

American Bird Conservancy Testimony on SB0431.pdf

Uploaded by: Annie Chester

Position: FAV

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 state¹. Of these species, 17 are listed as endangered or threatened². Protecting habitat is critical for all birds, but especially for endangered and threatened species, since habitat loss is a primary threat and reason for listing³.

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 1970⁴. 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 birds⁵, other threats—such as, collisions, pesticides, fisheries, plastics, and development—place additional

1

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

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.”⁶ 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 sources⁷. 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 1918⁸. 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 alone⁹. 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

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

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

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

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



SB431_Amendment.pdf

Uploaded by: Benjamin Brooks

Position: FAV

Amendment

The changes to pages 8 and 14 will provide the Department with authority to adopt management protocols for designated essential habitats / allow the Department to define essential habitat in regulation. (see changes below in red)

On page 8:

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

(I) **Shall** establish programs, including acquisition of land or aquatic habitat or interests therein, necessary for the conservation of threatened or endangered species of fish;

(II) May designate areas as essential habitats for endangered and threatened species;
and

(III) May adopt management protocols for designated essential habitats.

On page 14:

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

(I) **Shall** establish programs, including acquisition of land or aquatic habitat or interests therein, necessary for the conservation of nongame, threatened, or endangered species of wildlife or plants;

(II) May designate areas as essential habitats for endangered and threatened species;
and

(III) May adopt management protocols for designated essential habitats.

SB431_BrooksB_F.pdf

Uploaded by: Benjamin Brooks

Position: FAV

BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee
Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



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TESTIMONY IN SUPPORT OF SB 431
Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings
Education, Energy and the Environment Committee
February 17, 2026

Chair Feldman, Vice-Chair Kagan, and members of the Committee,

Thank you for the opportunity to testify on SB 431, Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings. The purpose of this bill is to affirm Maryland’s commitment to protecting endangered and threatened species by updating Maryland’s Code to reflect longstanding federal protections and existing regulations.

Protecting Maryland’s diverse wildlife and native plant life is vital to the health and resilience of our ecosystems. Preserving current protections is essential to preventing further declines among endangered and threatened populations. Even the loss of one species can disrupt ecological balance, weaken natural systems, and trigger cascading impacts on biodiversity.

Proposed federal rules and legislation threaten the Endangered Species Act, a law enacted in the 1970s. Maryland cannot undo any federal changes to endangered species protections. However, we can codify these long-established provisions. SB 431 ensures that Maryland law reflects the protections our state and country have maintained for decades.

SB 431 codifies federal criteria for listing and delisting threatened and endangered species, adopts the federal definition of “threatened species,” incorporates Maryland’s existing regulatory definition of “harm,” and maintains federal protections for migratory birds under state law.

Habitat loss and fragmentation are leading drivers of extinction. In light of proposed federal rule changes that weaken habitat safeguards for protected species, SB 431 directs the Secretary of Natural Resources to periodically update its list of Irreplaceable Natural Areas and allowing the Secretary to designate essential habitats for endangered and threatened species.

Authorizing the Secretary to maintain an accurate list of endangered and threatened wildlife and plant species, while preserving existing conservation regulations, ensures that Maryland can continue to protect the State’s biodiversity.

For these reasons, I am respectfully requesting a favorable report on Senate Bill 431.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks".

Benjamin Brooks

ArundelRiversFAVSB431_EndangeredSpecies.pdf

Uploaded by: Elle Bassett

Position: FAV



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www.arundelrivers.org

**Testimony in SUPPORT of SB431 – Fish and Wildlife – Endangered and Threatened
Species and Migratory Birds – Regulation, Lists, Petitions, Essential Habitats, and Takings**

Education, Energy, and The Environment Committee
February 17, 2026

Dear Chair Feldman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB431**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Senate Bill 578 is focused on stronger protections for our endangered and threatened species and migratory birds. This bill updates and strengthens regulator review procedures by requiring the Secretary of Natural Resources to periodically review and if necessary, update regulations relating to endangered and threatened species on a regular schedule. The bill would refine how decisions are made about which species are listed as endangered or threatened. The bill also provides options and criteria for delisting species.

Most critically, the bill would allow the Secretary to formally designate certain areas as essential habitat for species that need them. As we continue to tackle the affordable housing crisis in Maryland and promote new and affordable development, it is essential that our Department of Natural Resources also has the ability to protect and preserve essential habitats for our most sensitive species.

Arundel Rivers supports the efforts to modernize how the state protects and manages wildlife and endangered species, strengthen the species recovery processes, and ensure that science drives the state's conservation decisions. We respectfully request a FAVORABLE REPORT on SB431.

