

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 972

(Delegate O'Donnell, *et al.*)

Environmental Matters

Education, Health, and Environmental  
Affairs

---

Natural Resources - Endangered and Threatened Species - Incidental Taking -  
Puritan Tiger Beetle

---

This bill authorizes the Secretary of Natural Resources to issue a permit for the “incidental taking” of the endangered puritan tiger beetle under specified conditions. Among other things, an applicant for a permit must submit a conservation plan. The bill authorizes the Secretary to adopt regulations to implement and enforce the bill.

---

Fiscal Summary

**State Effect:** The bill’s changes could be handled with existing budgeted resources.

**Local Effect:** The bill would not materially affect local operations or finances.

**Small Business Effect:** Minimal.

---

Analysis

**Bill Summary:** “Incidental taking” means the taking of listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

**Current Law/Background:** The primary State law that authorizes and governs the listing of endangered species is the Nongame and Endangered Species Conservation Act. This law prohibits the “take” of endangered animals except under specified conditions. “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Under current regulations, a permit to take,

transport, possess, sell, offer for sale, export, or import any listed species may be obtained from the Department of Natural Resources (DNR) under specified conditions.

The official State Threatened and Endangered Species List is established in regulation. Currently, 465 species of plants and 152 species of animals are listed as endangered, threatened, in need of conservation, or endangered extirpated by the State. The puritan tiger beetle (*Cicindela puritana*) is currently listed by the State as an endangered species. The species is also listed as threatened under the federal Endangered Species Act. Federal law provides for incidental takings under specified conditions.

DNR advises that the vast majority of the world's population of the puritan tiger beetle occurs in Maryland. It is found only at cliffs along the Chesapeake Bay in Calvert County and along cliffs in Cecil and Kent counties. Many of the cliffs are held in private ownership.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, U.S. Fish and Wildlife Service, Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2005  
n/ljm

---

Analysis by: Lesley G. Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510