

February 16th, 2026

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

RE: MBIA Letter of Opposition HB 578 Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings

Dear Chair Korman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **HB 578 Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings**.

While HB 578 contains several provisions that restate or formalize authorities the Department of Natural Resources (DNR) already possesses, such as listing and delisting species, adopting regulations, conducting scientific reviews, and administering conservation programs, the bill also introduces a significant expansion of authority. The bill gives the Secretary of Natural Resources the power to designate “essential habitats” and expands the statutory definition of “harm” to encompass habitat modification that impairs essential behavioral patterns of listed species. By expanding the definition of “harm” to include habitat modification and authorizing the designation of “essential habitats,” the bill lowers the threshold for enforcement and broadens the scope of activities that could trigger violations.

HB 578 also requires listing determinations to be made without reference to economic impacts and mandates recurring regulatory review cycles. This addition substantially enlarges the scope of enforceable regulatory authority and could have major implications for land use decisions, permitting processes, and private development throughout the State. Routine development activities such as clearing, grading, and infrastructure installation could become subject to heightened scrutiny or delay, even on private property. These changes introduce new layers of review, due diligence and compliance costs, and create greater exposure to permitting delays, redesign requirements, and litigation. In a state already facing housing affordability challenges and supply shortages, the added uncertainty and risk associated with HB 578 could discourage investment, constrain developable land and further drive up the cost of delivering housing and infrastructure.

MBIA would like to make the following suggestions to improve the bill as written:

- Create clear, objective standards defining “habitat modification” and “impairment.”
- Formal stakeholder engagement before essential habitat designations.
- Process protections and appeal mechanisms.
- Grandfathering protections for projects already in planning or permitting.
- Clarification that compliance with issued state permits provides protection from enforcement.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. 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 and Transportation Committee