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett
South, West, and Rhode Riverkeeper
Arundel Rivers Federation

Statement in Support of Maryland Senate Bill 431.p

Uploaded by: Jonathan McKnight

Position: FAV

Statement in Support of Maryland Senate Bill 431

As a strong supporter of practical conservation policy, I urge the Maryland General Assembly to support Senate Bill 431, which provides a common-sense refinement of the state's endangered and threatened species law. This bill sets reasonable timelines for the reevaluation of species status and the designation of special habitat areas on lands managed by the Department of Natural Resources. It reaffirms the spirit and intent of Maryland's endangered and threatened species programs by clearly defining what constitutes "harm" to a species and by explicitly directing how ancillary considerations should be weighed in making endangered species determinations.

At a time when the federal government is retreating from its longstanding commitment to the conservation of threatened and endangered species and unique natural areas, this act is both relevant and timely. Since the responsibility for conserving biological diversity will increasingly depend on state and local governments, the clarity and balance provided by Senate Bill 431 will assist Maryland in effectively administering its endangered species protections.

These clarifications will benefit not only wildlife habitat managers and the species themselves, but also real estate developers, planners, and landowners who must comply with existing laws when making land use decisions. By streamlining definitions and specifying review timelines, this bill promotes predictability, transparency, and sound decision-making for all stakeholders.

Clear and effective law is essential for both the conservation of Maryland's rare, threatened, and endangered species and the orderly functioning of land-use planning and permitting at the state level. Senate Bill 431 advances these goals by improving process, promoting consistency, and strengthening Maryland's leadership in biodiversity conservation.

For these reasons, I respectfully urge the General Assembly to pass Senate Bill 431.

Jonathan McKnight

SB431_Maryland Native Plant Society_Fonda, Fulton_

Uploaded by: Judy Fulton

Position: FAV



Maryland Native Plant Society

APPRECIATION CONSERVATION EDUCATION

Testimony: SB431, Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings

Committee: Education, Energy and the Environment

Hearing Date: February 17, 2026

Position: FAVORABLE

Chair Feldman, Vice Chair Kagan, and honorable members of the Committee:

The Maryland Native Plant Society supports Senate Bill 431, which clarifies and strengthens protections for Maryland’s plants, wildlife, and natural areas in the face of potential federal weakening of the Endangered Species Act (ESA).

Ensuring the survival of threatened and endangered plants and wildlife is contingent upon not just protecting individual species but also protecting the habitat that the species needs to survive. This concept of protecting an endangered species and its habitat from “harm” is currently part of the Federal ESA; however, the U. S. Fish & Wildlife Service and the National Oceanic & Atmospheric Administration are seeking to limit the definition of “harm” to only apply to the deliberate killing or injuring of a protected species. Codifying the current broader definition of “harm” in Maryland law will provide needed protections for our endangered plants and wildlife.

This bill also addresses the need to periodically review and update the list of Maryland’s Irreplaceable Natural Areas (INAs). Following legislation in 2022 creating the INA program, the Department of Natural Resources designated 326 INAs across our state. INAs are areas “with habitat necessary to support a unique natural community or a plant or animal species listed as Threatened or Endangered by the State.”¹ These areas are critical to protect Maryland’s rare plants, wildlife, and unique ecosystems.

The Maryland Native Plant Society respectfully urges a favorable report on SB431.

Jill Fonda Allen
Board, Maryland Native Plant Society
jill.fonda.cgc@gmail.com

Judy Fulton
President, Maryland Native Plant Society
Jfulton5@gmail.com

¹ Maryland Department of Natural Resources. 2023. Accessed 2/13/26. Maryland's Irreplaceable Natural Areas. <https://dnr.maryland.gov/wildlife/pages/ina.aspx>

SB0431 Endangeres Species Personal.pdf

Uploaded by: Kurt Schwarz

Position: FAV

February 17, 2026

Committee: Education, Energy, and the Environment

Bill: SB0431 Fish and Wildlife-Endangered and Threatened Species and Migratory Birds-Regulations, Lists, Petitions, Essential Habitats, and Takings

Position: Favorable

Dear Committee Chair, Vice-Chair, and Committee Members:

I wholeheartedly support SB0431. With the erosion of wildlife protections at the federal level, as caused by the gutting of the Migratory Bird Treaty Act (MBTA) and the efforts to hamstring the Endangered Species Act, it is imperative that states take action to protect their species for future generations.

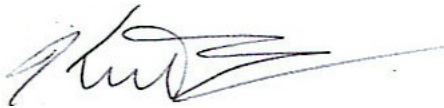
I am especially concerned about birds. I have been a birder since 1994 and have seen over 400 species in Maryland. I have seen numbers decline over the past 30 years. Peer-reviewed science has shown we have lost almost a third of our birds in North America since 1970.ⁱ

SB0431 would extend to migratory birds the protections given by the MBTA as it was on January 1, 2025. This prohibited the “take” of birds, to include killing of bird by oil spills, open oil waste pits, powerlines, wind turbines, and brightly illuminated buildings.

I urge the Committee to issue a favorable report on SB0431.

