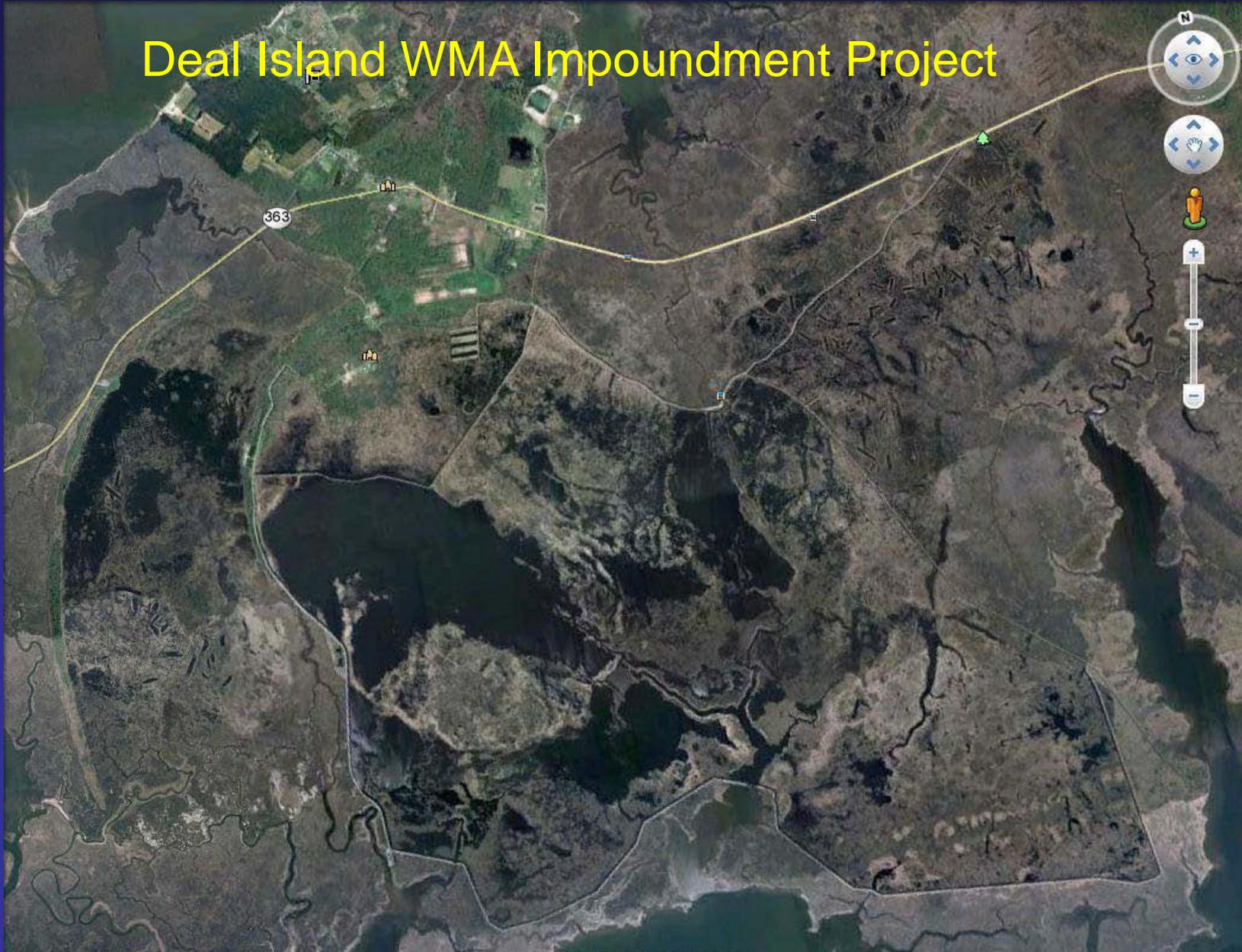


## Poplar Island Complex disease issue

- Process creates wetlands of various configurations – attracts a variety of water related birds, gulls, wading birds, waterfowl.
- Chronic problems with botulism and this year, toxicity from blue-green algae.
- Called Mycrocystis, the toxin can accumulate in livers of affected birds to point they are toxic to humans that may eat the livers.
- Not a common practice by Maryland waterfowlers – but we cooperated with USFWS, DHMH and other DNR agencies to reach out to local waterfowl hunters to alert them of issue. We worked to keep this effort locally focused.

# Game Bird Section

## Deal Island WMA Impoundment Project



# Game Bird Section







## Hunter Management

- Reduce disturbance by hunters.
- Reduce disturbance by other users.

Work in progress – mix of science, informed guesswork and public input.



## Hemorrhagic Disease in Deer

Modest outbreak in Maryland – about 170 deer carcasses reported statewide.

Most were on Delmarva and in Southern Maryland.

Typically see ‘hotspots’ locally with other areas apparently untouched.

Carcasses usually found near water.

- Due to high fever.
- Thirst from internal bleeding.



## Hemorrhagic Disease in Deer

Some states had major outbreaks – over 12,000 in Michigan.

Delaware had significant outbreak – but under 150 at last count.

