

HOUSE BILL 578

M1

(6lr1710)

ENROLLED BILL

— *Environment and Transportation/Education, Energy, and the Environment* —

Introduced by **Delegates Palakovich Carr, Allen, Fair, Feldmark, Kaufman, Lehman, Shetty, Terrasa, White Holland, Wolek, and Wu Wu, Behler, Boyce, Guyton, Lewis, Odom, Stein, and Ziegler**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Fish and Wildlife – Endangered and Threatened Species and Migratory Birds –**
3 **Regulations, Lists, Petitions, Essential Habitats, and Takings**

4 FOR the purpose of requiring the Secretary of Natural Resources to review and, if
5 warranted, update certain regulations on or before a certain date and at a certain
6 frequency; altering the impacts the Secretary can make reference to when making
7 certain determinations; requiring the Secretary to delist an endangered or
8 threatened species under certain circumstances; requiring a petition to remove a
9 listed species to contain certain information; authorizing the Secretary to designate
10 areas as essential habitats for endangered and threatened species; *authorizing the*
11 *Secretary to adopt management protocols for designated essential habitats;*
12 ~~prohibiting a person from taking certain migratory birds;~~ requiring the Department
13 of Natural Resources to promulgate regulations authorizing the taking of black

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 vultures under certain circumstances; and generally relating to fish, wildlife, and
2 endangered and threatened species.

3 BY repealing and reenacting, without amendments,
4 Article – Natural Resources
5 Section 3–501, 3–502, 4–2A–01(a), (i), and (j), ~~and~~ 10–2A–01(a), (k), and (l), and
6 10–2A–03(c)
7 Annotated Code of Maryland
8 (2023 Replacement Volume and 2025 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 3–503, 4–2A–04, 4–2A–05, 4–2A–06, ~~10–2A–03(e)~~, 10–2A–04, 10–2A–05, and
12 10–2A–06
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)

15 BY adding to
16 Article – Natural Resources
17 Section 4–2A–01(f–1) and (f–2) and 10–2A–01(e–1) and (e–2)
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2025 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Natural Resources**

23 3–501.

- 24 (a) In this subtitle the following words have the meanings indicated.
- 25 (b) “Biodiversity” means the full range of living organisms native to a region.
- 26 (c) “Irreplaceable natural area” means an area with habitat necessary to support:
- 27 (1) A unique natural community; or
- 28 (2) A plant or animal species listed as threatened or endangered under
29 Title 10, Subtitle 2A of this article.
- 30 (d) “Program” means the Irreplaceable Natural Areas Program.
- 31 (e) “Unique natural community” means an area that:
- 32 (1) Has an assemblage of native plants or animals that is rare or declining
33 in the State; or

1 (2) Supports an unusually pristine example of a native ecosystem type.

2 3-502.

3 (a) There is an Irreplaceable Natural Areas Program in the Department.

4 (b) The purpose of the Program is to preserve Maryland’s native biodiversity on
5 State-owned land managed by the Department for current and future residents of the
6 State.

7 3-503.

8 (A) On or before July 1, 2023, the Department shall adopt regulations to carry out
9 this subtitle, including regulations:

10 (1) Designating irreplaceable natural areas on State-owned land managed
11 by the Department; and

12 (2) Establishing management objectives for irreplaceable natural areas,
13 including:

14 (i) A map depicting boundaries for each area;

15 (ii) A description of the unique features and threats for each area;
16 and

17 (iii) Compatible and incompatible activities for each area.

18 (B) **ON OR BEFORE JULY 1, 2033, AND AT LEAST EVERY 10 YEARS**
19 **THEREAFTER, THE SECRETARY SHALL REVIEW AND, IF WARRANTED, UPDATE THE**
20 **REGULATIONS REQUIRED UNDER THIS SECTION.**

21 4-2A-01.

22 (a) In this subtitle the following words have the meanings indicated.

