THE MARYLAND WILDLIFE ADVISORY COMMISSION
MINUTES – JUNE 15, 2005

Chairman Christopher Dollar called the meeting to order at 9:40 a.m.

Approval for Minutes from April 2005 Meeting

- The April 2005 Meeting Minutes were adopted with changes.
  1) On page three at the bottom under Urban Wildlife Subcommittee, bullet two, should read, "Commissioner Adams submitted names of several individuals, and will inquire as to their interest in being nominated for the committee."
  2) The third bullet should also read John Hadidian.

Fur Resource Advisory Committee Report

- Richard Garrett outlined the mission of the Fur Resource Advisory Committee.
  1) The Fur Resource Advisory Committee is an issue driven committee. Therefore, the members only meet when they deem it necessary to address a pending issue of concern.
  2) Fur User License is the current issue of concern with the Fur Resource Advisory Committee. The Maryland Farm Bureau and the "Fox Chasers" were unavailable for the scheduled meeting on Monday, June 17, 2005. However, all of the groups are actively involved in the Fur Resource Advisory Committee.
- The Bow-hunters Survey Presentation was tabled until the last agenda item to ensure applicable time for the remaining presentations.

Migratory Game Bird Committee Report

- Presentation given by Chairman Ladd Johnson.
- The Migratory Game Bird Committee mission is to evaluate data on migratory birds for regulations. Also, the committee is responsible for the expenditures from sales of the Migratory Bird Stamp.
  1) The Mourning Dove Hunter Questionnaire was mailed out to randomly selected hunters to determine whether they would support opening the dove season on September 1st or moving the opening date to the first Saturday in September. This proposal hopefully, would allow more youth participation.
  2) The Wood Duck Initiative is a study to determine the quantity of wood duck boxes being used. There are different materials that could be use for a wood duck box such as recycled fiberglass.
  3) The Outfitter and Guide Regulations have been implemented.
  4) Mute Swans are no longer listed as a protected species under Migratory Bird Treaty Act. This year staff members have been able to addle eggs.
- The Atlantic Flyway Council is reviewing the effectiveness of mechanical devices with the Migratory Game Bird Advisory Committee (MGBAC) and U.S. Fish and Wildlife Service (USFWS).
- Migratory Game Bird Committee has asked Natural Resources Police (NRP) for clarification on what constitutes a live decoy.
  1) The Natural Resources Police have not responded to the Migratory Game Bird Committee request **[Appendix I]**.
  2) The request is to ensure uniformity between the hunters and the Natural Resources Police on what is a live decoy.
     (a) Annotated Code of Maryland § 10-603 paragraph (h) (2), "A person may not hunt wild waterfowl using a live decoy."
     (b) Code of Maryland Regulations, Title 08 Department of Natural Resources Article Subtitle 03 Wildlife, 08.03.07.05 Captive Waterfowl (Live Decoys).
        (i) A. A person may not hunt wetland game birds by the use or aid of live birds as decoys.
        (ii) B. Although not limited to, it shall be a violation of this regulation to hunt wetland game birds on an area where tame or captive live ducks or geese are present unless the birds are, and have been for a period of 10 consecutive days before hunting, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals the birds from the sight of wetland game birds.
     (c) Apparently, the interpretation of the law is at the discretion of the Natural Resources Police. There are no guidelines except for what is outlined in the Annotated Code of Maryland and the Code of Maryland Regulations.
     (d) Recommendations were made to the Natural Resources Police from Migratory Game Bird Committee:
        (i) Definitions
        (ii) Regulations proposed
           a. If you are shooting an area, and if you have raised ducks or ducks around that area were released and/or wild ducks…ducks that cannot fly and/or will not fly in the area where you are shooting, then that constitutes as a live decoy.
           b. Now, if that duck does vacate the area outside the harvestable range, then that duck is not a live decoy.
           c. MGBAC will be working with USFWS to establish some form of guidelines regarding what is a live decoy.
           d. Presumably, wild ducks and captive raised ducks do not commingle; therefore, the statute and the regulations are outdated and need to be revisited.

(iii) Proposal to eliminate the language of an unlimited bag limit on the Regulated Shooting Area Regulations and replace the language with more restricted guidelines within the Federal frameworks.

