HOUSE BILL 731

M1, R1 5lr2121 CF SB 635

By: Delegates Ruth, Lehman, Addison, Allen, Foley, Guyton, Hill, Palakovich Carr, Stein, Terrasa, Valderrama, and Woods, Behler, and Healey

Introduced and read first time: January 27, 2025 Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER

1 AN ACT concerning

2

Wildlife - Protections and Highway Crossings

- 3 FOR the purpose of establishing the Maryland Connectivity Coalition; establishing that 4 the State Highway Administration has final decision—making authority regarding certain decisions; establishing the Wildlife Connectivity Fund; requiring the 5 Department of Natural Resources to develop a website to be used for accepting 6 7 donations for certain purposes; requiring the State Highway Administration to 8 include certain information in each consolidated transportation plan of the State; 9 requiring a county or local jurisdiction to consider certain factors when enacting, 10 adopting, amending, or executing a comprehensive plan; and generally relating to 11 wildlife protection.
- 12 BY repealing and reenacting, without amendments,
- 13 Article Natural Resources
- 14 Section 10–2A–01(a), (d), and (l)
- 15 Annotated Code of Maryland
- 16 (2023 Replacement Volume and 2024 Supplement)
- 17 BY adding to
- 18 Article Natural Resources
- 19 Section 10–2A–06.2
- 20 Annotated Code of Maryland
- 21 (2023 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



1	BY repealing and reenacting, with amendments,						
2							
3							
4	Annotated Code of Maryland						
5	(2012 Volume and 2024 Supplement)						
6	BY repealing and reenacting, without amendments,						
7	Article - State Finance and Procurement						
8	$\frac{\text{Section } 6-226(a)(2)(i)}{a}$						
9	Annotated Code of Maryland						
10	(2021 Replacement Volume and 2024 Supplement)						
11	BY repealing and reenacting, with amendments,						
12	Article - State Finance and Procurement						
13	Section 6–226(a)(2)(ii)204. and 205.						
14	Annotated Code of Maryland						
15	(2021 Replacement Volume and 2024 Supplement)						
16	BY adding to						
17	Article - State Finance and Procurement						
18	Section 6-226(a)(2)(ii)206.						
19	Annotated Code of Maryland						
20	(2021 Replacement Volume and 2024 Supplement)						
21 22	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
23	Article - Natural Resources						
24	10–2A–01.						
25	(a) In this subtitle the following words have the meanings indicated.						
26 27	(d) (1) "Endangered species" means any species whose continued existence as a viable component of the State's wildlife or plants is determined to be in jeopardy.						
28 29	(2) "Endangered species" includes any species of wildlife or plant determined to be an "endangered species" pursuant to the Endangered Species Act.						
30 31 32	(l) "Threatened species" means any species of wildlife or plants which appears likely, within the foreseeable future, to become endangered including any species of wildlife or plant determined to be a "threatened species" pursuant to the Endangered Species Act.						

10-2A-06.2.

- 1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 2 INDICATED.
- 3 (2) "COALITION" MEANS THE MARYLAND CONNECTIVITY 4 COALITION.
- 5 (3) "ENDANGERED SPECIES" HAS THE MEANING STATED IN § 6 10-2A-01 OF THIS SUBTITLE.
- 7 "Fund" means the Wildlife Connectivity Fund.
- 8 (5) (4) "THREATENED SPECIES" HAS THE MEANING STATED IN § 9 10-2A-01 OF THIS SUBTITLE.
- 10 (6) (5) "WILDLIFE CONNECTIVITY" MEANS THE ABILITY OF
 11 WILDLIFE TO MOVE FREELY BETWEEN HABITATS TO ACCESS RESOURCES, MAINTAIN
 12 HEALTHY POPULATIONS, AND ADAPT TO ENVIRONMENTAL CHANGES.
- 13 (7) (6) "WILDLIFE CROSSINGS" MEANS IMPROVEMENTS TO ROADS, 14 BRIDGES, OR HIGHWAYS DESIGNED TO IMPROVE WILDLIFE CONNECTIVITY OR TO 15 REDUCE COLLISIONS BETWEEN VEHICLES AND WILDLIFE.
- 16 (B) (1) THERE IS A MARYLAND CONNECTIVITY COALITION.
- 17 (2) THE PURPOSE OF THE COALITION IS TO FOSTER COLLABORATION
 18 AMONG STATE AND FEDERAL AGENCIES, NONGOVERNMENTAL ORGANIZATIONS,
 19 AND OTHER STAKEHOLDERS TO:
- 20 (I) PROTECT THREATENED AND ENDANGERED SPECIES FROM 21 HABITAT FRAGMENTATION THAT REDUCES ACCESS TO RESOURCES SUCH AS FOOD 22 OR POTENTIAL MATES;
- 23 (II) PROTECT MOTORISTS AND WILDLIFE IN THE STATE BY REDUCING COLLISIONS BETWEEN VEHICLES AND WILDLIFE; AND
- 25 (III) FACILITATE THE SHARING OF RESOURCES, DATA, AND 26 EXPERTISE RELATING TO WILDLIFE HABITAT CONNECTIVITY.
- 27 (3) THE COALITION CONSISTS OF THE FOLLOWING MEMBERS:
- 28 (I) THE SECRETARY OF NATURAL RESOURCES, OR THE 29 SECRETARY'S DESIGNEE;