23 (F-1) **“FORESEEABLE FUTURE” MEANS AS FAR INTO THE FUTURE AS THE**
24 **DEPARTMENT CAN MAKE REASONABLY RELIABLE PREDICTIONS, ON A**
25 **CASE-BY-CASE BASIS, ABOUT THE THREATS TO A SPECIES OF FISH AND THE**
26 **SPECIES’ RESPONSE TO THOSE THREATS:**

27 (1) **USING THE BEST AVAILABLE DATA; AND**

28 (2) **TAKING INTO ACCOUNT CONSIDERATIONS INCLUDING:**

- 1 **(I) THE SPECIES' LIFE-HISTORY CHARACTERISTICS;**
2 **(II) THE PROJECTED TIME FRAME OF THE THREAT; AND**
3 **(III) ENVIRONMENTAL VARIABILITY.**

4 **(F-2) (1) "HARM" MEANS AN ACT THAT KILLS OR INJURES ANY SPECIES OF**
5 **FISH.**

6 **(2) "HARM" INCLUDES AN ACT THAT SIGNIFICANTLY MODIFIES OR**
7 **DEGRADES A HABITAT, THEREBY KILLING OR INJURING ANY SPECIES OF FISH BY**
8 **SIGNIFICANTLY IMPAIRING ESSENTIAL BEHAVIORAL PATTERNS, INCLUDING**
9 **BREEDING, FEEDING, AND SHELTERING.**

10 (i) "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture,
11 or collect, or to attempt to engage in any such conduct.

12 (j) "Threatened species" means any species of fish which appears likely, within
13 the foreseeable future, to become endangered, including any species of fish determined to
14 be a "threatened species" pursuant to the Endangered Species Act.

15 4-2A-04.

16 (a) Any species of fish determined to be an endangered species pursuant to the
17 Endangered Species Act shall be deemed to be an endangered species under the provisions
18 of this subtitle and any species of fish determined to be a threatened species pursuant to
19 the Endangered Species Act shall be deemed to be a threatened species under the provisions
20 of this subtitle. The Secretary may determine, in accordance with this section, that any
21 threatened species is an endangered species throughout all or any portion of the range of
22 the species within the State.

23 (b) In addition to the species deemed to be endangered or threatened pursuant to
24 the Endangered Species Act, the Secretary, by rule or regulation, shall determine whether
25 any species of fish normally occurring within the State is an endangered or threatened
26 species due to any of the following factors:

- 27 (1) The present or threatened destruction, modification, or curtailment of
28 its habitat or range;
- 29 (2) Overutilization for commercial, sporting, scientific, educational, or
30 other purposes;
- 31 (3) Disease or predation;
- 32 (4) The inadequacy of existing regulatory mechanisms; or

1 (5) Other natural or manmade factors affecting its continued existence
2 within the State.

3 (c) **(1)** The Secretary shall make determinations required by subsection (b) of
4 this section [on]:

5 **(I)** **ON** the basis of the best scientific, commercial, and other data
6 available and after consultation, as appropriate, with federal agencies, other interested
7 State agencies, other states having a common interest in the species, and interested persons
8 and organizations; **AND**

9 **(II)** **WITHOUT REFERENCE TO POSSIBLE ECONOMIC OR OTHER**
10 **IMPACTS OF SUCH DETERMINATION.**

11 **(2)** In determining whether any species of fish is an endangered species or
12 a threatened species, the Secretary shall take into consideration any actions being carried
13 out or about to be carried out by the federal government, other states, other agencies of this
14 State, or political subdivisions, or by any other person, which may affect the species under
15 consideration.

16 (d) Except with respect to species of fish determined to be endangered or
17 threatened species under the provisions of subsection (a) of this section, the Secretary may
18 not add a species to nor remove a species from any list published unless he first:

19 (1) Publishes a public notice of the proposed action;

20 (2) Furnishes notice of the proposed action to the Governor of any state
21 sharing a common border with this State and in which the subject species is known to exist;
22 and

23 (3) Allows at least 30 days following publication for comment from the
24 public and other interested parties.

25 (e) Notwithstanding the provisions of subsection (d) of this section, if the
26 Department determines that an emergency situation exists involving the continued
27 existence of the species as a viable component of the State's fish population it may add the
28 species to the lists if it publishes a public notice that an emergency situation exists together
29 with a summary of facts which support this determination.

