

Chapter 117

(House Bill 295)

AN ACT concerning

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

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

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

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

Article – Natural Resources

10–2A–05.1.

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

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

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

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

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

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

(2) The Secretary finds that:

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

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

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

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

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

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

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

Approved by the Governor, April 13, 2010.