

# SENATE BILL 431

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CF HB 578

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By: **Senator Brooks**

Introduced and read first time: January 30, 2026

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the Secretary of Natural Resources to review and, if  
5 warranted, update certain regulations on or before a certain date and at a certain  
6 frequency; altering the impacts the Secretary can make reference to when making  
7 certain determinations; requiring the Secretary to delist an endangered or  
8 threatened species under certain circumstances; requiring a petition to remove a  
9 listed species to contain certain information; authorizing the Secretary to designate  
10 areas as essential habitats for endangered and threatened species; prohibiting a  
11 person from taking certain migratory birds; and generally relating to fish, wildlife,  
12 and endangered and threatened species.

13 BY repealing and reenacting, without amendments,  
14 Article – Natural Resources  
15 Section 3–501, 3–502, 4–2A–01(a), (i), and (j), and 10–2A–01(a), (k), and (l)  
16 Annotated Code of Maryland  
17 (2023 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Natural Resources  
20 Section 3–503, 4–2A–04, 4–2A–05, 4–2A–06, 10–2A–03(c), 10–2A–04, 10–2A–05, and  
21 10–2A–06  
22 Annotated Code of Maryland  
23 (2023 Replacement Volume and 2025 Supplement)

24 BY adding to  
25 Article – Natural Resources  
26 Section 4–2A–01(f–1) and (f–2) and 10–2A–01(e–1) and (e–2)  
27 Annotated Code of Maryland  
28 (2023 Replacement Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Natural Resources**

3–501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Biodiversity” means the full range of living organisms native to a region.

(c) “Irreplaceable natural area” means an area with habitat necessary to support:

(1) A unique natural community; or

(2) A plant or animal species listed as threatened or endangered under  
Title 10, Subtitle 2A of this article.

(d) “Program” means the Irreplaceable Natural Areas Program.

(e) “Unique natural community” means an area that:

(1) Has an assemblage of native plants or animals that is rare or declining  
in the State; or

(2) Supports an unusually pristine example of a native ecosystem type.

3–502.

(a) There is an Irreplaceable Natural Areas Program in the Department.

(b) The purpose of the Program is to preserve Maryland’s native biodiversity on  
State-owned land managed by the Department for current and future residents of the  
State.

3–503.

(A) On or before July 1, 2023, the Department shall adopt regulations to carry out  
this subtitle, including regulations:

(1) Designating irreplaceable natural areas on State-owned land managed  
by the Department; and

(2) Establishing management objectives for irreplaceable natural areas,  
including:

- 1 (i) A map depicting boundaries for each area;
- 2 (ii) A description of the unique features and threats for each area;
- 3 and
- 4 (iii) Compatible and incompatible activities for each area.

5 **(B) ON OR BEFORE JULY 1, 2033, AND AT LEAST EVERY 10 YEARS**  
6 **THEREAFTER, THE SECRETARY SHALL REVIEW AND, IF WARRANTED, UPDATE THE**  
7 **REGULATIONS REQUIRED UNDER THIS SECTION.**

8 4-2A-01.

- 9 (a) In this subtitle the following words have the meanings indicated.

10 **(F-1) “FORESEEABLE FUTURE” MEANS AS FAR INTO THE FUTURE AS THE**  
11 **DEPARTMENT CAN MAKE REASONABLY RELIABLE PREDICTIONS, ON A**  
12 **CASE-BY-CASE BASIS, ABOUT THE THREATS TO A SPECIES OF FISH AND THE**  
13 **SPECIES’ RESPONSE TO THOSE THREATS:**