30 (f) **THE SECRETARY SHALL DELIST A SPECIES IF THE SECRETARY**
31 **DETERMINES, BASED ON CONSIDERATION OF THE FACTORS AND STANDARDS SET**
32 **FORTH IN SUBSECTION (B) OF THIS SECTION, THAT THE BEST SCIENTIFIC AND**
33 **COMMERCIAL DATA AVAILABLE SUBSTANTIATE THAT:**

34 **(1)** **THE SPECIES IS EXTINCT;**

1 **(2) THE SPECIES HAS RECOVERED TO THE POINT THAT IT NO LONGER**
 2 **MEETS THE DEFINITION OF ENDANGERED SPECIES OR THREATENED SPECIES;**

3 **(3) INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL**
 4 **LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE**
 5 **DEFINITION OF AN ENDANGERED SPECIES OR A THREATENED SPECIES; OR**

6 **(4) INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL**
 7 **LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE**
 8 **DEFINITION OF A SPECIES.**

9 **(G) (1)** The Secretary shall adopt rules and regulations containing a list of all
 10 species of fish normally occurring within the State determined to be endangered species
 11 and a list of all species determined to be threatened species.

12 (2) Each list shall refer to the species by scientific and common names and
 13 shall specify with respect to each species over what portion of its range it is endangered or
 14 threatened.

15 (3) On or before July 1, 2026, and at least every 5 years thereafter, the
 16 Secretary shall review and, if warranted, update the regulations required under this
 17 subsection.

18 4-2A-05.

19 (a) (1) Except with respect to species of fish determined to be endangered or
 20 threatened pursuant to the Endangered Species Act, the Secretary, upon the petition of an
 21 interested person that meets the requirements of paragraph (2) of this subsection, shall
 22 conduct a review of any listed or unlisted species proposed to be removed from or added to
 23 the lists published pursuant to [~~§ 4-2A-04(f)~~] **§ 4-2A-04(G)** of this subtitle, if the
 24 Secretary makes and publishes a public notice that the person has presented substantial
 25 evidence which warrants a review.

26 (2) A petition submitted by an interested person under paragraph (1) of
 27 this subsection shall include:

28 (i) A description of the biological distribution of the species in the
 29 State;

30 (ii) The life needs and habitat requirements of the species;

31 (iii) Evidence:

32 1. Of the species' decline, if the species is an unlisted species;

33 or

1 2. [That the species is more common than previously
2 believed and documented, if] **IF** the species is a listed species:

3 **A. THAT THE SPECIES IS EXTINCT;**

4 **B. THAT THE SPECIES HAS RECOVERED TO THE POINT**
5 **THAT IT NO LONGER MEETS THE DEFINITION OF ENDANGERED SPECIES OR**
6 **THREATENED SPECIES;**

7 **C. OF ANY OTHER INFORMATION THAT HAS BECOME**
8 **AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED**
9 **ENTITY DOES NOT MEET THE DEFINITION OF AN ENDANGERED SPECIES OR A**
10 **THREATENED SPECIES; OR**

11 **D. OF INFORMATION THAT HAS BECOME AVAILABLE**
12 **SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY**
13 **DOES NOT MEET THE DEFINITION OF A SPECIES;**

14 (iv) All known threats that jeopardize the continued existence of the
15 species;

16 (v) Any other relevant biological and ecological data or other life
17 history information pertinent to the status of the species;

18 (vi) Evidence that the species is recognized as a valid species or an
19 infraspecific taxon of regional or national significance; and

20 (vii) Adequate documentation that the species occurs naturally and is
21 permanently established in the State.

22 (b) When any species of fish is listed as a threatened species pursuant to [§
23 4-2A-04(f)] **§ 4-2A-04(G)** of this subtitle, the Secretary shall adopt regulations necessary
24 and advisable to provide for the conservation of the species. The Secretary, by regulation,
25 shall prohibit with respect to any threatened species of fish any act prohibited under
26 subsection (c) of this section.

27 (c) Except as provided in subsection (f) of this section, with respect to any
28 endangered species of fish, no person may:

29 (1) Export the species from the State;

30 (2) Take the species within the State;

1 (3) Possess, process, sell, or offer for sale, deliver, carry, transport, or ship
2 the species by any means; or

3 (4) Violate any regulation pertaining to the conservation of the species or
4 to any threatened species of wildlife listed pursuant to this subsection and adopted by the
5 Secretary pursuant to authority provided by this section.

