

HOUSE BILL 223

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8lr0147

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

Introduced and read first time: January 23, 2008

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2008

CHAPTER _____

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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A) THE SECRETARY MAY ISSUE A PERMIT TO AN APPLICANT THAT**
2 **AUTHORIZES AN INCIDENTAL TAKING OF THE ENDANGERED DELMARVA FOX**
3 **SQUIRREL IF:**

4 **(1) THE APPLICANT SUBMITS A CONSERVATION PLAN TO THE**
5 **DEPARTMENT THAT SPECIFIES:**

6 **(I) THE IMPACT THAT WILL LIKELY RESULT FROM THE**
7 **INCIDENTAL TAKING;**

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

10 **(III) THE FUNDING THAT WILL BE AVAILABLE TO**
11 **IMPLEMENT THE STEPS;**

12 **(IV) THE ALTERNATIVE ACTIONS TO THE INCIDENTAL**
13 **TAKING THAT THE APPLICANT CONSIDERED AND THE REASONS THAT THE**
14 **ALTERNATIVES WERE NOT USED; AND**

15 **(V) ANY OTHER MEASURES THAT THE SECRETARY**
16 **REQUIRES AS BEING NECESSARY OR APPROPRIATE FOR THE PURPOSES OF THE**
17 **PLAN; AND**

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

19 **(I) THE INCIDENTAL TAKING WILL NOT APPRECIABLY**
20 **REDUCE THE LIKELIHOOD OF THE SURVIVAL OR RECOVERY OF THE DELMARVA**
21 **FOX SQUIRREL IN THE WILD;**

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

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

26 **(IV) THE APPLICANT HAS OBTAINED THE REQUIRED**
27 **FEDERAL AUTHORIZATION FOR THE INCIDENTAL TAKING OF THE DELMARVA**
28 **FOX SQUIRREL.**

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.