



February 13, 2026

***Education, Energy, and the Environment Committee
Hearing February 17, 2026, 1 pm***

Bill No.: SB0431 Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings

Sponsor: Senator Brooks

Position: Favorable

Dear Chairman Feldman, Vice Chair Kagan and Members of the Committee,

The Maryland Ornithological Society (MOS) requests a favorable report on HB578 from the Committee. MOS was founded in 1945 and is an all-volunteer non-profit organization with about 2200 members organized around 15 chapters throughout the state. Our mission is to study, conserve and enjoy wild birds and their habitats, with special emphasis on birds which spend at least part of their lives in Maryland. We own 10 sanctuaries across the state, all of which are open to the public at no charge.

One Third Birds Lost from North America since 1970

A landmark and much cited publication (Rosenburg et al 2019), found that there were 30% fewer birds in North America in 2019 than in 1970, this means a **loss of 3 Billion birds**. This disturbing downward trend has continued since then, as documented in a 2025 report entitled “The State of the Birds in the U.S.A. by the North America Conservation Initiative” (NABCI 2025). Maryland has not been spared in this decline, as witnessed by the almost complete disappearance of the Black Rail from our marshes, Northern Bobwhite from our fields and the Golden-winged Warblers from our brushy woodlands (BBA3, *in press*).

The Migratory Bird Treaty Act (MBTA) and how it was Neutered

The Federally enacted Migratory Bird Treaty Act (MBTA) had protected migrant birds since its enactment in 1918, shortly after Martha, the last Passenger Pigeon, died in Cincinnati Zoo. Under the MBTA, **companies could be held responsible for causing ‘incidental take’**. ‘Incidental take’ is a euphemism for accidentally killing birds by, for example, contact with oil spills, open oil waste pits, powerlines, wind turbines and brightly illuminated buildings at night. Companies responsible for such hazards had to take steps to eliminate or at least minimize such unintended causes of bird kills.

Then, in April 2025, the Department of the Interior **significantly rolled back this protection** by allowing the ‘incidental take’ of birds. From that time, companies can no longer be held responsible for repeats of such disasters as the Deepwater Horizon or Exxon Valdez oils spills.

How HB 587 Will Help Reverse These Bird Declines

HB587 would repair this damage to the Federal MBTA in Maryland by including the following language:

- *"Except as provided in regulations adopted by the Secretary, a person may not take a migratory bird listed in 50 CFR 10.13, in a manner consistent with the implementation of the Migratory Bird Treaty Act on January 1, 2025."*

Thus Maryland Natural Resources Code Section 10-2A-03, would be amended by adding the above paragraph as (c)((3).

In this way migratory birds in Maryland would again have protection from incidental take.

It is worth noting that bird watching generates considerable revenue in Maryland; a USFWS report (2011) showed total in state revenues of \$333.6 million, more than the \$264 million from hunting. Many of the most sought after birds, such as the spring warblers, winter waterfowl and fall hawks, are migratory species.

In closing, I thank you and your committee for taking the time to consider our position.

Sincerely,



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References cited:

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Rosenberg, K V, A M Dokter, P J Blancher, J R Sauer, A C Smith, P A Smith, J C Stanton, A Panjabi, L Helft, M Parr & P P Marra 2019. Decline of the North American avifauna, *Science* 366, 120–124.

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