6 (d) Except as provided in subsection (f) of this section, with respect to any
7 endangered species of fish, no person may:

8 (1) Export the species from the State;

9 (2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship the
10 species by any means; or

11 (3) Violate any regulation pertaining to the species or to any threatened
12 species of fish listed pursuant to [§ 4-2A-04(f)] § 4-2A-04(G) of this subtitle and adopted
13 by the Secretary.

14 (e) If any endangered species of fish which enters the State from another state or
15 from a point outside the territorial limits of the United States and which is being
16 transported to a point within or beyond the State may be so entered and transported
17 without restriction in accordance with the terms of any federal permit or permit issued
18 under the laws or regulations of another state.

19 (f) (1) Subject to paragraph (2) of this subsection, the Secretary may issue a
20 permit, under the terms and conditions he prescribes, to allow any act otherwise prohibited
21 by subsections (c) and (d) of this section for scientific purposes, to enhance the propagation
22 or survival of the affected species, and on or after January 1, 1990, for aquaculture
23 involving the affected species in nontidal ponds, lakes, or impoundments.

24 (2) Notwithstanding the provisions of paragraph (1) of this subsection, on
25 or after June 1, 1989, the Secretary may issue a permit to allow the purchase of striped
26 bass or striped bass hybrid from out-of-state sources for possession and raising in
27 aquaculture operations in nontidal ponds, lakes, or impoundments in the State.

28 4-2A-06.

29 (a) (1) The Secretary [shall]:

30 (I) SHALL establish programs, including acquisition of land or
31 aquatic habitat or interests therein, necessary for the conservation of threatened or
32 endangered species of fish; ~~AND~~

33 (II) MAY DESIGNATE AREAS AS ESSENTIAL HABITATS FOR
34 ENDANGERED AND THREATENED SPECIES; AND

1 (III) MAY ADOPT MANAGEMENT PROTOCOLS FOR DESIGNATED
2 ESSENTIAL HABITATS.

3 (2) The Secretary shall use all vested authority to carry out the provisions
4 of this subsection.

5 (b) In carrying out programs authorized by this section, the Secretary shall
6 consult with other states having a common interest in particular species of endangered or
7 threatened species of fish and may enter into agreements with federal agencies, other
8 states, political subdivisions of this State, or with individuals with respect to programs
9 designed to conserve endangered or threatened species of fish including agreements for
10 administration and management of any that are established under this section or utilized
11 for conservation of endangered or threatened species of fish.

12 (c) (1) The Governor shall review other programs administered by him and
13 utilize these programs in furtherance of the purposes of this subtitle.

14 (2) All State departments and agencies, in consultation with and with the
15 assistance of the Secretary, shall utilize their authorities in furtherance of the purposes of
16 this subtitle by carrying out programs for the conservation of endangered species and
17 threatened species listed pursuant to [§ 4-2A-04(f)] § 4-2A-04(G) of this subtitle and by
18 taking any action necessary to insure that actions authorized, funded, or carried out by
19 them do not jeopardize the continued existence of the endangered species or threatened
20 species or result in the destruction or modification of habitat of the species which is deemed
21 by the Secretary to be critical.

22 (d) The Secretary shall adopt rules and regulations necessary to implement this
23 section.

24 10-2A-01.

25 (a) In this subtitle the following words have the meanings indicated.

26 (E-1) "FORESEEABLE FUTURE" MEANS AS FAR INTO THE FUTURE AS THE
27 DEPARTMENT CAN MAKE REASONABLY RELIABLE PREDICTIONS, ON A
28 CASE-BY-CASE BASIS, ABOUT THE THREATS TO A SPECIES OF WILDLIFE OR PLANT
29 AND THE SPECIES' RESPONSE TO THOSE THREATS:

30 (1) USING THE BEST AVAILABLE DATA; AND

31 (2) TAKING INTO ACCOUNT CONSIDERATIONS INCLUDING:

32 (I) THE SPECIES' LIFE-HISTORY CHARACTERISTICS;

1 (II) THE PROJECTED TIME FRAME OF THE THREAT; AND

2 (III) ENVIRONMENTAL VARIABILITY.

