

SENATE BILL 399

M1, M5

(5lr1018)

ENROLLED BILL

— *Education, Energy, and the Environment/Economic Matters* —

Introduced by **Senator McKay**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Wildland Areas – Overhead Transmission Lines**

3 FOR the purpose of exempting certain areas in the Big Savage Mountain Wildland, Bear
4 Pen Wildland, and Dan's Mountain Wildland from being designated as a wildland
5 area, subject to a certificate of public convenience and necessity being obtained for a
6 certain transmission line; requiring the Public Service Commission to require an
7 applicant for a certificate of public convenience and necessity for the construction of
8 a certain overhead transmission line to provide wildland impact mitigation
9 guarantees; and generally relating to wildland areas in the State.

10 BY repealing and reenacting, without amendments,
11 Article – Natural Resources
12 Section 5–1203(a)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

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.

Italics indicate opposite chamber/conference committee amendments.



BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1203(b), (y), and (kk)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–207(f)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

Preamble

WHEREAS, As a result of an open, transparent, and comprehensive planning process, NextEra Energy Transmission MidAtlantic, Inc., through certain affiliates, has been designated by PJM Interconnection, LLC, the regional electric transmission organization for Maryland, to construct an overhead transmission line to address and resolve certain reliability issues impacting the electric transmission system serving the State's and surrounding region's electric customers; and

WHEREAS, Before beginning construction of an overhead transmission line, NextEra Energy Transmission MidAtlantic, Inc., must first obtain a certificate of public convenience and necessity, in accordance with the requirements in § 7–207 of the Public Utilities Article, to demonstrate that the transmission line is consistent with the public interest and public need and subject the proposed transmission line to a comprehensive review and input process involving the public, relevant local governments, and each appropriate State unit; and

WHEREAS, Before approving an application for a certificate of public convenience and necessity, the Public Service Commission must provide an opportunity for public comment and hold a public hearing on the application in each county and municipal corporation in which any portion of the construction of an overhead transmission line is proposed to be located; and

WHEREAS, The Public Service Commission may take final action on an application for a certificate of public convenience and necessity only after due consideration of, among other things:

(1) the recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the overhead transmission line is proposed to be located; and

(2) the effect of the overhead transmission line on:

(i) the stability and reliability of the electric system;

(ii) economics;

(iii) aesthetics;

(iv) historic sites;

(v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration; and

(vi) when applicable, air quality and water pollution; now, therefore,

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

Article – Natural Resources

5–1203.

(a) (1) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the State, leaving no lands designated for preservation and protection in their natural condition, it is the policy of the General Assembly to secure for the people of present and future generations the benefits of an enduring resource of State wildlands.

(2) For this purpose there is established a State wildlands preservation system composed of areas in the State designated by the General Assembly as “wildland areas”.

(3) The wildland areas shall be administered for the use and enjoyment of the people of Maryland in a manner that will leave them unimpaired for the future use and enjoyment as wildlands, to provide for their protection, preservation of their wildland character, and for gathering and dissemination of information regarding their use and enjoyment as wildlands.

(4) A State land may not be designated as a wildland area except as provided for in this section or by a subsequent act.

(b) (1) [Pursuant to] **IN ACCORDANCE WITH** the provisions of subsection (a) of this section [that] **AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** property in Garrett County containing approximately 2,879 acres and described as follows is a Type 1 State wildland and shall be named the “Big Savage Mountain Wildland”:

Beginning at a point, said point being the intersection of the south side of High Rock Tower Road and a point located 200 feet west of the Big Savage Mountain Hiking Trail and

