

# **ArundelRiversFAVHB578\_EndangeredSpecies.pdf**

Uploaded by: Elle Bassett

Position: FAV



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**Testimony in SUPPORT of HB578 – Fish and Wildlife – Endangered and Threatened  
Species and Migratory Birds – Regulation, Lists, Petitions, Essential Habitats, and Takings**

Environment and Transportation Committee  
February 18, 2026

Dear Chair Korman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF HB578**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

House Bill 578 is focused on stronger protections for our endangered and threatened species and migratory birds. This bill updates and strengthens regulator review procedures by requiring the Secretary of Natural Resources to periodically review and if necessary, update regulations relating to endangered and threatened species on a regular schedule. The bill would refine how decisions are made about which species are listed as endangered or threatened. The bill also provides options and criteria for delisting species.

Most critically, the bill would allow the Secretary to formally designate certain areas as essential habitat for species that need them. As we continue to tackle the affordable housing crisis in Maryland and promote new and affordable development, it is essential that our Department of Natural Resources also has the ability to protect and preserve essential habitats for our most sensitive species.

Arundel Rivers supports the efforts to modernize how the state protects and manages wildlife and endangered species, strengthen the species recovery processes, and ensure that science drives the state's conservation decisions. We respectfully request a FAVORABLE REPORT on HB578.

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett  
South, West, and Rhode Riverkeeper  
Arundel Rivers Federation

**HB578\_Audubon.WildlifeProtections\_Fav\_2.16.26.pdf**

Uploaded by: Jim Brown

Position: FAV



**Maryland Office**  
2901 E. Baltimore St  
Baltimore, MD 21214

February 16, 2026

**To:** Chair Korman, Vice-Chair Guyton, and members of the Maryland House Committee on the Environment and Transportation

**From:** Jim Brown, Policy Director, Audubon Mid-Atlantic

**Subject: Favorable Testimony for Maryland HB 578 Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings**

Audubon Mid-Atlantic submits this testimony in support of House Bill 578. Audubon Mid-Atlantic is the regional office of National Audubon Society, representing over 35,000 Marylanders who advocate for the protection of birds, bird habitat, and policies aiming to protect both birds and human communities in the face of increasing environmental challenges, habitat loss, pollution, and climate change. HB 578 brings much needed protections to birds and their habitats in Maryland.

For more than a century, the Migratory Bird Treaty Act has provided the foundation for our country's bird conservation efforts. It has meant not only protecting birds from illegal shooting and poaching, but also from avoidable impacts from industrial activities. These impacts, known as "incidental take," result in millions of preventable bird deaths every year. In April of 2025 the U.S. Department of the Interior revoked a key policy under the Migratory Bird Treaty Act, which protects birds from avoidable deaths caused by large-scale and industrial activities. Protections from incidental take have successfully been implemented by both Republican and Democratic administrations for decades and have saved millions of birds, while helping maintain an annual \$279 billion economic impact from birding and associated activities, a pastime that 96 million Americans partake and invest in every year. This law is vital for the conservation of more than 1,000 species of birds, including nearly 400 species found in Maryland. HB 578 will reinstate this vital bird protection in Maryland.

Science tells us birds are in decline due to pollution and habitat loss. Bird populations have declined by 3 billion birds since 1970 across North America. 1/3 of all Maryland bird species experienced significant population declines in the past 50 years. Our iconic Baltimore Oriole, and other species of shorebirds, warblers, and songbirds that help celebrate Maryland's natural and cultural identity all face significant decline. It is particularly important now for Maryland to protect our natural resources and bird habitat as sustained attacks on long settled core conservation protections continue at the federal level. Ongoing attempts to weaken the Migratory Bird Protection Act, the Endangered Species Act, and clean water protections at the federal level mean Maryland must act to protect our environment and long-standing core bird protections. HB 578 gives Maryland the ability to continue those important bird protections at the state level.

We know that oil and gas interests are the reason for the federal assault on long-standing bird protections. The reason these protections were removed was to placate fossil fuel interests. If a major oil spill was to kill thousands of birds in Chesapeake Bay, oil companies would currently not face any consequences for those bird deaths, nor would they be required to mitigate any future potential harm. The protections laid out in the Migratory Bird Treaty Act were a key part of accountability and recovery after Deepwater Horizon and Exxon Valdez for the bird deaths they caused. Maryland deserves those protections for our birds, or ecosystems, and our communities. HB 578 brings those protections back to Maryland. This back-and-forth policy swing is not just bad for birds, but it is also bad for businesses that rely on a clear and consistent legal environment.

Birds in Maryland bring joy by filling the sky with flashes of color and brilliant songs. They provide priceless ecosystem services, and they are pillars of our economy with birders spending \$100s of millions of dollars annually in Maryland.

By putting measures in place that protect birds from harmful practices Maryland will continue to be held up as a conservation leader in the protection of birds now and in the future.

Audubon Mid-Atlantic respectfully urges a favorable review of House Bill 578.

Thank You,

Jim Brown  
Policy Director  
Audubon Mid-Atlantic

# **HB578\_Maryland Native Plant Society\_Fonda, Fulton\_**

Uploaded by: Judy Fulton

Position: FAV



# Maryland Native Plant Society

APPRECIATION CONSERVATION EDUCATION

**Testimony:** HB578, Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings

**Committee:** Environment and Transportation

**Hearing Date:** February 18, 2026

**Position:** FAVORABLE

Chair Feldman, Vice Chair Kagan, and honorable members of the Committee:

The Maryland Native Plant Society supports House Bill 578, which clarifies and strengthens protections for Maryland's plants, wildlife, and natural areas in the face of potential federal weakening of the Endangered Species Act (ESA).