14 **(1) USING THE BEST AVAILABLE DATA; AND**

15 **(2) TAKING INTO ACCOUNT CONSIDERATIONS INCLUDING:**

16 **(I) THE SPECIES’ LIFE-HISTORY CHARACTERISTICS;**

17 **(II) THE PROJECTED TIME FRAME OF THE THREAT; AND**

18 **(III) ENVIRONMENTAL VARIABILITY.**

19 **(F-2) (1) “HARM” MEANS AN ACT THAT KILLS OR INJURES ANY SPECIES OF**  
20 **FISH.**

21 **(2) “HARM” INCLUDES AN ACT THAT SIGNIFICANTLY MODIFIES OR**  
22 **DEGRADES A HABITAT, THEREBY KILLING OR INJURING ANY SPECIES OF FISH BY**  
23 **SIGNIFICANTLY IMPAIRING ESSENTIAL BEHAVIORAL PATTERNS, INCLUDING**  
24 **BREEDING, FEEDING, AND SHELTERING.**

25 (i) “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture,  
26 or collect, or to attempt to engage in any such conduct.

27 (j) “Threatened species” means any species of fish which appears likely, within  
28 the foreseeable future, to become endangered, including any species of fish determined to  
29 be a “threatened species” pursuant to the Endangered Species Act.

1 4-2A-04.

2 (a) Any species of fish determined to be an endangered species pursuant to the  
3 Endangered Species Act shall be deemed to be an endangered species under the provisions  
4 of this subtitle and any species of fish determined to be a threatened species pursuant to  
5 the Endangered Species Act shall be deemed to be a threatened species under the provisions  
6 of this subtitle. The Secretary may determine, in accordance with this section, that any  
7 threatened species is an endangered species throughout all or any portion of the range of  
8 the species within the State.

9 (b) In addition to the species deemed to be endangered or threatened pursuant to  
10 the Endangered Species Act, the Secretary, by rule or regulation, shall determine whether  
11 any species of fish normally occurring within the State is an endangered or threatened  
12 species due to any of the following factors:

13 (1) The present or threatened destruction, modification, or curtailment of  
14 its habitat or range;

15 (2) Overutilization for commercial, sporting, scientific, educational, or  
16 other purposes;

17 (3) Disease or predation;

18 (4) The inadequacy of existing regulatory mechanisms; or

19 (5) Other natural or manmade factors affecting its continued existence  
20 within the State.

21 (c) **(1)** The Secretary shall make determinations required by subsection (b) of  
22 this section [on]:

23 **(I) ON** the basis of the best scientific, commercial, and other data  
24 available and after consultation, as appropriate, with federal agencies, other interested  
25 State agencies, other states having a common interest in the species, and interested persons  
26 and organizations; **AND**

27 **(II) WITHOUT REFERENCE TO POSSIBLE ECONOMIC OR OTHER**  
28 **IMPACTS OF SUCH DETERMINATION.**

29 **(2)** In determining whether any species of fish is an endangered species or  
30 a threatened species, the Secretary shall take into consideration any actions being carried  
31 out or about to be carried out by the federal government, other states, other agencies of this  
32 State, or political subdivisions, or by any other person, which may affect the species under  
33 consideration.

(d) Except with respect to species of fish determined to be endangered or threatened species under the provisions of subsection (a) of this section, the Secretary may not add a species to nor remove a species from any list published unless he first:

(1) Publishes a public notice of the proposed action;

(2) Furnishes notice of the proposed action to the Governor of any state sharing a common border with this State and in which the subject species is known to exist; and

(3) Allows at least 30 days following publication for comment from the public and other interested parties.

(e) Notwithstanding the provisions of subsection (d) of this section, if the Department determines that an emergency situation exists involving the continued existence of the species as a viable component of the State's fish population it may add the species to the lists if it publishes a public notice that an emergency situation exists together with a summary of facts which support this determination.

**(f) THE SECRETARY SHALL DELIST A SPECIES IF THE SECRETARY DETERMINES, BASED ON CONSIDERATION OF THE FACTORS AND STANDARDS SET FORTH IN SUBSECTION (B) OF THIS SECTION, THAT THE BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE SUBSTANTIATE THAT:**

**(1) THE SPECIES IS EXTINCT;**

**(2) THE SPECIES HAS RECOVERED TO THE POINT THAT IT NO LONGER MEETS THE DEFINITION OF ENDANGERED SPECIES OR THREATENED SPECIES;**

**(3) INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE DEFINITION OF AN ENDANGERED SPECIES OR A THREATENED SPECIES; OR**

**(4) INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE DEFINITION OF A SPECIES.**

**(G)** (1) The Secretary shall 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.

(2) Each list shall refer to the species by scientific and common names and shall specify with respect to each species over what portion of its range it is endangered or threatened.