- 4 THE STATE HIGHWAY ADMINISTRATOR, 1 (II)OR THE 2 ADMINISTRATOR'S DESIGNEE; 3 (III) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE: 4 5 (IV) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND 6 7 **(**V**)** REPRESENTATIVES OF ANY OTHER STATE AGENCIES, 8 ORGANIZATIONS, **FEDERAL** AGENCIES, NONGOVERNMENTAL **REGIONAL** COALITIONS, OR PRIVATE ENTITIES SELECTED BY THE SECRETARY AND THE STATE 9 HIGHWAY ADMINISTRATOR. 10 THE STATE HIGHWAY ADMINISTRATOR OR 11 **(4)** 12 ADMINISTRATOR'S DESIGNEE SHALL SERVE AS CHAIR OF THE COALITION. THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION 13 **(5)** 14 SHALL ADOPT RULES FOR THE COALITION, INCLUDING: 15 (I)MEMBERSHIP IN THE COALITION; 16 (II)THE ROLE OF ANY NONGOVERNMENTAL ORGANIZATIONS OR PRIVATE ENTITIES THAT ARE MEMBERS OF THE COALITION; 17 18 (III) THE ROLES AND RESPONSIBILITIES OF THE LEADERSHIP OF 19 THE COALITION; AND 20 (IV) MEETING RULES AND PROCEDURES. 21**(I)** THE COALITION SHALL DEVELOP CRITERIA FOR $\frac{(5)}{(6)}$ 22PRIORITIZING WILDLIFE CONNECTIVITY PROJECTS. 23 (II) CRITERIA DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY INCLUDE: 24 251. LOCATIONS WITH A HIGH NUMBER OF COLLISIONS BETWEEN VEHICLES AND WILDLIFE; 2627 2. LOCATIONS WHERE HIGHWAYS DIVIDE THE HABITAT
- 29 3. LOCATIONS WHERE WILDLIFE CROSSINGS COULD BE 30 DESIGNED TO FACILITATE MULTIPLE SPECIES;

OF THREATENED OR ENDANGERED SPECIES;

28

1		4.	EQUITY IN DISTRIBUTING FUNDS BETWEEN:				
2		A.	DIFFERENT REGIONS OF THE STATE; AND				
3		В.	URBAN, SUBURBAN, AND RURAL AREAS; AND				
4 5	COALITION.	5.	ANY OTHER CRITERIA IDENTIFIED BY THE				
6 7	(6) (7) TO EVALUATE THE SUC		E COALITION SHALL DEVELOP PERFORMANCE METRICS OF FUNDED PROJECTS, INCLUDING:				
8	(I) COLLISIONS BETWEEN	(I) MEASURABLE OUTCOMES, SUCH AS REDUCTIONS IN LLISIONS BETWEEN VEHICLES AND WILDLIFE; AND					
0	(II)	Enh	HANCEMENTS TO HABITAT CONNECTIVITY.				
11	(7) (8) THIS PARAGRAPH, THE	(I) COAI	THE EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF LITION SHALL MEET QUARTERLY TO:				
13	(I)	<u>1.</u>	SHARE NEW DATA, ANALYSES, AND RESEARCH;				
14 15	(H) RESEARCH NEEDED;	<u>2.</u>	IDENTIFY ANY ADDITIONAL DATA, ANALYSES, OR				
16 17	OR ONGOING WILDLIFE		UPDATE THE MEMBERS ON THE STATUS OF PLANNED SSINGS;				
18 19	(IV) CONNECTIVITY IS NEED		IDENTIFY LOCATIONS WHERE ADDITIONAL WILDLIFE AND				
20 21	` '	<u>5.</u> ING F	MAKE RECOMMENDATIONS ON DISBURSEMENTS FOR WILDLIFE CONNECTIVITY.				
22 23	(II) AGENDA.	THE	E COALITION MAY CANCEL A MEETING FOR LACK OF AN				
24 25 26		THOR	E STATE HIGHWAY ADMINISTRATION SHALL HAVE FINAL RITY REGARDING ANY DECISION RELATING TO THE DESIGN OF WILDLIFE CROSSINGS.				
27	(9) (10)	Тне	E COALITION SHALL DEVELOP A WEBSITE AND PUBLISH				