3 (E-2) (1) "HARM" MEANS AN ACT THAT KILLS OR INJURES WILDLIFE.

4 (2) "HARM" INCLUDES AN ACT THAT SIGNIFICANTLY MODIFIES OR
5 DEGRADES A HABITAT, THEREBY KILLING OR INJURING WILDLIFE BY
6 SIGNIFICANTLY IMPAIRING ESSENTIAL BEHAVIORAL PATTERNS, INCLUDING
7 BREEDING, FEEDING, AND SHELTERING.

8 (k) "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture,
9 or collect, or to attempt to engage in any such conduct.

10 (l) "Threatened species" means any species of wildlife or plants which appears
11 likely, within the foreseeable future, to become endangered including any species of wildlife
12 or plant determined to be a "threatened species" pursuant to the Endangered Species Act.

13 10-2A-03.

14 (c) (1) Except as provided in regulations adopted by the Secretary, a person
15 ~~may~~

16 ~~(i) MAY~~ not take, possess, transport, export, process, sell, offer for
17 sale, or ship nongame wildlife deemed by the Secretary to be in need of conservation
18 pursuant to this section; ~~AND~~

19 ~~(ii) MAY NOT TAKE, INCLUDING INCIDENTALLY TAKE, ANY~~
20 ~~MIGRATORY BIRD LISTED UNDER 50 C.F.R. § 10.13 IN EFFECT AS OF JANUARY 1,~~
21 ~~2025.~~

22 (2) A common or contract carrier may not knowingly transport or receive
23 for shipment nongame wildlife deemed by the Secretary to be in need of conservation
24 pursuant to this section.

25 10-2A-04.

26 (a) (1) Any species of wildlife or plant determined to be endangered species
27 pursuant to the Endangered Species Act shall be deemed to be an endangered species under
28 the provisions of this subtitle and any species of wildlife or plant determined to be a
29 threatened species pursuant to the Endangered Species Act shall be deemed to be a
30 threatened species under the provisions of this subtitle.

1 (2) The Secretary may determine, in accordance with this section, that any
2 threatened species is an endangered species throughout all or any portion of the range of
3 the species within the State.

4 (b) In addition to the species deemed to be endangered or threatened pursuant to
5 the Endangered Species Act, the Secretary, by regulation, shall determine whether any
6 species of wildlife or plant normally occurring within the State is an endangered or
7 threatened species due to any of the following factors:

8 (1) The present or threatened destruction, modification, or curtailment of
9 its habitat or range;

10 (2) Overutilization for commercial, sporting, scientific, educational, or
11 other purposes;

12 (3) Disease or predation;

13 (4) The inadequacy of existing regulatory mechanisms; or

14 (5) Other natural or manmade factors affecting its continued existence
15 within the State.

16 (c) (1) The Secretary shall make determinations required by subsection (b) of
17 this section [on]:

18 **(I) ON** the basis of the best scientific, commercial, and other data
19 available [to] and after consultation, as appropriate, with federal agencies, other interested
20 State agencies, other states having a common interest in the species, and interested persons
21 and organizations; **AND**

22 **(II) WITHOUT REFERENCE TO POSSIBLE ECONOMIC OR OTHER**
23 **IMPACTS OF SUCH DETERMINATION.**

24 (2) In determining whether any species of wildlife or plant is an
25 endangered species or a threatened species, the Secretary shall take into consideration any
26 actions being carried out or about to be carried out by the federal government, other states,
27 other agencies of this State, or political subdivisions, or by any other person which may
28 affect the species under consideration.

29 (d) Except with respect to species of wildlife or plants determined to be
30 endangered or threatened species under the provisions of subsection (a) of this section, the
31 Secretary may not add a species to nor remove a species from any list published unless the
32 Secretary first:

33 (1) Publishes a public notice of the proposed action;

1 (2) Furnishes notice of the proposed action to the Governor of any state
2 sharing a common border with the State and in which the subject species is known to exist;
3 and

4 (3) Allows at least 30 days following publication for comment from the
5 public and other interested parties.