- Migratory Game Bird Stamp Fund has funded several projects for the State:
  1) Tree Cutter for Western Region,
  2) Partners with the Blackwater National Wildlife Refuge on several projects,
  3) Quails Unlimited and Wild Turkey Federation purchase machinery to reduce hard wood growth and promote nesting and vegetation for all wildlife,
  4) Funded a dove management field study for DNR properties,
  5) Cooperating with USFWS on dove banding program,
  6) Waterfowl Research – Northern Pintail Satellite Study, Canada Goose Monitoring and Research Study, and the Cooperative Duck Banding,
  7) Habitat – Constructed 16-acres Impoundment on Wye Island, with the assistance of a few partners, the MGBS fund was also able to purchase an excavator to be use for tidal water restoration from Fishing Bay to the Little Choptank. Also, 64-wood duck boxes were purchased for the Wellington WMA.
- Chairman Ladd encouraged the Wildlife Advisory Commission members to attend the Second North American Sea Duck Conference 2005 **[Appendix II]**.

Natural Heritage Program Update

- Presentation by Glenn Therres, Associate Director, Heritage Program of the Wildlife and Heritage Service **[Attachment A]**.
- Natural Heritage Program is responsible for the conservation and management of Rare, Threaten, and Endangered Species (RTE) and non-game wildlife. The basis for authority is located in the Annotated Code of Maryland Subtitle 2A. Nongame and Endangered Species Conservation Act. § 10-2A-01. Definitions. Endangered Species Act, which was passed in 1973.
  1) Maryland has the authority to designate species (plants and animals) independently from the federal law.
  2) The Endangered Species Conservation Act requires the State to list any species that is listed by the U. S. Fish and Wildlife Service as a RTE.
  3) On the Maryland RTE list, the State has over 400 species, which includes both plants and animals.
- The Natural Heritage Program has twenty full-time staff members, and several contractual employees for fieldwork and long-term projects.
  1) The Heritage Program is embody with three sections:
     (a) Dr. Gwen Brewer is the manager for the Science Section - Primarily responsible for species assessments:
        (i) Staff members are responsible for the overview of scientific data and integrity.
        (ii) Ecologists that are charged with ecosystem restoration in Maryland.
     (b) Mr. Tim Larney is the manager for the Regional Operations Section (RO) – accountable for Maryland's four regions.
        (i) Within those regions, RO has an ecologist and assistant ecologist in each of the four regions.
        (ii) Environmental Review over 3,000 projects within two categories: a. Develop lands b. Timber harvesting for potential impacts to RTE species.
     (c) Ms. Lynn Davidson is the manager for Conservation & Technology Section (CT) – responsible for high-tech efforts.
        (i) Staff maintains the Natural Heritage Database, which has been in existence for twenty years.
        (ii) It is the repository of all location and population information on Maryland's endangered species, plus a host of species that staff members are answerable to track for conservation needs.
        (iii) Geographic Information System (GIS) accommodates support for the Wildlife and Heritage Service. Basically, it is computer-mapping system.
        (iv) The CT has expanded location information into a GIS product, which staff calls, "Sensitive Species Review Area (SSRA)" that are larger polygons then the actual location of RTE species. This was made available for the public using Merlin System.
        (v) CT staff members are actively involved in the Offshore Blind Site and Shoreline Licenses mapping system, and the mapping of Wildlife Management Areas (WMAs).
        (vi) CT has a volunteer coordinator to organize and keep our volunteers active and productive.
           a. We have over 30 regular volunteers that assist with various projects in data management, environmental review, surveys, and inventory monitoring.
           b. We receive over 1000 hours from volunteers.
  2) Accomplishments:
     (a) For the last three years, we have been compiling data on old growth forest in the State.
        (i) In collaboration with State Forest and State Park Service, staff members have been able to do inventory work. This inventory work took place in Western Maryland for the majority part…mainly on public lands. There are some old growth forests on the Eastern Shore but most of it is located in the mountains.
        (ii) Staff was able to identify over 20 old growth forests in the last three years.
     (b) For several years, staff members have been actively involved in freshwater mussels inventory.
           a. Freshwater mussels are an indication of high water quality.

b. Freshwater mussels are extremely vulnerable to pollution and alteration of water quality.
c. Staff members have been collecting comprehensive inventory on a number of streams in Maryland to quantifying mussel numbers.
d. Dwarf Wedge Mussel is on the federal list; staff members were able to discover a new population on the Eastern Shore in Queen Anne's County. Maryland has four different locations that individuals may be able to find dwarf wedge mussel. Out of the four locations, the one located in Queen Anne's County is the healthiest. Heritage Program staff members are working on dwarf wedge mussel conservation strategies and guidelines.