ON ITS WEBSITE:

1 2	COALITION;	(I)	ТНЕ	PURPOSE,	HISTOR	RY, AND	MEMBERS	OF	THE
3		(II)	ANY	CRITERIA U	SED FOR I	PRIORITIZ	ING PROJEC	ГS;	
4 5	PURPOSE OF THE			•	LYSES, OI	R RESEAR	CH RELEVAN	NT TO	THE
6		(IV)	COAI	LITION MEE	ΓING AGE	NDAS AND	MINUTES;		
7 8	IMPORTANCE OF	(V) WILDI		RMATION ONNECTIVIT				ON ND	THE
9 10	(VI) COMPLETED WILDLIFE CROSSINGS AND WILDLIFE CROSSINGS UNDER DEVELOPMENT.					LIFE			
11	(C) (1)	THE	RE IS A	WILDLIFE	CONNECT	TVITY FU	ND.		
12	(2)	THE	PURP(OSE OF THE	Fund is 7	:0:			
13	THE ATTENDED OF	(I)					OR SE	•	
14	THREATENED S		•			•			
15	CONSERVATION				' OR MO\	EMENT (ORRIDORS 1	NTER	SECT
16	WITH A STATE HI	GHWA	Y; ANL)					
1 =		(**)	Dnor		DIGEO AN	·		Cm · m	.
17		(II)					IFE IN THE	STAT.	E BY
18	REDUCING COLL	ISIONS	s BETW	EEN VEHIC	LES AND V	VILDLIFE.			
19	(2)	Тиг	DED	A DTMENT	IN CONG		N WITH TI	JE Q	T A TE
20	(3) Highway Admin			,				ID 3	IAIE
4 U	111GHWAI ADWII!	vio i it/	111 0N,	SIMLE ADIV	HINISTER I	HE T UNL	7 -		
21	(4)	(1)	THE	Fund is a	SPECIAL	NONLAPS	ING FUND TI	IAT IS	NOT
22	SUBJECT TO § 7								1.01
	3.	00_ 01	,						
23		(II)	THE	STATE T	'REASURE	R SHAL	L HOLD T	HE F	UND
24	SEPARATELY, AN	D THE	Comi	TROLLER S	HALL ACC	OUNT FO	R THE FUND.	:	
25	(5)	THE	FUND	CONSISTS C)F ;				
26		(I)	Mon	EV APPROF	RIATED I	N THE S	FATE BUDGI	TO	THE
27	Fund:	(-)	2,2011.			 0		0	
28	201129	(11)	Tarmer		Maa oe m	пь Биль	AND		
'/×		(II)	INTE	REST EARN	inus Uf T	ne rund;	/XINI/		