1 running then in a generally southwest direction, 200 feet west of the Big Savage Mountain
2 Hiking Trail to a point located at the waters of the Savage River Reservoir, then running
3 generally in a northerly direction with the waters of the Savage River Reservoir, the Savage
4 River and the existing Savage River State Forest boundary to a point of intersection of the
5 Savage River and the southern margin of the right of way of Savage River Road and
6 running then with the southern and eastern right of way of the Savage River Road to the
7 Savage River State Forest boundary, then running along said boundary in an easterly
8 direction to corner 533, then leaving the said Savage River State Forest boundary and
9 running due east to a point on the eastern right of way of Westernport Road, then running
10 along said right of way in an easterly and southern direction to a point of intersection with
11 the Savage River State Forest boundary, then running with the said State forest boundary
12 south 71 degrees 26 minutes east to corner 549, then running south 43 degrees 51 minutes
13 west 142.34 feet more or less to corner 548, south 58 degrees 36 minutes west 369.37 feet
14 more or less to corner 547, south 50 degrees 31 minutes west 891.50 feet more or less to
15 corner 546, south 75 degrees 49 minutes west 561.89 feet more or less to corner 545, north
16 89 degrees 04 minutes west 802.50 feet more or less to corner 544, south 51 degrees 58
17 minutes west 689.27 feet more or less to corner 543, south 50 degrees 28 minutes east
18 263.62 feet more or less to corner 542, south 33 degrees 54 minutes west 2254.17 feet more
19 or less to corner 541, south 55 degrees 15 minutes east 2120.20 feet more or less to corner
20 762, south 44 degrees 05 minutes west 2152.35 feet more or less to corner 543, south 34
21 degrees 04 minutes east 109.55 feet more or less to corner 760, north 65 degrees 00 minutes
22 west 2346.20 feet more or less, south 33 degrees 06 minutes 36 seconds west 1155.00 feet
23 more or less, south 33 degrees 06 minutes 36 seconds west 1155.00 feet more or less, south
24 67 degrees 45 minutes 07 seconds west 2310.00 feet more or less, south 35 degrees 45
25 minutes 15 seconds west 1814.05 feet more or less, south 64 degrees 58 minutes 32 seconds
26 west 170.61 feet more or less, south 69 degrees 11 minutes 55 seconds west 309.12 feet
27 more or less, south 52 degrees 13 minutes 20 seconds west 1485.37 feet more or less, south
28 28 degrees 22 minutes 40 seconds west 485.81 feet more or less, north 55 degrees 08
29 minutes 05 seconds west 1647.37 feet more or less, south 42 degrees 36 minutes 43 seconds
30 west 1980.00 feet more or less, south 54 degrees 47 minutes 33 seconds west 1764.85 feet
31 more or less, south 39 degrees 09 minutes 09 seconds west 881.58 feet more or less, south
32 43 degrees 00 minutes 42 seconds west 1874.10 feet more or less, north 31 degrees 05
33 minutes 39 seconds west 426.38 feet more or less, north 77 degrees 38 minutes 27 seconds
34 east 127.57 feet more or less, north 02 degrees 35 minutes 21 seconds west 304.92 feet more
35 or less, south 85 degrees 01 minutes 09 seconds west 99.69 feet more or less, north 12
36 degrees 50 minutes 27 seconds west 228.86 feet more or less, north 08 degrees 52 minutes
37 27 seconds west 294.03 feet more or less, north 14 degrees 47 minutes 17 seconds west
38 220.31 feet more or less, north 18 degrees 31 minutes 27 seconds west 581.85 feet more or
39 less, north 22 degrees 23 minutes 34 seconds west 64.59 feet more or less, north 44 degrees
40 19 minutes 16 seconds west 47.15 feet more or less, north 56 degrees 11 minutes 54 seconds
41 west 56.85 feet more or less, north 83 degrees 40 minutes 13 seconds west 59.71 feet more
42 or less, south 82 degrees 39 minutes 44 seconds west 173.13 feet more or less, south 70
43 degrees 52 minutes 36 seconds west 230.44 feet more or less, south 68 degrees 49 minutes
44 26 seconds west 215.02 feet more or less, south 50 degrees 08 minutes 57 seconds west
45 57.56 feet more or less, south 10 degrees 11 minutes 09 seconds west 375.33 feet more or
46 less, south 17 degrees 13 minutes 09 seconds west 159.93 feet more or less, south 59 degrees
47 02 minutes 20 seconds west 243.02 feet more or less, south 78 degrees 48 minutes 32

