

MFA SUPPORT HB894 Threatened & Endangered Species-

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 17, 2025

The Honorable Marc Korman, Chair
The Honorable Regina Boyce, Vice-Chair
Environment and Transportation Committee
House Office Building
Annapolis, Maryland 21401

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

Dear Chairman Korman, Vice-Chair Boyce, 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 / HB894. 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, ensuring 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 / HB894 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

HB894_RMC_Support.pdf

Uploaded by: Charlotte Davis

Position: FAV



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Susan O'Neill, Chair

Charlotte Davis, Executive Director

Testimony in Support of
House Bill 894 – Endangered and Threatened Species – Incidental Taking - Bats
House Environment and Transportation Committee
Wednesday, February 19, 2025

The Rural Maryland Council **SUPPORTS** House 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 HB 894.

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”

Statement of the Mountain Logger association 21620

Uploaded by: Danny 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**

Mr. Chairman and members of the committee:

The Mountain Loggers Group is a non-profit 501(c)(3) 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.

Our association is 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 that is 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, we also have 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 various farm bill programs. However, both federal and state laws prohibit taking anyone in 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 an 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.

Danny Sines

President

Mt. Loggers Group, Inc.

HB894 favorable.pdf

Uploaded by: gary allen

Position: FAV



Maryland Forestry Foundation
124 South Street #3
Annapolis, MD 21401

Phone : 301-717-1579
Website : www.marylandforestryfoundation.org

Favorable HB 894
Mr. Chairman and member of the Committee :

GARY G. ALLEN
President

Vice President for
Development

SANDRA SPARKS
Vice President for
Communications

DAWN BALINSKI
Treasurer

Secretary

Directors
JIM BARDSLEY
MEGAN CARR
GLENN FERENSCHAK
ANNE HAIRSTON-STRANG
MIKE HUNNINGHAKE
WAYNE LUCAS
JOLI A. MCCATHRAN
BILL REES

My Name is Gary Allen, and I'm the President of the Maryland Forestry Foundation. I am speaking today in strong support of 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.

I thought the Secretary had such authority! Over 15 years ago, I was involved in the development of a "Habitat Protection Plan" for the Delmarva Fox Squirrel. That MORE focused plan has protected both the habit values and forestry operations on the East shore for now over a decade. You will note that 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.

The Foundation will support any plan that provides clear habit benefits and can be effectively implemented on the ground. While bat populations are in decline, the primary cause is white-nose syndrome—a devastating fungal disease that spreads during winter hibernation. Recent research does not indicate forestry is the driving force behind this decline, particularly in Maryland.

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 essential to recognize that this issue extends beyond forestry. Without proper planning measures, many routine land use activities could face unnecessary delays or restrictions. Let's plan for outcomes we all value. Please give a favorable report for HB894.

Thank you.

Gary Allen, President

HB894.pdf

Uploaded by: Jay Jacobs

Position: FAV

JAY A. JACOBS
Legislative District 36
Caroline, Cecil, Kent, and
Queen Anne's Counties

Environment and Transportation
Committee

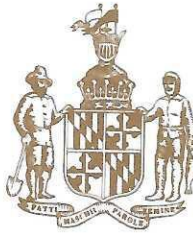
Subcommittees

Motor Vehicle and Transportation

Natural Resources, Agriculture,
and Open Space

Local Government and Bicounty Agencies

Joint Committee on Administrative,
Executive, and Legislative Review



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB894-Endangered and Threatened Species-Incidental Taking -Bats

Chairman, Korman, Vice Chair Boyce and members of the
Environment and Transportation committee:

Today I am here to present HB894 which is legislation for the
purpose of authorizing the Secretary of Natural Resources to issue
an incidental taking permit for certain species of bats if an applicant
submits a conservation plan.

Currently Maryland's law authorizes conservation plans and
incidental take permits for only two species, Delmarva Fox Squirrels
and Tiger Beetles. This legislation is straight forward. It adds
Northern Long-eared Bat (NLEB), Tricolor Bat (TCB) and the Indiana
Bat as other species for which HCP's 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.

I ask for a favorable vote on HB894

Statement of the Joseph M. Hinson on HB 894.pdf

Uploaded by: Joe Hinson

Position: FAV

Statement of the Joseph M. Hinson

Before the

House Environment and Transportation Committee

On HB 894, Authorizing Conservation Plans for Various Bat Species

February 19th, 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**

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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 that is 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, we also have 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 various farm bill programs. However, both federal and state laws prohibit taking anyone in 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 an 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.

HB894 Support.pdf

Uploaded by: Shelby Watson-Hampton

Position: FAV



February 17, 2025

Re: Support of HB894 Endangered Species- Incidental Taking- Bats

Dear Chair Korman, Vice Chair Boyce, and Members of the Environment & Transportation Committee,

As Director of the Southern Maryland Agricultural Development Commission (SMADC), a division of the Tri-County Council for Southern Maryland, I am writing to express my strong support for SB946 / HB894.