Ensuring the survival of threatened and endangered plants and wildlife is contingent upon not just protecting individual species but also protecting the habitat that the species needs to survive. This concept of protecting an endangered species and its habitat from "harm" is currently part of the Federal ESA; however, the U. S. Fish & Wildlife Service and the National Oceanic & Atmospheric Administration are seeking to limit the definition of "harm" to only apply to the deliberate killing or injuring of a protected species. Codifying the current broader definition of "harm" in Maryland law will provide needed protections for our endangered plants and wildlife.

This bill also addresses the need to periodically review and update the list of Maryland's Irreplaceable Natural Areas (INAs). Following legislation in 2022 creating the INA program, the Department of Natural Resources designated 326 INAs across our state. INAs are areas "with habitat necessary to support a unique natural community or a plant or animal species listed as Threatened or Endangered by the State."<sup>1</sup> These areas are critical to protect Maryland's rare plants, wildlife, and unique ecosystems.

**The Maryland Native Plant Society respectfully urges a favorable report on HB578.**

Jill Fonda Allen  
Board, Maryland Native Plant Society  
jill.fonda.cgc@gmail.com

Judy Fulton  
President, Maryland Native Plant Society  
Jfulton5@gmail.com

<sup>1</sup> Maryland Department of Natural Resources. 2023. Accessed 2/13/26. Maryland's Irreplaceable Natural Areas. <https://dnr.maryland.gov/wildlife/pages/ina.aspx>

# **Delegate Palakovich Carr - HB 578 - Testimony.pdf**

Uploaded by: Julie Palakovich Carr

Position: FAV

JULIE PALAKOVICH CARR  
*Legislative District 17*  
Montgomery County

Ways and Means Committee  
Chair, Revenues Subcommittee

Chair, Montgomery County  
House Delegation



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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 578**  
**Fish and Wildlife – Endangered and Threatened Species and Migratory Birds –**  
**Regulations, Lists, Petitions, Essential Habitats, and Takings**

HB 578 insulates Maryland's biodiversity from proposed federal rollbacks of Endangered Species Act (ESA) protections. The bill would ensure that Maryland maintains the same strong conservation standards that have been in place for decades.

Passed in the 1970s with broad bipartisan support, the Endangered Species Act (ESA) has been the foundation of biological conservation efforts nationwide. For more than fifty years, Maryland has operated under this framework. Unfortunately, the Trump Administration is moving ahead with regulatory changes that would significantly weaken federal ESA protections by making it more difficult to list an imperiled species or to protect critical habitat. The Administration has also reinstated a legal opinion that significantly weakens the federal Migratory Bird Treaty Act by ending protections against unintentional harming of birds. HB 578 counteracts these changes by codifying the federal protections that have successfully guided our state's conservation efforts for years.

**Federal Rollbacks to Habitat Protection**

Habitat loss and fragmentation are leading drivers of species extinction. The Trump Administration has proposed to weaken the federal rules of what constitutes "harm" to a protected species by removing consideration of habit modification. This would mean destroying a protected species' habitat would not be considered harmful and therefore, not subject to the ESA. Current Maryland regulations already define harm to include significant habitat modification. HB 578 simply codifies the existing Maryland definition.

Other proposed changes to ESA federal rules would make it more difficult to conserve the habitat of protected species. Although states cannot directly counteract these federal changes, we can ensure that we are taking proactive steps to protect habitats. The bill takes two actions. First, it would allow, but not require, the Secretary of Natural Resources to designate areas as essential habitat for protected species. Ten states

plus Puerto Rico have already taken a similar action.<sup>1</sup> Second, the bill updates a 2022 law that directed the Department of Natural Resources (DNR) to create the Irreplaceable Natural Areas program to preserve Maryland's native biodiversity on state-owned lands. The law directed a one time designation of Irreplaceable Natural Areas. HB 578 clarifies that DNR has the ability to add and remove Irreplaceable Natural Areas as warranted and requires the agency to update the list of designated areas at least every ten years.

## Other Attacks

In November 2025, federal agencies proposed a number of additional rollbacks to the Endangered Species Act. HB 578 would codify existing federal provisions (those in effect before the proposed weakening) into Maryland law.

- *No economic considerations in species listing decisions.* Since 1984, decisions about protecting a species have been based *solely* on the best scientific data, “without reference to any possible economic impacts or other impacts.” This requirement was directed in a bill that passed by voice vote through a divided Congress and then was signed into law by President Reagan. HB 578 simply maintains the same principles that the U.S. followed for the past 40+ years.
- *Using an appropriate timeframe for assessing future threats to a species.* Protections for threatened species hinge on how the term ‘foreseeable future’ is defined. The bill would codify the existing federal definition, which dates back to a policy issued by the George W. Bush Administration.
- *Delisting a species.* In 1984, the Reagan Administration issued rules to make clear when a species could be delisted from the ESA. These rules were changed from guidance on delisting to requiring delisting by the Biden Administration. This bill codifies the current federal regulations.

## Protecting Migratory Birds

The federal Migratory Bird Treaty Act has been interpreted since at least the 1970's to include both direct and incidental harming of migratory birds. In practice, this means that someone can't kill a bird or disturb its nest (direct harm), nor could lawful activities accidentally kill or harm birds (incidental harm). The Trump Administration has limited the scope of federal protections to only include *intentional* injuries and killing of migratory birds. Current Maryland law only prohibits *direct* harm to migratory birds and their nests. HB 578 would add protections against incidental harm, as have existed for years at the federal level. Eighteen other states already protect against direct and incidental takings.<sup>2</sup>

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<sup>1</sup> AK, CT, IL, ME, MA, MN, NE, NH, NC, VT and PR

<sup>2</sup> AK, AR, AZ, CA, FL, GA, HI, IL, IN, KY, MT, NY, OH, OR, PA, SD, UT, VA

## **Conclusion**

This bill just codifies protections that have existed in Maryland and the U.S. for years. These are not new practices or policies in terms of how DNR implements the ESA. Given the direct threats to the federal ESA from the Trump Administration, now is the time to enact these policies into state law. We cannot control federal policy changes, but we can ensure that Maryland's state laws and regulations on endangered and threatened species are strong and protective. This bill will ensure that Maryland continues to operate under the same protections that we—and the rest of the nation—have for decades.