seconds west 362.31 feet more or less, south 53 degrees 24 minutes 39 seconds west 22.32 feet more or less, south 16 degrees 40 minutes 14 seconds west 203.65 feet more or less, south 22 degrees 10 minutes 00 seconds west 181.30 feet more or less, south 14 degrees 34 minutes 13 seconds west 109.41 feet more or less, south 10 degrees 30 minutes 48 seconds west 16.69 feet more or less, south 58 degrees 58 minutes 03 seconds west 1002.96 feet more or less, south 31 degrees 37 minutes 33 seconds west 554.57 feet more or less, south 31 degrees 37 minutes 33 seconds west 109.02 feet more or less, south 02 degrees 20 minutes 57 seconds west 168.04 feet more or less, south 27 degrees 19 minutes 33 seconds west 151.56 feet more or less, south 04 degrees 55 minutes 20 seconds west 80.66 feet more or less, south 60 degrees 24 minutes 56 seconds east 372.83 feet more or less, south 54 degrees 58 minutes 14 seconds west 360.83 feet more or less, south 59 degrees 53 minutes 31 seconds west 53.19 feet more or less, south 30 degrees 55 minutes 55 seconds west 500.38 feet more or less to a point, said point having the coordinate value 690973.93 north, 716355.17 east (Maryland State plane grid system NAD83), then running with the said State forest boundary south 42 degrees 50 minutes 49 seconds west 307.64 feet, south 43 degrees 44 minutes 44 seconds west 301.50 feet, north 43 degrees 14 minutes 23 seconds west 35.01 feet, south 46 degrees 32 minutes 42 seconds west 782.09 feet, south 68 degrees 44 minutes 44 seconds west 308.42 feet, south 57 degrees 47 minutes 05 seconds west 445.08 feet, south 57 degrees 47 minutes 05 seconds west 445.08 feet, north 89 degrees 12 minutes 55 seconds west 826.58 feet, south 79 degrees 47 minutes 05 seconds west 635.83 feet, south 17 degrees 40 minutes 41 seconds west 2937.00 feet, south 45 degrees 57 minutes 03 seconds east 1023.00 feet, north 89 degrees 02 minutes 57 seconds east 693.00 feet, north 47 degrees 02 minutes 57 seconds east 1386.00 feet, north 47 degrees 46 minutes 34 seconds east 800.00 feet, north 47 degrees 46 minutes 34 seconds west 1291.64 feet, north 49 degrees 13 minutes 30 seconds east 4692.22 feet to a planted stone marked "BP 129", said stone being corner 582, said point having the coordinate value 691489.38 north, 719880.96 east (Maryland State plane grid system NAD83), and then running south 62 degrees 00 minutes east 1600.00 feet more or less, then running north 40 degrees 00 minutes east 200 feet more or less to a point lying 50 feet west of the High Rock Lookout Tower site, then circling the tower counterclockwise to the south no closer than 50 feet to the tower to a point east of the tower site and south of the existing High Rock Tower Road, and then running with the south side of the High Rock Tower Road to the point of beginning.

(2) THE BIG SAVAGE MOUNTAIN WILDLAND ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT INCLUDE:

(I) [Saving and excepting the] THE Potomac Edison transmission line that lies 1,500 feet more or less north of Warnick Point and runs in a southeasterly direction to intersect the Savage River State Forest boundary; OR

(II) ANY NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC., TRANSMISSION LINE IF ~~THE~~:

1. THE TRANSMISSION LINE RUNS:

A. RUNS PARALLEL TO THE POTOMAC EDISON TRANSMISSION LINE AND A;

B. DOES NOT DISTURB ANY AREA FURTHER THAN 200 FEET FROM THE NEAREST POINT OF THE POTOMAC EDISON TRANSMISSION LINE RIGHT-OF-WAY, UNLESS FEDERAL LAW OR REGULATION REQUIRES FURTHER DISTANCE BETWEEN THE TRANSMISSION LINES OR THE DEPARTMENT DETERMINES THAT A GREATER DISTANCE BETWEEN THE TRANSMISSION LINES IS NECESSARY TO MINIMIZE IMPACTS ON OTHER RESOURCES; AND

C. IS DESIGNED IN CONSULTATION WITH THE DEPARTMENT TO MINIMIZE FOREST LOSS, FRAGMENTATION, AND HABITAT; AND

2. A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS OBTAINED IN ACCORDANCE WITH § 7-207 OF THE PUBLIC UTILITIES ARTICLE.

(y) **(1)** [Pursuant to] **IN ACCORDANCE WITH** the provisions of subsection (a) of this section **AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** [that] **THE** property in Garrett County containing approximately 1,517 acres and described as follows is a Type 1 State wildland and shall be named the “Bear Pen Wildland”:

Beginning at a point, said point being the end of the second line of a tract of land which by deed dated October 14, 1977, and recorded in Liber 382, Folio 467 of the land records of Garrett County, was conveyed by Robert and Marjorie Rogers to the State of Maryland, for the use of the Department of Natural Resources, and then running with the boundary of Savage River State Forest the following courses and distances, north 06 degrees 30 minutes 00 seconds east 2,382.00 feet, then running north 29 degrees 30 minutes 00 seconds west 1,254.00 feet, then running north 47 degrees 00 minutes 00 seconds west 2,285.50 feet, then running north 07 degrees 30 minutes 00 seconds west 577.50 feet, then running south 76 degrees 00 minutes 00 seconds east 247.50 feet, then running north 86 degrees 45 minutes 00 seconds east 132.00 feet, then running north 23 degrees 00 minutes 00 seconds west 132.00 feet, then running north 01 degrees 15 minutes 00 seconds east 260.70 feet, then running north 20 degrees 30 minutes 00 seconds east 198.00 feet, then running north 33 degrees 15 minutes 00 seconds east 148.50 feet, then running north 39 degrees 30 minutes 00 seconds east 701.25 feet, then running south 25 degrees 00 minutes 00 seconds east 1,303.50 feet, then running south 62 degrees 00 minutes 00 seconds east 627.00 feet, then running south 68 degrees 00 minutes 00 seconds east 523.38 feet, then running north 12 degrees 15 minutes 00 seconds east 1,114.08 feet, then running south 70 degrees 00 minutes 00 seconds east 482.46 feet, then running north 63 degrees 00 minutes 00 seconds east 1,006.50 feet, then running south 02 degrees 15 minutes 00 seconds west 429.00 feet, then running south 45 degrees 00 minutes 00 seconds west 1,596.54 feet, then running south 68 degrees 00 minutes 00 seconds east 483.12 feet, then running north 31 degrees 00 minutes 00 seconds east 1,323.96 feet to a planted stone, then running south 16 degrees 00 minutes 00 seconds east 832.92 feet to an iron pipe, then

1 running south 79 degrees 30 minutes 00 seconds east 399.96 feet to a concrete monument,
2 then running south 21 degrees 30 minutes 00 seconds west 1,221.00 feet to a concrete
3 monument, then running south 85 degrees 30 minutes 00 seconds east 618.75 feet, then
4 running north 72 degrees 30 minutes 00 seconds east 429.00 feet, then running north 39
5 degrees 00 minutes 00 seconds east 82.50 feet, then running south 55 degrees 15 minutes
6 00 seconds east 330.00 feet, then running north 61 degrees 15 minutes 00 seconds east
7 858.00 feet, then running north 66 degrees 30 minutes 00 seconds east 1,254.00 feet, then
8 running south 08 degrees 30 minutes 00 seconds west 1,683.00 feet, then running south 35
9 degrees 00 minutes 00 seconds east 1,600.50 feet, then running north 35 degrees 15
10 minutes 00 seconds east 1,072.50 feet, then running north 11 degrees 30 minutes 00
11 seconds west 208.55 feet, then running north 19 degrees 00 minutes 00 seconds east 127.38
12 feet, then running north 35 degrees 15 minutes 00 seconds east 1,573.44 feet, then running
13 north 05 degrees 00 minutes 00 seconds east 72.60 feet, then running north 52 degrees 30
14 minutes 00 seconds east 759.00 feet, then running north 18 degrees 30 minutes 00 seconds
15 east 500.00 feet more or less, to a point on the south of an old road on Point Ridge, then
16 running along the south side of said road in a southeasterly direction 5,000.00 feet more or
17 less, to a point, then running south 40 degrees 00 minutes 00 seconds east 1,000.00 feet
18 more or less, to a point on the west side of Savage River Road, then running along the west
19 side of said road in a southwesterly direction 5,500.00 feet more or less, to a point on the
20 boundary line of Savage River State Forest, then running north 35 degrees 15 minutes 00
21 seconds east 200.00 feet to a concrete monument, then running north 60 degrees 00 minutes
22 00 seconds west 254.76 feet, then running north 10 degrees 00 minutes 00 seconds east
23 605.22 feet, then running north 60 degrees 00 minutes 00 seconds west 925.98 feet to a
24 planted stone marked "A", then running south 76 degrees 00 minutes 00 seconds west
25 580.80 feet, then running south 05 degrees 30 minutes 00 seconds west 188.76 feet to an
26 iron pipe at the end of the 62nd line of "Father, Son, and Brother", then running south 60
27 degrees 00 minutes 00 seconds west 2,900.00 feet more or less, passing over a stone marked
28 "A" at 1,594.56 feet, then running south 41 degrees 00 minutes 00 seconds west 1,200.00
29 feet more or less, to a point, then running south 47 degrees 30 minutes 00 seconds east
30 2,450.00 feet more or less, to a point on the west side of Savage River Road, then running
31 with the west side of Savage River Road in a southwesterly direction 300.00 feet more or
32 less, to a point, then running north 84 degrees 00 minutes 00 seconds west 8,700.00 feet
33 more or less, to a point at the end of the 9th line of the aforementioned conveyance by
34 Rogers (Liber 382, Folio 467), then running north 10 degrees 26 minutes 00 seconds west
35 357.49 feet, then running north 34 degrees 48 minutes 00 seconds east 235.00 feet, then
36 running north 15 degrees 16 minutes 00 seconds east 409.80 feet, then running north 24
37 degrees 54 minutes 00 seconds west 99.60 feet, then running north 04 degrees 33 minutes
38 00 seconds west 108.78 feet, then running north 42 degrees 14 minutes 00 seconds west
39 93.55 feet, then running south 80 degrees 13 minutes 00 seconds east 383.00 feet, to the
40 beginning.

