



THE HUMANE SOCIETY OF THE UNITED STATES

OFFICERS

David O. Wiebers, M.D.
Chair of the Board

Anita W. Coupe, Esq.
Vice Chair of the Board

Walter J. Stewart, Esq.
Board Treasurer

Wayne Pacelle
President & CEO

G. Thomas Waite III
Treasurer & CFO

Roger A. Kindler, Esq.
General Counsel & CLO

Janet D. Frake
Secretary

Andrew N. Rowan, Ph.D.
*Executive Vice President
Operations*

Michael Markarian
*Executive Vice President
External Affairs*

STAFF VICE PRESIDENTS

John Balzar
*Senior Vice President
Communications*

Patricia A. Forkan
*Senior Vice President
External Affairs International*

John W. Grandy, Ph.D.
*Senior Vice President
Wildlife & Habitat Protection*

Holly Hazard
Chief Innovations Officer

Heidi Prescott
*Senior Vice President
Campaigns*

Katherine B. Liscomb
*Administration &
Animal Care Centers*

Richard M. Clugston, Ph.D.
Higher Education

Geoffrey L. Handy
*Media and Online
Communications*

Jonathan R. Loworn, Esq.
Animal Protection Litigation

Kathleen C. Milani
Investigations and Video

Miyun Park
Farm Animal Welfare

Nancy Perry, Esq.
Government Affairs

Steve Putnam
*Business Development &
Corporate Relations*

Robert G. Roop, Ph.D., SPHR
*Human Resources &
Education Programs*

Melissa Seide Rubin, Esq.
Field & Disaster Services

John M. Snyder
Companion Animals

Martin L. Stephens, Ph.D.
Animal Research Issues

DIRECTORS

Leslie Lee Alexander, Esq.

Patricia Mares Asip

Peter A. Bender

Barbara S. Brack

Anita W. Coupe, Esq.

Neill B. Fang, Esq., C.P.A.

Judi Friedman

David John Jhirad, Ph.D.

Jennifer Leaning, M.D., S.M.H.

Kathleen M. Linehan, Esq.

William F. Mancuso

Mary I. Max

Patrick L. McDonnell

Gil Michaels

Judy Ney

Judy J. Peil

Marian G. Probst

Joshua S. Reichert, Ph.D.

Jeffery O. Rose

James D. Ross, Esq.

Marilyn G. Seyler

Walter J. Stewart, Esq.

John E. Taft

Andrew Weinstein

Persia White

David O. Wiebers, M.D.

May 14, 2009

John R. Griffin, Secretary of Natural Resources
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401-2397

Dear Secretary Griffin:

Thank you for inviting our participation on the Maryland's Mute Swan Advisory Committee. We are pleased to have participated and believe our participation will have been critical to public understanding of the plight of mute swans. Nonetheless, the process that was followed, and composition of the Advisory Committee, rendered the Majority "decision" a foregone conclusion while DNR's undivulged and barbaric swan killing, even as the advisory committee was meeting, rendered the whole process disingenuous, unseemly and unfair.

From the outset, we were seriously concerned that apart from Dr. Lamp (citizen representative on the Maryland Wildlife Commission), and arguably Dr. Grandy (with The Humane Society of the United States), there was virtually no representation from the State of Maryland's generalized citizenry: people who simply appreciate the majesty and stoic dignity of mute swans, just for the beauty and life they represent. By contrast, there were numerous participants representing wildlife management/hunter oriented agencies, and individuals who had previously taken positions in favor of killing mute swans. Nowhere was there balancing participation from the hundreds of thousands of Maryland citizens that see and appreciate the beauty of mute swans on the Bay. Indeed, our worst fears were confirmed when, at the second meeting of the Advisory Committee, Md. DNR, as chair of the meeting, abandoned any neutrality and announced that it would cast the first vote in favor of reducing the swan population to "as few swans as possible". That position, of course, continued to be forcefully articulated through the third and final meeting as well.

As you know, Mr. Secretary, that position on behalf of Md. DNR represents a reversal of the position that you, Eric Schwaab and then Deputy Secretary Mike Slattery articulated to Michael Markarian and Dr. Grandy in a meeting in your office shortly after the beginning of the O'Malley Administration. Indeed, at that time Mr. Markarian and Dr. Grandy were told that mute swans would not be reduced below about 500 and that at such time, you would end population reduction and devise a new management strategy. The current DNR position is also a major departure from Md. DNR's stated intentions when the agency began killing mute swans in 2003 – to reduce the population to "negligible" levels (then defined as about 500). For all these reasons, and the integrity of the Advisory Committee process, we have been shocked by DNR's recent admission that it has been aggressively killing Maryland's remaining swans while the Advisory

Celebrating Animals, Confronting Cruelty

Committee was in session, and without even telling the Advisory Committee. In fact, more than 20 percent of Maryland's remaining swans (at least 125) have been killed since just March 2009.

