

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 345

(Delegate Palakovich Carr, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

Fish and Wildlife - Endangered and Threatened Species - Definitions, Petitions,
and Regulations

This bill modifies the Endangered Species of Fish Conservation Act and the Nongame and Endangered Species Conservation Act to (1) require that a petition proposing to remove a species from, or add a species to, the lists of endangered species and threatened species include specified information; (2) require the Secretary of Natural Resources to periodically review and, if warranted, update the lists of endangered species and threatened species; and (3) modify the definitions of “fish” and “wildlife” under the Acts. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: None. The bill can be implemented with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Petition to Add or Remove an Endangered or Threatened Species

The bill establishes that a petition submitted by an interested person – proposing to remove a species from, or add a species to, the list of endangered species or the list of threatened

species under the Endangered Species of Fish Conservation Act or the Nongame and Endangered Species Conservation Act – must include:

- a description of the biological distribution of the species in the State;
- the life needs and habitat requirements of the species;
- evidence (1) of the species’ decline, if the species is an unlisted species or (2) that the species is more common than previously believed and documented, if the species is a listed species;
- all known threats that jeopardize the continued existence of the species;
- any other relevant biological and ecological data or other life history information pertinent to the status of the species;
- evidence that the species is recognized as a valid species, or an infraspecific taxon (or infraspecific taxa, in the case of wildlife or plants) of regional or national significance); and
- adequate documentation that the species occurs naturally and is permanently established in the State.

Review of Regulations at Least Every Five Years

The bill requires the Secretary of Natural Resources – by July 1, 2026, and at least every five years thereafter – to review and, if warranted, update regulations adopted under the Endangered Species of Fish Conservation Act and the Nongame and Endangered Species Conservation Act that contain the lists of endangered species and threatened species.

Definitions of “Fish” and “Wildlife”

Under the Endangered Species of Fish Conservation Act, the bill modifies the definition of “fish” so that it includes (1) invertebrates that spend the majority of their life cycle in water and (2) any product of any fish. Under the modified definition, “fish” means finfish, crustaceans, mollusks, invertebrates, amphibians, and reptiles that spend the majority of their life cycle in water, and includes any part, egg, offspring, product, or dead body of any fish.

Under the Nongame and Endangered Species Conservation Act, the bill modifies the definition of “wildlife” so that it means “any nondomesticated species or subspecies of the animal kingdom,” in place of “every living creature, not human, wild by nature, endowed with sensation and power of voluntary motion.” The definition is also modified to include (1) mollusks, invertebrates, and crustaceans that spend a majority of their life cycle on land and (2) any product of any wildlife. Under the full, modified definition, “wildlife” means any nondomesticated species or subspecies of the animal kingdom, and includes (1) mammals, birds, amphibians, mollusks, invertebrates, crustaceans, and reptiles that

spend a majority of their life cycle on land and (2) any part, egg, offspring, product, or dead body of any wildlife.

Current Law:

Petition to Add or Remove an Endangered or Threatened Species

Under the Endangered Species of Fish Conservation Act and the Nongame and Endangered Species Conservation Act, the Secretary of Natural Resources, upon the petition of an interested person, must conduct a review of any listed or unlisted species proposed to be removed from or added to the lists of endangered species and threatened species (with the exception of species determined to be endangered or threatened pursuant to the federal Endangered Species Act) if the Secretary publishes notice that the person has presented substantial evidence which warrants a review.

Department of Natural Resources [regulations](#) (COMAR 08.03.08.02C) require a petition to list or delist a species to include the same information that the bill requires in statute.

Regulations Containing Lists of Endangered or Threatened Species

Under the Endangered Species of Fish Conservation Act, the Secretary must adopt rules and regulations containing a list of all species of fish normally occurring within the State determined to be endangered species and a list of all species determined to be threatened species.

Under the Nongame and Endangered Species Conservation Act, the Secretary must adopt regulations containing a list of all species of wildlife and plants normally occurring within the State determined to be endangered species and a list of all species determined to be threatened species.

Definitions of “Fish” and “Wildlife”

“Fish” is defined in statute to mean finfish, crustaceans, mollusks, and amphibians and reptiles that spend the majority of their life cycle in water and any part, egg, offspring, or dead body of any of these species. This definition applies to Title 4 (“Fish and Fisheries”) of the Natural Resources Article, which includes the Endangered Species of Fish Conservation Act.

“Wildlife” is defined in statute to mean every living creature, not human, wild by nature, endowed with sensation and power of voluntary motion. “Wildlife” includes mammals, birds, amphibians, and reptiles that spend a majority of their life cycle on land or any part, egg, offspring, or dead body of any of them. This definition applies to Title 10 (“Wildlife”)

of the Natural Resources Article, which includes the Nongame and Endangered Species Conservation Act.

Under the federal Endangered Species Act, the term “fish or wildlife” means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 916 (Senator Brooks) - Education, Energy, and the Environment.

Information Source(s): Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2024
km/lgc Third Reader - March 16, 2024
Revised - Amendment(s) - March 16, 2024

Analysis by: Scott D. Kennedy

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