41 **(2) THE BEAR PEN WILDLAND ESTABLISHED UNDER PARAGRAPH (1)**
42 **OF THIS SUBSECTION DOES NOT INCLUDE ANY NEXTERA ENERGY TRANSMISSION**
43 **MIDATLANTIC, INC., TRANSMISSION LINE LOCATED IN THE VICINITY OF FAIRVIEW**
44 **ROAD IF THE:**

1 **1. THE TRANSMISSION LINE ~~RUNS~~:**

2 **A. RUNS** PARALLEL TO THE POTOMAC EDISON
3 TRANSMISSION LINE ~~AND A~~;

4 **B. DOES NOT DISTURB ANY AREA FURTHER THAN 200**
5 **FEET FROM THE NEAREST POINT OF THE POTOMAC EDISON TRANSMISSION LINE**
6 **RIGHT-OF-WAY, UNLESS FEDERAL LAW OR REGULATION REQUIRES FURTHER**
7 **DISTANCE BETWEEN THE TRANSMISSION LINES OR THE DEPARTMENT DETERMINES**
8 **THAT A GREATER DISTANCE BETWEEN THE TRANSMISSION LINES IS NECESSARY TO**
9 **MINIMIZE IMPACTS ON OTHER RESOURCES; AND**

10 **C. IS DESIGNED IN CONSULTATION WITH THE**
11 **DEPARTMENT TO MINIMIZE FOREST LOSS, FRAGMENTATION, AND HABITAT; AND**

12 **2. A** CERTIFICATE OF PUBLIC CONVENIENCE AND
13 NECESSITY IS OBTAINED IN ACCORDANCE WITH § 7-207 OF THE PUBLIC UTILITIES
14 ARTICLE.

15 (kk) (1) (I) [Pursuant to] IN ACCORDANCE WITH the provisions of
16 subsection (a) of this section AND SUBJECT TO SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH, [that] THE property in Allegany County containing approximately 4,047
18 acres and described as follows is a Type 1 State wildland and shall be named the “Dan’s
19 Mountain Wildland”:

20 Beginning for the same at a point, said point being located on the boundary of Dan’s
21 Mountain Wildlife Management Area and being 823.41 feet from the beginning of the last
22 or south 44 degrees 04 minutes 00 seconds west 1978.42 foot line of the parcel of land
23 described in a deed dated November 4, 1960, and recorded among the land records of
24 Allegany County in Liber 329, Folio, 281 which was conveyed by Eva Cox et al. to the State
25 of Maryland, to the use of the Game and Inland Fish Commission, said point also being on
26 the southwesternmost right of way of Dan’s Rock Road and running then with said right of
27 way in a southeasterly direction to a point of intersection with the aforementioned Dan’s
28 Mountain Wildlife Management Area boundary, and then running with said boundary two
29 courses on a southeasterly direction to a point, said point being located on said boundary
30 and 282.00 feet more or less from the beginning of the sixty third line of the parcel of the
31 aforesaid conveyance from Eva Cox to the State of Maryland, and then leaving the
32 aforementioned boundary of Dan’s Mountain Wildlife Management Area and running south
33 47 degrees 21 minutes 17 seconds west 2225.80 feet more or less to a point, said point
34 having the coordinate value 699490.18 north, 776146.39 east (Maryland State plane grid
35 system NAD83), and then running south 41 degrees 12 minutes 48 seconds west 1417.57
36 feet, south 44 degrees 40 minutes 23 seconds east 1384.38 feet, south 68 degrees 03 minutes
37 38 seconds east 645.69 feet, south 54 degrees 08 minutes 42 seconds east 544.19 feet, south
38 53 degrees 30 minutes 07 seconds east 1064.55 feet, south 29 degrees 30 minutes 09 seconds
39 west 1075.02 feet, south 05 degrees 05 minutes 06 seconds west 1837.81 feet, south 13