# **HB0578 Endangeres Species Personal.pdf**

Uploaded by: Kurt Schwarz

Position: FAV

February 18, 2026

**Committee: Environment and Transportation**

**Bill: HB0578 Fish and Wildlife-Endangered and Threatened Species and Migratory Birds-Regulations, Lists, Petitions, Essential Habitats, and Takings**

**Position: Favorable**

Dear Committee Chair, Vice-Chair, and Committee Members:

I wholeheartedly support HB0578.

Please note that these are my personal comments, and not on behalf of the Maryland Ornithological Society.

With the erosion of wildlife protections at the federal level, as caused by the gutting of the Migratory Bird Treaty Act (MBTA) and the efforts to hamstringing the Endangered Species Act, it is imperative that states take action to protect their species for future generations.

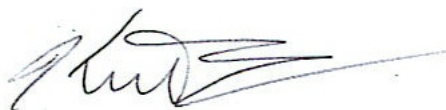
I am especially concerned about birds. I have been a birder since 1994 and have seen over 400 species in Maryland. I have seen numbers decline over the past 30 years. Peer-reviewed science has shown we have lost almost a third of our birds in North America since 1970.<sup>i</sup>

HB0578 would extend to migratory birds the protections given by the MBTA as it was on January 1, 2025. This prohibited the “take” of birds, to include killing of bird by oil spills, open oil waste pits, powerlines, wind turbines, and brightly illuminated buildings.

I urge the Committee to issue a favorable report on SB0431.

Sincerely,

Kurt R. Schwarz



Columbia, Maryland

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<sup>i</sup> Rosenberg, K V, A M Dokter, P J Blancher, J R Sauer, A C Smith, P A Smith, J C Stanton, A Panjabi, L Helft, M Parr & P P Marra 2019. Decline of the North American avifauna, Science 366, 120–124. [https://www.science.org/doi/10.1126/science.aaw1313?adobe\\_mc=MCORGID%3D242B6472541199F70A4C98A6%2540AdobeOrg%7CTS%3D1707754028](https://www.science.org/doi/10.1126/science.aaw1313?adobe_mc=MCORGID%3D242B6472541199F70A4C98A6%2540AdobeOrg%7CTS%3D1707754028)

# **HB0578 - Fish and Wildlife - Endangered and Threat**

Uploaded by: Leeza DeCheubel

Position: FAV



Testimony in Support of  
House Bill 578 - Fish and Wildlife - Endangered and Threatened Species and Migratory Birds -  
Regulations, Lists, Petitions, Essential Habitats, and Takings  
Environment and Transportation Committee  
February 18, 2026

The Rural Maryland Council **supports House Bill 578 - Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings**. House Bill 578 updates Maryland's endangered and threatened species law by establishing a clear, science-based framework for reviewing species listings, regulations, and essential habitat designations. The bill authorizes the Department of Natural Resources to periodically evaluate existing regulations, consider updated scientific data, and ensure that protections remain appropriate, effective, and transparent.

Maryland's current statute provides important protection for endangered and threatened species, but many of its regulatory components have not been systematically reviewed in decades. HB 578 creates a predictable process for reassessing those protections, including the criteria used for listing and delisting species and the information required when petitions are submitted. This approach strengthens conservation by ensuring decisions are based on the best available science and current conditions on the ground.

The bill also benefits landowners, businesses, and local governments by improving clarity and consistency. When regulations are clearly defined and regularly reviewed, regulated communities are better able to plan projects, manage land responsibly, and comply with the law. HB 578 helps avoid outdated or duplicative requirements that may no longer serve conservation goals, while preserving strong safeguards for species that truly need them.

Land use decisions and wildlife conservation are closely linked in Maryland. Forests, farms, and working lands provide critical habitat for many species, but they also support thousands of jobs and contribute billions of dollars to the state's economy. By encouraging cooperation between the Department of Natural Resources and stakeholders, HB 578 promotes conservation strategies that protect wildlife while recognizing the practical realities of land management.

Healthy ecosystems depend not only on protection, but on active, informed management. Regulations that reflect current science and local conditions are more likely to result in meaningful conservation outcomes. HB 578 advances this goal by modernizing Maryland's endangered species framework and ensuring it remains effective, credible, and balanced.

The Rural Maryland Council respectfully requests your favorable support of HB 578.

# **Fish and Wildlife - Endangered and Threatened Spec**

Uploaded by: Lisa Radov

Position: FAV



## MARYLAND VOTES FOR ANIMALS

PO Box 10411  
BALTIMORE, MD 21209

February 18, 2026

To: House Environment and Transportation Committee

From: Lisa Radov, President and Chair, Maryland Votes for Animals, Inc.

Re: Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings - HB 578 - Support

Chair Korman, Vice- Chair Guyton, members of the Environment and Transportation Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov. I am the President and Chair of Maryland Votes for Animals. We champion humane legislation to improve the lives of animals in Maryland. Speaking for Maryland Votes for Animals, our Board of Directors, and our members across Maryland, I respectfully request that the Education, Energy, and the Environment Committee vote favorably for Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings – HB 578.

This bill requires the Secretary of Natural Resources to review and, if warranted, update certain regulations by July 1, 2033, and at least every ten years thereafter. It revises the types of impacts the Secretary may consider when making regulatory determinations, mandates the delisting of endangered or threatened species under specified circumstances, and establishes informational requirements for petitions seeking removal of a species from the protected list. The bill also authorizes the designation of up to ten areas as essential habitats for endangered and threatened species, prohibits the taking of certain migratory birds, and generally addresses issues related to fish, wildlife, and endangered and threatened species.

