

# **Arundel Rivers Testimony FAV hb345 Endangered Spec**

Uploaded by: Elle Bassett

Position: FAV



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**Testimony in SUPPORT of House Bill 345 – Fish and Wildlife – Endangered and Threatened Species – Definitions, Petitions, and Regulations**

Environment and Transportation Committee  
February 14, 2024

Dear Chair Korman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF HB345**, on behalf of Arundel Rivers Federation. Arundel Rivers is a non-profit organization dedicated to the protection, preservation, and restoration of the South, West and Rhode Rivers with over 3,500 supporters. Our mission is to work with local communities to achieve clean, fishable, and swimmable waterways for present and future generations.

House Bill 345 will require the Department of Natural Resources to review the endangered and threatened species list for the state and update regulations if deemed necessary in a timely manner. Additionally, this bill will allow an interested person to petition with evidence for a species to be considered endangered or threatened by the Department.

The language within this proposed bill is consistent with language within the Endangered Species Act and it includes some general updating to existing regulation to make our state consistent with federal policies. The current report of Rare, Threatened, and Endangered Species in Maryland comprises of “519 native Maryland animals that are among the least understood, the rarest, and the most in need of conservation efforts.”<sup>1</sup> This report is an invaluable tool for conservation, preservation, and education of our communities and natural environments.

Arundel Rivers Federation strongly supports protecting our state’s rare, threatened, and endangered species and we respectfully request a **FAVORABLE REPORT ON HOUSE BILL 345**.

Sincerely,

A handwritten signature in black ink that reads "Elle Bassett".

Elle Bassett  
South, West and Rhode Riverkeeper  
Arundel Rivers Federation

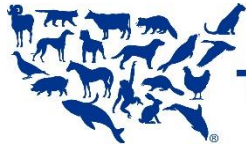
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<sup>1</sup> Maryland Department of Natural Resources: Maryland Wildlife and Heritage Service Natural Heritage Program. *List of Rare, Threatened, and Endangered Animals of Maryland*. 2021.

**HB345\_FAV\_HSUS.pdf**

Uploaded by: Jennifer Bevan-Dangel

Position: FAV



# THE HUMANE SOCIETY OF THE UNITED STATES

February 12, 2024

Environment and Transportation Committee

HB 345

*Wildlife – Conservation -Endangered and Threatened Species*

**FAVORABLE**

The Humane Society of the United States (HSUS), on behalf of our Maryland supporters, strongly supports House Bill 345. This legislation creates an important framework and interval that addresses the inadequacies of current state law in reviewing the listing and unlisting of endangered and threatened species, and in achieving state and federal conservation and recovery goals.

The potential threats and impacts to the thousands of wildlife species across our state are many and varied, and the scope of information and data required to steward our wildlife population is both large and dynamic. HB 345 is central to providing a process for collecting and evaluating information about the status of wildlife populations and will, in consultation with Agency experts, provide a wider and more timely view of the impacts and population trends in wildlife species throughout Maryland.

This process, and the 5-year review interval the legislation establishes, will provide agency experts with a finer-tuned sense of population declines along with the reasons for those trends, enhancing their ability to take the necessary actions that both arrest as well as correct population declines. This legislation will not only allow stewards to take appropriate actions earlier to prevent species from becoming endangered, but it will also provide more updated information to help make timely decisions about removing species from listing when they have recovered or when endangered and threatened species are brought to the point where more substantial actions including total protections are no longer needed.

This legislation helps to both strengthen and clarify a process for management actions and considerations that will help achieve state and federal conservation goals. It complements the federal Endangered Species Act, and it provides the ability to take local and state actions that will lead to fewer number of species becoming imperiled in the first place and more recovered species overall.

We thank the committee for its consideration of this legislation and request a favorable vote on HB 345.