Moreover, the callous and brutal treatment that these magnificent swans receive at the hands of Md. DNR is simply appalling to the humanely conscious public. Swans are shot on or in the vicinity of their nests and in front their mate; if run down and captured in the marsh, they are killed as their neck vertebrae are "crushed and separated" with a bolt cutter like implement. (This process is called "cervical dislocation" by DNR officials).

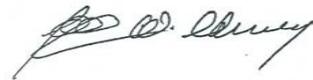
It is important to note that DNR's callous and sustained persecution of mute swans is attracting worldwide attention. Citizens of Maryland have joined together with others to protest this unnecessary slaughter and their opinions must be considered (see for example www.savemuteswans.org). Moreover, highly acclaimed and widely respected citizens are taking up the cause of mute swans. Indeed, philanthropist and humanitarian Montel Williams, born and raised in Maryland and a United States Naval Academy graduate, has sent a letter to the governor asking him to end the slaughter. His conclusion is like ours. This tragedy should end, here and now.

Mute swans are a beautiful, engaging and captivating part of the Chesapeake Bay. They have been in this country at least since the 1800's and may have been here in small numbers before Caucasians arrived from Europe. They are a naturalized, integral and beautiful part of the modern Chesapeake Bay ecosystem—one that should be treasured and maintained for the enjoyment of citizens and the vibrant life they represent. For these reasons and all of those in the Minority Report that follows, we categorically reject the Md. DNR / Majority Approach to mute swan management and urge that you and the Governor adopt the Impact Based Management Approach articulated in the attached Minority Report.

