

## CHAPTER 55

(House Bill 223)

AN ACT concerning

### **Endangered and Threatened Species – Incidental Taking – Delmarva Fox Squirrel**

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

BY adding to

Article – Natural Resources

Section 10–2A–05.2

Annotated Code of Maryland

(2007 Replacement Volume)

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

#### **Article – Natural Resources**

##### **10–2A–05.2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, April 8, 2008.**