

SB431_BrooksB.pdf

Uploaded by: Benjamin Brooks

Position: FAV

BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee
Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 303
Annapolis, Maryland 21401
410-841-3606 · 301-858-3606
800-492-7122 Ext. 3606
Benjamin.Brooks@senate.state.md.us

District Office
Windsor Mill Office
8419 Liberty Road, Suite B
Windsor Mill, Maryland 21244
410-496-4037

TESTIMONY IN SUPPORT OF SB 431
Fish and Wildlife - Endangered and Threatened Species and Migratory Birds -
Regulations, Lists, Petitions, Essential Habitats, and Takings
Environment and Transportation Committee
April 1, 2026

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

Thank you for the opportunity to testify on SB 431, Fish and Wildlife – Endangered and Threatened Species and Migratory Birds – Regulations, Lists, Petitions, Essential Habitats, and Takings. The purpose of this bill is to affirm Maryland’s commitment to protecting endangered and threatened species by updating Maryland’s Code to reflect longstanding federal protections and existing regulations.

Protecting Maryland’s diverse wildlife and native plant life is vital to the health and resilience of our ecosystems. Preserving longstanding protections is essential to preventing further declines among endangered and threatened populations. Even the loss of one species can disrupt ecological balance, weaken natural systems, and trigger cascading impacts on biodiversity.

Proposed federal rules and legislation threaten the Endangered Species Act, potentially rolling back long-established protections. Maryland cannot undo any federal changes to endangered species protections. However, we can codify these longstanding provisions. SB 431 ensures that Maryland law reflects the protections our state and country have maintained for decades.

SB 431 codifies federal criteria for listing and delisting threatened and endangered species, adopts the federal definition of “threatened species,” incorporates Maryland’s existing regulatory definition of “harm,” and maintains federal protections for migratory birds under state law.

Habitat loss and fragmentation are leading drivers of extinction. In light of this, SB 431 directs the Secretary of the Department of Natural Resources (DNR) to periodically update its list of Irreplaceable Natural Areas and authorizes the Secretary to designate essential habitats for endangered and threatened species.

Authorizing the Secretary to maintain an accurate list of endangered and threatened wildlife and plant species, while preserving existing conservation regulations, ensures that Maryland can continue to protect the State's biodiversity.

For these reasons, I am respectfully requesting a favorable report on Senate Bill 431.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks". The signature is written in black ink and is positioned below the text "With kindest regards,".

Benjamin Brooks

CROSSFILEArundelRiversFAVSB431_EndangeredSpecies.p

Uploaded by: Elle Bassett

Position: FAV



PO Box 760 Edgewater, MD
21037

410-224-3802
www.arundelrivers.org

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

Transportation and the Environment Committee
April 1, 2026

Dear Chair Korman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB431**, 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.

Senate 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 SB431.

Sincerely,

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

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

Fish and Wildlife - Endangered and Threatened Spec

Uploaded by: Lisa Radov

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

April 1, 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 - SB 431- 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 vote favorably for Fish and Wildlife - Endangered and Threatened Species and Migratory Birds - Regulations, Lists, Petitions, Essential Habitats, and Takings – SB 431.

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 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 builds on what federal regulations have required for years. Hb 578 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 Senator Brooks for sponsoring SB 431 and ask the committee to give this bill a favorable report.

SB0431_DNR_SUP_ENT_4-1-26.pdf

Uploaded by: Lydia McPherson

Position: FAV



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.

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

SB 431 - CBF - FAV - E&T.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

Senate Bill 431

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

Date: April 1, 2026

To: Environment & Transportation Committee

Position: **FAVORABLE**

From: Gussie Maguire,
MD Staff Scientist

The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 431**, 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. CBF prefers SB 431 to its crossfile which previously passed the House as it includes provisions that permit the Secretary of DNR to adopt management protocols for designated essential habitats.

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, SB 431 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 SB 431.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at 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.

SB431 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

April 1, 2026

**Environment and Transportation Committee
 SB431 - Fish and Wildlife - 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,

On behalf of our members and supporters in Maryland, Humane World for Animals – formerly called the Humane Society of the United States – strongly supports SB431. 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.¹ The federal Endangered Species Act is even more successful than it is popular, saving 99% of listed species from extinction.² 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.

SB431 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.³ 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.⁴ Altogether, hunters spent \$45.2 billion in 2022, about one-fifth that spent by wildlife watchers.⁵ 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)⁶

Wildlife recreation participants and expenditures	2011	2016	2022	Percent increase (2016 and 2023 data)
No. wildlife watchers	71.8M	86.0M	145.3M	68.95%
No. hunters	13.7M	11.5M	14.4M	25.22%
Wildlife watcher expenditures	\$59.1B	\$75.9B	\$250.2B	229.64%
Hunter expenditures	\$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).⁷

Conclusion

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. SB431 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. Humane World for Animals urges support for this legislation.

