

Bear Hunt Proposal

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Subtitle 03 WILDLIFE

Notice of Proposed Action

[04-155-P]

The Secretary of Natural Resources proposes to:

- (1) Amend Regulation **.03** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**; and
- (2) Amend Regulations **.04**, **.05**, **.11**, and **.19** and adopt new Regulation **.20** under **COMAR 08.03.04 Forest Wildlife**.

Statement of Purpose

The purpose of this action is to establish timing, criteria, and standards for a limited black bear hunting season in Garrett County and that portion of Allegany County west of Evitts Creek. The Black Bear (*Ursus americanus*) is legally classified as a "forest game mammal" in Maryland (Natural Resources Article, §10-101(e), Annotated Code of Maryland). Natural Resources Article, §10-405, Annotated Code of Maryland, specifies that the Department shall establish by regulation the open season for hunting forest game mammals. The legal criteria for season establishment is specified in natural Resources Article, §10-205, Annotated Code of Maryland, as "having a due regard for the distribution, abundance, economic value, and breeding habits of wildlife, the Secretary may adopt regulations to enlarge, extend, restrict, or prohibit hunting . . . wildlife."

Due to conservation measures over the past 50 years, Maryland's black bear population has rebounded from a small resident population. Legal protection, improved habitat conditions, and an expanding regional black bear population have all contributed to this increase. The population has now grown to the point where the Department of Natural Resources (DNR) is proposing a limited hunting season for the purpose of slowing population growth, while at the same time ensuring the long-term viability of Maryland's black bear population. The limited and highly regulated hunting season is supported by scientific analysis of the population, both in Maryland and regionally.

A. Black Bear Distribution.

Black bears are a species native to North America and are currently distributed across the continent. In the eastern United States, black bears are primarily found along the Appalachian Mountains from Georgia to Maine, and have recently expanded into eastern Ohio and Kentucky. Isolated populations also exist in Florida and several other southeastern states. In the mid-Atlantic region, black bears are found in Pennsylvania, West Virginia, Virginia, New Jersey, and Maryland.

Maryland's black bear population is a part of a regional, contiguous population that is shared with the neighboring states of Pennsylvania, Virginia, and West Virginia. Black bears in the mid-Atlantic region are not isolated, nor are Maryland bears isolated from other bears within the mid-Atlantic. Each of the mid-Atlantic States, including Maryland, marks bears with ear tags for research and monitoring purposes. Maryland tagged bears have been recovered in Pennsylvania, West Virginia, and Virginia. Likewise, bears that have been tagged in Pennsylvania, West Virginia, and Virginia have been recovered in Maryland.

As recent as March 2004, DNR trapped a nuisance black bear in Cecil County that bore Pennsylvania ear tags. This black bear was identified as a nuisance bear that had been trapped and tagged north of Philadelphia, Pennsylvania in Bucks County after killing livestock and displaying no fear of humans. Pennsylvania Game Commission personnel relocated this bear to an area north of Harrisburg, Pennsylvania, in Schuylkill County in October 2003. DNR trapped the bear, approximately 65 miles from the Pennsylvania release site, after several weeks of nuisance complaints involving a variety of marauding behaviors including trash-raiding, human safety concerns, and preying upon three domestic rabbits on two separate occasions.

In Maryland, black bears are predominantly located in the western four counties (Garrett, Allegany, Washington, and Frederick). Black bears are distributed across all of Garrett and Allegany counties, with highest densities recorded in Garrett and western Allegany County. In Washington County, bears are commonly sighted along Sideling Hill west of Hancock, the Potomac River, and along South Mountain in the eastern part of the county. In Frederick County, black bears are routinely seen in the northwestern section along the Catoctin Mountains, and along South Mountain in the southwestern part of the county.