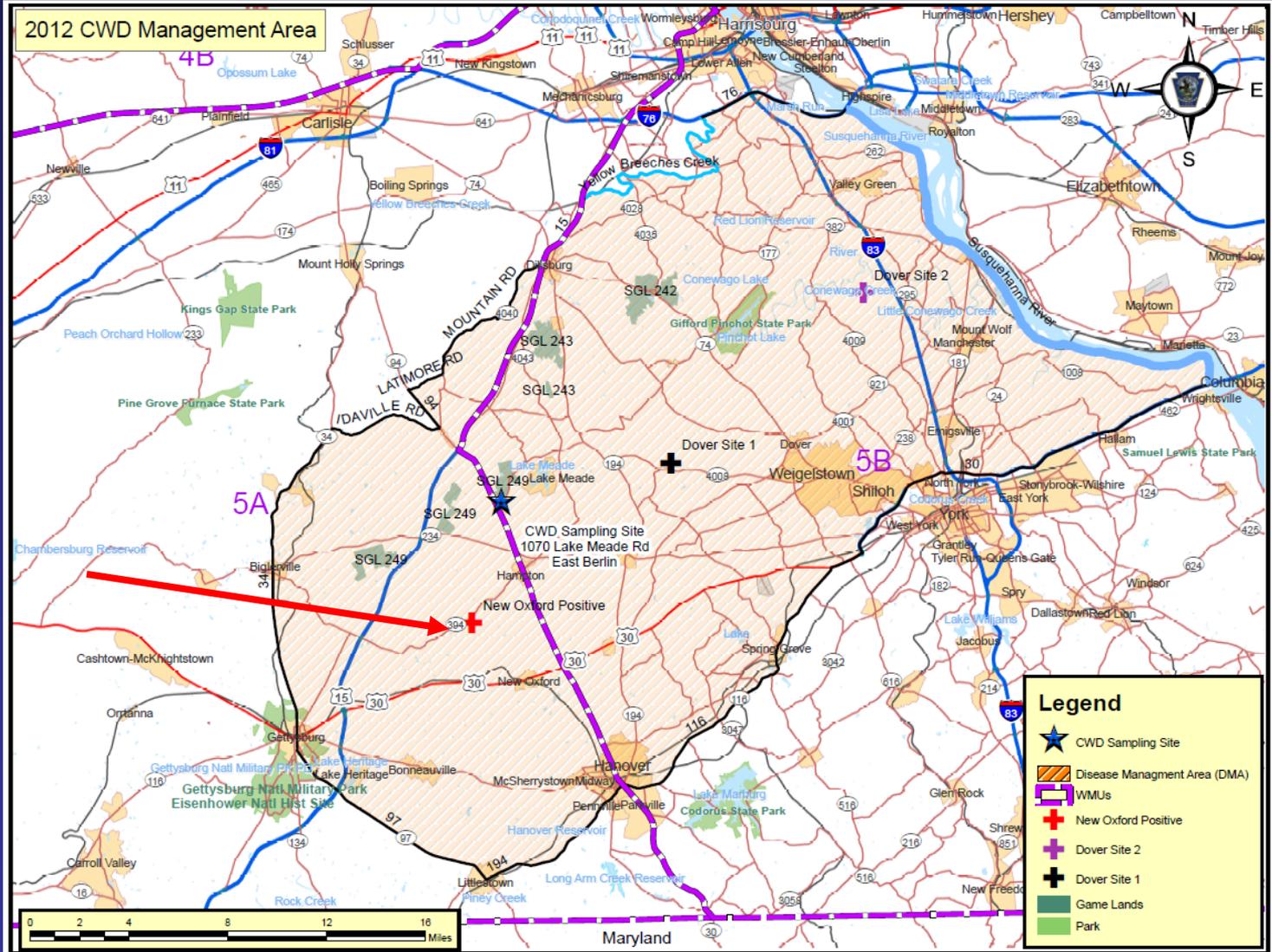
The most common disease of white-tailed deer, some loss annually.

- Was a disease of the southeastern states, moving north.
- Virus transmitted by a midge (small fly).

# Game Mammal Section



## CWD Found In Pennsylvania



Evolved into a very complex issue – “worst case scenario”.

Two cases found in a captive herd near Gettysburg – about 12 miles from the Maryland line.

- Deer had contact with 27 other deer farms in 16 Pa counties.
- One deer escaped during the euthanasia effort.
- Some deer from the Gettysburg area farm had been sold to a farm in Indiana.
- Several deer escaped from the farm in Indiana.

We are following along as Pa responds, we are not stepping up testing at this point – **but we are constantly reassessing the situation.**

So far their approach is very similar to what we have done in Allegany County in response to our first positive case.

## Coyote Sightings in Suburban Areas

Not new, but past year saw an increase in coyote reports in suburbs.

Coyotes adapt well to suburbs, so is not unexpected.

Not typically dangerous to humans, but they do attack pets.

Our advice is to **learn to live** with them by keeping pets under control and avoiding attractants such as:

- Pet food left outside.
- Unsecured trash.
- Birdfeeders that spill seed.



## Bear Population Survey and Hunt Results

2005 DNA Survey estimated 362 bears in Garrett and Allegany Co's.

2011 DNA Survey estimated 701 bears in same area (both estimates exclude cubs).

The Bear Hunt Quota is based on the population estimate – goal is for 20-25% known mortality from all sources.

Quota in 2012 was 80-110 bears, up from 55-80 in 2011.