This proposed legislation is significant because it seeks to modernize and strengthen the implementation of the Endangered Species Act (ESA) through regular regulatory review, revised listing and delisting standards, and clearer consideration of economic and other impacts. By instituting a ten-year review cycle, the bill helps ensure that regulations reflect current scientific knowledge and evolving environmental conditions, reducing the risk of outdated or ineffective rules.

Expanding the range of impacts that may be considered—such as economic or national security factors—could lessen regulatory burdens on landowners, farmers, and developers while maintaining conservation goals. The requirement to delist species under certain conditions aims to streamline the process for removing protections once recovery objectives have been met or listing criteria no longer apply. Additionally, limiting the number of designated essential habitats allows for more targeted species protection while potentially increasing flexibility for development in non-designated areas. Finally, explicitly prohibiting the taking of certain migratory birds clarifies and reinforces existing protections, with implications for construction, energy development, and land management activities.

In closing, I would like to thank Delegate Palakovich Carr for sponsoring HB 578 and ask the committee to give this bill a favorable report.

**HB0578\_DNR\_SUP\_ENT\_2-18-26.pdf**

Uploaded by: Lydia McPherson

Position: FAV



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

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February 18, 2026

**BILL NUMBER: HOUSE BILL 578 - FIRST READER**

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

**DEPARTMENT’S POSITION: SUPPORT**

### **EXPLANATION OF DEPARTMENT’S POSITION**

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The Department of Natural Resources (DNR) supports HB 578, 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**

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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**

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HB 578 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 the 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.

Contact: Lydia McPherson, Director, Legislative and Constituent Services  
lydia.mcpherson1@maryland.gov ♦ 410-260-8113 (office) ♦ 443-875-7785 (cell)

# **HB 578 - National Aquarium - Support.pdf**

Uploaded by: Maggie Ostdahl

Position: FAV



# NATIONAL AQUARIUM®

Date: February 18, 2026

Bill: HB 578 Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings

Position: Support

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Chair Korman and Members of the Committee:

The National Aquarium respectfully requests a favorable report on **HB 578**. This legislation would strengthen the Department of Natural Resource's authority to manage and protect Maryland's threatened and endangered (TE) species.

One of the National Aquarium's three overarching conservation goals is to save wildlife and habitats. We do this through a holistic, solutions-focused approach, which includes habitat restoration, engaging the community in field conservation projects, and in-building education about the importance of threatened and endangered species. Every year, the National Aquarium's 1.2 million guests have the chance to connect with one of many ambassadors of TE species, such as Kai (green sea turtle), Odie (Kemp's ridley sea turtle), Zoe and Zuri (zebra sharks), largetooth sawfish, sturgeon, and more. All these species depend on state and federal protections or are listed on the International Union for the Conservation of Nature (IUCN) Red List. Many other animals cared for by the Aquarium, including diamondback terrapins, are considered vulnerable and depend on effective state protections to ensure they do not become endangered. The National Aquarium also works with partners locally and nationwide to rescue endangered sea turtles that are injured or stranded; we are currently rehabilitating 39 cold-stunned green and Kemp's ridley sea turtles to return them to their ocean home. Despite limited funding, stranding network partners help state and federal agencies meet Endangered Species Act (ESA) responsibilities to rescue, treat, and release these animals, ultimately defraying millions of dollars in annual government costs.

Threatened and endangered species are often keystone species, performing vital ecological services like pollination or food web regulation, and serve as indicators of overall ecosystem health. We all depend on natural resources and the ecosystem services they provide and biodiversity, on scales from local to global, is in crisis. Approximately 8% of the 15,000 plant and animal species that live throughout Maryland are considered rare, uncommon, or declining.<sup>1</sup> Across the U.S., 34% of plants and 40% of animals are at risk of extinction.<sup>2</sup> We are proud to work with the Maryland Department of Natural Resources and other state partners to restore critical habits and protect Maryland's rare, threatened and endangered species, including blackbanded sunfish, eastern hellbenders, bog turtles, saltmarsh sparrows, piping plovers, and more.

Unfortunately, federal protections for TE species are being weakened despite the fact that the ESA has broad public support and has been incredibly effective at achieving its primary aim to prevent species from becoming extinct. SB 431 takes a precautionary approach to codify important, science-based practices for TE species while many of the same science-based practices are being eroded at the federal level. Specifically, this bill codifies many existing effective practices in Maryland along with several important definitions and provisions that would clarify what constitutes "harm" to protected species and the conditions under which they can be considered for delisting. Habitat loss is the main driver of species extinction and the bill appropriately authorizes designation of essential habitats for TE species.

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<sup>1</sup> Maryland State Wildlife Action Plan 2015-2025.

[https://dnr.maryland.gov/wildlife/Pages/plants\\_wildlife/SWAP\\_Submission.aspx](https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/SWAP_Submission.aspx)

<sup>2</sup> NatureServe 2023. Biodiversity in Focus: United States Edition. <https://www.natureserve.org/bif>

Now more than ever, TE species require the support of policies rooted in consistency and grounded in decades of scientific research. While the federal government continues to pursue actions that weaken protections for TE species, the state must enact safeguards to protect TE species in Maryland. **We urge the Committee to issue a favorable report on HB 578.**

Contact:

**Maggie Ostdahl**

Director of Conservation Policy

410-385-8275

mostdahl@aqua.org

**HB 578 - CBF - FAV.pdf**

Uploaded by: Matt Stegman

Position: FAV



# CHESAPEAKE BAY FOUNDATION

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## House Bill 578

### Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings

**Date:** February 18, 2026  
**To:** Environment & Transportation Committee

**Position:** **FAVORABLE**  
**From:** Gussie Maguire,  
MD Staff Scientist

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The Chesapeake Bay Foundation (CBF) **SUPPORTS House Bill 578**, which codifies essential protections for threatened and endangered species and their habitats, including providing a specific definition of “harm” to these species. The bill also explicates conditions for delisting species that are no longer threatened or endangered, either through recovery, extinction, or reclassification.