Although black bears are occasionally sighted in other counties in Central Maryland, viable breeding populations do not exist east of Frederick County. Viable populations are determined by the presence of sows (females) and cubs, which indicates successful reproduction in an area. All sightings east of Frederick County are believed to be solitary bears. Dispersing juvenile bears will travel large distances when forced from their natal areas. Normal black bear dispersion patterns in North America have documented 2 and 3 year-old males traveling 50 — 100 miles or more in search of new territory. Sows maintain smaller home ranges than males. Research conducted in Garrett County indicates that annual home ranges of sows are approximately 13 mi². Male home ranges are substantially larger.

B. Black Bear Population Status.

In 2001, there were approximately 305,000 black bears in the United States, not including Alaska. Population densities vary across the country, but some of the densest populations are found in the eastern United States, where estimates place black bear populations as high as 92,200 bears (Black bear population estimates are taken from Hristienko, H. and J. McDonald Jr. Unpublished manuscript. "Going into the 21st Century: trends and controversies in the management of American black bears." States include: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Virginia, West Virginia, Maryland, North Carolina, South Carolina, Georgia, Florida). In the last 10 years, all states in the eastern United States that have black bears have reported expanding black bear populations within their boundaries. This has occurred despite increasing human populations in areas that are considered prime black bear habitat.

The temperate conditions, mature second growth mixed hardwood forests, and large human population in the eastern United States provide optimal conditions for black bears. Food sources, both natural and human, provide high quality, nutritious food items for bears. Black bears in the mid-Atlantic region are some of the largest ever recorded (over 800 pounds in Pennsylvania and Virginia), with sows occasionally breeding as early as 1 ½ years old (Pennsylvania, West Virginia, Maryland, New Jersey). Mature sows in this area routinely give birth to three cubs, and often have four cubs. Maryland sows average 3.0 cubs/litter. In 2004, two radio-collared sows gave birth to four cubs each. These reproductive rates are some of the highest reported in North America and are indicative of the high reproductive potential of black bears in high quality habitats.

Black bear populations in the mid-Atlantic region have expanded dramatically in the last 10 years. In 1993, there were an estimated 14,750 black bears in Maryland, Pennsylvania, West Virginia, Virginia, and New Jersey (IUCN American Black Bear Conservation Action Plan reports 1993 populations in Pennsylvania at 7,500, West Virginia 3,500, Virginia 3,250, New Jersey 300, and Maryland 200). By 2003, black bear numbers had increased to 40,450 in these states, an increase of 174 percent in 10 years (2003 Eastern Black Bear Workshop reports populations in Pennsylvania at 15,272, West Virginia 13,500, Virginia 8,000, New Jersey, 3,278, and Maryland 400). Black bears have not only increased in density in areas that have

traditionally held bears, but have also expanded into previously unoccupied habitats. This trend is expected to continue in the future as bears become more adapted to living in close proximity to humans.

Obtaining population estimates for wildlife species that have large home ranges can be challenging. Although expensive and labor-intensive, mark-recapture techniques are often utilized. Mark-recapture studies employ capturing animals, marking these animals, and then recapturing some of these same animals at a later date. The proportions of marked and unmarked animals captured during each period can then be used to generate a population estimate. DNR has conducted two mark-recapture studies since 1991 in an effort to monitor and determine Maryland's black bear population.

The first mark-recapture study was conducted in Garrett County in 1991. The purpose of this study was to estimate the size of Garrett County's black bear population. DNR trapped bears exclusively on public lands in Garrett County, and used data from previously captured bears from throughout the county. Upon examining the capture and recapture rates of trapped bears, DNR estimated that Garrett County was home to between 0 and 167 black bears, with a point estimate of 79 bears (1992 Maryland Black Bear Management Plan). Garrett County comprises 660 mi, thus an estimate of 79 black bears corresponds to a population density of 12.0 black bears /100 mi².