Respectfully Submitted,



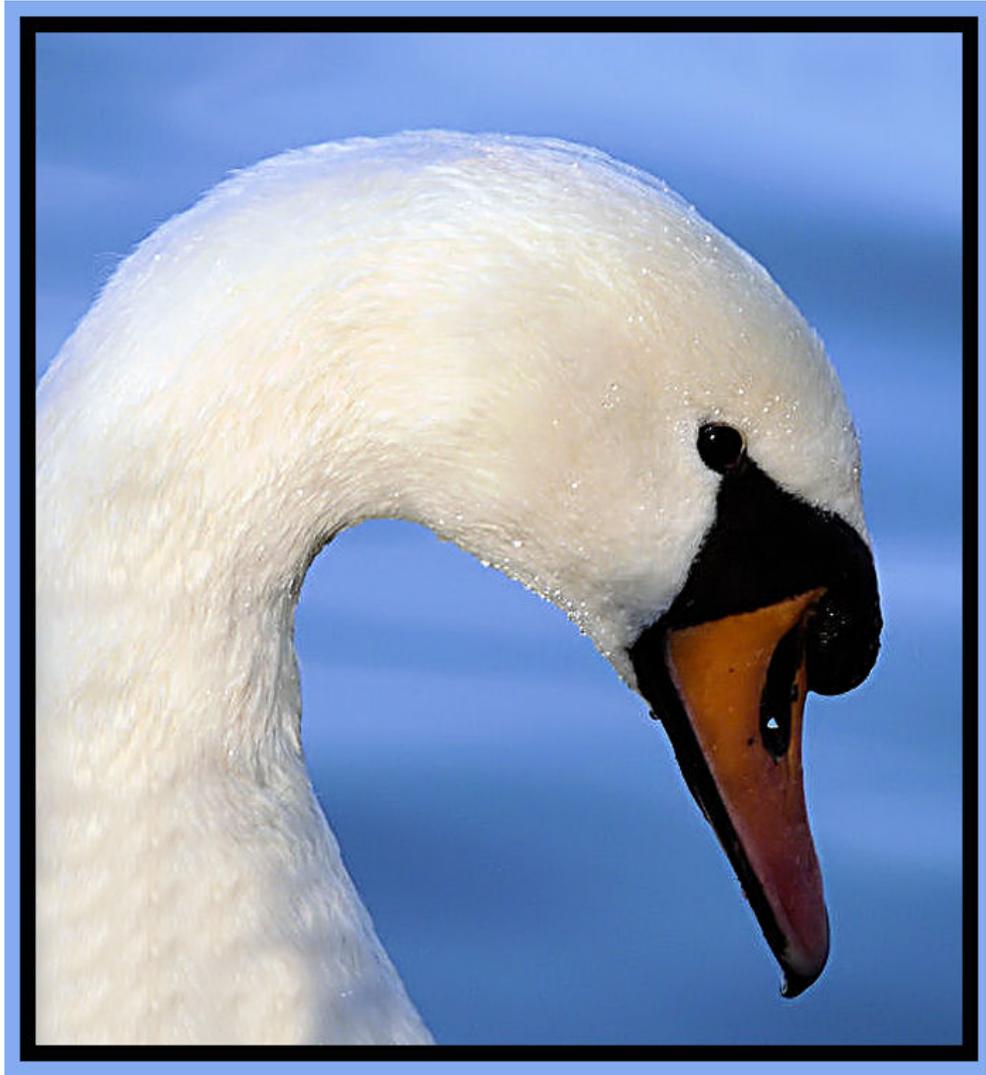
Dr. E. Joseph Lamp



John W. Grandy, Ph.D.

**Maryland Department of Natural Resources (Md. DNR) Mute Swan Advisory Committee
Minority Approach for Mute Swan (*Cygnus olor*) Management Programs
on the Chesapeake Bay**

May 13, 2009



By

John W. Grandy, Ph.D., The Humane Society of the United States (HSUS)
E. Joseph Lamp, Ph.D., Maryland Wildlife Advisory Commission

Rejection of the Majority Approach

Mute Swans (*Cygnus olor*) are a beautiful, engaging and captivating part of the Chesapeake Bay. They have been in this country since at least the 1800's and may have been here in small numbers before Caucasians arrived from Europe. They are a naturalized species and have become an integral and beautiful part of the current Chesapeake Bay ecosystem—one that should be treasured and maintained for the enjoyment of citizens and the vibrant life they represent.

With this as predicate, we categorically reject the Maryland Department of Natural Resources (Md.DNR) / Majority Approach to mute swan management – the stated goal of which is to reduce the population to “as few as possible,” in essence, annihilating all Mute Swans on public lands and waters of Maryland’s Chesapeake Bay. This is a major departure from Md. DNR’s stated intentions when the agency began killing Mute Swans in 2003 – to reduce the population to “negligible” levels.

As members of the Minority, we agreed to participate in this Advisory Committee with the understanding that Maryland, having killed more than 4,000 mute swans over the last 5 years, would

- a) honor its previous commitment to stop killing swans when the estimated population is environmentally “negligible” – at approximately 500 according the April 2003 plan.
- b) explore and implement better—more compassionate—methods for managing the remaining swans in the future.

Much to our dismay, we discovered during the course of the Advisory Committee meetings that Md. DNR wants to extirpate swans from the Chesapeake Bay and intends to continue to blame Mute Swans for loss of aquatic vegetation and several imperiled species in the Chesapeake Bay. And the Majority (report) has apparently adopted the DNR view. However, the facts belie the DNR approach. Thousands upon thousands of boats with their motors and rudders destroy aquatic vegetation with impunity. Turbidity and pollutants have teamed up to cause huge dead zones in the Bay where virtually nothing lives. Five hundred million pounds of pollutants are dumped into the Bay each year. **This is 1 million pounds of pollutants per swan per year!**

Yet in spite of this, Md. DNR continues to devote precious time and tax dollars to killing Mute Swans, without reference to alleged damage, in the name protecting the Bay. There is just no credibility in such a position. We urge the Secretary of Natural Resources and the Governor to adopt a sensible, compassionate approach to helping swans and the Bay.

The Proposed Minority Approach

1. The Minority Approach is Preferable from a Biological and Humanitarian Perspective.

After two meetings of the Mute Swan Advisory Committee, Dr. Joe Lamp, the citizen representative on the Maryland Wildlife Advisory Commission, developed and presented a proposal on behalf of hundreds of thousands of Maryland residents and other citizens who care deeply about the fate of Mute Swans in the Chesapeake Bay. This proposal was designed to provide a mutually beneficial solution that both addressed concerns that some committee members had regarding the alleged significant negative impacts Mute Swans may pose in isolated situations in the Bay, while ensuring that these majestic birds would remain in Maryland waters for future generations to enjoy and treasure.