Scientists have declared the current time period as the “sixth mass extinction” event, driven by human impacts, including habitat loss and fragmentation, pollution, invasive species, and climate change. In Maryland alone, nearly 350 species are at risk of extinction or extirpation. Erosion of protections under the federal Endangered Species Act in recent years has placed threatened and endangered species at greater risk than ever before and necessitates strong state protections to prevent future species listings and further decline.

The bill instructs the Department of Natural Resources (DNR) to consider best available data and reasonable threats in the foreseeable future, including environmental variability—already seen throughout the state in response to climate change—when updating state regulation of threatened and endangered species and irreplaceable natural areas. Further, it empowers the DNR Secretary to designate areas as essential habitats for endangered and threatened species. Crucially, HB 578 also defines “harm” to a species to include both acts that kill or injure directly as well as significant change or degradation of their habitat. Common sense indicates that destroying an animal’s home would in turn cause it harm, but this definition ensures that common sense interpretation carries into legal protection.

Finally, the bill requires review of threatened and endangered species regulations at least every 10 years. Given rapidly changing environmental conditions due to climate change, periodic review of regulations to ensure they are sufficiently protective of these species and their habitats are warranted.

**CBF urges the Committee’s FAVORABLE report on HB 578.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

*The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.*

**HB578\_Sierra Club\_FAV\_18Feb2026\_ENT.pdf**

Uploaded by: Michael Wilpers

Position: FAV



**Committee: Environment and Transportation**

**Testimony on: HB 578 Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings**

**Position: Support**

**Hearing Date: February 18, 2026**

The Maryland Chapter of the Sierra Club supports HB 578 as a valuable mechanism to protect the State's wildlife and natural areas from the impacts of a potential weakening of the federal Endangered Species Act (ESA) and the federal Migratory Bird Treaty Act.<sup>1</sup>

Toward this end, the bill will (a) codify into State law a definition of "harm" to protected species that already exists in Department of Natural Resources (DNR) regulations, (b) increase state protections for migratory birds, and (c) require DNR to periodically update its list of Irreplaceable Natural Areas.

The U. S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration seek to weaken the Endangered Species Act by limiting meaning of "harm" exclusively to the deliberate killing or injuring of a protected species. The new definition would eliminate long-standing prohibitions on damage to their habitats upon which protected species rely.<sup>2</sup> During the public comment period on this proposal, more than 380,000 individuals (including 17,000 Sierra Club members) submitted comments opposing this move.<sup>3</sup> Nevertheless, it could become law. SB 431 would protect Maryland's wildlife from such a shift by codifying the DNR definition of "harm" (mirroring current federal law) as "an act which kills or injures wildlife including an act that significantly modifies or degrades habitat thereby killing or injuring wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering."

Similarly, the current federal Administration seeks to severely weaken the Migratory Bird Treaty Act by eliminating its prohibition against "incidental" harm to birds.<sup>4</sup> This aspect of the Act has required the federal government to work toward reducing incidental harms or "taking" of

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<sup>1</sup> Jeffers, J., et al., "Federal Agencies Propose Sweeping Revisions to Endangered Species Act Regulations, Largely Reinstating 2019–2020 Framework," *National Law Review*, vol. 16, no. 41, November 21, 2025 ([https://natlawreview.com/article/federal-agencies-propose-sweeping-revisions-endangered-species-act-regulations#:~:text=On%20November%202019%2C%202025%2C%20the%20U.S.%20Fish,consultation%2C%20and%20%60%60take"%20protections%20for%20threatened%20species](https://natlawreview.com/article/federal-agencies-propose-sweeping-revisions-endangered-species-act-regulations#:~:text=On%20November%202019%2C%202025%2C%20the%20U.S.%20Fish,consultation%2C%20and%20%60%60take))

<sup>2</sup> "Rescinding the Definition of 'Harm' Under the Endangered Species Act," *Federal Register*, 4/17/2025 (<https://www.federalregister.gov/documents/2025/04/17/2025-06746/rescinding-the-definition-of-harm-under-the-endangered-species-act>)

<sup>3</sup> Roscamp, G., "380,000+ Oppose Trump Administration Effort to Roll Back Endangered Species Act Protections," Sierra Club, Dec. 22, 2025 (<https://www.sierraclub.org/press-releases/2025/12/380000-oppose-trump-administration-effort-roll-back-endangered-species-act>)

<sup>4</sup> Zerzan, G., "Withdrawal of Solicitor Opinion M-37065 - Permanent Withdrawal of Solicitor Opinion - The Migratory Bird Treaty Act Does Not Prohibit Incidental Take," U. S. Department of the Interior, April 11, 2025 (<https://www.doi.gov/sites/default/files/documents/2025-04/m-37085.pdf>)

migratory birds, such as those that occur through fatal collisions with buildings lit at night.<sup>5</sup> SB 431 will adopt in Maryland law the prohibition against “incidental” harm to birds as it existed in federal law before the current Administration took office.

Finally, to further protect the State’s rare species, the bill clarifies the State’s Irreplaceable Natural Area (INA) Program to require that DNR review and add to, as needed, the state’s list of these areas.<sup>6</sup> The INAs are chosen specifically because they “support a unique natural community or a plant or animal species listed as Threatened or Endangered by the State” or that support “an assemblage of native plants or animals that is rare or declining in Maryland” or “an unusually pristine example of a native ecosystem type.”

All three provisions in HB 578 will help ensure that Maryland’s wildlife and natural areas are provided with a level of protection that supersedes any weakening of the federal Endangered Species Act or the Migratory Bird Treaty Act. With these considerations in mind, the Maryland Chapter of the Sierra Club recommends a favorable report on HB 578.