Increased permits from 260 in 2011 to 340 in 2012.

Reached quota with 92 bears taken in five days this year.



# Game Management Program



# Game Management Program Update

## Wildlife Advisory Commission

### November 2012



**Maryland Department of Natural Resources**

*Wildlife and Heritage Service*

08.03.09.07

DRAFT

November 14, 2012

**.07 Falconry.**

A. Definitions. In this regulation the following terms have the meanings indicated.

- (1) "Falconry" means the sport of hunting game birds and mammals by the means of a trained raptor.
- (2) "Raptor" means a live bird of the family Accipitridae of the family Falconiadae or of the family Strigidae.
- (3) "Take" means to trap or capture or legally acquire, or to attempt to trap or capture or legally acquire a raptor for falconry.
- (4) "Permittee" or "Falconer" means the holder of a valid falconry permit issued by the Department.

B. Permit and Possession Requirements.

- (1) A person must have a valid falconry permit from the Department to take, possess, or transport raptors for falconry or to hunt with them.
- (2) A person may not practice falconry within the State unless he first submits to the Department a completed application form, provided by the Department including all information required on the form.
- (3) To apply for a falconry permit, an applicant must include the following information.
  - (i) The completed application form from the Department.
  - (ii) For renewal of general and master falconry permits, a copy of a current hunting license or a hunting license from the previous hunting season.
  - (iii) For an apprentice permit, the applicant shall obtain a sponsor and have the sponsor sign the bottom of the application:
  - (iv) For an apprentice or general falconry permit, a parent or legal guardian must co-sign the application if the applicant is under 18 years of age.
- (4) In order to advance to a general level falconry permit, the applicant must provide the following:

(i) Information documenting the applicant's experience maintaining falconry raptors, including a summary of what species were held as an apprentice falconer and how long each bird was possessed, and;

(ii) A letter from a general falconer or master falconer (preferably the applicant's sponsor) attesting that the applicant has practiced falconry with raptor(s) at the apprentice falconer level for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for at least 4 months in each year.

(5) In order to advance to a master level falconry permit, the applicant must attest that he or she has practiced falconry at the general falconer level for at least 5 years.

(6) A permit may not be issued unless the applicant has adequate facilities and equipment, which are inspected and certified before issuance, by a representative of the Department, as meeting standards set forth in Regulation .07F of this chapter.

(7) The application shall be accompanied by a \$25 fee. In addition, an annual fee of \$25 shall be due with each annual report, if the permittee desires to renew his permit.

(8) Non-resident falconry permits may be issued in accordance with this regulation if the applicant's resident state is recognized by the U.S. Fish and Wildlife Service as a participating state, and his or her resident state issues non-resident falconry permits or licenses. Non-resident applicants shall submit a copy of their current resident state falconry permit with the application. Non-resident permits shall be issued only in the general or master class or equivalent class.

C. Classes of Permits. The following classes of falconry permits are established with the following qualifications and criteria:

(1) Apprentice Class.

(a) An applicant for an apprentice class permit must be at least 14 years of age.

(b) If the applicant is under 18 years of age, a parent or legal guardian must sign the application and is legally responsible for all activities.

(c) A falconry permit may not be issued until the applicant has answered correctly at least 80 percent of the questions given on a supervised examination provided by the Department. The examination shall cover care and handling of raptors, federal and state laws and regulations relevant to falconry, and other appropriate subject matter. The examination shall be administered by a representative of the Department at a place and time designated by the representative on a date agreed to by the representative and the applicant. Re-taking of the examination shall be provided no sooner than 30 days after failure and no later than 90 days after failure. An applicant shall be provided the opportunity to re-take the examination no more than three times in 1 calendar year.

(d) The applicant shall obtain a sponsor that possesses a Maryland master class or a general class falconry permit. The sponsor shall be at least 18 years old and has at least 2 years experience at the general class falconer level. The sponsor shall assist the apprentice, as necessary, in:

(i) Learning about the husbandry and training of raptors held for falconry;

(ii) Learning and about relevant wildlife laws and regulations affecting the sport of falconry, and

(iii) Determining what species of raptor is appropriate for the applicant to possess while an Apprentice.

(e) An apprentice may possess no more than one raptor for use in falconry.

(f) An apprentice may take raptors less than 1 year old, except nestlings, from the wild. An apprentice may take any raptor species from the wild except a federally listed threatened or endangered species or the following species: bald eagle, white-tailed eagle, Steller's sea eagle, golden eagle, American swallow-tailed kite, goshawk, Swainson's hawk, peregrine falcon, gyrfalcon, flammulated owl, elf owl, long-eared owl, short-eared owl, or snowy owl.

(g) An apprentice may possess a raptor of any Falconiform or Strigiform species, including wild, captive-bred, or hybrid individuals, except a federally listed threatened or endangered species, bald eagle, white-tailed eagle, Steller's sea eagle, or golden eagle.

(h) An apprentice may possess a wild raptor trapped by another falconer that possesses a valid falconry permit and transfers the raptor to the apprentice.

(i) An apprentice may not possess a raptor taken from the wild as a nestling.

(j) An apprentice may not possess a bird that is imprinted on humans.

(k) The apprentice's raptor facilities shall pass an inspection by a representative of the Department before a permit will be granted.

## (2) General Class.

(a) A general falconer must be at least 16 years of age.