1 degrees 18 minutes 21 seconds east 738.22 feet, south 51 degrees 19 minutes 01 seconds
2 west 778.44 feet, north 76 degrees 43 minutes 44 seconds west 695.99 feet, south 89 degrees
3 38 minutes 03 seconds west 848.54 feet, south 58 degrees 43 minutes 42 seconds west
4 836.41 feet, south 85 degrees 11 minutes 02 seconds west 426.61 feet, south 03 degrees 21
5 minutes 44 seconds east 170.49 feet, south 42 degrees 54 minutes 17 seconds east 2320.86
6 feet, south 62 degrees 39 minutes 03 seconds west 413.73 feet, south 41 degrees 27 minutes
7 44 seconds west 642.13 feet, south 59 degrees 30 minutes 53 seconds west 224.52 feet, north
8 81 degrees 15 minutes 29 seconds west 394.79 feet, north 56 degrees 33 minutes 07 seconds
9 west 707.57 feet, north 54 degrees 06 minutes 41 seconds west 944.30 feet, south 87 degrees
10 18 minutes 27 seconds west 1135.83 feet, south 55 degrees 48 minutes 14 seconds west
11 755.69 feet, north 36 degrees 48 minutes 13 seconds west 394.32 feet, north 44 degrees 58
12 minutes 08 seconds west 789.32 feet, north 74 degrees 24 minutes 47 seconds west 625.03
13 feet, north 81 degrees 16 minutes 42 seconds west 1071.03 feet, south 89 degrees 37
14 minutes 45 seconds west 542.00 feet more or less to a point on the westernmost side of "The
15 Flats Road", said point having the approximate coordinate value 690805.50 north,
16 768923.00 east (Maryland State plane grid system NAD83), then running with the
17 northwesternmost side of "The Flats Road" in a southwesterly direction to a point of
18 intersection with "Middle Ridge Road", said point having the approximate coordinate value
19 685711.50 north, 764680.00 east (Maryland State plane grid system NAD83), and then
20 running with the westernmost side of "Middle Ridge Road" in a southerly direction to a
21 point, said point having the approximate coordinate value 679399.50 north, 763595.15 east
22 (Maryland State plane grid system NAD83), and then running with the westernmost side
23 of "Middle Ridge Road" in a northerly direction to a point on the westernmost side of "The
24 Flats Road", said point having the approximate coordinate value 680844.00 north,
25 761673.50 east (Maryland State plane grid system NAD83), and then running with the
26 westernmost side of "The Flats Road" in a southerly direction to a point, said point having
27 the approximate coordinate value 676476.50 north, 758032.50 east (Maryland State plane
28 grid system NAD83), then leaving "The Flats Road" and running south 33 degrees 20
29 minutes 48 seconds west 4548.56 feet, south 57 degrees 12 minutes 01 seconds east 578.70
30 feet, north 61 degrees 45 minutes 45 seconds east 662.57 feet, south 55 degrees 22 minutes
31 48 seconds east 1967.38 feet, south 53 degrees 01 minutes 14 seconds east 900.09 feet, south
32 29 degrees 44 minutes 41 seconds west 398.56 feet, south 02 degrees 19 minutes 11 seconds
33 west 1332.67 feet to a point in the boundary of Dan's Mountain Wildlife Management Area,
34 said point being the beginning of north 00 degrees 15 minutes 00 seconds west 1777.00 foot
35 line of the parcel of land described in a deed dated August 29, 1953, and recorded among
36 the land records of Allegany County in Liber 253, Folio 231 which was conveyed by Darin
37 Morehouse et al. to the State of Maryland, to the use of the Game and Inland Fish
38 Commission, and running with said conveyance and the existing boundary of Dan's
39 Mountain Wildlife Management Area to the beginning of the south 21 degrees 30 minutes
40 00 seconds west 1377.00 foot line of the said Morehouse conveyance to the State of
41 Maryland and then leaving said Wildlife Management Area boundary and running north
42 44 degrees 37 minutes 51 seconds east 908.17 feet to a point, said point having the
43 coordinate value 668628.58 north, 754267.50 east (Maryland State plane grid system
44 NAD83), and then running north 22 degrees 48 minutes 16 seconds east 1031.92 feet, north
45 16 degrees 21 minutes 33 seconds west 886.76 feet, north 34 degrees 40 minutes 39 seconds
46 west 2106.92 feet, north 00 degrees 48 minutes 57 seconds east 1518.92 feet, north 35
47 degrees 48 minutes 13 seconds east 2439.09 feet, north 28 degrees 09 minutes 00 seconds