Sincerely,

Kurt R. Schwarz



Columbia, Maryland

ⁱ 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. https://www.science.org/doi/10.1126/science.aaw1313?adobe_mc=MCORGID%3D242B6472541199F70A4C98A6%2540AdobeOrg%7CTS%3D1707754028

SB0431 - Fish and Wildlife - Endangered and Threat

Uploaded by: Leeza DeCheubel

Position: FAV



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Susan O'Neill, Chair

Charlotte Davis, Executive Director

Testimony in Support of
Senate Bill 431- Fish and Wildlife - Endangered and Threatened Species and Migratory Birds -
Regulations, Lists, Petitions, Essential Habitats, and Takings
Education, Energy, and the Environment Committee
February 17, 2026

The Rural Maryland Council **supports Senate Bill 431 - Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings**. Senate Bill 431 updates Maryland's endangered and threatened species law by establishing a clear, science-based framework for reviewing species listings, regulations, and essential habitat designations. The bill authorizes the Department of Natural Resources to periodically evaluate existing regulations, consider updated scientific data, and ensure that protections remain appropriate, effective, and transparent.

Maryland's current statute provides important protection for endangered and threatened species, but many of its regulatory components have not been systematically reviewed in decades. SB 431 creates a predictable process for reassessing those protections, including the criteria used for listing and delisting species and the information required when petitions are submitted. This approach strengthens conservation by ensuring decisions are based on the best available science and current conditions on the ground.

The bill also benefits landowners, businesses, and local governments by improving clarity and consistency. When regulations are clearly defined and regularly reviewed, regulated communities are better able to plan projects, manage land responsibly, and comply with the law. SB 431 helps avoid outdated or duplicative requirements that may no longer serve conservation goals, while preserving strong safeguards for species that truly need them.

Land use decisions and wildlife conservation are closely linked in Maryland. Forests, farms, and working lands provide critical habitat for many species, but they also support thousands of jobs and contribute billions of dollars to the state's economy. By encouraging cooperation between the Department of Natural Resources and stakeholders, SB 431 promotes conservation strategies that protect wildlife while recognizing the practical realities of land management.

Healthy ecosystems depend not only on protection, but on active, informed management. Regulations that reflect current science and local conditions are more likely to result in meaningful conservation outcomes. SB 431 advances this goal by modernizing Maryland's endangered species framework and ensuring it remains effective, credible, and balanced.

The Rural Maryland Council respectfully requests your favorable support of SB 431.

Fish and Wildlife - Endangered and Threatened Spec

Uploaded by: Lisa Radov

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

February 17, 2026

To: Senate Education, Energy, and the Environment Committee
From: Lisa Radov, President and Chair, Maryland Votes for Animals, Inc.
Re: Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings - SB 431- Support.

Chair Feldman, Vice- Chair Kagan, members of the Education, Energy, and the Environment Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov. I am the President and Chair of Maryland Votes for Animals. We champion humane legislation to improve the lives of animals in Maryland. Speaking for Maryland Votes for Animals, our Board of Directors, and our members across Maryland, I respectfully request that the vote favorably for Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings – SB 431.

This bill requires the Secretary of Natural Resources to review and, if warranted, update certain regulations by July 1, 2033, and at least every ten years thereafter. It revises the types of impacts the Secretary may consider when making regulatory determinations, mandates the delisting of endangered or threatened species under specified circumstances, and establishes informational requirements for petitions seeking removal of a species from the protected list. The bill also authorizes the designation of up to ten areas as essential habitats for endangered and threatened species, prohibits the taking of certain migratory birds, and generally addresses issues related to fish, wildlife, and endangered and threatened species.

This proposed legislation is significant because it seeks to modernize and strengthen the implementation of the Endangered Species Act (ESA) through regular regulatory review, revised listing and delisting standards, and clearer consideration of economic and other impacts. By instituting a ten-year review cycle, the bill helps ensure that regulations reflect current scientific knowledge and evolving environmental conditions, reducing the risk of outdated or ineffective rules.

Expanding the range of impacts that may be considered—such as economic or national security factors—could lessen regulatory burdens on landowners, farmers, and developers while maintaining conservation goals. The requirement to delist species under certain conditions aims to streamline the process for removing protections once recovery objectives have been met or listing criteria no longer apply. Additionally, limiting the number of designated essential habitats allows for more targeted species protection while potentially increasing flexibility for development in non-designated areas. Finally, explicitly prohibiting the taking of certain migratory birds clarifies and reinforces existing protections, with implications for construction, energy development, and land management activities.

In closing, I would like to thank Senator Brooks for sponsoring SB 431 and ask the committee to give this bill a favorable report.

