

NLEB.SB946.pdf

Uploaded by: Anthony DiPaolo

Position: FAV

Anthony H. DiPaolo
Md. Licensed Professional Forester #309
3733 Ridge Rd.
Snow Hill, Md. 21863
Tonydo2@comcast.net
443-523-2951

Re: **Support** of SB946- Endangered Species- Incidental Taking- Bats

Dear Chair Feldman, Vice Chair Kagen, and Members of the Education, Energy & Environment Committee,

My name is Anthony DiPaolo, and I am a Maryland licensed forester. Born and raised in the Maryland DC metro area, I grew up playing in the forests and fields of this state where I developed a love for everything outdoors. I have fond memories of hunting deer and quail in southern Prince George's County as a boy and pheasants in Carroll County as a young man almost fifty years ago. After graduating high school, I attended Virginia Tech where I earned my BS in Forestry in 1982.

After college, I ran back to Maryland beginning my forestry career as a park naturalist at Piney Run Park in Carroll County. I later obtained a position with the Maryland Forest Service as an Assistant Project Forester in Allegany and Garrett Counties. While I loved the mountains of western Maryland, I transferred to the Eastern Shore where I have been working and playing in the fields, forests and waters for the past 38 years. After my stints in outdoor recreation and service forestry, I spent almost thirty years working in forest industry procuring wood for both a family-owned sawmill and a large specialty paper company. The last few years I have spent doing forestry consulting work. I have tried my best to help forest landowners achieve their management objectives for their property. I have worked with small landowners who might own as little as ten acres to large conservation organizations who own and manage thousands of acres. Landowner objectives vary as much as personalities. Maybe someone just wants to control invasives, or install bluebird boxes and a hiking trail, while another is a hunter and wants to improve turkey habitat. I even run into folks who are still interested in tree farming for profit! Despite having different goals, they all care deeply about their land. Almost every landowner I've worked with has this passion and appreciation for the land. A true connection to it. Although I am speaking only for myself here, I have tried to be active within the conservation community. I am a member and past Chair of the Md./De. Division of the Society of American Foresters, member and past vice president of the Maryland Forests Association, District Supervisor with the Worcester Soil Conservation District, member of the Worcester Forestry Board, member of the Sustainable Forestry Council, member of the state Licensing Board for Foresters, and board member of the Lower Shore Land Trust. I apologize for being long winded, but I want you to understand my background. I feel this letter speaks for all those folks who believe in sound forestry, that I've worked with over these years.

As a professional land manager, I have always believed to have healthy, sustainable forests we must have a healthy sustainable forest industry. Whether it is wetland restoration being done by Delaware Wild Lands in the great cypress swamp on the Delaware/ Maryland line, the Nature Conservancy's biodiversity restoration projects on the Nassawango Creek preserve, or private landowners restoring early successional habitat for quail and songbirds, and even those guys who just enjoy tree farming. Sustainable forestry cannot exist without a viable forest industry. Maryland has been a leader in promoting conservation efforts through programs like Rural Legacy, that provide permanent conservation easements. Designed to promote working landscapes and maintain rural economies, these programs have been a success but will not achieve their objectives if we cannot manage our forests. Most loggers and other contractors doing

this valuable conservation work are small businesses with five or less employees. The cost of inputs and equipment continues to increase while they operate with narrow profit margins. Most would not survive if they could not find work for up to six months of the year, which, I understand, could be possible under the federal guidelines with no HCP. I do not believe most of these smaller family-owned sawmills, who might have thirty or so employees, could survive either. These small businesses are the backbone of Maryland's forest industry.

I want to express my strong support for SB946 / HB894, which aims to add the Northern Long-eared Bat (NLEB) and other bat species to the list of species in Maryland authorized to have a "Habitat Protection Plan" (HCP) and incidental take permit issued by the Secretary of the Department of Natural Resources. This legislation is critical to ensuring conservation efforts are balanced with the needs of farms, forests, and property management projects. The proposed legislation does not mandate the creation of an HCP but preserves the ability to establish one if necessary. This would provide a structured framework for reasonable conservation measures while allowing essential land management activities to continue.

While bat populations are in decline, the primary cause is white-nose syndrome—a devastating fungal disease that spreads during winter hibernation. Land use activities, including forestry, are not the driving force behind this decline. Bats are present statewide. Endangered Species Law closely scrutinizes any activities that might impact them, no matter how small the risk. For example, although less than 1% of Maryland's forestland is harvested annually, the potential regulatory impacts could be significant without the passage of this bill.

The U.S. Fish and Wildlife Service has already outlined conservation measures to mitigate potential risks, and federal law allows for incidental take permits and HCPs to provide clarity and structure for compliance. By passing this legislation, Maryland would align itself with the federal Endangered Species Act and join 21 other states with proactive bat management plans.

It is also essential to recognize that this issue extends beyond forestry. The listing of bat species has broad implications, affecting activities such as the maintenance or removal of structures with bats, tree removal, land clearing, utility right-of-way maintenance, road construction, and bridge and large culvert replacement. These routine activities could face unnecessary delays or restrictions without proper planning measures.

For these reasons, I urge you to **support SB946, which would** allow for responsible conservation planning while ensuring that necessary land management activities can continue.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony H. DiPaolo". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthony H. DiPaolo, Maryland LPF #309

MFA Support SB946- Endangered and Threatened Speci

Uploaded by: Beth Hill

Position: FAV



Maryland Forests Association, Inc.