(3) On or before July 1, 2026, and at least every 5 years thereafter, the Secretary shall review and, if warranted, update the regulations required under this subsection.

4-2A-05.

(a) (1) Except with respect to species of fish determined to be endangered or threatened pursuant to the Endangered Species Act, the Secretary, upon the petition of an interested person that meets the requirements of paragraph (2) of this subsection, shall conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to [§ 4-2A-04(f)] § 4-2A-04(G) of this subtitle, if the Secretary makes and publishes a public notice that the person has presented substantial evidence which warrants a review.

(2) A petition submitted by an interested person under paragraph (1) of this subsection shall include:

(i) A description of the biological distribution of the species in the State;

(ii) The life needs and habitat requirements of the species;

(iii) 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] IF the species is a listed species:

**A. THAT THE SPECIES IS EXTINCT;**

**B. THAT THE SPECIES HAS RECOVERED TO THE POINT THAT IT NO LONGER MEETS THE DEFINITION OF ENDANGERED SPECIES OR THREATENED SPECIES;**

**C. OF ANY OTHER INFORMATION THAT HAS BECOME AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE DEFINITION OF AN ENDANGERED SPECIES OR A THREATENED SPECIES; OR**

**D. OF INFORMATION THAT HAS BECOME AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE DEFINITION OF A SPECIES;**

(iv) All known threats that jeopardize the continued existence of the species;

(v) Any other relevant biological and ecological data or other life history information pertinent to the status of the species;

(vi) Evidence that the species is recognized as a valid species or an infraspecific taxon of regional or national significance; and

(vii) Adequate documentation that the species occurs naturally and is permanently established in the State.

(b) When any species of fish is listed as a threatened species pursuant to [§ 4-2A-04(f)] **§ 4-2A-04(G)** of this subtitle, the Secretary shall adopt regulations necessary and advisable to provide for the conservation of the species. The Secretary, by regulation, shall prohibit with respect to any threatened species of fish any act prohibited under subsection (c) of this section.

(c) Except as provided in subsection (f) of this section, with respect to any endangered species of fish, no person may:

(1) Export the species from the State;

(2) Take the species within the State;

(3) Possess, process, sell, or offer for sale, deliver, carry, transport, or ship the species by any means; or

(4) Violate any regulation pertaining to the conservation of the species or to any threatened species of wildlife listed pursuant to this subsection and adopted by the Secretary pursuant to authority provided by this section.

(d) Except as provided in subsection (f) of this section, with respect to any endangered species of fish, no person may:

(1) Export the species from the State;

(2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship the species by any means; or

(3) Violate any regulation pertaining to the species or to any threatened species of fish listed pursuant to [§ 4-2A-04(f)] **§ 4-2A-04(G)** of this subtitle and adopted by the Secretary.

(e) If any endangered species of fish which enters the State from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond the State may be so entered and transported

without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(f) (1) Subject to paragraph (2) of this subsection, the Secretary may issue a permit, under the terms and conditions he prescribes, to allow any act otherwise prohibited by subsections (c) and (d) of this section for scientific purposes, to enhance the propagation or survival of the affected species, and on or after January 1, 1990, for aquaculture involving the affected species in nontidal ponds, lakes, or impoundments.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, on or after June 1, 1989, the Secretary may issue a permit to allow the purchase of striped bass or striped bass hybrid from out-of-state sources for possession and raising in aquaculture operations in nontidal ponds, lakes, or impoundments in the State.

4-2A-06.