This bill 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 that conservation efforts are balanced with the needs of farms and forests management plans, and fits within SMADC's mission to preserve a viable farming and forestry ecosystem and economy within our region.

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. SMADC 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.

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

Best Regards,

Shelby Watson-Hampton

Director, Southern Maryland Agricultural Development Commission (SMADC)

swatsonhampton@smadc.com

(240) 304-8535

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 - HB894 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

February 17, 2025

To: House Environment and Transportation Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of HB894 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 HB894 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 HB894

A handwritten signature in black ink, appearing to read 'Tyler Hough', written over a horizontal line.

Tyler Hough

Director of Government Relations

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

HB0894-DNR_SWA_ENT_2-19-25.pdf

Uploaded by: Emily Wilson

Position: FWA



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

February 19, 2025

BILL NUMBER: House Bill 894

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

DEPARTMENT’S POSITION: SUPPORT WITH AMENDMENTS

EXPLANATION OF DEPARTMENT’S POSITION

The Department supports HB 894 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

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

opportunity to allow some level of risk for individuals while furthering a conservation matrix for the benefit of the species as a whole.

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 Environment and Transportation Committee)

AMENDMENT TO HOUSE BILL 894

(First Reading File Bill)

On page 4, in line 20, and on page 5, in lines 8 and 15, in each instance, after “**BAT,**” insert “**THE EASTERN SMALL-FOOTED BAT,**”.

On page 4, in line 21, and on page 5, in lines 9 and 16, in each instance, strike “**TRICOLOR**” and substitute “**TRICOLORED**”.

MBIA Letter of Support with Amendments HB 894.pdf

Uploaded by: Lori Graf

Position: FWA

February 17, 2025

The Honorable Marc Korman
Chairman, Environment and Transportation Committee
Room 251, House Office Building
Annapolis, Maryland 21401

**RE: MBIA Letter of Support with Amendments HB 894 Endangered and Threatened Species –
Incidental Taking – Bats**

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 894 Endangered and Threatened Species – Incidental Taking – Bats**. MBIA supports this measure with amendments.

Our industry supports the intent of this legislation and recognize the need for a clear and effective process for the Maryland Department of Natural Resources (DNR) to authorize incidental takes of the Indiana bat, Northern long-eared bat, and Tricolor bat. However, we believe the bill would be improved by aligning the state’s process with existing federal permitting requirements to avoid redundancy and streamline compliance.

Rather than creating a duplicative state process for incidental take authorizations, we encourage an amendment that allows DNR to accept federal incidental take permits issued by the U.S. Fish and Wildlife Service (USFWS) as sufficient for state authorization. The federal process already requires rigorous conservation plans, mitigation strategies, and funding assurances. By recognizing federal permits, Maryland can ensure species protection while reducing unnecessary administrative burdens on permit applicants and conservation projects.

A unified front of authorization will create a more streamlined approach that would provide the necessary regulatory clarity while maintaining the conservation goals outlined in the bill. We believe that by amending the bill to integrate federal authorizations, the state can facilitate responsible environmental stewardship without creating additional layers of review that may unnecessarily delay essential projects while providing the same level of authorization.

We appreciate the efforts to address this important issue and look forward to working with the committee to refine the bill in a way that balances conservation with efficiency.

For these reasons, MBIA respectfully urges the Committee to give this measure a favorable report with amendments. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

HB 894 - Incidental Taking - Bats - FWA - ENT - 2-

Uploaded by: Tom Ballentine

Position: FWA



February 17, 2025

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

Favorable w Amendment: HB 894 – Incidental Taking – Bats

Dear Chair, Korman and Committee Members:

The NAIOP Maryland Chapters represent approximately seven hundred companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to request your favorable with amendments report on HB 894

The bill would create an administrative process for the Maryland Department of Natural Resources (DNR) to authorize incidental takes of the Indiana bat, Northern long-eared bat, and Tricolor bat. While we support the intent of this legislation and recognize the need for a clear and effective process, we believe the bill would be more efficient if it were to align the state's process more with existing federal permitting requirements. This would avoid redundancy and streamline compliance.

Rather than creating a separate, duplicative state process for incidental take authorizations, we encourage an amendment that allows DNR to accept federal incidental take permits issued by the U.S. Fish and Wildlife Service (USFWS) as sufficient for state authorization. The federal process already requires rigorous conservation plans, mitigation strategies, and funding assurances. By recognizing federal permits, Maryland can ensure species protection while reducing unnecessary administrative burdens on permit applicants and conservation projects.

Aligning the state and federal process will create a more streamlined approach that would provide the necessary regulatory clarity while maintaining the conservation goals outlined in the bill.

For these reasons, NAIOP respectfully requests your favorable with amendments report on HB 894.

Sincerely,

A handwritten signature in blue ink, appearing to read "T.M. Ballentine".

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.