In 2000, DNR once again used mark-recapture to estimate the size of Maryland's black bear population. However, advances in DNA analysis technology enabled DNR wildlife biologists to more efficiently sample the black bear population with reliable results. Hair snares, consisting of a baited area surrounded by barbed wire, were distributed throughout Garrett and western Allegany counties on both public and private lands during the summer of 2000. Black bear hair samples were snagged by the barbed wire as bears approached the bait. Biologists collected the hairs and the follicles were then subjected to DNA analysis and subsequently used to identify individual bears. Only subadult and adult bears were sampled. No cubs of the year were sampled due to the height of the barbed wire. Thus, population estimates are for subadult and adult bears, which would be less than the total bear population. Mark-recapture data analysis was then used to estimate the black bear population. Based on those results, Western Maryland's subadult and adult black bear population (from Cumberland to the West Virginia line) was estimated to be between 166 and 337 bears in 2000, with a point estimate of 227 bears (27.3 bears/100 mi²). Maryland's black bear density estimate was similar to southwestern Pennsylvania's estimated density of 21.76 bears/100 mi² in Fayette, Somerset, and Westmoreland counties, which lie adjacent to Garrett County (Bittner, S.L., T.L. King and W.F. Harvey. 2002. Estimating Population Size of Maryland's Black Bears using Hair Snaring and DNA Analysis. "Proceedings of the 56th Annual Conference of the Southeastern Association of Fish and Wildlife Agencies" and correspondence with Mark Ternent, Black Bear biologist, Pennsylvania Game Commission). The specific population estimate determined in 2000 documents a 127.5 percent increase in bear numbers in Garrett County, using the average density calculated in each study. The 1991 estimate was 12.0 black bears/100 mi² vs. the 2000 estimate of 27.3 black bears/100 mi². The calculation is as follows: $(27.1 - 12.0)/12.0 = 1.275$.

Along with Garrett and western Allegany County, DNR has received numerous reports of bears in other areas of western Maryland that lie east of Cumberland. These reports, many of which have been confirmed, verify there is, and has been for many years, a viable, reproducing bear population east of Cumberland. Based on these reports, DNR estimated that there were an additional 100 bears east of Cumberland. As a result, Maryland's bear population was conservatively estimated to be between 266 and 437 animals in the summer of 2000.

Besides mark-recapture, DNR has also used a scent station survey to track the black bear population since 1993. In 2003, Arkansas, North Carolina, Georgia, and Great Smokey Mountains National Park used scent station surveys to monitor their respective black bear populations, as reported in the 2003 Eastern Black Bear Workshop. Some of these surveys have been conducted since 1983. Commonly used for black bears in the southeast, this population monitoring technique does not provide an annual population estimate, but it does provide long-term trend information. The survey utilizes bait stations in occupied bear habitat, and documents black bear visitation rates at these bait stations. An increasing visitation rate is indicative of an

increasing black bear population, while a decreasing visitation rate is indicative of a declining black bear population.

In the Garrett and Allegany County scent station surveys, the visitation rate at bait stations has increased from 3.1 percent in 1993 (the first year the survey was conducted) to 35.1 percent in 2003. In Garrett County, the visitation rate increased from 3.9 percent in 1993 to 50.7 percent in 2003, an increase of 1,484 percent. When comparing only the survey routes that were conducted in both 1993 and 2003, visitation rates on these routes have shown an increase from 3.1 percent in 1993 to 44.7 percent in 2003, an increase of 1,342 percent. The overall visitation rate reveals an increasing trend in western Maryland's black bear population.

C. Black Bear Management.

(1) The need to slow the growth of the black bear population.

The Department of Natural Resources is proposing to allow black bear hunting in Garrett County and that part of Allegany County that lies west of Evitts Creek. DNR's objective with this hunting season is to slow the growth of Maryland's black bear population in the hunted area in order to stabilize the black bear population at a level compatible with land use goals and acceptable social limits (i.e., cultural carrying capacity ["CCC"]).

CCC is the maximum number of bears in an area that is acceptable to the human population. The CCC is a function of human tolerance to bears and the benefits people derive from bears. It is different for each constituency, location and point in time. Development of bear population management objectives to meet the CCC are subjective and involve a combination of social, economic, political, and biological perspectives (Virginia Department of Game and Inland Fisheries. 2002. Virginia Black bear management plan).