P.O. Box 332

Linkwood, MD 21835

410-463-1755

Maryland's voice for forest, wildlife, and natural resource management

February 27, 2025

The Honorable Senator Brian Feldman, Chair
The Honorable Senator Cheryl Kagan, Vice-Chair
Maryland Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: SUPPORT SB946/ HB894 Endangered and Threatened Species- Incidental Taking – Bats

Dear Chairman Feldman, Vice-Chair Kagan, and Members of the Committee,

The Maryland Forests Association, representing the entire forest supply chain—including private landowners, loggers, and foresters—urges your strong support for SB946. This critical legislation will allow the Maryland Department of Natural Resources (DNR) to establish a Habitat Conservation Plan (HCP) and issue incidental take permits for bat species. This will ensure that necessary land management activities can continue while contributing to bat conservation efforts.

Why This Legislation Matters

The recent listing of the Northern Long-eared Bat (NLEB) as an endangered species—and the likely listing of additional bat species—has placed Maryland's forest industry in a precarious position. Without a state-authorized HCP, routine forest management activities could face excessive restrictions, threatening the economic viability of the forestry sector, which contributes \$3.3 billion annually to Maryland's economy and supports nearly 13,000 jobs, as noted in the 2022 Beacon Study from Salisbury University.

While bat populations are indeed in decline, the primary cause is White-Nose Syndrome, a devastating fungal disease that spreads during winter hibernation—not sustainable forestry practices. However, due to the broad interpretation of the federal Endangered Species Act (ESA), forestry operations are now at risk of being significantly curtailed despite their minimal impact on bat populations.

The Threat to Maryland's Working Forests

Bats are known to exist in every county in the state. Under new federal guidance, tree harvesting and timber stand improvement work is effectively restricted from April through September where bats are known to exist, often the only viable months for timber harvesting in Maryland, particularly on the Eastern Shore and in Western Maryland's challenging terrain. These constraints:

- Make it nearly impossible for landowners and loggers to plan and execute forest management plans.
- Threaten the economic stability of Maryland's rural communities that depend on forestry.
- Create regulatory uncertainty, discouraging long-term investment in forest management and conservation.

Federal law provides a mechanism for states to mitigate these impacts through HCPs and incidental take permits, which balance conservation efforts with economic and land management needs. However, Maryland's current law does not allow the state to develop an HCP for bats—unlike other species, such as the Delmarva Fox Squirrel and the Tiger Beetle. SB946 simply adds bat species to the list of those eligible for HCPs, providing a practical, science-based framework for conservation.

A Proven Conservation Tool

HCPs are widely used across the country to support both species recovery and land management. By passing this legislation, Maryland would:

- Align itself with federal conservation practices already in place in 21 other states.
- Provide forest landowners, loggers, and businesses with clear, practical guidelines for compliance.
- Ensure conservation strategies are tailored to Maryland's unique landscapes and economic realities rather than adopting one-size-fits-all federal mandates that may be unworkable for our state.

The Urgency to Act

Without this legislation, Maryland's forestry sector will be forced to operate under federal guidelines that are impractical and economically damaging. This could result in:

- Unintended consequences, including increased development pressures on forested lands as landowners struggle with regulatory burdens.
- The loss of forestry-related jobs and revenue in rural communities.
- Reduced forest health due to the inability to properly manage timber stands.

We urge you to support SB946 / HB894 to ensure Maryland has a practical, science-driven path forward—one that protects bat populations while allowing responsible forestry and land management to continue. Thank you for your time and consideration.

Sincerely,



Elizabeth D. Hill
Executive Director
Maryland Forests Association

SB946_RMC_Support.pdf

Uploaded by: Charlotte Davis

Position: FAV



50 Harry S. Truman Parkway • Annapolis, MD 21401
Office: 410-841-5772 • Voice: 410-841-5761 • TTY: 800-735-2258
Email: rmc.mda@maryland.gov
Website: www.rural.maryland.gov

Susan O'Neill, Chair

Charlotte Davis, Executive Director

Testimony in Support of
Senate Bill 946 – Endangered and Threatened Species – Incidental Taking - Bats
Senate Education, Energy, and the Environment Committee
Tuesday, March 4, 2025

The Rural Maryland Council **SUPPORTS** Senate Bill 894 – Endangered and Threatened Species – Incidental Taking – Bats. This bill authorizes the Secretary of the Maryland Department of Natural Resources to issue an incidental taking permit for the Indiana bat, the northern long-eared bat, and the tricolor bat if an applicant submits a conservation plan that specifies the impact that will likely result in the taking, steps to minimize the impact and alternative actions to the taking the applicant considered.

Maryland's law authorizes conservation plans and incidental take permits for two species, Delmarva Fox Squirrels and Tiger Beetles. This legislation adds the Northern Long-eared Bat (NLEB), the Tricolor Bat (TCB) and the Indiana Bat as other species for which Habitat Conservation Plans can be developed and an incidental take permit. Without such a plan and permit, “taking” one of these three bat species would be prohibited and unlawful. For those industries and land users who are comfortable with the federal guidance that covers their activities, there is no need to enter into the measures of a habitat conservation plan. For those, like the timber industry, who believe the seasonal restrictions on logging in the federal guidance are unworkable, a state conservation plan, in cooperation with the Department of Natural Resources, hopefully, will provide an opportunity to ensure the bat’s survival through conservation measures that are more acceptable for Maryland than those currently in the federal guidance document.