east 2360.01 feet, north 35 degrees 58 minutes 02 seconds east 7943.42 feet, north 25 degrees 33 minutes 03 seconds east 2170.69 feet, north 40 degrees 54 minutes 19 seconds east 3153.05 feet more or less to a point, said point being located on the aforementioned Wildlife Management Area boundary and 667.40 feet more or less from the beginning of the twenty sixth line of the aforesaid conveyance from Eva Cox to the State of Maryland, and then running with the said boundary the remainder of the said twenty sixth line and the twenty fifth through the twenty second line of the aforesaid conveyance from Eva Cox to the State of Maryland to a point, said point being located on the aforementioned Wildlife Management Area boundary and 1005.00 feet more or less from the end of the twenty first line of the aforesaid conveyance from Eva Cox to the State of Maryland, and then leaving the said boundary of the Dan's Mountain Wildlife Management Area and running north 33 degrees 13 minutes 58 seconds east 1174.68 feet more or less to a point, said point having the coordinate value 691345.14 north, 765649.54 east (Maryland State plane grid system NAD83), then running north 45 degrees 15 minutes 50 seconds east 935.17 feet, north 38 degrees 56 minutes 54 seconds east 2572.73 feet, north 35 degrees 12 minutes 19 seconds east 2381.30 feet, north 26 degrees 50 minutes 35 seconds east 1264.93 feet, more or less to a point on the Dan's Mountain Wildlife Management Area boundary, then running with said boundary north 48 degrees 29 minutes 32 seconds east 264.00 feet, south 44 degrees 04 minutes 28 seconds east 248.15 feet, north 54 degrees 10 minutes 12 seconds east 290.30 feet, north 50 degrees 10 minutes 32 seconds east 373.35 feet, north 58 degrees 14 minutes 32 seconds east 266.25 feet, north 84 degrees 07 minutes 32 seconds east 184.25 feet, north 15 degrees 56 minutes 32 seconds east 247.60 feet, north 40 degrees 22 minutes 44 seconds west 470.70 feet, then leaving the said boundary and running north 35 degrees 38 minutes 53 seconds east 1495.22 feet more or less to the aforesaid Dan's Mountain Wildlife Management Area boundary, and then running with said boundary, as defined in the year 2014, to the point of beginning.

(II) THE DAN'S MOUNTAIN WILDLAND ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT INCLUDE ANY NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC., TRANSMISSION LINE LOCATED IN THE VICINITY OF CRAWFORD LANE IF ~~THE~~:

1. THE TRANSMISSION LINE RUNS:

A. RUNS PARALLEL TO THE POTOMAC EDISON TRANSMISSION LINE TO INTERSECT WITH THE DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA BOUNDARY AS IT EXISTED IN 2024 AT A POINT 500 FEET MORE OR LESS SOUTH OF MIDDLE RIDGE ROAD, AND A;

B. DOES NOT DISTURB ANY AREA FURTHER THAN 200 FEET FROM THE NEAREST POINT OF THE POTOMAC EDISON TRANSMISSION LINE RIGHT-OF-WAY, UNLESS FEDERAL LAW OR REGULATION REQUIRES FURTHER DISTANCE BETWEEN THE TRANSMISSION LINES OR THE DEPARTMENT DETERMINES THAT A GREATER DISTANCE BETWEEN THE TRANSMISSION LINES IS NECESSARY TO MINIMIZE IMPACTS ON OTHER RESOURCES; AND

1 C. IS DESIGNED IN CONSULTATION WITH THE
2 DEPARTMENT TO MINIMIZE FOREST LOSS, FRAGMENTATION, AND HABITAT; AND

3 2. A CERTIFICATE OF PUBLIC CONVENIENCE AND
4 NECESSITY IS OBTAINED IN ACCORDANCE WITH § 7-207 OF THE PUBLIC UTILITIES
5 ARTICLE.

6 (2) Notwithstanding any other provision of this subtitle, in the Dan's
7 Mountain Wildland area the Department may:

8 (i) Establish and maintain roads and trails to provide access for
9 wildlife-dependent recreation;

10 (ii) Improve and manage habitat for early-succession wildlife; and

11 (iii) Take all other actions necessary to manage the area in a way that
12 fulfills the purposes of the 1966 Federal Aid in Fish and Wildlife Restoration Act grant from
13 the Department of the Interior that partially funded acquisition of the area.