Michael Wilpers  
Biodiversity and Natural Places Team  
[wilpersm@gmail.com](mailto:wilpersm@gmail.com)

Josh Tulkin  
Chapter Director  
[Josh.Tulkin@MDSierra.org](mailto:Josh.Tulkin@MDSierra.org)

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<sup>5</sup> “Reducing Bird Collisions with Buildings and Building Glass: Best Practices,” US Fish And Wildlife Service 2016/2021 <https://www.fws.gov/sites/default/files/documents/reducing-bird-collisions-with-buildings.pdf>

<sup>6</sup> “Maryland's Irreplaceable Natural Areas,” Maryland Dept. of Natural Resources, August 2023 (<https://dnr.maryland.gov/wildlife/pages/ina.aspx>)

# **HB578\_Favorable\_RobinTodd.pdf**

Uploaded by: Robin Todd

Position: FAV



February 16, 2026

***Environment and Transportation Committee  
Hearing February 18, 2026, 1 pm***

**Bill No.: HB 578 Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings**

**Sponsors:** Delegates Palakovich Carr, Allen, Fair, Feldmark. Kaufman, Lehman, Shetty, Terrasa, White Holland, Wolek & Wu

**Position: Favorable**

Dear Chairman Korman and Members of the Committee,

The Maryland Ornithological Society (MOS) requests a favorable report on HB578 from the Committee. MOS was founded in 1945 and is an all-volunteer non-profit organization with about 2200 members organized around 15 chapters throughout the state. Our mission is to study, conserve and enjoy wild birds and their habitats, with special emphasis on birds which spend at least part of their lives in Maryland. We own 10 sanctuaries across the state, all of which are open to the public at no charge.

**One Third Birds Lost from North America since 1970**

A landmark and much cited publication (Rosenburg et al 2019), found that there were 30% fewer birds in North America in 2019 than in 1970, this means a **loss of 3 Billion birds**. This disturbing downward trend has continued since then, as documented in a 2025 report entitled “The State of the Birds in the U.S.A. by the North America Conservation Initiative” (NABCI 2025). Maryland has not been spared in this decline, as witnessed by the almost complete disappearance of the Black Rail from our marshes, Northern Bobwhite from our fields and the Golden-winged Warblers from our brushy woodlands (BBA3, *in press*).

**The Migratory Bird Treaty Act (MBTA) and how it was Neutered**

The Federally enacted Migratory Bird Treaty Act (MBTA) had protected migrant birds since its enactment in 1918, shortly after Martha, the last Passenger Pigeon, died in Cincinnati Zoo. Under the MBTA, **companies could be held responsible for causing ‘incidental take’**. ‘Incidental take’ is a euphemism for accidentally killing birds by, for example, contact with oil spills, open oil waste pits, powerlines, wind turbines and brightly illuminated buildings at night. Companies responsible for such hazards had to take steps to eliminate or at least minimize such unintended causes of bird kills.

Then, in April 2025, the Department of the Interior **significantly rolled back this protection** by allowing the 'incidental take' of birds. From that time, companies can no longer be held responsible for repeats of such disasters as the Deepwater Horizon or Exxon Valdez oils spills.

#### **How HB 587 Will Help Reverse These Bird Declines**

HB587 would repair this damage to the Federal MBTA in Maryland by including the following language:

- *"Except as provided in regulations adopted by the Secretary, a person may not take a migratory bird listed in 50 CFR 10.13, in a manner consistent with the implementation of the Migratory Bird Treaty Act on January 1, 2025."*

*Thus Maryland Natural Resources Code Section 10-2A-03, would be amended by adding the above paragraph as (c)((3).*

In this way migratory birds in Maryland would again have protection from incidental take.

It is worth noting that bird watching generates considerable revenue in Maryland; a USFWS report (201) showed total in state revenues of \$333.6 million, more than the \$264 million from hunting. Many of the most sought after birds, such as the spring warblers, winter waterfowl and fall hawks, are migratory species.

In closing, I thank you and your committee for taking the time to consider our position.

Sincerely,



Robin G. Todd PhD, Board Certified Entomologist (Emeritus)  
MOS Conservation Chair  
[Robin.todd@mdbirds.org](mailto:Robin.todd@mdbirds.org)

#### **References cited:**

Maryland & DC Breeding Bird Atlas 3. 2025. G.J. Foley, Editor. Maryland Bird Conservation Partnership

NABCI 2025, State of the Birds in the U.S.A.

[https://americanornithology.org/us-state-of-the-birds-2025-report/?utm\\_source=chatgpt.com](https://americanornithology.org/us-state-of-the-birds-2025-report/?utm_source=chatgpt.com)

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at <http://www.census.gov/prod/2013pubs/fhw11-md.pdf>

**HB 578 testimony RCB & LMcD 2026.pdf**

Uploaded by: Ronald Boyer

Position: FAV

Reference: HB 578, Fish and Wildlife - Endangered Species and Migratory Birds - Regulations, Lists,  
Petitions, Essential Habitats, and Takings  
Committee: Environment and Transportation  
Hearing Date: February 18, 2026  
Position: Support

Dear Chairs and Committee Members:

We're active members of the Maryland Ornithological Society and Maryland Native Plant Society.  
We travel throughout every region of our State for the opportunity to see native plants and animals.  
We ask that you vote YES on this bill to ensure that these rare species and their unique habitats are  
protected.

Sincerely,  
Ron Boyer and Liz McDowell  
90 Moonridge Lane  
Grantsville, MD 21536  
301-895-3686

# **HB 578 Humane World for Animals FAV.pdf**

Uploaded by: Stacey Volodin

Position: FAV



Formerly called the Humane Society of the United States and Humane Society International

**February 18, 2026**

**Environment and Transportation Committee  
 HB578- Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings  
 FAVORABLE**

Chair Korman, Vice-Chair Guyton, and Members of the Committee,

Humane World for Animals, formerly called the Humane Society of the United States, on behalf of our supporters across the state, strongly supports HB 578. This legislation would strengthen our state’s Endangered Species Act, prioritizing the protection of wildlife and ensuring healthy ecosystems for generations to come.