The CCC may vary locally within a given region of the State, and black bear management therefore considers local and regional factors affecting the CCC. The Department will determine the CCC for black bears by periodic survey and by other means, including a study, on a Statewide basis, of public attitudes toward bear management. While this study will not be completed until August, the evidence shows now that in the proposed hunted area for this "constituency, location, and point in time" the CCC has been reached.

From a biological perspective, during the past decade western Maryland has witnessed a 127.5 percent increase in the bear population. As noted previously, in Garrett County, the population density has gone from 12.0 black bears/100 mi.² in 1991 to 27.3 black bears/100 mi.² in 2000. The population per square mile meets or exceeds bear population levels at which neighboring states, such as southwestern Pennsylvania (21.7 bears/100mi.²), begin to reduce bear populations. Maryland's highest density of black bears is in Garrett and western Allegany counties, and based upon local and regional data, bear populations in this area are expected to continue to grow.

Economically, total reported annual bear damage to agricultural commodities since 1996 has ranged from \$10,389 to \$50,523 in 2003. The actual cost is underreported because the Black Bear Conservation Stamp program has never generated enough funds to fully reimburse farmers for bear related agricultural damage: the program has raised only between 9.4 percent and 57.1 percent of the total costs of agricultural loss, and annual payments have ranged between 12.5 percent and 70 percent of total claims. Empirical evidence points to increased social and political concerns in the hunted area. According to the U.S. Census Bureau, human population in Garrett County increased by 6.1 percent from 1990 to 2000. With the growing black bear population, there is increasing human/bear interaction. In 1984, DNR received eight bear nuisance complaints; in 2002, there were 364 bear complaints, including reports of bears in trash and birdfeeders, bears sighted in trees near residences, and other episodes of human-bear contact. In 1998 there were 11

collisions between automobiles and black bears; in 2003, there were 38. While bears have not attacked humans, they are feared as threats to children and pets.

Thus, having a due regard for the distribution and abundance of breeding habits of black bears in the hunted area (per Natural Resources Article §10-205(a), Annotated Code of Maryland), the Department has determined that there is a need to stabilize the bear population in that area. In the Mid-Atlantic States, it is believed that a 25 percent annual mortality rate within the black bear population will lead to stabilized populations. Based on DNR's 1991 and 2000 population estimates, the black bear population within the proposed hunting area has increased an average of 14 percent annually from 1991 to 2000. If this same rate of growth continued through 2003, the estimated population within the proposed hunting area in 2003 was 336 black bears (using a 14 percent growth rate in the subadult and adult bear population, population estimates would be 227 in 2000, 259 in 2001, 295 in 2002, and 336 in 2003). A 25 percent mortality rate in western Maryland would be 84 black bears.

However, for the 2004 and 2005 hunting seasons, the Department's goal is to achieve an annual mortality rate of approximately 20 percent of the population in the proposed hunting area. The Department is using the 2 percent mortality rate in order to take a more conservative approach.

The difference between the DNR's goal of a 20 percent annual mortality rate and the known black bear mortality rate is the targeted harvest rate. From 2000 — 2003, annual known black bear mortality in the proposed hunting area has averaged approximately 11 percent of the estimated subadult and adult population. In 2000, 2001, 2002, and 2003, known black bear mortalities in the proposed hunting area were 23, 33, 27 and 48 respectively, averaging 33 bears/year. Known mortality rates are then 10.1 percent (23/227) in 2000, 12.7 percent (33/259) in 2001, 9.2 percent (27/295) in 2002, and 14.3 percent (48/336) in 2003, for an average 4-year known mortality rate of 11.6 percent.

Thus, the Department's 2004 targeted harvest rate is 8.4 percent (20 percent annual mortality rate goal - 11.6 percent known mortality rate) of the black bear population in the hunted area, or approximately 30 bears. This level of harvest is necessary in order to slow the growth of, and to stabilize, the bear population. For the 2005 season, the Department will consider the CCC, the 2004 harvest, the black bear population estimate, and the known black bear mortality rate in determining the appropriate harvest level.

