

**Committee:** Education, Energy, and the Environment

**Testimony on:** SB0431 - “Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings”

**Position:** Support

**Hearing Date:** February 17, 2026

Dear Chair Feldman, Vice Chair Kagan, and Committee Members,

American Bird Conservancy (ABC) is a nonprofit organization working to conserve wild birds and their habitats across the Americas. ABC is in support of SB0431 and urges the Committee to adopt a favorable report. This bill would improve protections for endangered species and migratory birds.

Maryland has 450 documented bird species, with over half of documented birds having nested in the state<sup>1</sup>. Of these species, 17 are listed as endangered or threatened<sup>2</sup>. Protecting habitat is critical for all birds, but especially for endangered and threatened species, since habitat loss is a primary threat and reason for listing<sup>3</sup>.

SB0431 would allow the Secretary of Natural Resources to designate essential habitats for endangered and threatened species. Designating essential habitats could help recover endangered and threatened species quicker by preventing destruction or adverse modification of important nesting, foraging, and rest areas.

Habitat designations could enhance public and governmental awareness of where listed species exist, improving management of these areas. Endangered birds in Maryland suffering from habitat loss, such as the Upland Sandpiper, Loggerhead Shrike, and Black Rail, could especially benefit from this provision.

SB0431 makes additional updates to state endangered species law, clarifying when regulations should be updated and requirements for delisting species. The delisting criteria ensures science and data leads the process, which is necessary for recovery to be successful. Most importantly, economic impacts are not to be considered when evaluating delisting. This provision ensures that delisting is based on if the species has truly recovered or has become extinct.

In addition to addressing endangered species, SB0431 would establish needed protections for migratory birds. Two and a half billion migratory birds have been lost in North America since 1970<sup>4</sup>. This figure represents a stunning loss in biodiversity which stretches across North America, including to Maryland. While habitat loss is the single largest threat to birds<sup>5</sup>, other threats—such as, collisions, pesticides, fisheries, plastics, and development—place additional

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[https://dnr.maryland.gov/wildlife/pages/plants\\_wildlife/mdbirds.aspx#:~:text=Over%20450%20bird%20species%20have,Adolph%2C%20MD%20DNR%20Photo%20Contest](https://dnr.maryland.gov/wildlife/pages/plants_wildlife/mdbirds.aspx#:~:text=Over%20450%20bird%20species%20have,Adolph%2C%20MD%20DNR%20Photo%20Contest)

2 [https://dnr.maryland.gov/wildlife/documents/rte\\_animal\\_list.pdf](https://dnr.maryland.gov/wildlife/documents/rte_animal_list.pdf)

3 <https://mdbirds.org/#:~:text=Priority%20Birds%20of%20Maryland,the%20State%20Wildlife%20Action%20Plan.>

4 <https://www.birds.cornell.edu/home/bring-birds-back/>

5 <https://abcbirds.org/threats/>

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pressure on bird populations. Addressing these threats is critical for stopping further declines in birdlife.

SB0431 would establish a prohibition on take of migratory birds. In Maryland, “take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”<sup>6</sup> By prohibiting take, Maryland can mitigate migratory birds perishing from preventable sources of mortality, such as industrial activity. Around one billion birds are lost annually to industrial sources<sup>7</sup>. This predictable and foreseeable killing of birds is called incidental take. Limiting avoidable incidental take by applying best management practices is necessary for improving abundance of migratory bird populations.

Federally, the Migratory Bird Treaty Act (MBTA) has protected migratory birds from take since 1918<sup>8</sup>. In recent years, legal and regulatory back and forth have created confusion on the application of the law. By codifying protections, Maryland is ensuring that migratory birds are protected at the state level regardless of federal uncertainty.

Bird conservation through endangered species and migratory bird protections benefits Maryland’s biodiversity and economy. Birdwatching is an economic driver nationwide with 96 million people participating in the activity and generating \$279 billion in economic output in 2022 alone<sup>9</sup>. Endangered species and migratory birds are some of the species most prized by birdwatchers. SB0431 would help make Maryland a national leader in conservation while also benefiting the state’s bottom line. For these reasons, ABC urges the Committee to give SB0431 a favorable report.

Sincerely,

Annie Chester  
Policy Director  
American Bird Conservancy

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<sup>6</sup> <https://mgaleg.maryland.gov/mgawebsite/laws/StatuteText?article=GNR&section=10-2a-01>

<sup>7</sup> <https://abcbirds.org/news/mbta-april-2025/>

<sup>8</sup> <https://www.audubon.org/news/the-migratory-bird-treaty-act-explained>

<sup>9</sup> <https://www.fws.gov/story/2024-12/birdwatching-america>

