

# HOUSE BILL 295

M1

EMERGENCY BILL

0lr2128  
CF SB 1020

---

By: **Delegate O'Donnell**

Introduced and read first time: January 27, 2010

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2010

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger**  
3 **Beetle – Requirements**

4 FOR the purpose of requiring the Secretary of Natural Resources to issue a permit to  
5 an applicant that authorizes an incidental taking of the endangered Puritan  
6 Tiger Beetle under certain circumstances; requiring the Secretary to adopt  
7 certain regulations relating to an incidental taking permit for the endangered  
8 Puritan Tiger Beetle; making this Act an emergency measure; and generally  
9 relating to an incidental taking permit for the endangered Puritan Tiger Beetle.

10 BY repealing and reenacting, with amendments,  
11 Article – Natural Resources  
12 Section 10–2A–05.1  
13 Annotated Code of Maryland  
14 (2007 Replacement Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Natural Resources**

18 10–2A–05.1.

19 (a) The Secretary [may] **SHALL** issue a permit to an applicant that  
20 authorizes an incidental taking of the endangered Puritan Tiger Beetle if:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) The applicant submits a conservation plan to the Department that  
2 specifies:

3 (i) The impact that will likely result from the incidental taking;

4 (ii) The steps that the applicant will take to minimize and  
5 mitigate the impact, and the funding that will be available to implement the steps;

6 (iii) The alternative actions to the incidental taking that the  
7 applicant considered and the reasons that the alternatives were not used; and

8 (iv) Any other measures that the Secretary requires as being  
9 **REASONABLY** necessary or appropriate for the purposes of the plan; and

10 (2) The Secretary finds that:

11 (i) The incidental taking will not appreciably reduce the  
12 likelihood of the survival or recovery of the Puritan Tiger Beetle in the wild;

13 (ii) The applicant will, to the extent practicable, minimize and  
14 mitigate the impacts of the incidental taking;

15 (iii) Adequate funding for the conservation plan is available and  
16 the plan will be implemented; and

17 (iv) The applicant has obtained the required federal  
18 authorization for the incidental taking of the Puritan Tiger Beetle.

19 (b) The Secretary [may] **SHALL** adopt regulations to implement and enforce  
20 this section.

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
22 ~~October 1, 2010.~~

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
24 measure, is necessary for the immediate preservation of the public health or safety,  
25 has been passed by a yea and nay vote supported by three-fifths of all the members  
26 elected to each of the two Houses of the General Assembly, and shall take effect from  
27 the date it is enacted.