(b) If the general falconer is 16 or 17 years of age, a parent or legal guardian must sign the application and must be legally responsible for all activities.

(c) To become a general falconer, the applicant must submit a document from another general falconer or master falconer (preferably the applicant's sponsor) stating that the

applicant has practiced falconry with raptor(s) at the apprentice falconer level or equivalent for at least 2 years, including maintaining, training, flying, and hunting the raptor(s) for least 4 months in each year. That practice may include capture and release of falconry raptors.

(d) The applicant may not substitute any falconry school program or education to shorten the period of 2 years at the apprentice level.

(e) A general falconer may take and possess any species of Falconiform or Strigiform except golden eagle, bald eagle, white-tailed eagle, or Steller's sea eagle. A general falconer may not take goshawks, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls from the wild in the State except by special permit. A general falconer may use captive-bred individuals and hybrids of the species the falconer is allowed to possess.

(f) A general falconer may possess no more than 3 raptors.

### (3) Master Class.

(a) A master falconer must have practiced falconry with his or her own raptor(s) at the general falconer level for at least 5 years.

(b) A master falconer may take and possess any species of Falconiform or Strigiform except bald eagle. However, a master falconer may take and possess golden eagle, white-tailed eagle, or Steller's sea eagle only if the master falconer meets the qualifications set forth in regulation C(3)(f) of this chapter. A master falconer may not take goshawks, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls from the wild in the State except by special permit.

(c) A master falconer may possess any captive-bred individuals or hybrids for use in falconry.

(d) A master falconer may possess no more than 5 wild raptors, including golden eagles.

(e) A master falconer may possess any number of captive-bred raptors. However, the master falconer must train them in the pursuit of wild game and use them in hunting.

(f) A master falconer may possess up to 3 eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea eagle.

(i) Before approving a master falconer's request to possess an eagle to use in falconry, the following must be documented:

(A) The master falconer's experience in handling large raptors, including information about the species the master falconer has handled and the type

and duration of the activity in which the master falconer gained the experience.

(B) At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks, or great horned owls. Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the master falconer's ability to care for eagles and fly them in falconry.

(ii) A golden eagle, white-tailed eagle, or Steller's sea eagle the master falconer holds will count as one of the raptors the master falconer is allowed to possess for use in falconry.

#### D. Marking.

(1) The following raptors shall be banded with a permanent non-reusable, numbered U.S. Fish and Wildlife Service leg band provided by the Department of the bird is taken from the wild or acquired from another falconer or rehabilitator:

(i) Goshawk,

(ii) Harris hawk

(iii) Peregrine falcon, or

(iv) Gyrfalcon.

(2) The falconer may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in addition to the band. The band number shall be reported when the acquisition of the bird is reported. Within 10 days from the day on which the raptor was taken from the wild, the falconer must report take of the bird by entering the required information (including the band number) in the electronic database of the U.S. Fish and Wildlife Service or by submitting a paper form 3-186A to the Department. A falconer may request an appropriate band from the Department in advance of any effort to capture a raptor.

(3) A raptor bred in captivity must be banded with a seamless metal band. If a seamless band must be removed or if it is lost, within 10 days from the day it is removed or noted the loss of the band, the removal or loss must be reported and a replacement U.S. Fish and Wildlife Service non-reusable band must be requested from the Department. The falconer must submit the required information electronically immediately upon rebanding the raptor to the U.S. Fish and Wildlife Service's electronic database or by submitting a paper form 3-186A to the Department. A seamless band that is removed or lost must be

replaced. A falconer may implant an ISO-compliant (134.2 kHz) microchip in a falconry raptor in addition to the seamless band.

(4) If the band must be removed or is lost from a raptor in possession, the falconer must report the loss of the band within 5 days, and the falconer must then do at least one of the following:

(i) Request a U.S. Fish and Wildlife Service non-reusable band from the Department. The falconer must submit the required information within 10 days of rebanding the raptor to the U.S. Fish and Wildlife Service's electronic database or by submitting a paper form 3-186A to the Department.

(ii) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information to the U.S. Fish and Wildlife Service's electronic database or by submitting a paper form 3-186A form to the Department.

(5) A falconer must not alter, deface, or counterfeit a band. A falconer may remove the rear tab on a band on a raptor taken from the wild, and the falconer may smooth any imperfect surface as long as it does not affect the integrity of the band or the numbering on it.

(6) If the falconer documents health or injury problems for a raptor in possession that are caused by the band, the Department may provide an exemption to the requirement for that raptor. In that case, the falconer must keep a copy of the exemption paperwork with him or her when transporting or flying the raptor. If your bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the falconer must replace the band with an ISO-compliant microchip that supplied by the Department. A microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon will not be provided unless the falconer has demonstrated that a band causes an injury or a health problem for the bird.

(7) A falconer may not band a raptor removed from the wild with a seamless numbered band.

#### E. Transportation and Transfers.

(1) A raptor held for the use of falconry by a Maryland resident permittee may be transported within, exported from, and imported into the State, if it is properly marked with markers in accordance with §D of this regulation.

(2) A person who does not have a permit may not ship, transport, carry, or convey any raptor legally acquired, or transfer it to another person unless he first obtains written permission from the Department, except to transport a sick or injured raptor to a licensed wildlife rehabilitator.

