

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 295

(Delegate O'Donnell)

Environmental Matters

Education, Health, and Environmental Affairs

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**Natural Resources - Incidental Taking Permit for Endangered Puritan Tiger  
Beetle - Requirements**

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This emergency bill requires the Secretary of Natural Resources to issue a permit for the “incidental taking” of the endangered puritan tiger beetle under specified conditions. “Incidental taking” means the taking of listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Permit applicants must submit a conservation plan that, among other things, specifies any measures the Secretary requires as being reasonably necessary or appropriate for the purposes of the plan. The bill requires the Secretary to adopt regulations to implement and enforce the bill.

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**Fiscal Summary**

**State Effect:** None. The bill codifies existing procedure.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** The primary State law that authorizes and governs the listing of endangered species is the Nongame and Endangered Species Conservation Act. This law prohibits the “take” of endangered animals except under specified conditions. “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct. Under current regulations, a permit to take, transport, possess, sell, offer for sale, export, or import any listed species may be obtained from the Department of Natural Resources (DNR) under specified conditions.

The official State Threatened and Endangered Species List is established in regulation. Currently, 451 species of plants and 153 species of animals are listed as endangered, threatened, in need of conservation, or endangered extirpated by the State. The puritan tiger beetle (*Cicindela puritana*) is currently listed by the State as an endangered species. The species is also listed as threatened under the federal Endangered Species Act. Federal law provides for incidental takings under specified conditions.

Current regulations require individuals to obtain a permit from DNR before conducting any activity that will result in the incidental taking of puritan tiger beetles. Applicants must develop conservation plans that provide specified information and seek to minimize and mitigate the impacts of the incidental taking. DNR evaluates the plans and determines if the proposed minimization and/or mitigation measures are adequate. If not, more mitigation may be necessary in order for DNR to find that the incidental taking will not appreciably reduce the likelihood of the survival or recovery of the species.

The majority of the world's population of the puritan tiger beetle occurs in Maryland. Of the estimated 5,000 puritan tiger beetles in the world, approximately 3,000 to 4,000 of them are in Maryland. They are found on eroding, unvegetated cliffs along the Chesapeake Bay in Calvert County and along the Sassafras River between Kent and Cecil counties. Many of the cliffs are held in private ownership.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2010  
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