Forest land is the second largest land-use in Maryland, with 2.5 million acres, nearly 40% of all state land. The industry provides 8,813 jobs and produces \$2.63 billion in economic output. An acre of forest produces 12,000 board feet on average or three truckloads of logs. Maryland grows enough wood annually to build 50,000 homes per year. Today, there are 24 billion board feet of sawtimber standing on timberland, however the forest product industry in Maryland only harvests 22% of Net Annual Growth each year. (<https://maryland-forestry-resources-salisburyu.hub.arcgis.com/>)

There are 14,833 private forest landowners. Strong local markets for wood result in forest landowners investing in better management of their forest, which in turn enhances the multitude of non-timber benefits forests provide. If our forests lose their economic value to the people who own them, we will likely lose the forests.

Forests require management and maintenance. An unmanaged forest may not produce the vegetation most wildlife requires, leading to less diverse wildlife habitats. Unmanaged forests may also become more susceptible to disease and insect damage. A managed forest is a healthy, sustainable forest. The Rural Maryland Council asks for a favorable report of SB 946.

The Rural Maryland Council (RMC) is an independent state agency governed by a nonpartisan, 40-member board that consists of inclusive representation from the federal, state, regional, county, and municipal governments, as well as the for-profit and nonprofit sectors. We bring together federal, state, county, and municipal government officials as well as representatives of the for-profit and nonprofit sectors to identify challenges unique to rural communities and to craft public policy, programmatic or regulatory solutions.

“A Collective Voice for Rural Maryland”

HB894 - SB 946 - Bats LOS.pdf

Uploaded by: irene barnes

Position: FAV

COUNTY COUNCIL OF DORCHESTER COUNTY
COUNTY OFFICE BUILDING
501 Court Lane, P.O. Box 26
Cambridge, Maryland 21613
(410) 228-1700

GEORGE L. PFEFFER, JR., PRESIDENT

MIKE DETMER, VICE PRESIDENT

ROB KRAMER, JR.

WILLIAM V. NICHOLS

RICKY C. TRAVERS



JERRY JONES
COUNTY MANAGER

MACLEOD LAW GROUP LLC
COUNTY ATTORNEY

February 18, 2025

The Honorable Marc Korman, Delegate
Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, Maryland 21401

RE: Letter of Support – House Bill 0894, “Endangered and Threatened Species – Incidental Taking - Bats.”

Dear Chairman Korman and Committee Members:

On behalf of the Dorchester County Council, I respectfully offer its support for House Bill 0894 entitled “Endangered and Threatened Species – Incidental Taking - Bats” for purpose of authorizing the Secretary of Natural Resources to issue an incidental taking permit for certain species of bats if an applicant submits a certain plan and the Secretary makes certain findings; and generally relating to the establishment of an incidental taking permit for certain species of bats.

Bat species are found in every Maryland County and with the potential for additional species being listed this will pose significant challenges to forest management, ultimately threatening Maryland’s rural economy. The forestry sector has a total economic impact of \$3.3 billion and supports 12,890 jobs statewide. To establish a path forward for sustainable forest management it is imperative that Maryland updates its law to enable Habitat Conservation Plans and incidental take permits for bat species to allow a balanced approach, therefore, we ask that you look favorably upon this bill.

Thank you for your time and consideration of this letter of support. If you have any questions, please contact the Council’s Office at (410) 228-1700

Sincerely,

George L. Pfeffer, Jr.
President

cc: The Honorable Johnny Mautz, Senator
The Honorable Christopher T. Adams, Delegate
The Honorable Sheree Sample-Hughes, Delegate
The Honorable Tom Hutchinson, Delegate

COUNTY COUNCIL OF DORCHESTER COUNTY
COUNTY OFFICE BUILDING
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WILLIAM V. NICHOLS

RICKY C. TRAVERS



JERRY JONES
COUNTY MANAGER

MACLEOD LAW GROUP LLC
COUNTY ATTORNEY

February 18, 2025

The Honorable Brian J. Feldman, Senator
Education, Energy and Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Letter of Support – Senate Bill 0946, “Endangered and Threatened Species – Incidental Taking - Bats.”

Dear Chairman Feldman and Committee Members:

On behalf of the Dorchester County Council, I respectfully offer its support for Senate Bill 0946 entitled “Endangered and Threatened Species – Incidental Taking - Bats” for purpose of authorizing the Secretary of Natural Resources to issue an incidental taking permit for certain species of bats if an applicant submits a certain plan and the Secretary makes certain findings; and generally relating to the establishment of an incidental taking permit for certain species of bats.

Bat species are found in every Maryland County and with the potential for additional species being listed this will pose significant challenges to forest management, ultimately threatening Maryland’s rural economy. The forestry sector has a total economic impact of \$3.3 billion and supports 12,890 jobs statewide. To establish a path forward for sustainable forest management it is imperative that Maryland updates its law to enable Habitat Conservation Plans and incidental take permits for bat species to allow a balanced approach, therefore, we ask that you look favorably upon this bill.

Thank you for your time and consideration of this letter of support. If you have any questions, please contact the Council’s Office at (410) 228-1700

Sincerely,

George L. Pfeffer, Jr.
President

cc: The Honorable Johnny Mautz, Senator
The Honorable Christopher T. Adams, Delegate
The Honorable Sheree Sample-Hughes, Delegate
The Honorable Tom Hutchinson, Delegate

SB946_FAV_JSimcoe-Feb28.pdf

Uploaded by: Jeffrey Simcoe

Position: FAV



February 28, 2025

Re: **FAVORABLE SB946** - Endangered Species- Incidental Taking- Bats

Dear Chair Feldman, Vice Chair Kagen, and Members of the Education, Energy & Environment Committee,

The Frostburg Outdoor Recreation Economy Institute serves as a regional hub to coordinate and lead economic & community development, support outdoor economy focused education, train the regional workforce to fill the needs of the outdoor economy, foster academic research, and catalyze entrepreneurialism & business development in the outdoor recreation sector.