(3) Any raptor shipped, transported, carried, or conveyed into the State on or in any private or public conveyance shall be accompanied by a shipping permit, transportation tag, or a document authorizing the shipment from the State or country of origin, or other permit that provides proof that the raptor was legally taken, received, or captured and possessed by the transporter. The person taking possession of any raptor so entered into the State shall report to the Department within 10 days after the raptor's arrival into the State.

(4) When transporting raptors, using them for hunting, or when they are away from the falconer's facilities, the falconer shall provide a suitable perch for the raptors and ensure that the raptors are protected from extreme temperatures, wind, and excessive disturbance. A "giant hood" or similar container is acceptable for transporting or housing a raptor when away from the permanent facility where the bird(s) is housed.

(5) A falconer may sell, purchase, or barter, or offer to sell, purchase, or barter captive-bred raptors marked with seamless bands to other permittees who are authorized to possess them.

(6) A falconer may not purchase, sell, trade, or barter wild raptors. A falconer may only transfer them.

(7) A falconer may transfer a wild-caught raptor to another permit type if the recipient of the bird (which could be the same falconer) possesses the necessary permits for the other activity.

(i) A falconer may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2 years (1 year for a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel). When transferring a bird, the falconer shall provide a copy of the 3-186A form documenting acquisition of the bird by the propagator to the federal migratory bird permit office that administers the propagation permit.

(ii) A falconer may transfer a wild-caught bird to another permit type to be used for education or scientific purposes in less than 2 years (1 year for a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel) if the bird has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no longer be flown for falconry.

(iii) If a raptor is transferred to an education or scientific permit the falconer shall within 10 days of transferring the bird provide a copy of the 3-186A form documenting acquisition of the bird to the federal migratory bird permit office that administers the education or scientific permit.

(iv) When a falconer transfers a bird, the falconer shall provide a copy of the certification from the veterinarian or rehabilitator that the bird is not useable in

falconry to the federal migratory bird permits office that administers the education or scientific permit.

(8) A falconer may transfer captive-bred falconry raptors if the holder of the other permit type is authorized to possess the bird(s). Within 10 days the falconer must report the transfer by entering the required information in the U.S. Fish and Wildlife Service electronic database or by submitting a standard paper form 3-186A to the Department.

(8) If a falconer dies, a surviving spouse, executor, administrator, or other legal representative of a deceased falconry permittee may transfer any bird held by the falconer to another authorized permittee within 90 days after the death of the falconer. After 90 days, disposition of a bird held under the permit is at the discretion of the Department.

#### F. Facilities and Care Requirements.

(1) A falconer must keep all raptors held under his or her falconry permit in humane and healthy environment.

(2) Whether they are indoors (a “mews”) or outdoors (a “weathering area”), the raptor facilities must protect raptors in them from the environment, predators, and domestic animals. The falconer is responsible for the maintenance and security (protection from predators) of raptors in possession.

(3) The falconer must have raptor housing facilities approved by the Department. The facility must have both indoor and outdoor facilities. A representative of the Department must certify that the facilities and equipment meet the following standards:

(i) For housing raptors indoors or outdoors, the facility must protect raptors from predators and domestic animals.

(A) The facility must have a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for raptors inside.

(B) The falconer may house untethered raptors together if they are compatible with each other.

(C) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or coming into contact with other raptors.

(D) Each falconry bird must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

(ii) An indoor facility must be large enough to allow easy access for the care and feeding of raptors kept there.

(A) If raptors housed in this indoor facility are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

(B) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

(iii) A falconer may keep a falconry raptor or raptors inside his or her place of residence if the falconer provides a suitable perch or perches. If the falconer houses the raptor(s) inside their home, the falconer does not need to modify windows or other openings of the structure. Raptors kept in the home must be tethered when they are not being moved into or out of the location in which they are kept.

(iv) An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

(A) The facility must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.

(B) The facility must be large enough to insure that the birds cannot strike the enclosure when flying from the perch.

(C) New types of housing facilities and/or husbandry practices may be used if approved by the Department.

(4) A falconer may keep falconry raptors outside in the open if they are under watch, such as by the falconer or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

(5) A falconer must inform the Department within 5 business days if the falconer changes the location of his or her facilities.

(6) The falconry facilities may be on property owned by another person where the falconer resides, or at a different location. Regardless of location, the facilities must meet the standards described above in this section.

(7) A falconer must submit to the Department a signed and dated statement showing that he or she agrees that the falconry facilities and raptors may be inspected without advance notice by the Department at any reasonable time of day, but the falconer must be present. If the facilities are not on property that the falconer owns, the falconer must submit a signed and dated statement showing that the property owner agrees that the falconry facilities and raptors may be inspected by the Department at any reasonable time of day in the presence of the property owner; except that the authorities may not enter the facilities or disturb the raptors unless the falconer is present.

(8) Falconry equipment and records may be inspected in the presence of the permittee during any reasonable time of day on any day of the week by Department officials.

(9) A falconer may house a raptor in temporary facilities for no more than 120 consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(10) Another falconry permittee may care for a raptor or raptors for a falconer at the falconer's facilities or at that person's facilities for up to 120 consecutive calendar days. The other person must have a signed and dated statement from the falconer authorizing the temporary possession, plus a copy of FWS form 3-186A that shows that the falconer is the possessor of each of the raptors. The statement must include information about the time period for which he or she will keep the raptor(s), and about what he or she is allowed to do with it or them.