(2) The means for slowing the growth of the black bear population.

The use of a highly regulated, limited black bear hunt is the most effective management option Maryland has to control its growing black bear population. All Mid-Atlantic States except Maryland, and most of the states in the eastern United States that have black bears, employ regulated bear hunting as a means to control their black bear population. In 2003, hunters reported killing 6,846 black bears during regulated bear hunting seasons in the Mid-Atlantic States (reported harvest for Pennsylvania 3,000, West Virginia 1,708, Virginia 1,510, and New Jersey 328). Population estimates in these states were 40,450 black bears in 2003. Other management techniques are available, but they do not result in population reduction. Education and aversive conditioning can be used to minimize bear-human conflicts, but these do not result in reduced black bear populations. DNR has been conducting a multitude of educational efforts in an attempt to raise human tolerance for black bears. Aversive conditioning is a technique whereby nuisance bears are trapped and conditioned with a variety of methods in an effort to change specific black bear behavior. It is used throughout western Maryland, and has promise in some specific nuisance situations. Chronic nuisance black bears that do not respond to aversive conditioning then become candidates for euthanasia. DNR expends more than \$100,000 annually in staff time and equipment to educate citizens and to mitigate bear nuisance complaints. Relocation of nuisance bears may resolve a particular problem, but also result in additional nuisance problems in the area where the bear has been relocated. Black bears must be relocated at least 100 miles from the capture sight to prevent them from returning. Often, mortality rates are high for relocated bears, as they are unfamiliar with the surrounding landscape.

One reason the legal status of Maryland's black bear was changed from a nongame species to a forest game species in 1985 was to enable implementation of a hunting season as a management tool to control the population (1992 Maryland Black Bear Management Plan). Maryland's Black Bear Management Plan, both in 1992 and 2004, listed a regulated black bear hunt as one objective of the plan. Both plans identify regulated hunting as a means to manage the bear population at desirable levels.

All persons desiring to hunt black bears will be required to first obtain a Black Bear hunting permit from the Department before they pursue bears during the designated bear-hunting season. These permits will be allocated randomly among qualified applicants. As a condition of the permit, the Department will require all active bear hunters to call a central number daily to determine if the hunt will continue each subsequent day in order to assure that the targeted mortality rate is not significantly exceeded. Once the desired harvest objective is reached, the Department will close the bear hunt season for the year.

The Department is proposing to permit black bears to be killed with any device that is legal for killing deer. Deer are a large game animal, and the same ballistics required for killing deer would apply for killing black bears. The hunting implements proposed for use in Maryland are standard implements used across North America for hunting black bears.

Additional regulatory proposals include prohibiting the hunting of black bears over bait or using scent attractants and electronic calls. The use of bait or scent attractants, although effective in assisting hunters to kill bears, can cause bears to become acclimated to certain attractants. The Department desires to not have bears become more acclimated to these types of attractants in order to minimize future bear-human conflicts.

Hunting with the use of dogs will not be permitted, except that the use of dogs will be permitted in order to assist hunters with recovering injured or dead bears. Some bears may travel into dense cover after being shot and the use of bear tracking dogs will aid in the recovery of these bears.

A person who obtains a permit may designate a subpermittee and a landowner subpermittee to participate with the permittee in the hunt. Unarmed individuals may escort hunters into and out of hunting areas, and may also assist hunters in the retrieval of dead bears. It is anticipated that some bears in excess of 300 pounds will be killed, and it will take more than one individual to remove the bear carcass from the kill site. Hunters will be able to quarter the bear to facilitate removal if they so desire, but the head and hide must remain attached to each other. The entire carcass must be taken on the day of kill to a designated bear checking station for official check-in purposes. It is possible that a hunter may not be able to travel to a check-in station by 8 p.m. of the day of kill, and the Department will provide a mechanism so these hunters can legally check in their bears on the following day.