SB0431_DNR_SUP_EEE_2-17-26.pdf

Uploaded by: Lydia McPherson

Position: FAV



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 17, 2026

BILL NUMBER: SENATE BILL 431

SHORT TITLE: NATURAL RESOURCES – ENDANGERED AND THREATENED SPECIES AND MIGRATORY BIRDS

DEPARTMENT’S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT’S POSITION

The Department of Natural Resources (DNR) supports SB 431, as it reinforces current practices and policies implemented by the Department. It addresses several aspects of protection for endangered and threatened species, including definitions of key terms and criteria for certain actions related to listing and delisting these species. Additionally, it creates a 10-year schedule is set for the review of Irreplaceable Natural Areas regulations, which is consistent with the Department’s current review of threatened and Endangered Species.

While certain terms related to threatened and endangered species are present in regulations, they are not defined in statute. Other terms are not defined in either statute or regulation. This could lead to inconsistencies in interpretation and application. This bill clarifies these terms and criteria for delisting species and for petitioning to delist species, which will support existing policy.

BACKGROUND INFORMATION

Although protections for migratory birds are present in current statutes, the state relies on federal procedures and protections for other aspects, such as incidental taking. Federal policy changes resulting from legal interpretation can impact the practical application of federal law. If federal law or policy changes, state statutes could continue current protections.

Currently, there is no mandated schedule for reviewing and modifying Irreplaceable Natural Areas. However, the Department reviews its list of Threatened and Endangered species at least once every 5 years. This 10-year timeline would establish a review schedule to ensure regulations are updated as species are listed and delisted, as the presence of these species is used to designate Irreplaceable Natural Areas.

BILL EXPLANATION

SB 431 provides standard definitions for “foreseeable future” and “harm” as well as criteria for delisting species that are consistent with the protection of endangered and threatened species and that reflect current practice. The bill also gives the Secretary the authority to designate areas as essential habitats and clarifies that listing determinations will be based on factors that best reflect the conservation needs of proposed species. Additional protections for migratory birds, should they be needed due to a change in federal protections, are also included in the Bill.

Contact: Lydia McPherson, Director, Legislative and Constituent Services
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SB 431 - National Aquarium - Support.pdf

Uploaded by: Maggie Ostdahl

Position: FAV



NATIONAL AQUARIUM®

Date: February 17, 2026

Bill: SB 431 Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings

Position: Support

Chair Feldman and Members of the Committee:

The National Aquarium respectfully requests a favorable report on **SB 431**. This legislation would strengthen the Department of Natural Resource's authority to manage and protect Maryland's threatened and endangered (TE) species.

One of the National Aquarium's three overarching conservation goals is to save wildlife and habitats. We do this through a holistic, solutions-focused approach, which includes habitat restoration, engaging the community in field conservation projects, and in-building education about the importance of threatened and endangered species. Every year, the National Aquarium's 1.2 million guests have the chance to connect with one of many ambassadors of TE species, such as Kai (green sea turtle), Odie (Kemp's ridley sea turtle), Zoe and Zuri (zebra sharks), largemouth sawfish, sturgeon, and more. All these species depend on state and federal protections or are listed on the International Union for the Conservation of Nature (IUCN) Red List. Many other animals cared for by the Aquarium, including diamondback terrapins, are considered vulnerable and depend on effective state protections to ensure they do not become endangered. The National Aquarium also works with partners locally and nationwide to rescue endangered sea turtles that are injured or stranded; we are currently rehabilitating 39 cold-stunned green and Kemp's ridley sea turtles to return them to their ocean home. Despite limited funding, stranding network partners help state and federal agencies meet Endangered Species Act (ESA) responsibilities to rescue, treat, and release these animals, ultimately defraying millions of dollars in annual government costs.

Threatened and endangered species are often keystone species, performing vital ecological services like pollination or food web regulation, and serve as indicators of overall ecosystem health. We all depend on natural resources and the ecosystem services they provide and biodiversity, on scales from local to global, is in crisis. Approximately 8% of the 15,000 plant and animal species that live throughout Maryland are considered rare, uncommon, or declining.¹ Across the U.S., 34% of plants and 40% of animals are at risk of extinction.² We are proud to work with the Maryland Department of Natural Resources and other state partners to restore critical habits and protect Maryland's rare, threatened and endangered species, including blackbanded sunfish, eastern hellbenders, bog turtles, saltmarsh sparrows, piping plovers, and more.

Unfortunately, federal protections for TE species are being weakened despite the fact that the ESA has broad public support and has been incredibly effective at achieving its primary aim to prevent species from becoming extinct. SB 431 takes a precautionary approach to codify important, science-based practices for TE species while many of the same science-based practices are being eroded at the federal level. Specifically, this bill codifies many existing effective practices in Maryland along with several important definitions and provisions that would clarify what constitutes "harm" to protected species and the conditions under which they can be considered for delisting. Habitat loss is the main driver of species extinction and the bill appropriately authorizes designation of essential habitats for TE species.

