



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

April 1, 2026

BILL NUMBER: SENATE BILL 431 – THIRD READER

SHORT TITLE: NATURAL RESOURCES – ENDANGERED AND THREATENED SPECIES AND MIGRATORY BIRDS

DEPARTMENT’S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT’S POSITION

The Department of Natural Resources (DNR) supports SB 431, as it reinforces current practices and policies implemented by the Department. It addresses several aspects of protection for endangered and threatened species, including definitions of key terms and criteria for certain actions related to listing and delisting these species. Additionally, it creates a 10-year schedule is set for the review of Irreplaceable Natural Areas regulations, which is consistent with the Department’s current review of threatened and Endangered Species.

While certain terms related to threatened and endangered species are present in regulations, they are not defined in statute. Other terms are not defined in either statute or regulation. This could lead to inconsistencies in interpretation and application. This bill clarifies these terms and criteria for delisting species and for petitioning to delist species, which will support existing policy.

BACKGROUND INFORMATION

Although protections for migratory birds are present in current statutes, the state relies on federal procedures and protections for other aspects, such as incidental taking. Federal policy changes resulting from legal interpretation can impact the practical application of federal law. If federal law or policy changes, state statutes could continue current protections.

Currently, there is no mandated schedule for reviewing and modifying Irreplaceable Natural Areas. However, the Department reviews its list of Threatened and Endangered species at least once every 5 years. This 10-year timeline would establish a review schedule to ensure regulations are updated as species are listed and delisted, as the presence of these species is used to designate Irreplaceable Natural Areas.

BILL EXPLANATION

SB 431 provides standard definitions for “foreseeable future” and “harm” as well as criteria for delisting species that are consistent with the protection of endangered and threatened species and that reflect current practice. The bill also gives the Secretary authority to designate areas as essential habitats and clarifies that listing determinations will be based on factors that best reflect the conservation needs of proposed species. Additional protections for migratory birds, should they be needed due to a change in federal protections, are also included in the Bill. Finally, SB431 was amended to help clarify that the process of issuing Black Vulture depredation permits shall be preserved in the case that the federal government no longer issues these types of permits.