For more information contact Jennifer Bevan-Dangel, Maryland State Director  
[jbevandangel@humanesociety.org](mailto:jbevandangel@humanesociety.org) | C 410-303-7954

# **HB345\_Audubon\_Endangered and ThreatenedSpecies.pdf**

Uploaded by: Jim Brown

Position: FAV



**Maryland Office**  
2901 E. Baltimore St  
Baltimore, MD 21214

February 12, 2024

**To:** Chairman Korman, Vice Chair Boyce, and members of the Maryland House Committee on Environment and Transportation

**From:** Jim Brown, Policy Director, Audubon Mid-Atlantic

**Subject: Favorable Testimony for Maryland HB 345 Endangered and Threatened Species, Definitions, Petitions, and Regulations**

Audubon Mid-Atlantic submits this testimony in support of House Bill 345. Audubon Mid-Atlantic is the regional office of National Audubon Society, representing over 35,000 Marylanders who advocate for the protection of birds, bird habitat, and policies aiming to protect both birds and human communities in the face of increasing environmental challenges, habitat loss, pollution, and climate change. We work with partner organizations, government agencies, and local communities to protect birds and the places they need to survive now, and into the future. HB 345 will codify existing practices to regularly evaluate and update Maryland's threatened and endangered species list for wildlife, including birds and their food sources. This will help Maryland make decisions which continue to provide critical habitat to threatened bird populations across the state.

From our Atlantic shoreline and Chesapeake Bay marshes to our urban parks and western Maryland mountains, birds in Maryland are under threat. Iconic species such as the black skimmer, royal tern, piping plover, and Swainson's warbler and the special Maryland coastal and forested landscapes they depend on will benefit from the measures of HB 345. Evaluating and updating the state's threatened and endangered species list will hold Maryland up as leader in conservation planning.

Science tells us birds are in decline due to habitat loss and climate change. 1/3 of all Maryland bird species experienced significant population declines in the past 50 years. Through monitoring and regular updating HB 345 will enable Maryland to stay ahead of this trend and bend the bird curve back by being prepared to assess threats and take action to protect Maryland's birds and the places which they and we humans depend on. HB 345 will lay the framework for centering conservation and biodiversity. It will also continue to hold Maryland up as a leader in ecosystem preservation and the protection of birds now and in the future.

Audubon Mid-Atlantic respectfully urges a favorable review of this legislation.

Thank You,

Jim Brown  
Policy Director  
Audubon Mid-Atlantic  
[Jim.brown@audubon.org](mailto:Jim.brown@audubon.org)

# **HB345\_McKnight\_DNR\_FAV**

Uploaded by: Jonathan McKnight

Position: FAV



*Wes Moore, Governor*  
*Aruna Miller, Lt. Governor*  
*Josh Kurtz, Secretary*  
*David Goshorn, Deputy Secretary*

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February 14, 2024

BILL NUMBER: **House Bill 345**

SHORT TITLE: **Fish and Wildlife – Endangered and Threatened Species – Definitions, Petitions, and Regulations**

DEPARTMENT’S POSITION: **SUPPORT**

**EXPLANATION OF DEPARTMENT’S POSITION**

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The Department supports House Bill 345 because it adds a definition to the process by which changes are made to the Threatened and Endangered Species list.

**BACKGROUND INFORMATION**

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The Department monitors populations of rare, Threatened, and Endangered species and periodically changes the legal protection status of native Maryland plants and wildlife. This bill refines the process by which changes are made to the regulations and defines a schedule for the Secretary of Natural Resources to bring changes forward.

**BILL EXPLANATION**

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HB 345 refines the legal definition of a fish in Maryland, further describes what is needed for a listing petition, and charges the Department of Natural Resources with reviewing Threatened and Endangered species-related regulations every five years. It sets out scientific parameters for listing decisions. HB 345 further defines who may petition the Department to list a species as Threatened or Endangered or to remove a species from the list of protected species and what information is required in such a petition.



# **Delegate Palakovich Carr Testimony - HB 345 - Enda**

Uploaded by: Julie Palakovich Carr

Position: FAV



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 345  
Fish and Wildlife – Endangered and Threatened Species – Definitions,  
Petitions, and Regulations**

HB 345 will help ensure the continued protection of our state's biodiversity by codifying in law existing practices and regulations regarding endangered species protections.

This legislation clarifies several aspects of the state's current Endangered Species Act to address gaps and ambiguities in the law. These changes aim to make the law more reflective of the current measures being taken to safeguard Maryland's unique biodiversity and protected species for future generations.

