



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

February 21, 2024

BILL NUMBER: HOUSE BILL 631 – FIRST READER

SHORT TITLE: NATURAL RESOURCES – PROTECTION OF BEAVER POPULATION AND HABITAT – COUNTY AUTHORITY (BEAVER BELIEVER ACT)

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION

The Department of Natural Resources opposes HB 631 because it sets up the potential for counties to enact local ordinances that would either be expressly preempted by conflict with the Department's authority to regulate wildlife, or otherwise be preempted by the Department's implicit authority to regulate broadly in this field. The bill's inclusion of the phrase "notwithstanding 10-504" does not mitigate this preemption issue or avoid future conflict between state and local law in this arena. For example, a county ordinance prohibiting trapping of beavers would conflict directly with the Department's authorization of a wildlife damage control operator to trap beavers pursuant to a Department-issued permit, or a hunter's ability to trap beavers during open season pursuant to a Department-issued license.

BACKGROUND INFORMATION

The Department of Natural Resources is responsible for managing all Maryland wildlife including beavers (*NR 10-202*). They employ a team of dedicated professionals educated and trained in proper wildlife management techniques. These employees manage beavers on a statewide basis to ensure conservation of the species while at the same time mitigating conflicts that sometimes can occur between beavers and humans. The wide breadth of data and information available to the department from both within and outside of state boundaries best qualifies them to enact the laws and regulations required to effectively manage the species.

Beaver populations are healthy across Maryland and the department routinely promotes the ecological value of having this species on the landscape. Beavers contribute to improvements in water quality and to providing quality habitat for numerous other wildlife species through dam building. However, there are instances where this species needs to be controlled due to property damage and/or other conflicts with humans. As a result, the department promotes a mix of lethal and non-lethal methods to manage this species. These same methods are promoted and successfully used for most wildlife game species in the state.

BILL EXPLANATION

HB 631 would authorize counties to enact their own laws to promote, protect, and support beaver populations and their habitats.