Across demographics and political ideologies, the American people overwhelmingly support protections for endangered species.<sup>1</sup> The federal Endangered Species Act is even more successful than it is popular, saving 99% of listed species from extinction.<sup>2</sup> This record of success is underpinned by strong, protective regulations for imperiled species—both threatened and endangered—and our shared recognition of what is at stake: a truly wonderful, wild world. Unfortunately, as efforts to weaken the federal Endangered Species Act increase, it’s more important than ever for Maryland to reinforce protections for endangered species at the state level.

HB 578 would provide actionable definitions for key terms in listing decisions including “harm” as impacts to habitat and “foreseeable future” to include environmental variability and specific life history of a species. It would allow the Secretary to designate essential habitats for threatened and endangered species, and crucially, it would exclude economic impact as a consideration in listing criteria. These changes will help ensure that listing and delisting decisions for threatened and endangered species are based on sound biological and ecological criteria, not political interests, and that the state can take decisive action to recover the species that need our help.

Protecting species, particularly vulnerable species that are not hunted, is also beneficial to Maryland’s economy. Wildlife watchers are a huge and growing constituency in terms of number of people and dollars spent in the economy, according to data collected by the U.S. Census Bureau and put into reports by the U.S. Fish and Wildlife Service. So-called nonconsumptive users are a rapidly growing stakeholder group who provide immense economic contributions to the communities in which they visit.<sup>3</sup> The U.S. Fish and Wildlife Service’s 2022 wildlife-recreation report indicates that wildlife watchers nationwide now number 148 million – a 72% increase from 2016 (and twice as many as in 2011); wildlife watchers outnumber the total number of hunters by tenfold – and spent \$250.2 billion.<sup>4</sup> Altogether, hunters spent \$45.2 billion in 2022, about one-fifth that spent by wildlife watchers.<sup>5</sup> The biggest increase between 2016 and 2022 was the amount wildlife watchers spent – wildlife watchers realized a 230% increase over 2016 expenditures. See Fig. 1.

**Fig. 1. USFWS National Wildlife Recreation Data (Comparison 2011, 2016 & 2022 data)<sup>6</sup>**

Wildlife recreation participants and expenditures	2011	2016	2022	Percent increase (2016 and 2023 data)
<b>No. wildlife watchers</b>	71.8M	86.0M	145.3M	68.95%
<b>No. hunters</b>	13.7M	11.5M	14.4M	25.22%
<b>Wildlife watcher expenditures</b>	\$59.1B	\$75.9B	\$250.2B	229.64%
<b>Hunter expenditures</b>	\$36.3B	\$25.6B	\$45.2B	76.56%

And in Maryland, the U.S. Bureau of Economic Analysis reports that hunting and trapping accounted for only 1% of the nearly \$9.5 billion spent on outdoor recreation in the state in 2023 (the most recent year available).<sup>7</sup>

Marylanders want to see our wildlife thriving, our endangered and threatened species protected and recovered, and our ecosystems whole, healthy, and resilient for future generations. HB 578 provides essential safeguards for threatened and endangered species and will allow the state to take the necessary steps to protect and recover species and their habitats. I urge support for this legislation.

Respectfully,

**Stacey Volodin**

Maryland State Director

Humane World for Animals

[svolodin@humaneworld.org](mailto:svolodin@humaneworld.org)

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<sup>1</sup> John A. Vucetich et al., *Support for the US Endangered Species Act Is High and Steady Over the Past Three Decades*, CONSERVATION LETTERS, May 2025, at 1, 2.

<sup>2</sup> Celebrating 50 Years of Success in Wildlife Conservation, U.S. DEP'T OF INTERIOR, <https://www.doi.gov/blog/endangered-species-act-celebrating-50-years-success-wildlife-conservation#:~:text=In%20its%20first%2050%20years,conservation%20organizations%20and%20private%20citizens> (last visited Dec. 18, 2025).

<sup>3</sup> M. L. Elbroch et al., "Contrasting Bobcat Values," *Biodiversity and Conservation* (2017); U.S. Fish and Wildlife Service, "2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation: National Overview," ed. U.S. Fish and Wildlife Service (2017).

<sup>4</sup> U.S. Department of the Interior, U.S. Fish and Wildlife Service (Sep. 2023), *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*. "2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation," ed. U.S. Department of the Interior (2016); "2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation," ed. U.S. Department of the Interior (2011).

<sup>5</sup> U.S. Department of the Interior, U.S. Fish and Wildlife Service (Sep. 2023), *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*.

<sup>6</sup> U.S. Department of the Interior, U.S. Fish and Wildlife Service (Sep. 2023), *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*.

<sup>7</sup> U.S. Bureau of Economic Analysis, "[SAOACTVA Outdoor recreation satellite account activities - value added](#)"<sup>1</sup>" (accessed Thursday, February 12, 2026).

# **ACT Testimony - HB0578.pdf**

Uploaded by: Taylor Swanson

Position: FAV



**Testimony in SUPPORT of SB431  
Fish and Wildlife – Endangered and Threatened Species and Migratory Birds –  
Regulations, Lists, Petitions, Essential Habitats, and Takings**

Environment and Transportation Committee  
February 16, 2026

Dear Chair Korman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF HB 578** on behalf of Assateague Coastal Trust.

Across Maryland, endangered and threatened species are increasingly facing intense pressure from development, urban sprawl, habitat loss, and sea level rise. **Each species, big or small, is a piece of the culture and heritage of Maryland.** Every species we lose represents the loss of a piece of our pride and history as Marylander's. It is imperative that we do everything in our power to ensure that our actions as human beings leave room for these iconic pieces of Maryland's natural history.

**Assateague Coastal Trust is dedicated to its mission of conservation, preservation, and protection of the waterways of Worcester County and Maryland's Lower Eastern Shore.** Our work helps ensure that residents and visitors to Maryland's coast forever enjoy the resources provided by our coastal waters. We see this bill as a major step towards not only protecting important parts of Maryland's heritage, but as a means for conserving iconic landscapes.