6 (e) Notwithstanding the provisions of subsection (d) of this section, if the
7 Department determines that an emergency situation exists involving the continued
8 existence of the species as a viable component of the State's wildlife or plants, the
9 Department may add the species to the lists if the Department publishes a public notice
10 that an emergency situation exists together with a summary of facts which support this
11 determination.

12 (f) **THE SECRETARY SHALL DELIST A SPECIES IF THE SECRETARY**
13 **DETERMINES, BASED ON CONSIDERATION OF THE FACTORS AND STANDARDS SET**
14 **FORTH IN SUBSECTION (B) OF THIS SECTION, THAT THE BEST SCIENTIFIC AND**
15 **COMMERCIAL DATA AVAILABLE SUBSTANTIATE THAT:**

16 (1) **THE SPECIES IS EXTINCT;**

17 (2) **THE SPECIES HAS RECOVERED TO THE POINT THAT IT NO LONGER**
18 **MEETS THE DEFINITION OF ENDANGERED SPECIES OR THREATENED SPECIES;**

19 (3) **INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL**
20 **LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE**
21 **DEFINITION OF AN ENDANGERED SPECIES OR A THREATENED SPECIES; OR**

22 (4) **INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL**
23 **LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE**
24 **DEFINITION OF A SPECIES.**

25 (G) (1) The Secretary shall adopt regulations containing a list of all species of
26 wildlife and plants normally occurring within the State determined to be endangered
27 species and a list of all species determined to be threatened species.

28 (2) Each list shall refer to the species by scientific and common names and
29 shall specify with respect to each species over what portion of its range it is endangered or
30 threatened.

31 (3) On or before July 1, 2026, and at least every 5 years thereafter, the
32 Secretary shall review and, if warranted, update the regulations required under this
33 subsection.

1 (a) (1) Except with respect to species of wildlife or plants determined to be
2 endangered or threatened pursuant to the Endangered Species Act, the Secretary, upon the
3 petition of an interested person that meets the requirements of paragraph (2) of this
4 subsection, shall conduct a review of any listed or unlisted species proposed to be removed
5 from or added to the lists published pursuant to ~~[\S 10-2A-04(f)]~~ **\S 10-2A-04(G)** of this
6 subtitle, if the Secretary publishes public notice that the person has presented substantial
7 evidence which warrants a review.

8 (2) A petition submitted by an interested person under paragraph (1) of
9 this subsection shall include:

10 (i) A description of the biological distribution of the species in the
11 State;

12 (ii) The life needs and habitat requirements of the species;

13 (iii) Evidence:

14 1. Of the species' decline, if the species is an unlisted species;
15 or

16 2. [That the species is more common than previously
17 believed and documented, if] **IF** the species is a listed species:

18 **A. THAT THE SPECIES IS EXTINCT;**

19 **B. THAT THE SPECIES HAS RECOVERED TO THE POINT**
20 **THAT IT NO LONGER MEETS THE DEFINITION OF ENDANGERED SPECIES OR**
21 **THREATENED SPECIES;**

22 **C. OF ANY OTHER INFORMATION THAT HAS BECOME**
23 **AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED**
24 **ENTITY DOES NOT MEET THE DEFINITION OF AN ENDANGERED SPECIES OR A**
25 **THREATENED SPECIES; OR**

26 **D. OF INFORMATION THAT HAS BECOME AVAILABLE**
27 **SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY**
28 **DOES NOT MEET THE DEFINITION OF A SPECIES;**

29 (iv) All known threats that jeopardize the continued existence of the
30 species;

31 (v) Any other relevant biological and ecological data or other life
32 history information pertinent to the status of the species;

1 (vi) Evidence that the species is recognized as a valid species, or
2 infraspecific taxa of regional or national significance; and

3 (vii) Adequate documentation that the species occurs naturally and is
4 permanently established in the State.

5 (b) (1) When any species of wildlife or plant is listed as a threatened species
6 pursuant to [§ 10-2A-04(f)] § 10-2A-04(G) of this subtitle, the Secretary shall adopt
7 regulations necessary and advisable to provide for the conservation of the species.