(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; AND

(II) MAY DESIGNATE AREAS AS ESSENTIAL HABITATS FOR ENDANGERED AND THREATENED SPECIES.

(2) The Secretary shall use all vested authority to carry out the provisions of this subsection.

(b) In carrying out programs authorized by this section, the Secretary shall consult with other states having a common interest in particular species of endangered or threatened species of fish and may enter into agreements with federal agencies, other states, political subdivisions of this State, or with individuals with respect to programs designed to conserve endangered or threatened species of fish including agreements for administration and management of any that are established under this section or utilized for conservation of endangered or threatened species of fish.

(c) (1) The Governor shall review other programs administered by him and utilize these programs in furtherance of the purposes of this subtitle.

(2) All State departments and agencies, in consultation with and with the assistance of the Secretary, shall utilize their authorities in furtherance of the purposes of this subtitle by carrying out programs for the conservation of endangered species and threatened species listed pursuant to [§ 4-2A-04(f)] § 4-2A-04(G) of this subtitle and by taking any action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of the endangered species or threatened



species or result in the destruction or modification of habitat of the species which is deemed by the Secretary to be critical.

(d) The Secretary shall adopt rules and regulations necessary to implement this section.

10-2A-01.

(a) In this subtitle the following words have the meanings indicated.

**(E-1) “FORESEEABLE FUTURE” MEANS AS FAR INTO THE FUTURE AS THE DEPARTMENT CAN MAKE REASONABLY RELIABLE PREDICTIONS, ON A CASE-BY-CASE BASIS, ABOUT THE THREATS TO A SPECIES OF WILDLIFE OR PLANT AND THE SPECIES’ RESPONSE TO THOSE THREATS:**

**(1) USING THE BEST AVAILABLE DATA; AND**

**(2) TAKING INTO ACCOUNT CONSIDERATIONS INCLUDING:**

**(I) THE SPECIES’ LIFE-HISTORY CHARACTERISTICS;**

**(II) THE PROJECTED TIME FRAME OF THE THREAT; AND**

**(III) ENVIRONMENTAL VARIABILITY.**

**(E-2) (1) “HARM” MEANS AN ACT THAT KILLS OR INJURES WILDLIFE.**

**(2) “HARM” INCLUDES AN ACT THAT SIGNIFICANTLY MODIFIES OR DEGRADES A HABITAT, THEREBY KILLING OR INJURING WILDLIFE BY SIGNIFICANTLY IMPAIRING ESSENTIAL BEHAVIORAL PATTERNS, INCLUDING BREEDING, FEEDING, AND SHELTERING.**

(k) “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

(l) “Threatened species” means any species of wildlife or plants which appears likely, within the foreseeable future, to become endangered including any species of wildlife or plant determined to be a “threatened species” pursuant to the Endangered Species Act.

10-2A-03.

(c) (1) Except as provided in regulations adopted by the Secretary, a person [may]:

(I) MAY not take, possess, transport, export, process, sell, offer for sale, or ship nongame wildlife deemed by the Secretary to be in need of conservation pursuant to this section; AND

(II) MAY NOT TAKE ANY MIGRATORY BIRD LISTED UNDER 50 C.F.R. § 10.13 IN EFFECT AS OF JANUARY 1, 2025.

(2) A common or contract carrier may not knowingly transport or receive for shipment nongame wildlife deemed by the Secretary to be in need of conservation pursuant to this section.

10-2A-04.

(a) (1) Any species of wildlife or plant determined to be endangered species pursuant to the Endangered Species Act shall be deemed to be an endangered species under the provisions of this subtitle and any species of wildlife or plant determined to be a threatened species pursuant to the Endangered Species Act shall be deemed to be a threatened species under the provisions of this subtitle.

(2) The Secretary may determine, in accordance with this section, that any threatened species is an endangered species throughout all or any portion of the range of the species within the State.

(b) In addition to the species deemed to be endangered or threatened pursuant to the Endangered Species Act, the Secretary, by regulation, shall determine whether any species of wildlife or plant normally occurring within the State is an endangered or threatened species due to any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, educational, or other purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence within the State.