I am writing to express my strong support for SB946 / HB894, which aims to add the Northern Long-eared Bat (NLEB) and other bat species to the list of species in Maryland authorized to have a “Habitat Protection Plan” (HCP) and incidental take permit issued by the Secretary of the Department of Natural Resources. This legislation is critical to ensure conservation efforts are balanced with the needs of recreation development, tourism, farms, forests, and property management projects.

The proposed legislation does not mandate the creation of an HCP but preserves the ability to establish one if necessary. This would provide a structured framework for reasonable conservation measures while allowing essential land use & management activities to continue. Our organization values having a plan that is clear, consistent, and can be effectively implemented on the ground in a timely manner.

While bat populations are in decline, the primary cause is white-nose syndrome—a devastating fungal disease that spreads during winter hibernation. Land use activities, including recreation infrastructure development & tourism, are not the driving force behind this decline. Bats are present statewide. Endangered Species Law closely scrutinizes any activities that might impact them, no matter how small the risk. With that said, the potential regulatory impacts could be significant without the passage of this bill.

The U.S. Fish and Wildlife Service has already outlined conservation measures to mitigate potential risks, and federal law allows for incidental take permits and HCPs to provide clarity and structure for compliance. By passing this legislation, Maryland would align itself with the federal Endangered Species Act and join 21 other states with proactive bat management plans.

The listing of bat species has broad implications, affecting activities such as the maintenance or construction of camping shelters, trail maintenance & construction, hazard tree removal, and access to rock climbing areas. These routine activities could face unnecessary delays or restrictions without proper planning measures.



For these reasons, I urge you to support SB946 / HB894, which would allow for responsible conservation planning while ensuring that necessary land & recreation management activities can continue.

Thank you for your time and consideration.
Sincerely,

Jeffrey Simcoe
Executive Director
Frostburg Outdoor Recreation Economy Institute
jsimcoe@frostburg.edu
(301) 501-1516

Statement of the Joseph M. Hinson SB 946.pdf

Uploaded by: Joe Hinson

Position: FAV

Statement of the Joseph M. Hinson
Before the
Senate Education, Energy and the Environment
On SB 946, Authorizing Conservation Plans for Various Bat Species
March 4, 2025

Mr. Chairman and members of the committee:

I am Joe Hinson, a consulting forester and member of the Maryland Forests Association board. I live in Salisbury, MD. Over my career, I have had extensive experience dealing with endangered species issues.

I and the forest products companies with which I work are very much in support of HB894, which authorizes the Department of Natural Resources to develop a conservation plan for three species of bats found in Maryland, one of which, the Northern Long-eared Bat, is listed as “endangered” under both federal and state law. These plans, commonly called habitat conservation plans, are essentially negotiated agreements for management practices, in our case logging, which are both workable and acceptable to those who must implement them on the ground, and which will also help protect bats

Bats are not declining because of logging or any other land use but because they are susceptible to a fungus disease, white-nose syndrome, which attacks and spreads during the winter when large numbers of bats hibernate together. So far, there is no cure for this disease. Therefore, the US Fish and Wildlife Service is looking at any activity that might adversely affect bat populations, no matter how remote the possibility may be. For example, we harvest less than 1% of the forestland in Maryland each year, yet we must address bat populations in our forests.

The federal Endangered Species Act defines “Endangered” as any species in danger of extinction throughout all or a significant portion of its range. Maryland’s law automatically accepts federal listings. Both Maryland and federal law prohibit any “taking” of a listed species. “Taking” is very broadly defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

The Fish and Wildlife Service has published a guidance document outlining measures to be taken, presumably limiting any impacts to bats and preventing unlawful “taking.” The Maryland Department of Natural Resources is in the process of developing a parallel state-level guidance document. While we have not seen a draft of the state document, we have significant concerns with the federal version, which we would like to address in the state

guidance document. Our objective is to incorporate the state's guidance into the conservation plan with acceptable management practices.

The current federal guidance includes seasonal constraints that virtually preclude logging during the summer months when it is driest and oftentimes the only time of year when we can log wet areas or steep ground that might erode during wet seasons. In western Maryland, there are also numerous cliffs, mines, caves, and other areas where bats are likely to hibernate during the winter. The guidance would mandate that there be no disturbing activities, including tree removal, within 0.5 miles of a potential hibernating area and within 3.0 miles of known bat hibernacula. Finally, suitable roost trees will not be cut during spring staging and fall swarming within 5.0 miles of hibernacula entrances for long-eared bats and within 3.0 miles of hibernacula entrances for tri-colored bats.

We have to view such constraints as threatening to our entire industry and unworkable, particularly in western Maryland, since we have so many areas where bats can potentially hibernate or roost. For now, the state is applying these restrictions to state forests and other state-managed properties, federal lands, and private lands where there is a funding or permitting nexus, such as participation in various farm bill programs. However, both federal and state laws prohibit “taking” on any ownership, so we do not doubt that these restrictions will ultimately be enforced on private lands as well.

Federal law authorizes habitat conservation plans (HCPs) that identify actions landowners and others can adopt and which, if followed, provide an “incidental take” permit. These agreements may include measures less onerous than a blanket “take” prohibition. Maryland's law authorizes conservation plans and incidental take permits for only two species, Delmarva Fox Squirrels and Tiger Beetles. The legislation is straightforward. It adds Northern Long-eared Bat (NLEB), Tricolor Bat (TCB), and Indiana Bat as other species for which HCPs can be developed and an incidental take permit. Without such a plan and permit, “taking” one of these three bat species would be prohibited and unlawful.