Respectfully,

Stacey Volodin
Maryland State Director
Humane World for Animals
svolodin@humaneworld.org

¹ 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.

² 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).

³ 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).

⁴ 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).

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

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

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

SB 431 - Engangered and Threatened Species and Mi

Uploaded by: Tom Ballentine

Position: FWA



March 30, 2026

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

Favorable w Amendment: SB 431 - 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 amendments to SB 431.

While SB 431 mirrors the federal Endangered Species Act in most respects there are several provisions that need clarification and amendment in order to fully bring over the provisions in federal law.

- **Prohibition of Incidental Take of Migratory Birds** – Amendments to the bill prohibit the incidental take of migratory birds protected by Migratory Bird Treaty Act beginning October 1, 2026. This change could result in a significant expansion of regulated activities for land development, construction, utilities and existing buildings, There is no reference to best management practices or permitting structure for compliance. At a minimum, the bill should delay the effective date or make clear this provision is not enforceable until DNR issues industry specific guidance or an incidental take permitting program is in place.
- **Designation of “Essential Habitats”** – The bill grants the Secretary broad authority to designate areas as “essential habitats” for endangered and threatened species. Federal law establishes criteria for habitat designation through a series of biological findings and limitations that are not carried over by SB 431.
- **Definition of “Harm”** – SB 431 codifies the definition of “harm” in statute and pairs it with new authority to designate state level “essential habitat.” Without clarification, referencing “wildlife” in statute risks expanding the scope of harm beyond listed species—an outcome inconsistent with the federal ESA model. The definition of Harm should be clarified to apply only the listed threatened and endangered species.

Thank you for considering NAIOP’s point of view on SB 431

Sincerely,

A handwritten signature in blue ink that reads "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.

SB431 Oppose.pdf

Uploaded by: Lori Graf

Position: UNF

April 1, 2026

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

RE: MBIA Letter of Opposition, SB431- 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 **SB431**. SB431 expands the Secretary of Natural Resources' authority over endangered and threatened species, broadens the definition of "harm," incorporates federal migratory bird listings into state law, and mandates recurring regulatory reviews. While amendments narrowed some provisions, the bill still creates significant new regulatory exposure for landowners, local governments, and project sponsors without providing clarity, balance, or workable compliance pathways.

Key Concerns

1. Broad, Undefined Regulatory Authority

SB431 allows the Secretary to designate "essential habitats" and interpret "harm" to include habitat modification. Even as amended, these terms remain **vague and open-ended**, granting wide discretion without measurable standards.

Impact:

- Unpredictable permitting outcomes
- Inconsistent regional application
- Increased administrative and legal risk for routine development activities

2. New State-Level Enforcement for Migratory Birds

The bill adopts federal migratory bird listings (as of 1/1/25) and applies state "take" prohibitions — including habitat-based harm — to all listed species.

Impact:

- Maryland would enforce a broader regime than current federal practice
- Housing, infrastructure, forestry, and resiliency projects face new exposure
- No safe harbors, incidental take permits, or mitigation pathways are provided

3. Mandatory 10-Year Regulatory Review Without Resources

SB431 requires DNR to review and update species regulations by 2033 and every 10 years thereafter, without aligning the mandate to staffing or funding.

Impact:

- Agencies may divert resources from permitting and enforcement
- Regulatory cycles could trigger frequent rule changes and delays
- Local governments and project sponsors face shifting compliance obligations

4. Imbalanced Petition Standards

The bill imposes strict scientific requirements for delisting petitions but **does not apply equivalent rigor to listing petitions**, creating a structural imbalance.

Impact:

- Easier to list species than to delist them
- Outdated or overly broad protections may persist
- Stakeholders face more frequent and costly listing challenges

5. Risks to Housing, Infrastructure, and Environmental Projects

Expanded definitions of harm and habitat protection could slow or complicate:

- Housing development
- Transportation improvements
- Shoreline and climate-resiliency projects
- Renewable energy siting

Impact:

- Additional surveys, redesigns, and biological assessments
- Delays in capital planning and permitting
- Higher costs for public and private projects

SB431, even as amended, creates **significant new regulatory exposure** without providing clarity, balance, or workable compliance tools. Maryland needs predictable, science-based environmental protections that support — not hinder — housing, infrastructure, and climate-resiliency goals. SB431 does not meet that standard.

For these reasons, MBIA respectfully requests the Committee give this measure an favorable/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