(c) (1) The Secretary shall make determinations required by subsection (b) of this section [on]:

(I) ON the basis of the best scientific, commercial, and other data available [to] and after consultation, as appropriate, with federal agencies, other interested

State agencies, other states having a common interest in the species, and interested persons and organizations; AND

**(II) WITHOUT REFERENCE TO POSSIBLE ECONOMIC OR OTHER IMPACTS OF SUCH DETERMINATION.**

(2) In determining whether any species of wildlife or plant is an endangered species or a threatened species, the Secretary shall take into consideration any actions being carried out or about to be carried out by the federal government, other states, other agencies of this State, or political subdivisions, or by any other person which may affect the species under consideration.

(d) Except with respect to species of wildlife or plants determined to be endangered or threatened species under the provisions of subsection (a) of this section, the Secretary may not add a species to nor remove a species from any list published unless the Secretary first:

(1) Publishes a public notice of the proposed action;

(2) Furnishes notice of the proposed action to the Governor of any state sharing a common border with the State and in which the subject species is known to exist; and

(3) Allows at least 30 days following publication for comment from the public and other interested parties.

(e) Notwithstanding the provisions of subsection (d) of this section, if the Department determines that an emergency situation exists involving the continued existence of the species as a viable component of the State's wildlife or plants, the Department may add the species to the lists if the Department publishes a public notice that an emergency situation exists together with a summary of facts which support this determination.

**(f) THE SECRETARY SHALL DELIST A SPECIES IF THE SECRETARY DETERMINES, BASED ON CONSIDERATION OF THE FACTORS AND STANDARDS SET FORTH IN SUBSECTION (B) OF THIS SECTION, THAT THE BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE SUBSTANTIATE THAT:**

**(1) THE SPECIES IS EXTINCT;**

**(2) THE SPECIES HAS RECOVERED TO THE POINT THAT IT NO LONGER MEETS THE DEFINITION OF ENDANGERED SPECIES OR THREATENED SPECIES;**

**(3) INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE DEFINITION OF AN ENDANGERED SPECIES OR A THREATENED SPECIES; OR**

(4) INFORMATION HAS BECOME AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY DOES NOT MEET THE DEFINITION OF A SPECIES.

(G) (1) The Secretary shall 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.

(2) Each list shall refer to the species by scientific and common names and shall specify with respect to each species over what portion of its range it is endangered or threatened.

(3) On or before July 1, 2026, and at least every 5 years thereafter, the Secretary shall review and, if warranted, update the regulations required under this subsection.

10-2A-05.

(a) (1) Except with respect to species of wildlife or plants determined to be endangered or threatened pursuant to the Endangered Species Act, the Secretary, upon the petition of an interested person that meets the requirements of paragraph (2) of this subsection, shall conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to [§ 10-2A-04(f)] **§ 10-2A-04(G)** of this subtitle, if the Secretary publishes public notice that the person has presented substantial evidence which warrants a review.

(2) A petition submitted by an interested person under paragraph (1) of this subsection shall include:

(i) A description of the biological distribution of the species in the State;

(ii) The life needs and habitat requirements of the species;

(iii) 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] **IF** the species is a listed species:

**A. THAT THE SPECIES IS EXTINCT;**

1                   **B.     THAT THE SPECIES HAS RECOVERED TO THE POINT**  
2 **THAT IT NO LONGER MEETS THE DEFINITION OF ENDANGERED SPECIES OR**  
3 **THREATENED SPECIES;**

4                   **C.     OF ANY OTHER INFORMATION THAT HAS BECOME**  
5 **AVAILABLE SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED**  
6 **ENTITY DOES NOT MEET THE DEFINITION OF AN ENDANGERED SPECIES OR A**  
7 **THREATENED SPECIES; OR**

8                   **D.     OF INFORMATION THAT HAS BECOME AVAILABLE**  
9 **SINCE THE ORIGINAL LISTING DECISION THAT SHOWS THAT THE LISTED ENTITY**  
10 **DOES NOT MEET THE DEFINITION OF A SPECIES;**

11                   (iv)   All known threats that jeopardize the continued existence of the  
12 species;

13                   (v)   Any other relevant biological and ecological data or other life  
14 history information pertinent to the status of the species;

15                   (vi)   Evidence that the species is recognized as a valid species, or  
16 infraspecific taxa of regional or national significance; and

17                   (vii) Adequate documentation that the species occurs naturally and is  
18 permanently established in the State.