Without authorization for a conservation plan and incidental take permit for bats, as allowed under federal law, Maryland will likely simply adopt the measures in the federal guidance document as adequate to prevent unlawful taking under both federal and Maryland law. The bill authorizes (but does not mandate) the secretary to develop a conservation plan and issue an incidental take permit for those activities described in the plan and its conservation measures.

For those, like the timber industry, who believe the seasonal restrictions on logging in the federal guidance are unworkable, a state conservation plan, developed in cooperation with the Department of Natural Resources, hopefully, will provide an opportunity to both do all

we can to ensure the bat's survival through conservation measures that are more acceptable for Maryland than those currently in the federal guidance document.

We urge your passage of this critical legislation and thank you for the opportunity to present our views.

Statement of the Mountain Logger association 21620

Uploaded by: Patrick Sines

Position: FAV



Mountain Loggers Group Inc

**458 Old Morgantown Rd E
Friendsville MD 21531**

**Statement of the Mountain Loggers Association
Before the
House Environment and Transportation Committee
On HB 894, Authorizing Conservation Plans for Various Bat Species
February 19th, 2025**

Dear Chair Feldman, Vice Chair Kagen, and Members of the Education, Energy & Environment Committee,

The Mountain Loggers Group is a non-profit corporation whose members are primarily loggers, foresters, and allied businesses located in the Mid-Atlantic Region. Our members are committed to highlighting the vital role loggers play in the management and sustainability of our hardwood forests and to engage in activities beneficial to the forest industry. These activities include a strong philanthropic program supporting WVU Children's hospital through the National Log-A-Load for kids' program, a community Outreach program assisting organizations and families in need of financial support and an annual scholarship program.

I am writing to express my strong support for SB946 / HB894, which aims to add the Northern Long-eared Bat (NLEB) and other bat species to the list of species in Maryland authorized to have a "Habitat Protection Plan" (HCP) and incidental take permit issued by the Secretary of the Department of Natural Resources. This legislation is critical to ensuring conservation efforts are balanced with the needs of farms, forests, and property management projects.

The proposed legislation does not mandate the creation of an HCP but preserves the ability to establish one if necessary. This would provide a structured framework for reasonable conservation measures while allowing essential land management activities to continue. Our organization values having a plan that is clear, consistent, and can be effectively implemented on the ground in a timely manner.

While bat populations are in decline, the primary cause is white-nose syndrome—a devastating fungal disease that spreads during winter hibernation. Land use activities, including forestry, are not the driving force behind this decline. Bats are present statewide. Endangered Species Law

closely scrutinizes any activities that might impact them, no matter how small the risk. For example, although less than 1% of Maryland's forestland is harvested annually, the potential regulatory impacts could be significant without the passage of this bill.

The U.S. Fish and Wildlife Service has already outlined conservation measures to mitigate potential risks, and federal law allows for incidental take permits and HCPs to provide clarity and structure for compliance. By passing this legislation, Maryland would align itself with the federal Endangered Species Act and join 21 other states with proactive bat management plans.

It is also essential to recognize that this issue extends beyond forestry. The listing of bat species has broad implications, affecting activities such as the maintenance or removal of structures with bats, tree removal, land clearing, utility right-of-way maintenance, road construction, and bridge and large culvert replacement. These routine activities could face unnecessary delays or restrictions without proper planning measures.

For these reasons, I urge you to **support SB946, which would** allow for responsible conservation planning while ensuring that necessary land management activities can continue.

Thank you for your time and consideration.

Endangered Species - Incidental Taking - Bats

Uploaded by: Scott Dane

Position: FAV



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1455 Pennsylvania Ave. NW
Suite 400
Washington, DC 20004
202-627-6961
Executivedirector@americanloggerscouncil.com
www.americanloggerscouncil.com

February 28, 2025

Re: **Support** of SB946 – Endangered Species – Incidental Taking – Bats

Dear Chair Feldman, Vice Chair Kagen, and Members of the Education, Energy & Environment Committee,

I am the Executive Director of the American Loggers Council, a nonprofit trade association representing the timber industry in 45 states, including Maryland.

I submit this written testimony in support of SB946 / HB894 which allows for the Northern Long-Eared Bat (NLEB) and other bat species to be included in the list of species in Maryland authorized to have a Habitat Conservation Plan (HCP) and incidental take permit issued by the Secretary of the Department of Natural Resources. This legislation is necessary to ensure that conservations efforts are balanced with the needs of sustainable forest management.

The decline of the population of the NLEB is solely due to the White-Nose Syndrome, a fungal disease that spreads during winter hibernation in caves. Shutting down timber management activities during the roosting months (April – October) for the remote potential incident that a random bat may be impacted will do nothing to reduce the mortality of the NLEB. When these bats and pups return to the caves for hibernation, they will contract White-Nose Syndrome and die, regardless of the level of listing or forest management restrictions.

The Lake States Forest Management Bat Habitat Conservation Plan, representing the Department of Natural Resources in Michigan, Minnesota and Wisconsin, was prepared in 2023. This nearly 500-page document represents a comprehensive assessment of the issue and provides the framework and provisions to allow a balanced approach to habitat conservation and forest management activities. The report can be viewed at <https://widnr.widen.net/view/pdf/bdj6gyb66g/>

The U.S. Senate and House of Representatives passed, with bipartisan support, a Congressional Review Act Resolution in 2023 nullifying the uplisting from Threatened to Endangered and downlisting the Endangered listing for the NLEB to Threatened. Although the CRA downlisting was vetoed by President Biden, there are expectations that the new Congress and Administration will downlist the NLEB to Threatened.