3) Conservation is the driving force; for example, cutting of trees, prescribed burns, both of these elements are use for protection or active management.
4) Funding Sources, Teaming With Wildlife Report **[Attachment B]**:
   (a) Wildlife Conservation & Restoration Program Fund check-off is located on the Maryland State Income Tax Form – this is funded by donations – it is not a tax.
   (b) State Wildlife Grants
   (c) **No General Funds are allocated to the Natural Heritage Program**…that means no Maryland Tax Money!
   (d) Staff members are currently working on Maryland Comprehensive Wildlife Diversity Plan. The plan will be finalized in September and mailed to U.S. Fish and Wildlife Service before the October 2005 deadline. For further information, go to http://www.dnr.state.md.us/wildlife/wldivplan.asp **[Appendix III]**.
   (e) Discussion on how to ensure, if possible, other funding sources from different partners and have general funds allocations for the Wildlife and Heritage Service. Commission members are considering alternatives – the discussion was deferred to a future meeting.

Break at 11:00 and Resume at 11:10 a.m.

Maryland Park Service Update

- Stephen D. McCoy, Chief of Resource Interpretation and Education for the Maryland Park Service
- Park rangers are being commissioned under Natural Resources Police officers. The final class graduated on June 6th from Natural Resources Police Academy.
- Park Service is in a transitional period for the first of the year. The former "Park Rangers" are stationed at parks, and are continuing the same functions as park rangers but under NRP command. After the first of the year, these officers will no longer be stationed directly at parks.
- Park Service has received permission to hire 34 civilians to cover many of the daily operational assignments.
- The process continues to evolve as the Park Service progresses through this transitional period.
- Recently, the Scales and Tales Program obtained a bald eagle. This bird was imported from Alaska; the bald eagle was injured and then released, and the bald eagle re-injured itself, unfortunately, the bald eagle cannot be rehabilitated
  1) Park Service staff members use the bald eagle as part of their Scales and Tales Educational Program.
  2) Contact information about the Scales and Tales Program is located at http://www.dnr.state.md.us/publiclands/snt.html.

2006 Legislative Concept Proposals

- This is an opportunity for the Commission to brainstorm ideas as to what the Commission would like to see addressed during the upcoming Legislative Session.
- Hopefully, it will be a quiet session for the Wildlife and Heritage Service.
- Chairman Dollar pointed out that since his appointment the same issue about funding sources keeps resurfacing. Chairman Dollar mentioned the need to better inform the public as to what it cost for outdoor experience or outdoor recreational activities. Maryland is a small state with a great amount of resources from the awesome mountain regions to the Atlantic Ocean; all in less than 3 ½ hours drive.
  1) The Wildlife and Heritage Service (WHS) does not have the authority to establish fees without going to legislature process. Other units within DNR have this authority.
  2) WHS manages more than one-third of all DNR lands (more than 100,000 acres). When new land acquisitions are brought to DNR, majority of the time it is assign to WHS to manage without any General Funds
  3) The Commission will work on establishing a Non-Consumptive User Fee.
     (a) A first step would be to identify and bring to the table, key leaders of outdoor recreational groups to capture their input and comments.
     (b) Staff will provide the Commission a copy of HB 496 Wildlife Management Program – Fees and supporting documents to be reviewed and discussed at the August 17, 2005 WAC meeting **[Appendix IV]**.
     (c) Chairman Dollar will examine how other states are generating money from non-consumptive users for Wildlife Management Areas.
     (d) Commissioner Adams highlighted that the Maryland Teaming With Wildlife Coalition may be able to help the Commission to reach the conservation groups, etc.