(i) The falconer's raptor(s) will remain on his or her falconry permit, and will not be counted against the possession limit of the person caring for these raptors.

(ii) If the person caring for the raptor(s) holds the appropriate level falconry permit, he or she may fly these raptor(s) in whatever way the falconer authorizes, including hunting.

(iii) This care of a falconer's raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency.

(11) Another person may care for falconry birds a falconer possesses at the falconer's facilities for up to 45 consecutive calendar days.

(i) The raptor(s) will remain on the falconer's permit.

(ii) The raptors must remain in the falconer's facilities.

(iii) This care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency.

(iv) The person(s) caring for the falconer's raptors may not fly them for any reason.

(12) A falconer must have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptor(s) in possession.

#### G. Taking Raptors from the Wild.

(1) A falconer may take no more than two raptors from the wild each year to use in falconry, except no goshawks, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls may be taken from the wild in the State.

(2) A general or master falconer may take only raptors less than 1 year of age from the wild, except for American kestrel and great horned owl. The open season for taking eyases is May 15 through July 10 of each year only. The open season for taking first year (passage) raptors and American kestrels and great horned owls over 1 year old is September 10 through January 13 of each year except that raptors marked with federal markers for falconry purposes may be re-trapped at any time.

(i) A falconer must leave at least one young from any nest or aerie from which the falconer takes a nestling.

(ii) An apprentice falconer, may not take a nestling from the wild.

(3) If a falconer transfers a bird he or she took from the wild to another permittee in the same year in which the bird was captured, the bird will count as one of the raptors the falconer is allowed to take from the wild that year; it will not count as a capture by the recipient, though it will always be considered a wild bird.

(4) A general or master falconer may remove nestlings from a nest or aerie in accordance with State and federal restrictions.

(5) A falconer may not take raptors at any time or in any manner that violates any law of the State on whose land he or she is trapping.

(6) A falconer can report the take from the wild of a raptor by entering the required information in the U.S. Fish and Wildlife Service electronic database or by submitting a paper form 3-186A to the Department. The falconer shall do this within 10 days after the capture of the bird.

(7) If a falconer is present at the capture site, even if another person captures the bird for the falconer, the falconer is considered the person who removes the bird from the wild. That falconer is responsible for filing a 3-186A form reporting take of the bird from the wild.

(8) If a falconer is not at the immediate location where the bird is taken from the wild, the person who removes the bird from the wild must be a general or master falconer, and must report take of the bird. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The person who takes the bird from the wild must report the take even if he or she promptly transfers the bird to another falconer.

(9) If a falconer has a long-term or permanent physical impairment that prevents the falconer from attending the capture of a species he or she can use for falconry, a general or master falconer may capture a bird for that falconer. That falconer is then responsible for filing a 3-186A form reporting take of the bird from the wild, and the bird will count against the take of wild raptors that falconer is allowed in any year.

(10) A falconer may not intentionally capture a raptor species that his or her classification as a falconer does not allow them to possess for falconry. If a falconer captures a bird he or she is not allowed to possess, the bird must be released immediately.

(11) A falconer must promptly release any bird captured unintentionally.

(12) A falconer may recapture a falconry bird he or she lost at any time. Recapture of a falconry bird is not considered to be taking a bird from the wild.

(13) A falconer may recapture a raptor wearing falconry equipment or a captive-bred bird at any time - even if the falconer is not allowed to possess the species. The bird will not count against the falconer's possession limit nor will its take from the wild count against that limit. The falconer must report the recapture of the bird to the Department no more than 5 working days after the recapture. The falconer must return a recaptured falconry bird to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the Department.

(14) If a raptor (including a peregrine falcon) captured by a falconer is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, the falconer must report the capture of the bird to the Department no more than 5 working days after the capture. The falconer must return a recaptured falconry bird to the person who lost it. If that person cannot possess the bird or does not wish to possess it, the falconer may keep it. Otherwise, disposition of a bird whose legal possession cannot be determined will be at the discretion of the Department. While the falconer keeps a bird for return to the person who lost it, the bird will not count against that falconer's possession limit.

(15) If a falconer captures a peregrine falcon that has a research band (such as a colored band with alphanumeric codes) or a research marking attached to it, the falconer must immediately release the bird, except that if the falcon has a transmitter attached to it, the falconer is authorized to possess the bird up to 30 days if the falconer wishes to contact the researcher to determine if he or she wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or his or

her designee can make the change or allow the falconer to do so before the falconer releases the bird.

(16) If a raptor captured by a falconer has any other band, research marking, or transmitter attached to it, the falconer must promptly report the band numbers and all other relevant information to the federal Bird Banding Laboratory.

(17) A falconer may take any raptor that he or she is authorized to possess from the wild if the bird is banded with a federal Bird Banding Laboratory aluminum band except that the falconer may not take a banded peregrine falcon from the wild.

(18) If a raptor is injured due to a falconer's trapping efforts, the falconer has two options for dealing with a bird injured by his or her trapping efforts, but in either case the falconer is responsible for the costs of care and rehabilitation of the bird.