¹ Maryland State Wildlife Action Plan 2015-2025.

https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/SWAP_Submission.aspx

² NatureServe 2023. Biodiversity in Focus: United States Edition. <https://www.natureserve.org/bif>

Now more than ever, TE species require the support of policies rooted in consistency and grounded in decades of scientific research. While the federal government continues to pursue actions that weaken protections for TE species, the state must enact safeguards to protect TE species in Maryland. **We urge the Committee to issue a favorable report on SB 431.**

Contact:

Maggie Ostdahl

Director of Conservation Policy

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SB 431 - CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

Senate Bill 431

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

Date: February 17, 2026

To: Education, Energy, & Environment Committee

Position: **FAVORABLE**

From: Gussie Maguire,
MD Staff Scientist

The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 431**, which codifies essential protections for threatened and endangered species and their habitats, including providing a specific definition of “harm” to these species. The bill also explicates conditions for delisting species that are no longer threatened or endangered, either through recovery, extinction, or reclassification.

Scientists have declared the current time period as the “sixth mass extinction” event, driven by human impacts, including habitat loss and fragmentation, pollution, invasive species, and climate change. In Maryland alone, nearly 350 species are at risk of extinction or extirpation. Erosion of protections under the federal Endangered Species Act in recent years has placed threatened and endangered species at greater risk than ever before and necessitates strong state protections to prevent future species listings and further decline.

The bill instructs the Department of Natural Resources (DNR) to consider best available data and reasonable threats in the foreseeable future, including environmental variability—already seen throughout the state in response to climate change—when updating state regulation of threatened and endangered species and irreplaceable natural areas. Further, it empowers the DNR Secretary to designate areas as essential habitats for endangered and threatened species. Crucially, SB 431 also defines “harm” to a species to include both acts that kill or injure directly as well as significant change or degradation of their habitat. Common sense indicates that destroying an animal’s home would in turn cause it harm, but this definition ensures that common sense interpretation carries into legal protection.

Finally, the bill requires review of threatened and endangered species regulations at least every 10 years. Given rapidly changing environmental conditions due to climate change, periodic review of regulations to ensure they are sufficiently protective of these species and their habitats are warranted.

CBF urges the Committee’s FAVORABLE report on SB 431.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

SB431_Sierra Club_FAV_17Feb2026_EEE.pdf

Uploaded by: Michael Wilpers

Position: FAV



Committee: Education, Energy, and the Environment

Testimony on: SB 431 Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – 3 Regulations, Lists, Petitions, Essential Habitats, and Takings

Position: Support

Hearing Date: February 17, 2026

The Maryland Chapter of the Sierra Club supports SB 431 as a valuable mechanism to protect the State’s wildlife and natural areas from the impacts of a potential weakening of the federal Endangered Species Act (ESA) and the federal Migratory Bird Treaty Act.¹

Toward this end, the bill will (a) codify into State law a definition of “harm” to protected species that already exists in Department of Natural Resources (DNR) regulations, (b) increase state protections for migratory birds, and (c) require DNR to periodically update its list of Irreplaceable Natural Areas.

The U. S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration seek to weaken the Endangered Species Act by limiting meaning of “harm” exclusively to the deliberate killing or injuring of a protected species. The new definition would eliminate long-standing prohibitions on damage to their habitats upon which protected species rely.² During the public comment period on this proposal, more than 380,000 individuals (including 17,000 Sierra Club members) submitted comments opposing this move.³ Nevertheless, it could become law. SB 431 would protect Maryland’s wildlife from such a shift by codifying the DNR definition of “harm” (mirroring current federal law) as “an act which kills or injures wildlife including an act that significantly modifies or degrades habitat thereby killing or injuring wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.”

Similarly, the current federal Administration seeks to severely weaken the Migratory Bird Treaty Act by eliminating its prohibition against “incidental” harm to birds.⁴ This aspect of the Act has required the federal government to work toward reducing incidental harms or “taking” of

¹ Jeffers, J., et al., “Federal Agencies Propose Sweeping Revisions to Endangered Species Act Regulations, Largely Reinstating 2019–2020 Framework,” *National Law Review*, vol. 16, no. 41, November 21, 2025 (<https://natlawreview.com/article/federal-agencies-propose-sweeping-revisions-endangered-species-act-regulations#:~:text=On%20November%202019%2C%202025%2C%20the%20U.S.%20Fish,consultation%2C%20and%20%60%60take%20protections%20for%20threatened%20species>)

² “Rescinding the Definition of ‘Harm’ Under the Endangered Species Act,” *Federal Register*, 4/17/2025 (<https://www.federalregister.gov/documents/2025/04/17/2025-06746/rescinding-the-definition-of-harm-under-the-endangered-species-act>)

³ Roscamp, G., “380,000+ Oppose Trump Administration Effort to Roll Back Endangered Species Act Protections,” Sierra Club, Dec. 22, 2025 (<https://www.sierraclub.org/press-releases/2025/12/380000-oppose-trump-administration-effort-roll-back-endangered-species-act>)

⁴ Zerzan, G., “Withdrawal of Solicitor Opinion M-37065 - Permanent Withdrawal of Solicitor Opinion - The Migratory Bird Treaty Act Does Not Prohibit Incidental Take,” U. S. Department of the Interior, April 11, 2025 (<https://www.doi.gov/sites/default/files/documents/2025-04/m-37085.pdf>)

migratory birds, such as those that occur through fatal collisions with buildings lit at night.⁵ SB 431 will adopt in Maryland law the prohibition against “incidental” harm to birds as it existed in federal law before the current Administration took office.

