

# HOUSE BILL 223

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 23, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Endangered and Threatened Species – Incidental Taking – Delmarva Fox**  
3 **Squirrel**

4 FOR the purpose of authorizing the Secretary of Natural Resources to issue a certain  
5 taking permit for the Delmarva fox squirrel if an applicant submits a certain  
6 plan and the Secretary makes certain findings; authorizing the Secretary to  
7 adopt certain regulations; and generally relating to the establishment of an  
8 incidental taking permit for the Delmarva fox squirrel.

9 BY adding to  
10 Article – Natural Resources  
11 Section 10–2A–05.2  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Natural Resources**

17 **10–2A–05.2.**

18 **(A) THE SECRETARY MAY ISSUE A PERMIT TO AN APPLICANT THAT**  
19 **AUTHORIZES AN INCIDENTAL TAKING OF THE ENDANGERED DELMARVA FOX**  
20 **SQUIRREL IF:**

21 **(1) THE APPLICANT SUBMITS A CONSERVATION PLAN TO THE**  
22 **DEPARTMENT THAT SPECIFIES:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (I)    **THE IMPACT THAT WILL LIKELY RESULT FROM THE**  
2 **INCIDENTAL TAKING;**

3                   (II) **THE STEPS THAT THE APPLICANT WILL TAKE TO**  
4 **MINIMIZE AND MITIGATE THE IMPACT;**

5                   (III) **THE FUNDING THAT WILL BE AVAILABLE TO**  
6 **IMPLEMENT THE STEPS;**

7                   (IV) **THE ALTERNATIVE ACTIONS TO THE INCIDENTAL**  
8 **TAKING THAT THE APPLICANT CONSIDERED AND THE REASONS THAT THE**  
9 **ALTERNATIVES WERE NOT USED; AND**

10                  (V) **ANY OTHER MEASURES THAT THE SECRETARY**  
11 **REQUIRES AS BEING NECESSARY OR APPROPRIATE FOR THE PURPOSES OF THE**  
12 **PLAN; AND**

13                  (2) **THE SECRETARY FINDS THAT:**

14                   (I) **THE INCIDENTAL TAKING WILL NOT APPRECIABLY**  
15 **REDUCE THE LIKELIHOOD OF THE SURVIVAL OR RECOVERY OF THE DELMARVA**  
16 **FOX SQUIRREL IN THE WILD;**

17                   (II) **THE APPLICANT WILL, TO THE EXTENT PRACTICABLE,**  
18 **MINIMIZE AND MITIGATE THE IMPACTS OF THE INCIDENTAL TAKING;**

19                   (III) **ADEQUATE FUNDING FOR THE CONSERVATION PLAN IS**  
20 **AVAILABLE AND THE PLAN WILL BE IMPLEMENTED; AND**

21                   (IV) **THE APPLICANT HAS OBTAINED THE REQUIRED**  
22 **FEDERAL AUTHORIZATION FOR THE INCIDENTAL TAKING OF THE DELMARVA**  
23 **FOX SQUIRREL.**

24                  (B) **THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT AND**  
25 **ENFORCE THIS SECTION.**

26                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 June 1, 2008.