D. Public Input.

DNR has solicited public input on black bear management in Maryland on numerous occasions over the past decade. Most recently, these specific proposals were considered at a special meeting in Frostburg, Maryland, on March 10, 2004, and at a series of four regional meetings on proposed 2004 — 2006 hunting seasons, held March 22 — 31, 2004. DNR's proposals were adjusted, in part, based on comments received at these meetings. Additionally, DNR has solicited input on its Black Bear Management Plan and the Black Bear Management Task Force solicited public input. The Wildlife Advisory Commission at their April 21, 2004 meeting approved this proposal.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will provide for black bear hunting opportunities in Garrett and part of Allegany Counties.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)	\$150,000
	(E+)	\$23,951
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	(+)	Undeterminable
F. Direct and indirect effects on public:	(-)	\$150,000

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. DNR plans on charging a fee for applicants desiring to participate in the selection process for black bear hunting permits. We estimate the application fee will be \$15 and there will be approximately 10,000 applicants for the estimated 200 permits. Additionally, applicants will be required to possess a valid Maryland hunting license prior to application. We project that some individuals, who might not have otherwise purchased a license, will do so in order to apply for a bear hunting permit, however the number of individuals who would do so is unknown.

The proposed action will also result in additional Departmental staff time being devoted to managing the proposed bear-hunting season. Overall management and administration of the process will take approximately 2 weeks for the supervisory game mammal biologist (\$271/day) and 3 weeks for the bear biologist (\$231/day), totaling \$6,175.

Biologists and technicians will be required to operate several bear check-in stations in order to properly check-in bears and collect necessary biological data. Assuming the hunt runs its full 12-day proposed length, this would equate to 36 staff days (three staff per check station, two Natural Resources technicians at \$221/day and one Natural Resources biologist at \$231/day) for a total cost of \$8,076.

There will also be administrative costs associated with processing permit applications. We estimate these at 97 cents per permit application (37 cent stamp, 10-cent letter/envelope, and 50 cents for staff time to process), totaling \$9,700.

No additional staff will be hired to administer the bear hunt, thus current staff will absorb these new duties as part of their normal job functions.

E. This will result in increased expenditures by hunters for travel and lodging. Bear will be harvested in these counties, resulting in less agricultural damage and a potential reduction in bear-vehicle collisions. The magnitude of these effects is undeterminable.

F. The public will be applying for and paying the application fee.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows. It is anticipated that there may be a decrease in the amount of bear related damage that occurs to agricultural crops. However, crop losses are often influenced by the availability of natural foods such as acorns. In 2003, there was an estimated \$50,523 in agricultural crop damage from bears in the proposed area. It is anticipated that hunters will kill some black bears that cause such damage, but it is unrealistic to estimate the economic impacts of killing some of these marauding bears. Through the allocation of "private land only" and "private or public land" bear-hunting permits, DNR will focus hunting pressure on private land in an attempt to alleviate black bear damage to crops.

Businesses that cater to the hunters would also experience an increase in revenues from sales of bear-hunting related items. Hunters will buy fuel and food, and some will also pay for lodging within the hunting area. In 2001, the average Maryland big game hunter spent \$529 on fuel, food, lodging, and equipment.

Opportunity for Public Comment

Comments may be sent to Robert Beyer, Wildlife and Heritage Service, Tawes State Office Building, E-1, 580 Taylor Avenue, Annapolis, MD 21401, or call (410) 260-8540, or fax to (410) 260-8596, or email to customerservice@dnr.state.md.us . Comments must be received by July 12, 2004.

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §§10-205 and 10-405,
Annotated Code of Maryland

.03 Forest Game.

A. — E. (text unchanged)

Species	Open Season	Location	Bag Limits	Possession Limit
F. Black bear	[Closed season] October 25, 2004 — October 30, 2004 October 24, 2005 — October 29, 2005 December 6, 2004 — December 11, 2004 December 5, 2005 — December 10, 2005	Garrett County and Allegany County West of Evitts Creek	1 per season, subject to COMAR 08.03.04.20F	1 per season, subject to COMAR 08.03.04.20F

08.03.04 Forest Wildlife

Authority: Natural Resources Article, §§10-205, 10-405, and 10-408,
Annotated Code of Maryland

.04 Devices for Hunting Forest Game.