Finally, to further protect the State’s rare species, the bill clarifies the State’s Irreplaceable Natural Area (INA) Program to require that DNR review and add to, as needed, the state’s list of these areas.⁶ The INAs are chosen specifically because they “support a unique natural community or a plant or animal species listed as Threatened or Endangered by the State” or that support “an assemblage of native plants or animals that is rare or declining in Maryland” or “an unusually pristine example of a native ecosystem type.”

All three provisions in SB 431 will help ensure that Maryland’s wildlife and natural areas are provided with a level of protection that supersedes any weakening of the federal Endangered Species Act or the Migratory Bird Treaty Act. With these considerations in mind, the Maryland Chapter of the Sierra Club recommends a favorable report on SB 431.

Michael Wilpers
Biodiversity and Natural Places Team
wilpersm@gmail.com

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

⁵ “Reducing Bird Collisions with Buildings and Building Glass: Best Practices,” US Fish And Wildlife Service 2016/2021 <https://www.fws.gov/sites/default/files/documents/reducing-bird-collisions-with-buildings.pdf>

⁶ “Maryland's Irreplaceable Natural Areas,” Maryland Dept. of Natural Resources, August 2023 (<https://dnr.maryland.gov/wildlife/pages/ina.aspx>)

SB431_Favorable_RobinTodd.pdf

Uploaded by: Robin Todd

Position: FAV



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:

- o "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,



Robin G. Todd PhD, Board Certified Entomologist (Emeritus)
MOS Conservation Chair
Robin.todd@mdbirds.org

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.

https://www.science.org/doi/10.1126/science.aaw1313?adobe_mc=MCORGID%3D242B6472541199F70A4C98A6%2540AdobeOrg%7CTS%3D1707754028

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SB 431 testimony RCB & LMcD 2026.pdf

Uploaded by: Ronald Boyer

Position: FAV

Reference: SB 431, Fish and Wildlife - Endangered Species and Migratory Birds - Regulations, Lists,
Petitions, Essential Habitats, and Takings
Committee: Education, Energy, and the Environment
Hearing Date: February 17, 2026
Position: Support

Dear Chairs and Committee Members:

We're active members of the Maryland Ornithological Society and Maryland Native Plant Society. We travel throughout every region of our State for the opportunity to see native plants and animals. We ask that you vote YES on this bill to ensure that these rare species and their unique habitats are protected.

Sincerely,
Ron Boyer and Liz McDowell
90 Moonridge Lane
Grantsville, MD 21536
301-895-3686

SB0431_FWSpeciesandHabitats_FAV_ClimateCC.pdf

Uploaded by: Sonia Demiray

Position: FAV



SB0431 - SUPPORT

Sonia Demiray
Climate Communications Coalition
sonia@demirayink.com
202-744-2948

SB 0431

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

Education, Energy, and the Environment

February 17, 2026

Dear Chair Feldman, Vice Chair Kagan, and members of the Committee:

The Climate Communications Coalition is a Maryland-based grassroots climate and environmental justice non-profit, a member of the Mid-Atlantic Justice Coalition, and of the Maryland Climate Justice Wing, among others. The Climate Communications Coalition strongly supports SB 0431.

According to the United States Geological Survey Agency, the official tally, [only 2.67%](#) of Maryland's lands and waters are currently protected from extraction and traffic for the recovery of biodiversity and rebalancing of ecosystems processes.

In addition to supplementing protections of endangered species and migratory birds on a state level, this bill would authorize the designation of additional essential habitats for endangered and threatened species as Irreplaceable Natural Areas ("INA") which are vital for Maryland's biodiversity, environment, and public health. It must be ensured that INAs conserve existing ecosystems intact and permit natural processes to unfold unhindered. Management priorities must include biodiversity maintenance, nutrient cycling and soil formation, long-term carbon sequestration, and protection of mature and old growth forest habitats.

Increasing areas that allow natural processes to unfold through passive management and without extraction, will bring us closer to the 30% of protected lands and waters that we need to meet by 2030. Maryland currently includes lands and waters "in conservation" which are farmed, fished, logged, mined, and even allow for on and off-road traffic to state that we have surpassed 30% already. However, actively managed lands ("in conservation") are not conducive to biodiversity recovery or to rebalance ecosystem's natural processes – for this to happen we need "protected" areas, with passive management. INAs are a good start.