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1455 Pennsylvania Ave. NW
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Washington, DC 20004
202-627-6961
Executivedirector@americanloggerscouncil.com
www.americanloggerscouncil.com

This action is a priority for the American Loggers Council and is included in the Road Map to Recovery. Therefore, on behalf of the American Loggers Council we strongly encourage you to support and pass **SB946** to allow Maryland the option and opportunity to responsibly develop an HCP for the Northern Long-Eared Bat, and other bat species as many other states have done.

Respectfully Submitted,
Scott Dane
Scott Dane
Executive Director
American Loggers Council

Completed Amendment - Eastern Small Footed Bat.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV



SB0946/223626/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

27 FEB 25
11:19:05

BY: Senator Carozza
(To be offered in the Education, Energy, and the Environment
Committee)

AMENDMENT TO SENATE BILL 946

(First Reading File Bill)

On page 4 in line 18, and on page 5 in lines 5 and 12, in each instance, after “**BAT,**” insert “**THE EASTERN SMALL-FOOTED BAT,**”.

On page 4 in line 19, and on page 5 in lines 6 and 13, in each instance, strike “**TRICOLOR**” and substitute “**TRICOLORED**”.

Printable Maryland Bat Guide.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

Tree Bats



EASTERN RED BAT

- most common tree bat
- white patch of fur on shoulders and wrists
- males are brightly colored red/orange
- females' fur shows duller colors
- fully-furred tail membrane
- long, pointed wings
- often active at dusk
- sometimes seen in flight on warm winter days

Weight: 9-15 g
Body length: 2 ¼ in. (50-60 mm)
Wingspan: 11 - 13 in. (28-33 cm)

Maryland Bats

Quick Identification Guide

- Many bats look similar, and identification may come down to small differences between species.
- Always give wild animals generous personal space for your safety and theirs.
- The “tragus” referred to in this guide is the small cartilage point inside the shell of the ear which covers the ear hole.
- All Maryland bats are insectivores.
- 🏠 Bats who are known to use bat houses are indicated by this symbol
- More information about each bat species and how you can help native bats can be found on the Maryland Dept of Natural Resources website at:

tinyurl.com/pt36a8r4



SILVER-HAIRED BAT

- medium sized
- baby silver-haired bat is smaller than a hoary bat
- black body and wings
- silver tips at end of fur
- slow, leisurely flyers that occasionally hunt in a group
- not often found in Maryland in the summer

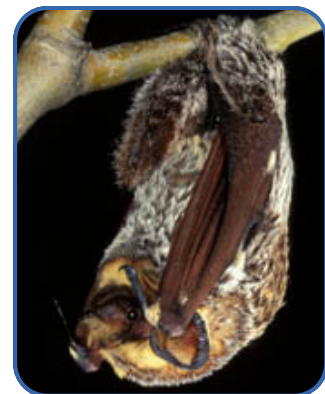


Weight: 8-11 g
Body length: 3 ¾ - 4 ⅝ in. (96-116 mm)
Wingspan: 11-13 in. (27-32 cm)

HOARY BAT

- largest bat in MD
- fur banded with multiple colors at base and white “frosting” at tips
- yellow fur around neck and forehead
- swift and direct flight patterns
- fully furred tail membrane
- called the “lions of the sky”

Weight: 19-28 g
Body length: 4 ⅞ - 5 ⅝ in. (123-142 mm)
Wingspan: 13-16 in. (34-41 cm)



EVENING BAT

- small sized
- dark brown fur, black on ears, wings, and tail
- short ears, blunt tragus
- strong, pungent odor
- erratic, medium to fast flight patterns

Weight: 6-13 g
Body length: 3 - 3 ⅞ in. (75-99 mm)
Wingspan: 10-11 in. (26-29 cm)



Cave Bats



EASTERN SMALL-FOOTED BAT

- one of the smallest bats in MD
- mostly golden brown in color; black facial mask and ears
- similar to Little Brown Bat, but smaller
- often flies slowly and erratically 3-10 ft off the ground

Weight: 3-5 g
Body length: 2 7/8 - 3 1/4 in. (73-82 mm)
Wingspan: 8-10 in. (21-25 cm)

LITTLE BROWN BAT

- small bat
- glossy tan to dark brown fur
- distinguished by their large feet with long hair that extends past their toenails



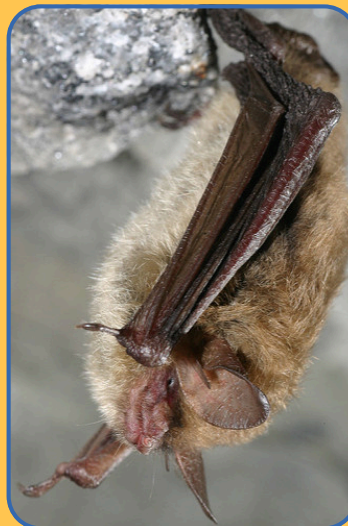
Weight: 4-9 g
Body length: 3 1/8 - 3 7/8 in. (80-98 mm)
Wingspan: 9-11 in. (22-27 cm)

TRICOLORED BAT

- smallest bat in MD
- yellowish brown fur
- black wing membranes
- individual hairs exhibit three colors in bands from the base to the tip



Weight: 6 g
Body length: 2 3/4 - 3 3/4 in. (71-95 mm)
Wingspan: 8-10 in. (21-26 cm)



NORTHERN LONG-EARED BAT

- dull brown fur with slightly paler belly
- long ears that would extend well beyond the muzzle if bent forward to lie flat
- long, pointed tragus
- most active 1-2 hours after dusk and again before sunrise