Our state's Endangered Species Act is modeled after the federal law of the same name. The federal law celebrated its 50th anniversary last year and has successfully saved hundreds of species from extinction, protecting and preserving some of our most beloved animals and plants. It is estimated that 99% of species protected by this law have avoided extinction.<sup>1</sup> Under Maryland's Cooperative Agreement with the federal government, the State protects federally-listed animals and plants and any state-identified species of concern.

**Regular Review and Update of Protected Species Lists**

HB 345 requires review and update of the animal and plant protected species lists by the Department of Natural Resources (DNR) at least every 5 years.

The Department currently follows an internal, uncodified process in which it reviews the lists to prepare a "package" of new listings and delistings fairly frequently – typically every year or two. It's then up to the Secretary to review the package and initiate any necessary regulatory changes. The two most recent lists of protected species were issued within 5 years.<sup>2</sup>

The proposed time frame is in line with other states. Nineteen states require their protected species lists to be updated at least every 5 years.<sup>3</sup>

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<sup>1</sup> U.S. Fish and Wildlife Service; *Scientific American*; *Center for Biological Diversity*; *World Wildlife Fund*.

<sup>2</sup> The most recent lists are dated 2021; the prior lists were issued in 2019 (plants) and 2016 (animals).

<sup>3</sup> Alaska, Arizona, California, Colorado, Connecticut, Florida, Indiana, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Mexico, South Carolina, South Dakota, and Tennessee

Maryland's protections for rare species can only be as good as our list of protected species. A periodic reassessment to add or remove species ensures that the state's protected species lists remain relevant and responsive to changes in ecological conditions.

### **Clarification of the Definitions of Fish and Wildlife**

HB 345 clarifies the definitions of fish and wildlife in the Endangered Species Act to make clear that the Act includes all species. (Note: these definitions of fish and wildlife do not impact other parts of the Natural Resources article, just the Endangered Species Act.)

Maryland's statutory definition of wildlife currently excludes animals that cannot move, like mussels, barnacles, corals, sponges, and other animals. It also excludes some life cycle phases of animals, like butterfly pupae.

Including invertebrates in the legal definitions aligns with the federal Endangered Species Act and with current DNR practice. Current interpretation in Maryland is that all animals are included; DNR's current list of protected animals includes invertebrates and other animals not listed in the current statutory definition.<sup>4</sup> Many other states clearly include all species in their legal definitions.<sup>5</sup>

Explicitly stating that protection extends to all species ensures that state law reflects DNR's current, comprehensive conservation efforts.

### **Codification of Scientific Evidence Requirement**

Lastly, HB 345 codifies the current requirements in state regulation for scientific evidence to be presented to list or delist a species.

Under current state law, "an interested person" can petition for a species to be added or removed from the protected species list as long as they present "substantial evidence which warrants a review." DNR regulations specify the particular requirements associated with making a petition, but these requirements are not codified in law.<sup>6</sup>

Requiring scientific evidence for the listing or delisting of a species is a fundamental tenet of effective conservation management in both the state and federal Endangered Species Act.<sup>7</sup> Codifying the state's current regulatory requirements ensures that decisions affecting the status of a species are grounded in sound scientific principles, fostering transparency and accountability in the decision whether to list or delist a species as protected.

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<sup>4</sup> [https://dnr.maryland.gov/wildlife/Pages/plants\\_wildlife/rte/rteanimals.aspx](https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/rte/rteanimals.aspx)

<sup>5</sup> According to the National Caucus of Environmental Legislators, 18 states plus Puerto Rico provide protection to all species and a total of 24 states include all animals in their definition of wildlife.

<sup>6</sup> [COMAR 08.03.08.02](#)

<sup>7</sup> 16 U.S.C. § 1533: "The Secretary shall make determinations [...] solely on the basis of the best scientific and commercial data available".

# **Sponsor Amendment HB 345.pdf**

Uploaded by: Julie Palakovich Carr

Position: FAV



**HB0345/783029/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

07 FEB 24  
08:48:49

BY: Delegate Palakovich Carr

(To be offered in the Environment and Transportation Committee)

AMENDMENT TO HOUSE BILL 345

(First Reading File Bill)

On page 5, in lines 14 and 15, strike “**EVERY LIVING CREATURE, NOT HUMAN, WILD BY NATURE, ENDOWED WITH SENSATION AND POWER OF VOLUNTARY MOTION**” and substitute “**ANY NONDOMESTICATED SPECIES OR SUBSPECIES OF THE ANIMAL KINGDOM**”.