A person may hunt forest game with a bow and arrow, a rifle, or any other means not prohibited by these regulations. A person may not hunt forest game, except deer *or black bear*, with any automatic loading or hand-operated repeating shotgun capable of holding more than three shells, unless the magazine is cut off or plugged with a solid, one-piece filler which cannot be removed from the loading end, so that the gun cannot hold more than three shells in the magazine and chamber combined.

.05 Devices for Hunting Deer and Black Bear.

A. Bow and Arrow.

(1) Vertical Bow.

(a) An individual may use a vertical (recurve, compound, or straight limb) bow and arrow to hunt deer *and black bear* during all legal deer *and black bear* hunting seasons.

(b) A deer *or black bear* taken with a vertical bow shall count towards the respective season's bag limits.

(c) A vertical bow used for deer *and black bear* hunting shall:

(i) — (iii) (text unchanged)

(d) (text unchanged)

(2) Crossbow.

(a) An individual may use a crossbow and arrow to hunt deer *and black bear* during the:

(i) (text unchanged)

(ii) Deer muzzleloader season; [or]

(iii) That portion of the deer bow season occurring October 1 through October 15 and January 15 through January 31 [.] ; *or*

(iv) Black bear season.

(b) (text unchanged)

(c) A deer *or black bear* taken with a crossbow counts towards the respective season's bag limits.

(d) A crossbow used for deer *and black bear* hunting shall:

(i) — (iii) (text unchanged)

(e) — (f) (text unchanged)

(3) (text unchanged)

B. Firearms.

(1) An individual may hunt deer *and black bear* only with the firearms in §B(2) — (5) of this regulation, subject to the restrictions provided in §§C and D of this regulation.

(2) — (6) (text unchanged)

C. — F. (text unchanged)

.11 Hunting Wild Turkeys *and Black Bear Over Bait.*

A. Definitions.

(1) "Baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing wild turkeys *or black bears* is directly or indirectly placed, exposed, deposited, distributed, or scattered. An area is considered a baited area for 10 days following complete removal of all corn, wheat or other grain, salt, or other feed.

(2) "Baiting" means the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for wild turkeys *or black bears* a lure, attraction, or enticement to, on, or over any areas where hunters are attempting to take wild turkeys *or black bears*.

B. A person may not take or attempt to take wild turkeys *or black bears*:

(1) — (2) (text unchanged)

C. This regulation does not prohibit the taking of wild turkeys *or black bear* on or over:

(1) — (2) (text unchanged)

.19 Use of Dogs for Tracking Deer *and Black Bear.*

A. [Under Natural Resources Article, §10-416(b), Annotated Code of Maryland, it] *It is unlawful to use dogs for locating dead, wounded, or injured deer or black bear except, if an individual legally hunting deer or black bear has killed, wounded, or injured a deer or black bear, or reasonably believes the individual has killed, wounded, or injured a deer or black bear, the individual may either personally, or by engaging a dog handler, use a dog to track and recover the killed, wounded or injured deer or black bear.*

B. The act of tracking a dead, wounded, or injured deer *or black bear*, with a dog, is considered to be hunting as defined by Natural Resources Article, §10-101(j), Annotated Code of Maryland, and is subject to all applicable laws, regulations, and conditions.

C. No person other than the hunter or the dog handler may carry a firearm or bow of any description while tracking dead, wounded, or injured deer *or black bear* under this regulation.

D. The hunter or the dog handler may kill a wounded or injured deer *or black bear* only if done in accordance with the laws, regulations, or other conditions for deer *or black bear* hunting at that time. The

deer or black bear shall count toward the bag limit or quota of the hunter who first killed, wounded, or injured the deer or black bear.