1	(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED				
2	FOR THE BENEFIT OF THE FUND.				
_					
3	(6) THE FUND MAY BE USED TO:				
4	(I) ADVANCE WILDLIFE CROSSING OR WILDLIFE-VEHICLE				
5	COLLISION MITIGATION PROJECTS;				
	· · · · · · · · · · · · · · · · · · ·				
6	(II) ASSIST WITH PREPARATIONS NECESSARY FOR THE				
7	PROJECTS SPECIFIED UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING DATA				
8	COLLECTION, FEASIBILITY STUDIES, PROJECT DESIGN, AND ENGINEERING, WHICH				
9	MAY INCLUDE HYDRAULIC ANALYSIS AND SIZING;				
Ü					
10	(III) DEVELOP METHODS AND TOOLS FOR IDENTIFYING				
11	LOCATIONS WHERE WILDLIFE CROSSING OR WILDLIFE-VEHICLE COLLISION				
12	MITIGATION PROJECTS WOULD:				
12	MITTORITION I NOGLETO WOCLD.				
13	1. Reduce collisions between vehicles and				
14	WILDLIFE: OR				
15	2. Connect habitats of terrestrial or				
16	SEMIAQUATIC THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES OF				
17	GREATEST CONSERVATION NEED:				
1,	GILLITEST CONSERVITION THEED,				
18	(IV) DEVELOP REGIONAL OR STATEWIDE HABITAT MAPS TO				
19	IMPROVE HABITAT CONNECTIVITY OR REDUCE COLLISIONS BETWEEN VEHICLES				
20					
20	THE WILDER E,				
21	(V) CONSTRUCT EXCLUSIONARY FENCING;				
	(v) construct michestorium ranca,				
22	(VI) PROVIDE MATCHING FUNDS FOR FEDERAL GRANTS;				
	(12) 2 20 (22 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2				
23	(VII) Provide maintenance for completed projects;				
	(,				
24	(VIII) MONITOR AND EVALUATE COMPLETED PROJECTS;				
25	(IX) Provide education and outreach regarding:				
26	1. Collisions between vehicles and wildlife;				
	· · · · · · · · · · · · · · · · · · ·				
27	2. THREATENED SPECIES, ENDANGERED SPECIES, OR				
28	SPECIES OF GREATEST CONSERVATION NEED WHOSE HABITATS OR MOVEMENT				
29	CORRIDORS ARE DIVIDED BY STATE HIGHWAYS; AND				

1	3. Any other related topic the Department or				
2	STATE HIGHWAY ADMINISTRATION DETERMINES IS APPROPRIATE;				
	,				
3	(X) PROVIDE MATCHING GRANTS TO COUNTIES AND				
4	MUNICIPALITIES FOR PROJECTS RELATED TO THE PURPOSE OF THE FUND;				
5	(XI) COVER THE COSTS OF RELEVANT ADMINISTRATION AND				
6	PERSONNEL EXPENSES, INCLUDING:				
_	1				
7	1. Cost recovery;				
8	2. GIS DATA; AND				
0	2. GIO DATA, AND				
9	3. Any other related administrative costs; and				
U	G. THAT GITTEN RELEATED TOWN AND THAT IN THE COSTS, THAT				
10	(XII) COVER THE COSTS OF ASSET MANAGEMENT FOR WILDLIFE				
11	CROSSING INFRASTRUCTURE, INCLUDING PLANNING, INVENTORY, CONDITION				
12	INFORMATION, AND LIFE CYCLE ANALYSES.				
13	(7) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE				
14	Fund in the same manner as other State money may be invested.				
15	(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE				
16	CREDITED TO THE FUND.				
1.7	(0) Expendenting sport must Ever MAY be MADE ONLY IN				
17	(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.				
18	ACCORDANCE WITH THE STATE BUDGET.				
19	(9) Money expended from the Fund for the protections				
20	SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION IS SUPPLEMENTAL TO AND IS				
21	NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE				
22	APPROPRIATED FOR THESE PROTECTIONS.				
23	(10) In consultation with the State Highway Administration				
24	AND THE COALITION, THE DEPARTMENT MAY TRANSFER FUNDS FROM THE FUND				
25	TO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3-216 OF THE				
26	TRANSPORTATION ARTICLE IN ORDER TO ADVANCE THE GOALS AND PURPOSES OF				
27	THE FUND.				
28	(11) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION				
29	SHALL COORDINATE EFFORTS WITH FEDERAL PROGRAMS AND FUNDING				
30	OPPORTUNITIES TO MAXIMIZE PROJECT IMPACTS AND USE ALL AVAILABLE				
31	RESOURCES.				