8 (2) The Secretary, by regulations, may prohibit with respect to any
9 threatened species of wildlife or plant any act prohibited under subsection (c) of this section.

10 (c) Except as provided in subsection (f) of this section and §§ 10-2A-05.1,
11 10-2A-05.2, and 10-2A-05.3 of this subtitle, with respect to any endangered species of
12 wildlife, a person may not:

13 (1) Export the species from the State;

14 (2) Take the species within the State;

15 (3) Possess, process, sell or offer for sale, deliver, carry, transport, or ship
16 the species by any means; or

17 (4) Violate any regulation pertaining to the conservation of the species or
18 to any threatened species of wildlife listed pursuant to this subsection and adopted by the
19 Secretary pursuant to authority provided by this section.

20 (d) Except as provided in subsection (f) of this section, with respect to any
21 endangered species of plant, a person may not:

22 (1) Export the species from the State;

23 (2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship the
24 species by any means; or

25 (3) Violate any regulation pertaining to the species or to any threatened
26 species of plant listed pursuant to [§ 10-2A-04(f)] § 10-2A-04(G) of this subtitle and
27 adopted by the Secretary.

28 (e) Any endangered species of wildlife or plant which enters the State from
29 another state or from a point outside the territorial limits of the United States and which
30 is transported to a point within or beyond the State may enter and be transported without
31 restriction in accordance with the terms of any federal permit or permit issued under the
32 laws or regulations of another state.

1 (f) The Secretary may permit, under the terms and conditions that the Secretary
2 prescribes, any act otherwise prohibited by subsections (c) and (d) of this section for
3 scientific purposes or to enhance the propagation or survival of the affected species.

4 10-2A-06.

5 (a) (1) The Secretary [shall]:

6 (I) **SHALL** establish programs, including acquisition of land or
7 aquatic habitat or interests in the land or aquatic habitats, necessary for the conservation
8 of nongame, threatened, or endangered species of wildlife or plants; ~~AND~~

9 (II) **MAY DESIGNATE AREAS AS ESSENTIAL HABITATS FOR**
10 **ENDANGERED AND THREATENED SPECIES; AND**

11 (III) **MAY ADOPT MANAGEMENT PROTOCOLS FOR DESIGNATED**
12 **ESSENTIAL HABITATS.**

13 (2) The Secretary shall use all vested authority to carry out the provisions
14 of this subsection.

15 (b) (1) In carrying out programs authorized by this section, the Secretary shall
16 consult with the State Secretary of Agriculture and other states having a common interest
17 in particular species of nongame, endangered, or threatened species of wildlife or plants.

18 (2) The Secretary may enter into agreements with federal agencies, other
19 states, political subdivisions of the State, or with individuals with respect to programs
20 designed to conserve nongame, endangered, or threatened species of wildlife or plants,
21 including agreements for administration and management established under this section
22 or utilized for conservation of nongame, endangered, or threatened species of wildlife or
23 plants.

24 (c) (1) The Governor shall review other programs administered by the
25 Governor and utilize these programs in furtherance of the purposes of this subtitle.

26 (2) All State departments and agencies, in consultation with and with the
27 assistance of the Secretary, shall utilize their authorities in furtherance of the purposes of
28 this subtitle by carrying out programs for the conservation of endangered species and
29 threatened species listed pursuant to [§ 10-2A-04(f)] **§ 10-2A-04(G)** of this subtitle, and
30 by taking any action necessary to insure that actions authorized, funded, or carried out by
31 them do not jeopardize the continued existence of the endangered species or threatened
32 species or result in the destruction or modification of habitat of the species which is deemed
33 by the Secretary to be critical.

34 (d) The Secretary shall adopt regulations necessary to implement this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That if the U.S. Fish and Wildlife
 2 Service removes the black vulture from the list of protected species under the federal
 3 Migratory Bird Treaty Act, or if the federal Migratory Bird Treaty Act is repealed, the
 4 Department of Natural Resources shall promulgate regulations *under § 10-2A-03 of the*
 5 *Natural Resources Article* authorizing the taking of black vultures in a similar manner and
 6 with the same authorizations as a Depredation Permit issued by the U.S. Fish and Wildlife
 7 Service.

8 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 9 October 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.