Dr. Lamp proposed that the Mute Swan Advisory Committee recommend that the Secretary, through Md. DNR, implement the following actions to manage the mute swan population in Maryland:

- Impose an immediate moratorium on the lethal control of Mute Swans.
- Require the DNR (with the following as guidelines) to:
 - 1) Use non-lethal humane controls to manage the current mute swan population
 - 2) Refrain from lethal control of Mute Swans in the future, unless significant negative impacts are found which cannot be eliminated through non-lethal methods.
 - 3) Cooperate with willing organizations to implement nonlethal humane control programs (to retard population growth or resolve conflicts).

*According to the statewide management plan (April 14, 2003), when the state's mute swan population was around 500, negative impacts were "negligible."

- Require the DNR to:
 - 1) Demonstrate what, if any, impact killing Mute Swans has had on SAV loss
 - 2) Compare SAV loss by Mute Swans to major SAV loss causes (pollution)

This proposal, which came to be known as the **Impact Based Management Approach**, has the benefit of meeting the public's desire to allow these magnificent birds to grace and beautify the Chesapeake Bay while allowing Md. DNR to control any significant negative impacts attributed to swans. This approach also has the advantage of involving public interest organizations in bringing their expertise to bear in advising on and conducting non-lethal control activities. It is important to note that at the current population (~450), no one is suggesting that swans are causing anything other than negligible impacts, and the strong likelihood is that any negative impacts that are encountered in the foreseeable future can easily be handled through humane non-lethal techniques.

2. Mute swans are not a major cause of vegetation loss in the Bay.

Submerged aquatic vegetation (bay grasses or SAV) is rooted or floating vegetation which grows beneath the water surface and serves as a critical source of food and shelter for waterfowl, fish, crustaceans and mollusks in the Bay. Without question, the loss of aquatic vegetation is a serious problem in the Chesapeake Bay. Current estimates of submerged vegetation coverage in the Bay are about 35,000 hectares or about 10 - 15% of levels just 50 to 60 years ago (350,000 – 233,333 hectare). The major causes of loss of submerged bay grasses are poultry farms, turbidity from erosion and sediment disturbance, and sewage treatment plants pumping 500 million pounds of pollutants into the Bay each year.

In addition to water pollution, turbidity caused by boat propellers and wakes and physical damage to aquatic vegetation from boats are also major factors contributing to the loss of SAV in the Bay. All of the aforementioned anthropogenic activities have collectively led to the creation of a huge, 25-square-mile “dead zone” in the Bay that blocks sunlight and kills SAV.

Against this backdrop of negative factors affecting the Bay and aquatic vegetation, it is simply preposterous for Md. DNR to allege that a few hundred Mute Swans have any measurable negative impact on aquatic vegetation in the Bay. Mute Swans eat some SAV, but they are in no way a threat to the health of Bay ecosystems. The Bay has always been host to huge populations of various species of waterfowl including geese, swans, and ducks, all of which eat SAV.

For example, the Bay holds significant populations of Canada Geese (*Branta canadensis*), Brant (*Branta bernicla*), Snow Geese (*Chen caerulescens*), Tundra Swans (*Cygnus columbianus*), Widgeons (*Anas americana*), Gadwalls (*Anas strepera*), Ruddy Ducks (*Oxyura jamaicensis*), Buffleheads (*Bucephala albeola*), Canvasbacks (*Aythya valisineria*), Scaup (*Aythya affinis*), Shovelers (*Anas clypeata*), Black Ducks (*Anas rubripes*), and Mallards (*Anas platyrhynchos*), all of which have larger populations than Mute Swans and all of which eat aquatic vegetation. The fact is that while aquatic vegetation in the Bay is clearly not capable of thriving in a turbid, polluted environment, it is fully adapted to being consumed by and thriving with all of the aforementioned waterfowl in addition to Mute Swans.

3. Mute Swans do not pose a threat to rare species and their defense of their nests is manageable.

Mute Swans simply live their lives and use their instincts to protect their mates and their nesting territories. They are well known for being territorial during breeding season, and will occasionally defend their territory against incursion from other large waterfowl including other Mute Swans. Male swans will sometimes even adopt defensive postures against people or boats if they feel threatened, but at the population of 500 or even a few thousand swans, the impact of such nest defense behavior is negligible.