1	(D) THE DEPARTMENT SHALL:
2 3	(1) DEVELOP A WEBSITE TO BE USED FOR ACCEPTING DONATIONS TO THE FUND; AND
4 5 6	(2) IF FEASIBLE, WORK WITH THE MOTOR VEHICLE ADMINISTRATION TO PROVIDE THE OPTION, APPEARING ON THE VEHICLE REGISTRATION PORTAL, TO DONATE TO THE FUND.
7 8 9	(E) (1) THE STATE HIGHWAY ADMINISTRATION SHALL REPORT ON WILDLIFE CROSSINGS IN EACH CONSOLIDATED TRANSPORTATION PLAN OF THE STATE.
10	(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:
12 13	(I) TRANSPORTATION TRUST FUND EXPENDITURES FOR WILDLIFE CROSSINGS;
4	(II) WILDLIFE CROSSINGS PLANNED AND IN PROCESS; AND
15 16	(III) PERFORMANCE METRICS AND MEASURABLE OUTCOMES EVALUATING THE SUCCESS OF COMPLETED WILDLIFE CROSSINGS.
17 18 19	(F) (D) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.
20	Article – Land Use
21	1–408.
22 23 24	(a) (1) A sensitive areas element shall include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development.
25 26 27	(2) A CHARTER COUNTY SHALL CONSIDER WILDLIFE MOVEMENT AND HABITAT CONNECTIVITY WHEN ENACTING, ADOPTING, AMENDING, OR EXECUTING A PLAN IN ACCORDANCE WITH § $1-405$ OF THIS SUBTITLE.

28 (b) **(1)** Beginning October 1, 2013, the Department of Natural Resources shall provide a statewide forest resource inventory to local jurisdictions at least every 5 years, to be available for the local comprehensive plan review by local jurisdictions required under § 1–416(a) of this subtitle and § 3–301(a) of this article.

- THE DEPARTMENT OF PLANNING SHALL COORDINATE WITH THE 1 **(2)** 2 OF NATURAL RESOURCES **DEPARTMENT AND** THE STATE HIGHWAY 3 ADMINISTRATION TO PROVIDE EACH CHARTER COUNTY WITH UPDATED 4 INFORMATION ON HABITAT CONNECTIVITY CONCERNS AND CURRENT AND 5 PLANNED WILDLIFE CROSSINGS.
- 6 (c) Before the plan is adopted, the Department of the Environment and the 7 Department of Natural Resources shall review the sensitive areas element to determine 8 whether the proposed plan is consistent with the programs and goals of the departments.
- 9 3–104.
- 10 (a) (1) A sensitive areas element shall include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development.
- 13 (2) A LOCAL JURISDICTION SHALL CONSIDER WILDLIFE MOVEMENT
 14 AND HABITAT CONNECTIVITY WHEN ENACTING, ADOPTING, AMENDING, OR
 15 EXECUTING A PLAN IN ACCORDANCE WITH § 3–101 OF THIS SUBTITLE.
- 16 (b) **(1)** Beginning October 1, 2013, the Department of Natural Resources shall provide a statewide forest resource inventory to local jurisdictions at least every 5 years, to be available for the local comprehensive plan review by local jurisdictions required under §§ 1–416(a) and 3–301(a) of this article.
- 20 **(2)** THE DEPARTMENT OF PLANNING SHALL COORDINATE WITH THE 21**DEPARTMENT** \mathbf{OF} NATURAL RESOURCES **STATE AND** THE **HIGHWAY** 22ADMINISTRATION TO PROVIDE EACH LOCAL JURISDICTION WITH UPDATED 23INFORMATION ON HABITAT CONNECTIVITY CONCERNS AND CURRENT AND 24 PLANNED WILDLIFE CROSSINGS.
- 25 (c) Before the plan is adopted, the Department of the Environment and the Department of Natural Resources shall review the sensitive areas element to determine whether the proposed plan is consistent with the programs and goals of the departments.

28 Article - State Finance and Procurement

29 6-226.

- 30 (a) (2) (i) 1. This subparagraph does not apply in fiscal years 2024 31 through 2028.
- 2. Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement, net interest on State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest

1	1 earnings, as accounted for by the Comptroller, shall accrue to the	e General Fund of the
2		
3 4		paragraph do not apply
5 6		Program Grant Fund
7 8	1 0	rative Grant Program
9	9 206. THE WILDLIFE CONNECTIVITY	F UND.
10 11	•	ct shall take effect July
	Approved:	
		Governor.
	Speaker of the Hous	e of Delegates.
	President	of the Senate.