Weight: 5-7 g
Body length: 3 - 3 7/8 in. (75-100 mm)
Wingspan: 9-11 in. (23-27 cm)

BIG BROWN BAT

- large body and face
- unique short, round ears
- overall brown with lighter belly and black wings
- males are largely solitary



Weight: 13-18 g
Body length: 4 - 5 1/8 in. (103-130 mm)
Wingspan: 13-16 in. (32-40 cm)

INDIANA BAT

- dull wooly fur in gray, red-brown, or black
- pink-brown nose
- black-brown wing membranes
- short hair on feet that does not extend past claws
- brown fur and pink lips are used to distinguish from other bats



Weight: 5-8 g
Body length: 3 - 3 5/8 in. (77-91 mm)
Wingspan: 9 - 11 in. (24 - 28 cm)

SB 946 - Carozza Testimony_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 4, 2025

The Senate Education, Energy, and Environment Committee
SB 946 – Endangered and Threatened Species – Incidental Taking - Bats
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Feldman, Vice Chair Kagan, and my fellow members of the distinguished Senate Education, Energy, and Environment Committee for this opportunity to present Senate Bill 946 – Endangered and Threatened Species – Incidental Taking – Bats and ask for a favorable report as amended.

This is a bat conservation bill. SB 946 would allow the Department of Natural Resources (DNR) to establish a permit process to allow for the incidental takings of the northern long-eared bat, the tri-colored bat, or the Indiana bat, and with the amendment requested by DNR, the Eastern Small-Footed Bat. This process would include the approval of a Habitat Conservation Plan and would ensure a balanced approach to both conservation and forest management that is already practiced at the federal level under the Endangered Species Act (ESA).

Forests require management and maintenance to remain productive for wildlife, to provide more diverse habitat, and to be less susceptible to disease and insect damage. The ESA allows for Habitat Conservation Plans and Incidental Take Permits both to support healthy forests that are essential for long-term conversation and to protect the economic importance of forests.

For background, Habitat Conservation Plans include an assessment of the likely impacts on the species from the proposed action, the steps that the permit holder will take to avoid, minimize, and mitigate the impacts, and the funding available to carry out the steps. Habitat Conservation Plans benefit not only landowners but also species by securing and managing important habitat and by addressing economic development with a focus on species conservation. An Incidental Take Permit is only needed when the project is reasonably certain to “take” a listed species.

The recent listing of the northern long-eared bat as endangered and the potential for the additional bat species in this bill to receive similar designations is anticipated to affect both rural and urban areas in the State of Maryland. Bats hibernate in attics and under the eaves of older buildings which would impact development and urban revitalization.

Additionally, current federal guidelines would restrict logging from April 1 to September 30 in bat habitats. The forestry sector has a total economic impact of \$3.3 billion and supports 12,890 jobs across the State of Maryland, yet less than 1% of Maryland forests are harvested annually. Maryland grows enough wood to build 50,000 homes per year. Without the legislative changes

provided by SB 946, Maryland's forest industry will face unnecessary restrictions that could negatively impact both conservation efforts and economic stability.

This process is not new to Maryland. Two other animals are allowed incidental takings in our State: the Delmarva Fox Squirrel and the Puritan Tiger Beetle. These conservation efforts have resulted in the Delmarva Fox Squirrel being removed from the endangered species list in December 2015.

This bat conservation legislation, Senate Bill 946, is a measured and fair approach, promoting long-term conservation of these endangered bat species while ensuring necessary land management activities of Maryland forests.

I thank you for your kind attention and consideration, and I respectfully request a favorable report on SB 946.

Support of SB946- Endangered Species- Incidental T

Uploaded by: Shelby Watson-Hampton

Position: FAV



February 28th, 2025

Re: **Support** of SB946- Endangered Species- Incidental Taking- Bats

Dear Chair Feldman, Vice Chair Kagen, and Members of the Education, Energy & Environment Committee,

My name is Shelby Watson-Hampton, and I'm the Director of the Southern Maryland Agricultural Development Commission (SMADC), a division of the Tri-County Council for Southern Maryland. SMADC's mission is to support farms, farmers, and the future of agriculture and conservation in rural communities.

As such, I am writing to express my strong support for SB946 / HB894, which aims to add the Northern Long-eared Bat (NLEB) and other bat species to the list of species in Maryland authorized to have a "Habitat Protection Plan" (HCP) and incidental take permit issued by the Secretary of the Department of Natural Resources. This legislation is critical to ensuring conservation efforts are balanced with the needs of farms, forests, and property management projects.

The proposed legislation does not mandate the creation of an HCP but preserves the ability to establish one if necessary. This would provide a structured framework for reasonable conservation measures while allowing essential land management activities to continue. Our organization values having a plan that is clear, consistent, and can be effectively implemented on the ground in a timely manner. While bat populations are in decline, the primary cause is white-nose syndrome—a devastating fungal disease that spreads during winter hibernation. Land use activities, including forestry, are not the driving force behind this decline. Bats are present statewide. Endangered Species Law closely scrutinizes any activities that might impact them, no matter how small the risk. For example, although less than 1% of Maryland's forestland is harvested annually, the potential regulatory impacts could be significant without the passage of this bill.

The U.S. Fish and Wildlife Service has already outlined conservation measures to mitigate potential risks, and federal law allows for incidental take permits and HCPs to provide clarity and structure for compliance. By passing this legislation, Maryland would align itself with the federal Endangered Species Act and join 21 other states with proactive bat management plans.

It is also essential to recognize that this issue extends beyond forestry. The listing of bat species has broad implications, affecting activities such as the maintenance or removal of structures with bats, tree removal, land clearing, utility right-of-way maintenance, road construction, and bridge and large culvert replacement. These routine activities could face unnecessary delays or restrictions without proper planning measures.