The suggestion that mute swans harm rare species stems from a few reports that swans (with their big feet) walk on the nests of Least Terns (*Sternula antillarum*) and Black Skimmers (*Rhynchops niger*). Frankly, to even consider these incidents as serious complaints against Mute

Swans is scientifically questionable, as there is no suggestion that such events are widespread or common. At one level, it is obvious that these complaints are just rare instances: They don't rise beyond the level of "make weight" arguments that the Majority has used to justify eliminating all swans. At another level, these arguments can be seen as just another example of making swans the scapegoats. Swans are not responsible for the reduction in terns and skimmers in the Chesapeake Bay; people are, through pollution, marsh destruction and destruction of nesting island habitat. Now swans, in addition to being scapegoats for the damage that pollution causes the Chesapeake Bay, are being made scapegoats for the inability of managers to preserve viable populations of these beleaguered species and their habitats.

4. Mute Swans are a naturalized functioning part of the Chesapeake Bay ecosystem, and should be humanely managed for enjoyment of the people of Maryland

Whether or not mute swans are native to North America hardly matters. They are a naturalized functioning and delightfully beautiful part of the Chesapeake Bay. The truth is that the origin of Mute Swans is unclear but if they are in fact non-native, they have been in this country since at least the late 1800's. Indeed, they may have been here in small pockets even before Caucasians arrived on these shores. Regardless, however, it is certainly true that they are today a naturalized functioning part of the Chesapeake Bay ecosystem. Moreover, virtually all of North America, including the Chesapeake Bay, has been altered irrevocably by humans, including the introduction of non-native plant and animal species. Housing developments and rampant sprawl have destroyed the landscape; nearly all of our agricultural production is non-native (except corn); and our forests have been permanently changed by Dutch elm disease and chestnut blight.

That is not to say that these impacts are a good thing – we're simply putting the alleged transgressions of a few Chesapeake Bay Mute Swans into perspective. Everyone now agrees that at their current population level (i.e. ~ 450), the impact of Mute Swans on the Bay is negligible. Given budget constraints due to the current financial crisis, the state cannot afford to waste precious time and resources stalking and killing animals just because they don't think they belong here. We must use the funds we have to manage the Bay as wisely, and compassionately, as possible and focus our efforts on major threats to the future of the Bay.

5. Conclusion

By definition, the term "scape-goating" refers to the act of holding a person, group of people, or thing responsible for a multitude of problems, generally as a way of distracting attention from the crimes of others. With respect to mute swans in Maryland, the term "scapegoat" could not be more appropriate. For years, Md. DNR has wrongly vilified these beautiful, majestic birds, and as a result, thousands of them have suffered and paid the ultimate price for the misdeeds of industries that dump tons of pollutants into the Bay every year.

Md. DNR's 2003 statewide mute swan management plan indicated that the negative impacts of a Mute Swan population of around 500 were "negligible." That was the stated goal of the management plan of 2003 and Md. DNR has not presented any evidence to suggest that this has changed. For all intents and purposes, the Md. DNR made a commitment to the citizens of Mary-

land to end the slaughter of Mute Swans when the populations were reduced to a “negligible” number, and we and the citizens of Maryland expect Md. DNR to honor that commitment. Given the evidence presented in this report, the Maryland Secretary of Natural Resources cannot justify adopting the Majority Approach’s goal of reducing the mute swan population to “as few as possible.” For these reasons, we recommend that the Secretary of Natural Resources and the Governor act on Dr. Lamp’s proposal and implement an immediate, and indefinite, moratorium on the lethal control of Mute Swans, adopt the guidelines attendant thereto, and accept The HSUS’s offer to work with DNR to develop an effective, humane mute swan damage mitigation program that will target demonstrable damage attributed mute swan activity in localized environmentally sensitive areas.

Today, there are fewer than 450 Mute Swans left in Maryland, so in addition to the proposed moratorium on lethal control, we also recommend that the Secretary and the Governor require Md. DNR to:

- a) Demonstrate what, if any, impact killing over 4,023 Mute Swans has had on SAV loss in the Bay
- b) Compare SAV loss by swans to major SAV loss causes (i.e. water pollution and turbidity, among others.)

In conclusion, the Bay doesn’t need fewer swans! It needs a state agency that will extend stewardship and compassion to all wild animals – whether native or naturalized – and show some restraint and err on the side of coexistence when naturalized animals, such as mute swans, clearly have no significant negative impact on the Bay and its ecosystems. Such an approach would not only be more efficient and cost-beneficial to the taxpayers, it would also be a welcome demonstration of DNR’s commitment to the welfare and well-being of all wildlife in Maryland.