**MSBA.WrittenTestimony.HB345.24.pdf**

Uploaded by: Kimberly Fullerton

Position: FAV

# MARYLAND STATE BAR ASSOCIATION ANIMAL LAW SECTION

February 12, 2024

RE: Written Testimony in Support of HB 345  
Maryland State Bar Association, Animal Law Section

Dear Chairman Korman and Members of the Environment and Transportation Committee:

The Maryland State Bar Association Animal Law Section is in support of HB 345, a bill which is necessary to protect Maryland's native species from extinction.

## **I. Species Extinctions are Accelerating Rapidly**

The United Nations reported that nature is declining at rates unprecedented in human history and the rate of species extinctions is accelerating rapidly. One million species are threatened with extinction, including over 40% of amphibians and over 33% of marine mammals.

Maryland's diverse environment provides a range of habitats for remarkable species threatened with extinction. The eastern shore is home to the world's smallest and rarest sea turtle (the Kemps Ridley) and largest mammal (the blue whale). The monarch butterfly is an iconic species that aids in pollinating plants throughout the state. The list of Maryland's remarkable and endangered species goes on – and HB 345 is necessary to ensure that the list is an effective tool for conservation.

## **II. Conservation Strategies Should be Based on Current Ecological Data**

HB 345 will strengthen Maryland's ability to identify threatened species through local resources and implement appropriate conservation strategies based on ecological data. The timeline requirement of the bill is necessary to clarify the review process for conservation methods.

## **III. Data collected will benefit federal and international policymakers, which gives Maryland a stronger voice in how to best protect our own resources**

The data acquired from local tracking and reporting will ultimately assist federal and international decision making. This will induce appropriate and cohesive conservation strategies from all stakeholders, while ensuring that Maryland has a seat at every table which makes decisions regulating our state's natural resources.

Respectfully Submitted,

/s/

Kimberly Fullerton

*Legislative Liaison*

*Maryland State Bar Association Animal Law Section*

# **Fish and Wildlife - Endangered and Threatened Spec**

Uploaded by: Lisa Radov

Position: FAV





## MARYLAND VOTES FOR ANIMALS

PO Box 10411  
BALTIMORE, MD 21209

February 14, 2024

To: House Environment and Transportation Committee  
From: Lisa Radov, President and Chairman, Maryland Votes for Animals, Inc.  
Re: Fish and Wildlife - Endangered and Threatened Species - Definitions, Petitions, and Regulations – HB 345 – Support.

Chair Korman, Vice - Chair Boyce, members of the Environment and Transportation Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov. I am the President and Chairman of Maryland Votes for Animals, Inc. We champion humane legislation to improve the lives of animals in Maryland. Speaking for Maryland Votes for Animals, our Board of Directors, and our members across the State of Maryland, I respectfully ask that the House Environment & Transportation Committee vote favorably for Fish and Wildlife - Endangered and Threatened Species - Definitions, Petitions, and Regulations – HB 345.

Requiring certain petitions to review the listing or unlisting of endangered or threatened species to contain certain information regarding the distribution, life and habitat needs of the species and relevant information about the status of a species; requiring the Secretary of Natural Resources to review and, if warranted, update certain regulations listing endangered or threatened species on or before July 1, 2026, and every 5 years thereafter; and altering the definitions of "fish" and "wildlife" for certain purposes.

This bill essentially outlines specific protocols for the Secretary of Natural Resources to follow so that Maryland can make informed decisions about the status of existing protected species as well as which additional species need the critical protections afforded by the Endangered Species Act.

The Endangered Species Act has been an effective tool for ensuring the preservation of species whose numbers were dwindling to very dangerous numbers. Maryland Votes for Animals is committed to maintaining the strength and integrity of the ESA and its goal of protecting imperiled species and their habitats to maintain the biological diversity in our state and on our planet.

Thanks to Delegate Palakovich Carr for sponsoring HB 345. I urge the committee for a favorable report.