19           (b)   (1)   When any species of wildlife or plant is listed as a threatened species  
20 pursuant to [~~§ 10-2A-04(f)~~] **§ 10-2A-04(G)** of this subtitle, the Secretary shall adopt  
21 regulations necessary and advisable to provide for the conservation of the species.

22                   (2)   The Secretary, by regulations, may prohibit with respect to any  
23 threatened species of wildlife or plant any act prohibited under subsection (c) of this section.

24           (c)   Except as provided in subsection (f) of this section and §§ 10-2A-05.1,  
25 10-2A-05.2, and 10-2A-05.3 of this subtitle, with respect to any endangered species of  
26 wildlife, a person may not:

27                   (1)   Export the species from the State;

28                   (2)   Take the species within the State;

29                   (3)   Possess, process, sell or offer for sale, deliver, carry, transport, or ship  
30 the species by any means; or

31                   (4)   Violate any regulation pertaining to the conservation of the species or  
32 to any threatened species of wildlife listed pursuant to this subsection and adopted by the  
33 Secretary pursuant to authority provided by this section.

(d) Except as provided in subsection (f) of this section, with respect to any endangered species of plant, a person may not:

(1) Export the species from the State;

(2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship the species by any means; or

(3) Violate any regulation pertaining to the species or to any threatened species of plant listed pursuant to [§ 10-2A-04(f)] **§ 10-2A-04(G)** of this subtitle and adopted by the Secretary.

(e) Any endangered species of wildlife or plant which enters the State from another state or from a point outside the territorial limits of the United States and which is transported to a point within or beyond the State may enter and be transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(f) The Secretary may permit, under the terms and conditions that the Secretary prescribes, any act otherwise prohibited by subsections (c) and (d) of this section for scientific purposes or to enhance the propagation or survival of the affected species.

10-2A-06.

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

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

**(II) MAY DESIGNATE AREAS AS ESSENTIAL HABITATS FOR ENDANGERED AND THREATENED SPECIES.**

**(2)** The Secretary shall use all vested authority to carry out the provisions of this subsection.

(b) **(1)** In carrying out programs authorized by this section, the Secretary shall consult with the State Secretary of Agriculture and other states having a common interest in particular species of nongame, endangered, or threatened species of wildlife or plants.

**(2)** The Secretary may enter into agreements with federal agencies, other states, political subdivisions of the State, or with individuals with respect to programs designed to conserve nongame, endangered, or threatened species of wildlife or plants, including agreements for administration and management established under this section

1 or utilized for conservation of nongame, endangered, or threatened species of wildlife or  
2 plants.

3 (c) **(1)** The Governor shall review other programs administered by the  
4 Governor and utilize these programs in furtherance of the purposes of this subtitle.

5 **(2)** All State departments and agencies, in consultation with and with the  
6 assistance of the Secretary, shall utilize their authorities in furtherance of the purposes of  
7 this subtitle by carrying out programs for the conservation of endangered species and  
8 threatened species listed pursuant to [§ 10-2A-04(f)] **§ 10-2A-04(G)** of this subtitle, and  
9 by taking any action necessary to insure that actions authorized, funded, or carried out by  
10 them do not jeopardize the continued existence of the endangered species or threatened  
11 species or result in the destruction or modification of habitat of the species which is deemed  
12 by the Secretary to be critical.

13 (d) The Secretary shall adopt regulations necessary to implement this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2026.