(i) The falconer may put the bird on his or her falconry permit. The falconer must report take of the bird by entering the required information in the U.S. Fish and Wildlife Service electronic database or by submitting a paper form 3-186A the Department at the first opportunity to do so, but no more than 10 days after capture of the bird. The falconer must then have the bird treated by a veterinarian or a permitted wildlife rehabilitator. The bird will count against the falconer's possession limit.

(ii) The falconer may give the bird directly to a veterinarian or a permitted wildlife rehabilitator authorized to possess migratory birds. If the falconer does so, it will not count against the allowed take or the number of raptors the falconer may possess.

(19) A falconer may acquire a raptor of any age of a species that the falconer is permitted to possess directly from a licensed wildlife rehabilitator. Transfer to the falconer is at the discretion of the rehabilitator.

(i) If a falconer acquires a bird from a rehabilitator, within 10 days of the transaction the falconer must report it by entering the required information in the U.S. Fish and Wildlife Service electronic database or by submitting a paper form 3-186A to the Department.

(ii) If a falconer acquires a bird from a rehabilitator, it will count as one of the raptors the falconer is allowed to take from the wild that year.

#### G. General Conditions.

(1) A falconer must have his or her permit(s) or legible copies of them in immediate possession if the falconer is not at the location of his or her falconry facilities and the falconer is trapping, transporting, working with, or flying his or her falconry raptor(s).

(2) A permittee shall not release to the wild a non-indigenous raptor to the State or a hybrid raptor. The raptor may be transferred to another falconer.

(3) Feathers that are molted or feathers from raptors that die while held in captivity, may be retained and exchanged by permittees, for the purpose of imping.

(i) For imping (replacing a damaged feather with a molted feather), a falconer may possess flight feathers for each species of raptor the falconer possess or previously held for as long as the falconer has a valid falconry permit. A falconer may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States, and a falconer may give feathers to them. A falconer may not buy, sell, or barter such feathers.

(ii) A falconer may donate feathers from a falconry bird, except golden eagle feathers, to any person or institution with a valid permit to have them, or to anyone exempt from the permit requirement under federal regulation CFR § 21.12.

(iii) Except for primary or secondary flight feathers or retrices from a golden eagle, a falconer is not required to gather feathers that are molted or otherwise lost by a falconry bird. The falconer may leave the feathers where they fall, store them for imping, or destroy them. However, a falconer must collect molted flight feathers and retrices from a golden eagle. If the falconer chooses not to keep them for imping, the falconer must send them to the National Eagle Repository.

(iv) If a falconer's permit expires or is revoked, the falconer must donate the feathers of any species of falconry raptor except a golden eagle to any person or any institution exempt from the permit requirement under federal regulation CFR § 21.12 or authorized by permit to acquire and possess the feathers. If the falconer does not donate the feathers, the falconer must burn, bury, or otherwise destroy them.

(4) When flying a hybrid raptor, the hybrid must have attached to it at least two functioning radio transmitters to help locate the bird.

(5) Release of falconry birds to the wild in the State may only occur under the following conditions:

(i) If the species to be released is native to the State and is captive-bred, a falconer may not release the bird to the wild without written permission from the Department. If permitted to do so, the falconer must hack the bird (allow it to adjust) to the wild at an appropriate time of year and an appropriate location. The falconer must remove its falconry band (if it has one) and report release of the bird by entering the required information in the U.S. Fish and Wildlife Service electronic database or by submitting a paper form 3-186A to the Department.

- (ii) If the species to be released is native to the State and was taken from the wild, a falconer may release the bird only at an appropriate time of year and an appropriate location. The falconer must remove its falconry band and report release of the bird by entering the required information in the U.S. Fish and Wildlife Service electronic database or by submitting a paper form 3-186A to the Department.
- (6) A falconer may use raptors he or she possesses for falconry in captive propagation if the falconer or the person overseeing the propagation has the necessary federal permit(s). The falconer does not need to transfer a bird from his or her falconry permit if the falconer uses it for fewer than 8 months in a year in captive propagation, but the falconer must do so if he or she permanently transfers the bird for propagation. The bird must then be banded as required in Regulation D of this chapter.
- (7) A general or master falconer may use a falconry bird he or she possesses in conservation education programs presented in public venues.
- (i) The falconer does not need a Federal education permit to conduct conservation education programs with a raptor held under a Maryland falconry permit.
- (ii) The falconer must use the bird primarily for falconry.
- (iii) The falconer may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup the falconer's costs.
- (iv) In conservation education programs, the falconer must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. The falconer may not give presentations that do not address falconry and conservation education.
- (v) The falconer is responsible for all liability associated with conservation education activities undertaken.
- (8) A falconer may allow photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, though the falconer may not be paid for doing so.
- (i) A falconer may not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry.
- (ii) A falconer may not use falconry raptors for commercial entertainment; for advertisements; as a representation of any business, company, corporation, or

other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, with the following exceptions:

(A) A falconer may use a falconry raptor to promote or endorse a nonprofit falconry organization or association.

(B) A falconer may use a falconry raptor to promote or endorse products or endeavors related to falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods, perches, materials for raptor facilities, falconry training and education materials, and scientific research and publication.

(9) A general or master falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild. The falconer may keep a bird he or she is helping to rehabilitate in their facilities.

