

R035-0304

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**AN RESOLUTION CONCERNING
MARYLAND'S MUTE SWAN POPULATION**

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WHEREAS: Mute swans, a species not native to the Chesapeake Bay ecosystem, were first introduced into the wild in Maryland in 1962; and

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WHEREAS: Although Maryland's mute swan population was just five in 1962, the State's current mute swan population is over 4,000 and estimated to grow to anywhere from 11,000 to 38,000 by 2010; and

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WHEREAS: One mute swan can eat 8 lbs. of bay grasses per day, and the entire population consumes 10 million lbs. (10% of the Bay's aquatic vegetation) per year; and

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WHEREAS: The Alliance for the Chesapeake Bay, on a scale of 1-100, gives the health of the Bay's underwater grasses a 22; and

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WHEREAS: Non-native mute swans are naturally aggressive and have been known to attack and kill native species, including those considered threatened or endangered; and

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WHEREAS: Mute swans displace natural species, including Maryland's State Crustacean, the Maryland Blue Crab, from their habitat; and

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WHEREAS: Humans have been attacked by mute swans in the Chesapeake Bay; and

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WHEREAS: The Migratory Bird Treaty Act of 1918 (MBTA), which grants federal protection to certain listed species of birds, does not list the mute swan as a protected bird species; and

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WHEREAS: In 2001, the D.C. Circuit Court, in the case of *Hill v. Norton*, 275 F.3d 98, ruled that mute swans were protected by MBTA; and

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WHEREAS: The *Hill* ruling is a clear example of legislating from the bench; and

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WHEREAS: The questionable ruling in *Hill*, and a subsequent suit filed by one animal rights group, have halted Maryland's attempt to control the Chesapeake Bay's potentially dangerous mute swan population; and

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WHEREAS: H.R. 4114, introduced by Congressman Wayne Gilchrest, would remove mute swans from federal protection under the MBTA, and allow Maryland to kill some of these birds in order to control their population; and

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WHEREAS: Groups supporting the reduction of the Chesapeake Bay's mute swan population include the Maryland Ornithological Society, Cornell Laboratory of Ornithology, Cooper Ornithological Society, International Association of Fish and Wildlife Agencies, National Audubon Society, Wildlife Management Institute, Environmental Defense, Ducks Unlimited, and American Bird Conservancy; and

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WHEREAS: An unchecked, uncontrolled mute swan population poses an extremely dangerous threat to the Chesapeake Bay's ecosystem.

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THEREFORE BE IT RESOLVED: That the Maryland Student Legislature strongly urges the United States Congress to pass H.R. 4114; and,

400 **BE IT FURTHER RESOLVED:** That the Maryland Student Legislature extends its
410 thanks to Congressman Gilchrest for his leadership and initiative
420 on this issue; and,

430 **BE IT FURTHER RESOLVED:** That should H.R. 4114 not pass the U.S. Congress, the
440 Maryland Student Legislature urges Governor Robert L. Ehrlich, Jr. to
450 order the Department of Natural Resources and the Maryland State Police
460 to not enforce any existing federal regulation regarding the prohibitions
470 against the killing of mute swans.

480 **MANDATES:** Congressman Wayne T. Gilchrest
490 Governor Robert L. Ehrlich Jr.
500 Lt. Governor Michael S. Steele
510 Secretary of DNR C. Ronald Franks
520 Speaker of the House J. Dennis Hastert

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