**HB 345 - CBF - FAV.pdf**

Uploaded by: Matt Stegman

Position: FAV



# CHESAPEAKE BAY FOUNDATION

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*Environmental Protection and Restoration  
Environmental Education*

## **House Bill 345**

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

Date: February 14, 2024

Position: **Favorable**

To: House Environment & Transportation Committee

From: Allison Colden

MD Executive Director

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Chesapeake Bay Foundation (CBF) **SUPPORTS** House Bill 345 which updates the definition of “fish” and “wildlife” with respect to defining threatened and endangered (TE) species, requires the Department of Natural Resources (DNR) to review and update regulations every 5 years, and outlines information that must be submitted to petition for addition or removal of a species from the state’s threatened and endangered species list.

Scientists have declared the current time period as the “sixth mass extinction” event, driven by human impacts, including habitat loss and fragmentation, pollution, invasive species, and climate change. In Maryland alone, nearly 350 species are at risk of extinction or extirpation. Erosion of protections under the federal Endangered Species Act in recent years have placed TE species at greater risk than ever before and necessitates strong state protections to prevent future species listings and further decline.

HB 345 seeks to update the state’s existing TE species statute by including specific definitions for “fish” and “wildlife” as well as requiring DNR to review, and update if warranted, TE species regulations every 5 years. Given rapidly changing environmental conditions due to climate change, periodic review of regulations to ensure they are sufficiently protective of TE species and their habitats is warranted.

HB345 also outlines data needs and requirements for petitions for listing or delisting species in the state. This is a critical component to evaluating the need for listing as data gaps are one of the largest challenges for state agencies with limited staff and resources. This is particularly true for less charismatic and rare species, like freshwater mussels, insects, amphibians, plants, and other invertebrates. Defining data needs will help scientists, non-profit organizations, and even hobby naturalists to understand and collect the data needed to secure protections for species in need of conservation.

**CBF urges the Committee’s FAVORABLE report on HB 345.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

*The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.*

# **HB345 - National Aquarium - Support.pdf**

Uploaded by: Ryan Fredriksson

Position: FAV



# NATIONAL AQUARIUM®

**Date:** February 14, 2024

**Bill:** HB 345 – Fish and Wildlife – Endangered and Threatened Species

**Position:** Support

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Dear Chair Korman and Members of the Committee:

The National Aquarium respectfully requests a favorable report for **House Bill 345 - Fish and Wildlife - Endangered and Threatened Species - Definitions, Petitions, and Regulations**. The bill would require regular review and, if warranted, updating of certain regulations listing endangered or threatened species; and provide the ability to petition the state to review listing or unlisting of endangered or threatened species.

Saving wildlife and habitats is one of the National Aquarium's three strategic conservation goals. Our staff and volunteers inspire diverse audiences to learn about ecosystem health and be involved in restoring critical habitat. Even as we work with others towards solutions, we are acutely aware of the global biodiversity crisis and the risks it brings given that we all depend on natural resources and the ecological services they provide.

Across the U.S., 34% of plants and 40% of animals are at risk of extinction.<sup>1</sup> Closer to home, approximately 8% of the 15,000 plant and animal species that live throughout Maryland are considered rare, uncommon, or declining.<sup>2</sup> Regular review of which species are most at risk is one crucial way to support the many efforts to slow or better yet reverse their decline.

Strengthening how Maryland address species conservation and protection can also contribute to regional collaborations and help prevent a species from reaching the point of being listed under the Endangered Species Act. In this time of significant loss of biodiversity, we need more precautionary approaches to species conservation, and a clearer understanding of which species to focus our attention.

**We urge the Committee to issue a favorable report on HB 345.**

Contact:

**Ryan Fredriksson**  
Vice President, Government Affairs  
410-385-8276  
[rfredriksson@aquarium.org](mailto:rfredriksson@aquarium.org)

**Maggie Ost Dahl**  
Sr. Conservation Policy Manager  
410-385-8275  
[mostdahl@aquarium.org](mailto:mostdahl@aquarium.org)

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<sup>1</sup> NatureServe 2023. Biodiversity in Focus: United States Edition. <https://www.natureserve.org/bif>

<sup>2</sup> Maryland State Wildlife Action Plan 2015-2025.

[https://dnr.maryland.gov/wildlife/Pages/plants\\_wildlife/SWAP\\_Submission.aspx](https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/SWAP_Submission.aspx)