The Climate Communications Coalition respectfully requests a favorable report on SB 0431.

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Humane World for Animals_SB 431 FAV.pdf

Uploaded by: Stacey Volodin

Position: FAV



Formerly called the Humane Society of the United States and Humane Society International

February 17, 2026

Education, Energy and the Environment Committee

**SB431 - Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings
FAVORABLE**

Chair Feldman, Vice-Chair Kagan, and Members of the Committee,

On behalf of our members and supporters in Maryland, Humane World for Animals – formerly called the Humane Society of the United States – strongly supports SB 431. This legislation would strengthen our state’s Endangered Species Act, prioritizing the protection of wildlife and ensuring healthy ecosystems for generations to come.

Across demographics and political ideologies, the American people overwhelmingly support protections for endangered species.¹ The federal Endangered Species Act is even more successful than it is popular, saving 99% of listed species from extinction.² This record of success is underpinned by strong, protective regulations for imperiled species—both threatened and endangered—and our shared recognition of what is at stake: a truly wonderful, wild world. Unfortunately, as efforts to weaken the federal Endangered Species Act increase, it’s more important than ever for Maryland to reinforce protections for endangered species at the state level.

SB 431 would provide actionable definitions for key terms in listing decisions including “harm” as impacts to habitat and “foreseeable future” to include environmental variability and specific life history of a species. It would allow the Secretary to designate essential habitats for threatened and endangered species, and crucially, it would exclude economic impact as a consideration in listing criteria. These changes will help ensure that listing and delisting decisions for threatened and endangered species are based on sound biological and ecological criteria, not political interests, and that the state can take decisive action to recover the species that need our help.

Protecting species, particularly vulnerable species that are not hunted, is also beneficial to Maryland’s economy. Wildlife watchers are a huge and growing constituency in terms of number of people and dollars spent in the economy, according to data collected by the U.S. Census Bureau and put into reports by the U.S. Fish and Wildlife Service. So-called nonconsumptive users are a rapidly growing stakeholder group who provide immense economic contributions to the communities in which they visit.³ The U.S. Fish and Wildlife Service’s 2022 wildlife-recreation report indicates that wildlife watchers nationwide now number 148 million – a 72% increase from 2016 (and twice as many as in 2011); wildlife watchers outnumber the total number of hunters by tenfold – and spent \$250.2 billion.⁴ Altogether, hunters spent \$45.2 billion in 2022, about one-fifth that spent by wildlife watchers.⁵ The biggest increase between 2016 and 2022 was the amount wildlife watchers spent – wildlife watchers realized a 230% increase over 2016 expenditures. See Fig. 1.

Fig. 1. USFWS National Wildlife Recreation Data (Comparison 2011, 2016 & 2022 data)⁶

Wildlife recreation participants and expenditures	2011	2016	2022	Percent increase (2016 and 2023 data)
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No. wildlife watchers	71.8M	86.0M	145.3M	68.95%
No. hunters	13.7M	11.5M	14.4M	25.22%
Wildlife watcher expenditures	\$59.1B	\$75.9B	\$250.2B	229.64%
Hunter expenditures	\$36.3B	\$25.6B	\$45.2B	76.56%

And in Maryland, the U.S. Bureau of Economic Analysis reports that hunting and trapping accounted for only 1% of the nearly \$9.5 billion spent on outdoor recreation in the state in 2023 (the most recent year available).⁷

Marylanders want to see our wildlife thriving, our endangered and threatened species protected and recovered, and our ecosystems whole, healthy, and resilient for future generations. SB 431 provides essential safeguards for threatened and endangered species and will allow the state to take the necessary steps to protect and recover species and their habitats. I urge support for this legislation.

Respectfully,

Stacey Volodin
Maryland State Director
Humane World for Animals
svolodin@humaneworld.org

¹ John A. Vucetich et al., *Support for the US Endangered Species Act Is High and Steady Over the Past Three Decades*, CONSERVATION LETTERS, May 2025, at 1, 2.

² Celebrating 50 Years of Success in Wildlife Conservation, U.S. DEP'T OF INTERIOR, <https://www.doi.gov/blog/endangered-species-act-celebrating-50-years-success-wildlife-conservation#:~:text=In%20its%20first%2050%20years,conservation%20organizations%20and%20private%20citizens> (last visited Dec. 18, 2025).

³ M. L. Elbroch et al., "Contrasting Bobcat Values," *Biodiversity and Conservation* (2017); U.S. Fish and Wildlife Service, "2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation: National Overview," ed. U.S. Fish and Wildlife Service (2017).

⁴ U.S. Department of the Interior, U.S. Fish and Wildlife Service (Sep. 2023), *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*. "2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation," ed. U.S. Department of the Interior (2016); "2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation," ed. U.S. Department of the Interior (2011).