Natural Resources Police Update

- Sergeant Kelly Johnson presented the NRP Wildlife Activity Report from May 5, 2005 through June 12, 2005 **[Attachment C]**.
- The Wildlife Enforcement Fund:
  1) Former Sergeant John Williams found out that when cases went before a judge and the individual was found guilty the fine was placed into General Funds and not back to the Department of Natural Resources.
  2) Sergeant Williams advocated that the money should be avail to the Natural Resources Police for equipment that NRP would not normally have the money to purchase; for example, night vision goggles, shotgun racks, laser range finders, etc. The State cannot afford to buy such items; therefore, the Wildlife Enforcement Fund provides the revenue that allows the officers to do their jobs more effectively.
  3) The State Attorney Office would ask the judge to have the fine allocated to the "Wildlife Enforcement Fund" and it is up to the judge to decide where the money is to be assigned.
- The top job of the NRP is natural resource conservation, along with safe boating in Maryland.
- There has been no reduction of law enforcement presence on WMAs. NRP knows that there is a major problem with ATVs on WMAs. NRP are making cases on such matters.
- Homeland Security Patrols are being done based on normal patrols.
- Having Park Service Rangers as NRP, NRP can strictly focus on law enforcement activities and not civilian activities, such as maintenance and picking up trash, etc.
- Commission members requested update if the NRP notices reduction in conservation citations or warnings.
- **ACTION:** Chairman Dollar will extend a warm invitation to the leaders from MPS and NRP to address the concerns of the Wildlife Advisory Commission from an operational standpoint. Also, this could be an opportunity for the commission to learn more about the law enforcement of conservation issues in MD.

Maryland Farm Bureau Update

- Commissioner Freeland provided the Maryland Farm Bureau Update on behalf of Kurt Fuchs.
- MFB mailed a letter to the Secretary Franks supporting the proposed changes to the Montgomery Crop Damage Permits Weapons of Choice.

Wildlife Advisory Commission Roles at Public Meetings

- Chairman Dollar encouraged the members to attend the public meetings.
- Discussion ensued about the Department supporting the Commission member's attendance at these meetings.
- There was a consensus among the members in attendance to continue having the professionals conduct the meetings but have commission members attend the meetings.
- On the July agenda, plan to have a five-minute discussion, ultimately, coming to an agreement.
- Chairman Dollar will contact Commissioner Pascal to confirm his attendance for the July meeting with the above initiative.
- **ACTION:** Chairman Dollar asked the members to bring their comments about the "Wildlife Advisory Commission Roles at the Public Meetings" to the July 20, 2005 WAC meeting.

Old Business

- 2005 Wildlife Advisory Commission Working Agenda
  1) Chairman Dollar has invited Mr. Bill Miles from Maryland Legislative Caucus Foundation to attend the August 17th meeting.
  2) Have an e-mail update on Chesapeake Forest Lands (CFL) in lieu of another presentation.
- Implementation of the Balance Sheet: the Wildlife and Heritage Proposed Regulatory Change to Waterfowl Hunting Zone in the Potomac River **[Attachment D]**.
  1) Mark Hoffman handed out the Waterfowl Hunting Zone in the Potomac River Map **[Attachment E]**. Reasons for the changes:
     (a) Public Safety,
     (b) Birds are closer to shore.
  2) Staff asked for recommendations from the Commission on the proposed regulations **[Attachment D]**.
     (a) Chairman Dollar asked staff to provide the Commission applicable notice for such matters.
     (b) Chairman Dollar requested if at all possible, please forward items that require feedback from the Commission via e-mail in advance, (24 hours minimum notice).
     (c) For future recommendations, Chairman Dollar will add the subject to the "New Business" slot of the agenda to ensure a vote at the very next meeting to save time for all.
     (d) Chairman Dollar will have the Commission suggestions/recommendations to the Department by no later than Friday morning, June 17, 2005. Results are as follows **[Appendix V]**.

(i) Seven members in favor of change as written (Commissioner Dollar, Commissioner Adams, Commissioner Brown, Commissioner Julio, and Commissioner Lamp
(ii) Two members did not vote (Commissioner Pascal [absent], and Commissioner Scarborough [out-of-town])

New Business

- Bow Hunters Survey – Power Point Presentation given by Robert Colona, Furbearer Biologist **[Attachment F]**. Scent lures demonstrated no significant difference.

Adjournment

- Chairman Dollar adjourned meeting at 12:30 p.m. The next meeting will be held at 9:30 a.m. on Wednesday, July 20, 2005 in the Tawes State Office Building, C-1 Conference Room, Annapolis, Maryland.

Attendance

Members:	L. Adams, R. Brown, C. Dollar, G. Fratz, W. Freeland, L. Julio, J. Lamp
Guests:	D. Baker, R. Garrett, L. Johnson, T. Johnson
Staff:	S. Bittner, K. Blizzard, R. Colona, B. Beyer, K. Johnson, B. King, H. Lynch, S. McCoy, P. Peditto, T. Spencer
Absent:	R. Pascal, J. Scarborough C. Garner