E. Before tracking a dead, wounded, or injured deer or black bear, the hunter shall notify, by telephone or in person, the Natural Resources Police regional office. If the nearest regional office of the Natural Resources Police is unavailable, the hunter may notify the Department of Natural Resources Communication Center. The hunter shall provide information as to:

- (1) Where the deer or black bear was killed, wounded, or injured;
- (2) (text unchanged)
- (3) The general location of the dead, wounded, or injured deer or black bear;
- (4) (text unchanged)

F. (text unchanged)

G. The hunter shall obtain permission of the landowner or land manager before tracking deer or black bear with dogs as provided in this regulation.

.20 Black Bear Hunting.

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

B. Terms Defined.

(1) "Annual mortality rate" means the estimated percent of the black bear population in the hunted area that is known to have died as a result of natural death, accidents, hunting, or other causes.

(2) "Hunted area" means Garrett County and that portion of Allegany County west of Evitts Creek.

(3) "Known mortality rate" means the estimated percent of the black bear population in the hunted area that is known to have died as a result of natural death, accidents, or other nonhunting related causes.

(4) "Permittee" means a person who has been issued a permit to hunt black bears by the Service.

(5) "Landowner subpermittee" means a person designated by the permittee to participate with the permittee in hunting black bears on the landowner's land.

(6) "Subpermittee" means a person designated by the permittee to participate with the permittee in hunting black bears.

(7) "Targeted harvest rate" means the difference between the Department's goal for the annual mortality rate and the known mortality rate.

C. A person may hunt black bears in accordance with COMAR 08.03.03.03F after meeting the conditions listed in §§D — N of this regulation.

D. Permit Required.

(1) A person may not hunt or participate in a hunt for black bears in Maryland without having first obtained a black bear hunting permit from the Service.

(2) A person that assists with the removal of a dead bear or escorts hunters into or out of a bear hunting area:

(a) Is not required to possess a bear hunting permit; and

(b) Shall be unarmed.

(3) A black bear hunting permit is valid only in the areas indicated on the face of the permit.

E. Subpermittee Requirements.

(1) A subpermittee may hunt black bears only when the permittee is hunting black bears.

(2) A permittee and any subpermittee shall maintain visual contact with one another while hunting black bears.

F. Targeted Harvest Rate.

(1) Prior to the beginning of a hunting season, the Service will determine the targeted harvest rate for the season.

(2) The Service will issue the number of permits estimated to be required to meet the targeted harvest rate for the season.

(3) The Director of the Service shall close the season upon a determination that the targeted harvest rate has been reached.

G. The use of dogs to hunt black bears is prohibited, except as provided in Regulation .19 of this chapter.

H. The use of scent attractants or electronic calls is prohibited for black bear hunting.

I. Any person killing a black bear shall attach the black bear field tag to the carcass of the black bear before removing the carcass from the place of the kill.

J. All black bears shall be field dressed at the kill site. Proof of sex shall remain attached to the bear carcass.

K. A black bear may be quartered or separated into pieces to facilitate retrieval. However, the head and hide shall remain attached to each other and proof of sex shall remain attached to one hindquarter.

L. Except as provided in §M of this regulation, a person killing a black bear shall report to an official designated black bear checking station with the entire carcass of the black bear by 8 p.m. of the day of kill. At this time, the tag previously attached on the carcass shall be exchanged for an official black bear possession tag provided by the Service and securely attached to the carcass.

M. If a person kills a bear and cannot reach a designated black bear checking station by 8 p.m. of the day of kill, the person shall contact the appropriate Service office by 8 p.m. on the day of the kill to report the kill. The person shall then have 24 hours to report with the black bear carcass to a designated black bear checking station.

N. All successful black bear hunters shall forfeit any biological data or specimens that the Service considers necessary to properly manage this species.

O. Any violation of the terms and conditions of the black bear hunting permit is a violation of this regulation.

C. RONALD FRANKS
Secretary of Natural Resources