⁵ U.S. Department of the Interior, U.S. Fish and Wildlife Service (Sep. 2023), *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*.

⁶ U.S. Department of the Interior, U.S. Fish and Wildlife Service (Sep. 2023), *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*.

⁷ U.S. Bureau of Economic Analysis, "[SAOACTVA Outdoor recreation satellite account activities - value added](#)"¹ (accessed Thursday, February 12, 2026).

ACT Testimony - HB0431.pdf

Uploaded by: Taylor Swanson

Position: FAV



**Testimony in SUPPORT of SB431
Fish and Wildlife – Endangered and Threatened Species and Migratory Birds –
3 Regulations, Lists, Petitions, Essential Habitats, and Takings**

Energy, Education, and the Environment Committee
February 13, 2026

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB 431** on behalf of Assateague Coastal Trust.

Across Maryland, endangered and threatened species are increasingly facing intense pressure from development, urban sprawl, habitat loss, and sea level rise. **Each species, big or small, is a piece of the culture and heritage of Maryland.** Every species we lose represents the loss of a piece of our pride and history as Marylander's. It is imperative that we do everything in our power to ensure that our actions as human beings leave room for these iconic pieces of Maryland's natural history.

Assateague Coastal Trust is dedicated to its mission of conservation, preservation, and protection of the waterways of Worcester County and Maryland's Lower Eastern Shore. Our work helps ensure that residents and visitors to Maryland's coast forever enjoy the resources provided by our coastal waters. We see this bill as a major step towards not only protecting important parts of Maryland's heritage, but as a means for conserving iconic landscapes.

Protection of habitat for endangered and threatened species has tremendous implications for water quality. Protecting these vulnerable species not only benefits water health, but benefits communities dependent on these resources, like our watermen.

The Lower Eastern Shore is home to critical habitats that sustain vulnerable species already under increasing pressure from sea level rise, habitat loss, and development. Species such as the Eastern Tiger Salamander, Saltmarsh Sparrow, and Diamondback Terrapin depend on strong, science-based protections to survive.

SB 431 ensures regular review of regulations, strengthens standards for listing and delisting, and promotes transparent, data-driven decision-making. These measures are essential to prevent premature removal of protections and to ensure conservation policies reflect current science and environmental realities.

Protecting endangered and threatened species safeguards not only wildlife, but also the ecological health and resilience of our coastal communities. We urge you to vote favorably on SB 431.

Assateague Coastal Trust urges an **FAVORABLE REPORT** on **SB 431**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor Swanson', with a horizontal line extending to the right.

Taylor Swanson,
Executive Director and Assateague COASTKEEPER
Assateague Coastal Trust

Testimony_SB0431_Weber_FWA.pdf

Uploaded by: Ted Weber

Position: FWA

Feb. 17, 2026

Theodore Weber
Annapolis, MD 21403

TESTIMONY ON SB0431 - POSITION: FAVORABLE WITH AMENDMENTS

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

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

FROM: Theodore Weber

Dear Senators,

I am an ecologist, formerly with the Maryland Dept. of Natural Resources, where I developed the state Green Infrastructure Assessment, and am currently a senior scientist at an NGO working on biodiversity and climate change. I am a resident of District 30A. I am submitting this testimony in support with amendments for SB0431, Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings.

Our planet is losing species and habitat faster than at any other time in human history. In the U.S., 34% of plant species and 40% of animal species are currently at risk of extinction, and 41% of ecosystems are at risk of range-wide collapse (NatureServe 2023). A recent poll showed that nearly all likely voters (91%) think it is important to save at-risk wildlife, fish, and plants for future generations (Data for Progress 2021).

Despite this popular support, extremists in the Trump administration and Congress have launched far-reaching attacks to eviscerate the U.S. Endangered Species Act. With prospects bleak at the federal level, SB0431 is an essential lifeline for endangered and threatened species in Maryland. I respectfully urge that you return a favorable report on it.

A few recommended amendments follow:

1. The bill needs a definition of "essential habitat," e.g., "areas containing physical and/or biological features essential to the conservation of the species both now and into the foreseeable future, as determined by the best available science."
2. § 10-2A-04(b) does not include all of the major factors threatening the viability of species; (b)(5) should include climate change, invasive species, and pollution as key examples.
3. Dedicated funding is needed to protect non-game species in Maryland, including habitat protection, restoration, law enforcement, and research. Adding this would significantly improve conservation outcomes.

Sincerely,

A handwritten signature in cursive script that reads "Theodore Weber".

Theodore Weber

<https://www.linkedin.com/in/tcweber/>

References:

Data for Progress. Poll of 1,166 likely voters taken Dec. 3-6, 2021.

NatureServe. 2023. Biodiversity in Focus: United States Edition. NatureServe, Arlington, VA.