(i) The rehabilitator must provide the falconer with a letter or form that identifies the bird and explains that the falconer is assisting in its rehabilitation.

(ii) The falconer does not need to meet the rehabilitator facility standards. The falconer need only meet the facility standards in Regulation F of this chapter.

(iii) The falconer does not have to add any raptor he or she possesses for this purpose to his or her falconry permit; it will remain under the permit of the rehabilitator.

(iv) The falconer must return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the 180-day timeframe in which the rehabilitator is authorized to possess the bird, unless the Department authorizes the falconer to retain the bird for longer than 180 days.

(v) Upon coordination with the rehabilitator, the falconer must release all releaseable raptors to the wild or return them to the rehabilitator for release within the 180-day timeframe in which the rehabilitator is authorized to possess the birds, unless the Department authorizes the falconer to retain and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to the falconer to hold under the falconer's permit.

(10) The carcasses of falconry birds that die shall be disposed of as follows:

(i) The falconer must send the entire body of a golden eagle held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository.

(ii) The falconer may donate the body or feathers of any other species of falconry raptor to any person or institution exempt under federal regulation 50 CFR §

21.12 or authorized by federal permit to acquire and possess such parts or feathers.

(iii) If the bird was banded or microchipped prior to its death, the falconer may keep the body of any falconry raptor except that of a golden eagle. The falconer may keep the body so that the feathers are available for imping, or the falconer may have the body mounted by a taxidermist. The falconer may use the mount in giving conservation education programs. If the bird was banded, the falconer must leave the band on the body. If the bird has an implanted microchip, the falconer must leave the microchip in place.

(iv) If the falconer does not wish to donate the bird body or feathers or keep it, the falconer must burn, bury, or otherwise destroy it within 10 days of the death of the bird or after final examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. The falconer must take appropriate precautions to avoid such poisonings.

(v) If the falconer does not donate the bird body or feathers or have the body mounted by a taxidermist, the falconer may possess the flight feathers for as long as the falconer has a valid falconry permit. However, the falconer may not buy, sell, or barter the feathers. The falconer must keep the paperwork documenting the acquisition of the bird.

(11) While practicing falconry, a falconer must ensure that his or her activities do not cause the take of federally listed threatened or endangered wildlife. "Take" under the federal Endangered Species Act means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Within this definition, "harass" means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and harm" means an act that actually kills or injures wildlife.

(12) If a falconer moves to a new state, within 30 days the falconer shall inform both the Department and the permitting authority for the falconer's new place of residence of the falconer's address change. To obtain a new falconry permit, the falconer must follow the permit application procedures of the authority under which he or she wishes to acquire a new permit. The falconer may keep falconry birds while applying for a new falconry permit. However, the State, tribe, or territory into which the falconer move may place restrictions on the possession of falconry birds until the falconer meets the residency requirements there.

#### G. Reporting Requirements.

(1) Acquisition, transfer, loss, or rebanding of a raptor shall be reported as follows:

(i) A falconer shall enter the required information in the U.S. Fish and Wildlife Service's electronic database or submit in paper form the 3-186A acquisition and disposition form into to the Department if:

- (a) A falconer acquires a raptor; transfers, rebands, or microchips a raptor;
- (b) A raptor is stolen;
- (c) A falconer loses a raptor to the wild and it is not recovered within 30 days; or
- (d) A bird dies.

(ii) If a raptor is stolen, the falconer must report the theft to the Department and to the U.S. Fish and Wildlife Service regional law enforcement office within 10 days of the theft of the bird.

(iii) The falconer must keep copies of all electronic database submissions documenting take, transfer, loss, rebanding or microchipping of each falconry raptor until 5 years after the falconer has transferred or lost the bird, or it has died.

(2) Permittees shall file an annual report to the Department, using a form supplied by the Department, by August 1 of each year, listing:

(i) All raptors in possession as of June 30, by species, marker numbers, sex (if known), age (if known), the date and where or from whom acquired;

(ii) All raptors possessed or acquired at any time since the previous annual report but no longer possessed, by species, marker numbers, sex (if known), age (if known), date and where or from whom acquired or given to, whether escaped, died, or released, and when the event occurred.

#### H. Hunting with Raptors.

(1) The Department shall regulate a lawful hunting season for falconry and further regulate the species that may be taken with raptors.

(2) A falconer must have a valid falconry permit and current hunting license to hunt game species with raptors. If hunting migratory game birds, the falconer also must have a current federal Migratory Bird Hunting and Conservation Stamp.

(3) A falconer may possess game species at their facility in excess of the established possession limits for game species other than migratory birds for the purpose of feeding the raptors held for falconry.

(4) A falconer, whose hunting raptor accidentally kills wildlife that is out of season or of the wrong species or sex, shall leave the dead wildlife where it lies, except that the raptor may feed upon the wildlife before leaving the site of the kill.

#### I. Reinstatement of a Falconry Permit.

(1) If a falconry permit has lapsed for fewer than 5 years, it may be reinstated at the level the falconer previously held if the falconer has proof of his certification at that level.

(2) If a falconry permit has lapsed for 5 years or longer, the falconer must correctly answer at least 80 percent of the questions on an examination administered by the Department. If the falconer passes the exam, the falconer's permit shall be reinstated at the level the falconer previously held. The falconer's facilities must pass inspection before the falconer may possess a falconry bird.