Protection of habitat for endangered and threatened species has tremendous implications for water quality. Protecting these vulnerable species not only benefits water health, but benefits communities dependent on these resources, like our watermen.

The Lower Eastern Shore is home to critical habitats that sustain vulnerable species already under increasing pressure from sea level rise, habitat loss, and development. Species such as the Eastern Tiger Salamander, Saltmarsh Sparrow, and Diamondback Terrapin depend on strong, science-based protections to survive.

HB 578 ensures regular review of regulations, strengthens standards for listing and delisting, and promotes transparent, data-driven decision-making. These measures are essential to prevent premature removal of protections and to ensure conservation policies reflect current science and environmental realities.

Protecting endangered and threatened species safeguards not only wildlife, but also the ecological health and resilience of our coastal communities.

Assateague Coastal Trust urges a **FAVORABLE REPORT** on **HB 578**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor Swanson', with a horizontal line extending to the right.

**Taylor Swanson,**  
Executive Director and Assateague COASTKEEPER  
Assateague Coastal Trust

# **MBIA Letter of Opposition HB 578.pdf**

Uploaded by: Lori Graf

Position: UNF

February 16<sup>th</sup>, 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](mailto:lgraf@marylandbuilders.org).

cc: Members of the House Environment and Transportation Committee

# **HB 578 - Engangered and Threatened Species and Mig**

Uploaded by: Tom Ballentine

Position: UNF



February 16, 2026

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

**Unfavorable: HB 578 Endangered and Threatened Species and Migratory Birds Regulations**

Dear Chair, Korman and Committee Members:

The NAIOP Maryland Chapters represent approximately 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to recommend your unfavorable report on HB 578, which significantly expands Maryland’s endangered species law and introduces broad new regulatory authorities affecting land use, permitting, and development of public and private projects across the state.

While HB 578 includes several provisions that restate authority the Department of Natural Resources (DNR) already possesses—such as listing and delisting species, conducting scientific reviews, and administering conservation programs—it also introduces sweeping new prohibitions that go far beyond existing law without a comparable permitting framework or explicit safe harbor language. These changes will increase regulatory uncertainty, raise compliance costs, and expose routine activities to heightened enforcement risk. The major areas of concern include:

- **Expansion of the Definition of “Harm”** – The bill expands the definition of “harm” to include “*habitat modification or degradation*” that impairs breeding, feeding, or sheltering—even if no individual animal is ever directly harmed. This definitional change represents a significant lowering of the threshold for enforcement of a “*taking*” of a threatened or endangered species. Routine development activities that impact protected vegetation considered “*Essential Habitats*” could be subject to enforcement action.
- **Designation of “Essential Habitats”** – The bill grants the Secretary the authority to designate areas as “*essential habitats*” for endangered and threatened species. The bill lacks clear criteria for geographic extent and other factors used to make such designations raising concerns about the potential for overly broad or arbitrary restrictions on land use. Combined with the expanded definition of habitat modification as a “*taking*,” this provision could result in significant limitations on the use of private and commercial property, further complicating development efforts and reducing land value.
- **Prohibition on Considering Economic Impacts** – Economic impacts are not part of federal “*listing*” decisions. HB 578 changes state law to explicitly prohibit DNR from considering possible economic or other impacts when determining whether a species is endangered or threatened. This goes beyond the Endangered Species Act, which requires economic impacts to be considered in certain contexts, such as critical habitat designation.
- **State Definitions and Recurring Regulatory Review Cycles** – The bill creates a Maryland specific definition of “*foreseeable future*” for use in listing Threatened species and mandates a five-year cycle of regulatory reviews of state lists. This has the potential to put Maryland listing out of sync with federal list changes. It will also create an unstable land use and regulatory landscape.
- **Blanket Protection of Migratory Birds and Habitat** – The bill creates a blanket prohibition on taking any migratory bird while providing no explicit safe harbor or state permitting mechanism. Without more guidance

and discretion, particularly around incidental takings, routine construction and maintenance operations will be exposed to sweeping prohibitions and / or enforcement.

HB 578 extends state agency and private obligations including provisions that go beyond federal requirements. The bill also expands the scope and significantly lowers the bar for what is considered an enforceable harm to habitat and migratory birds without safe harbor statutory language or a permitting framework. These expansions risk delays, increased costs, and legal exposure without demonstrably improving conservation outcomes compared to the well-established federal frameworks.

**For these reasons, NAIOP respectfully requests your unfavorable report on HB 578.**

Sincerely,



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.

**HB578 MDFB LOI.pdf**

Uploaded by: Ryan Snow

Position: INFO



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

February 16, 2026

To: House Environment and Transportation Committee

From: Maryland Farm Bureau

**RE: LOI HB578 Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings**

On behalf of the 7,000 farm families of the Maryland Farm Bureau, we submit this Letter of Information regarding House Bill 578. MDFB policy supports science-based wildlife management while protecting the viability of working farms and livestock operations. Farmers across Maryland, particularly those raising cattle, sheep, goats, and other livestock, continue to experience significant losses due to black vulture predation. The federal Black Vulture Depredation Permit remains one of the only practical tools available to deter and control ongoing damage.

MDFB's primary concern is ensuring that HB 578 does not restrict, delay, or otherwise limit producers' ability to access and utilize this critical permit. Any change that complicates its use would impose direct economic harm on farm families operating on narrow margins. Consistent with MDFB policy supporting private property rights, alignment with federal standards, and the ability to defend livestock from wildlife depredation, producers must retain clear and workable authority to protect their animals and livelihoods.

We respectfully request that the Committee ensure HB 578 preserves full access to the Black Vulture Depredation Permit and remains balanced, science-based, and workable for Maryland agriculture.

*Please reach out to Jeannie Haddaway-Riccio at [jeannie@randrsolutions.us](mailto:jeannie@randrsolutions.us), with any questions.*