The Southern Maryland Agricultural Development Commission
is a division of the Tri-County Council for Southern Maryland
P.O. Box 745 Hughesville, MD 20637
Phone – 240-528-8850 Email – info@smadc.com





For these reasons, I urge you to **support SB946, which would** allow for responsible conservation planning while ensuring that necessary land management activities can continue.

Thank you for your time and consideration.

Sincerely,

Shelby Watson-Hampton

Shelby Watson-Hampton

Director

Southern Maryland Agricultural Development Commission (SMADC)

The Southern Maryland Agricultural Development Commission
is a division of the Tri-County Council for Southern Maryland
P.O. Box 745 Hughesville, MD 20637
Phone – 240-528-8850 Email – info@smadc.com



MDFB - Support - SB946 Endangered and Threatened S

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 4, 2025

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of SB946 Endangered and Threatened Species - Incidental Taking - Bats**

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony in support of HB946 Endangered and Threatened Species - Incidental Taking - Bats. This proposed legislation would enable the establishment of Habitat Conservation Plans (HCPs) and incidental take permits for bat species in Maryland. This legislation is crucial to ensuring a balanced approach to both conservation and forest management.

The recent listing of the northern long-eared bat as endangered, along with the potential for additional bat species to receive similar protections, presents significant challenges to Maryland's forest management practices. Current federal guidelines now restrict logging from April 1 to September 30 in bat habitats, impacting operations not only on federal and state lands but also on private lands tied to federal funding or permits. Without an approved HCP, forestry activities could be effectively halted for half the year, posing a major threat to Maryland's rural economy.

Bat species are present in every Maryland county, and White Nose Syndrome, a fungal infection, is the primary driver of bat population decline rather than sustainable forestry practices. Federal and state laws prohibit any "taking" of endangered species, broadly defining this to include activities that disrupt their life cycles. Unlike other species, such as the Delmarva Fox Squirrel, Maryland law currently lacks provisions for HCPs specifically for bats. The forestry sector has a total economic impact of \$3.3 billion and supports 12,890 jobs across the state, yet less than 1% of Maryland's forests are harvested annually. Without legislative changes, forest management in Maryland will face unnecessary restrictions that could negatively impact both conservation efforts and economic stability. SB946 / HB894 does not mandate the creation of an HCP but ensures that this option remains available, allowing responsible forest management to coexist with bat conservation efforts.

Forestry is not the cause of bat population decline, but with the right regulatory framework, it can be part of the solution.

Maryland Farm Bureau supports HB946

A handwritten signature in black ink, appearing to read 'Tyler Hough', with a horizontal line above it.

Tyler Hough

Director of Government Relations

Please contact Tyler Hough, though@marylandfb.org, with any questions

SB0946_DNR_SWA_EEE_3-4-25.pdf

Uploaded by: Emily Wilson

Position: FWA



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

March 4, 2025

BILL NUMBER: Senate Bill 946 - First Reader

SHORT TITLE: Endangered and Threatened Species – Incidental Taking – Bats

DEPARTMENT’S POSITION: SUPPORT WITH AMENDMENTS

EXPLANATION OF DEPARTMENT’S POSITION

The Department supports SB 946 and suggests the addition of the Small-footed Bat to the species listed in the bill.

Allowing the authority provided under this bill to the Secretary of Natural Resources will increase the flexibility of the Department’s bat conservation efforts and could allow the implementation of a federal-approved Habitat Conservation Plan for Endangered bats in Maryland.

The Small-footed Bat is listed as Endangered in Maryland, but is not equivalently listed in federal law. The addition of the Small-footed Bat to this bill would make the authority of the Secretary of Natural Resources consistent over all Maryland’s listed Endangered bat species.

The original text has the incorrect nomenclature for the Tricolored Bat. This amendment will update the bill to the standardized common name for this species.

BACKGROUND INFORMATION

With the 2006 advent of the bat-killing fungal disease White Nose Syndrome in North America, numerous cave-dwelling bat species underwent catastrophic population declines. As a result, the US Fish and Wildlife Service declared the Northern Long-eared Bat an Endangered species. The US Fish and Wildlife Service also indicated its intention to list the Tricolored Bat as Endangered.

Maryland lists all federally-listed species which occur in the State at (at least) the level of the federal listing. Maryland law makes no allowance for the incidental take of endangered species. Federal law does allow for incidental take in specific circumstances.

One mechanism for dealing with the additional requirements of the Endangered Species Act on the federal level is through the compilation of an approved Habitat Conservation Plan. A Habitat Conservation Plan allows for the assumption of some risk of incidental take of an Endangered species as long as land management activity occurs within a conservation rubric defined in the plan, creating an opportunity to allow some level of risk for individuals while furthering a conservation matrix for the benefit of the species as a whole.

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)
emilyh.wilson@maryland.gov ♦ 410-260-8426 (office) ♦ 443-223-1176 (cell)

BILL EXPLANATION

This bill would allow the Secretary of Natural Resources to issue a an incidental take permit for certain species of bats even if they are listed as State Endangered.

BY:

(To be offered in the Education, Energy, and the Environment Committee)

AMENDMENT TO SENATE BILL 946

(First Reading File Bill)

On page 4, in line 18, and on page 5, in lines 5 and 12, in each instance, after “**BAT,**” insert “**THE EASTERN SMALL-FOOTED BAT,**”.

On page 4, in line 19, and on page 5, in lines 6 and 13, in each instance, strike “**TRICOLOR**” and substitute “**TRICOLORED**”.