14 Article – Public Utilities

15 7-207.

16 (f) For the construction of an overhead transmission line, in addition to the
17 considerations listed in subsection (e) of this section, the Commission shall:

18 (1) take final action on an application for a certificate of public convenience
19 and necessity only after due consideration of:

20 (i) the need to meet existing and future demand for electric service;
21 and

22 (ii) for construction related to a new overhead transmission line, the
23 alternative routes that the applicant considered, including the estimated capital and
24 operating costs of each alternative route and a statement of the reason why the alternative
25 route was rejected;

26 (2) require as an ongoing condition of the certificate of public convenience
27 and necessity that an applicant comply with:

28 (i) all relevant agreements with PJM Interconnection, L.L.C., or its
29 successors, related to the ongoing operation and maintenance of the overhead transmission
30 line; and

(ii) all obligations imposed by the North America Electric Reliability Council and the Federal Energy Regulatory Commission related to the ongoing operation and maintenance of the overhead transmission line; [and]

(3) require the applicant to identify whether the overhead transmission line is proposed to be constructed on:

(i) an existing brownfields site;

(ii) property that is subject to an existing easement; or

(iii) a site where a tower structure or components of a tower structure used to support an overhead transmission line exist; AND

(4) FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE IN AN AREA SPECIFIED IN § 5-1203(B)(2)(II), (Y)(2), OR (KK)(1)(II) OF THE NATURAL RESOURCES ARTICLE, REQUIRE THAT AN APPLICANT PROVIDE WILDLAND IMPACT MITIGATION GUARANTEES, INCLUDING WORKING WITH THE DEPARTMENT OF NATURAL RESOURCES TO ~~ADD ADDITIONAL WILDLAND ACREAGE~~ ACQUIRE AND REPLACE THE TYPE 1 STATE WILDLAND ACREAGE THAT IS LOST AS A RESULT OF THE TRANSMISSION LINE WITH ACREAGE THAT IS TWICE THE SIZE AND IS SUITABLE FOR DESIGNATION AS WILDLAND ACREAGE, AND TO DEVELOP AND IMPLEMENT A LAND CONSERVATION MANAGEMENT PLAN FOR THE AREA AFFECTED BY THE TRANSMISSION LINE THAT SUPPORTS WILDLIFE HABITATS.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that nothing in this Act shall be construed as a recommendation that a proposed NextEra Energy Transmission MidAtlantic, Inc., transmission line be issued a certificate of public convenience and necessity from the Public Service Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall not abrogate an existing right of public participation in statute or regulations.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act is contingent on:

(1) a 120-day stakeholder process that includes:

(i) a public participation process that meets the requirements of COMAR 20.79.01;

(ii) at least one public advertised meeting within 25 miles of each impacted designated wildland area;

(iii) at least one public meeting that provides for virtual participation;

1 (iv) special effort on the part of an applicant to reach out to
2 organizations with special expertise in wildlands, wildlife management, and environmental
3 stewardship; and

4 (v) a portal for public comments, which must be submitted to the
5 Department of Natural Resources;

6 (2) a 90-day deliberation period by the Department of Natural Resources;
7 and

8 (3) a recommendation by the Secretary of Natural Resources that the Public
9 Service Commission issue a certificate of public convenience and necessity for a proposed
10 transmission line.

11 (b) The Commission shall notify the Department of Legislative Services within 5
12 days after the criteria under subsection (a) of this section have been met.

13 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That:

14 (a) This Act shall be abrogated and of no further force and effect if the Public
15 Service Commission:

16 (1) approves a certificate of public convenience and necessity, in accordance
17 with § 7-207 of the Public Utilities Article, for an alternative NextEra Energy
18 Transmission MidAtlantic, Inc., transmission line that is part of the Mid-Atlantic
19 Resiliency Link project that does not pass through the Big Savage Mountain Wildland, the
20 Bear Pen Wildland, or the Dan's Mountain Wildland; or

21 (2) denies a certificate of public convenience and necessity for a NextEra
22 Energy Transmission MidAtlantic, Inc., transmission line that is part of the Mid-Atlantic
23 Resiliency Link project.

24 (b) The Commission shall notify the Department of Legislative Services within 5
25 days after a determination under subsection (a) of this section has been made.

26 SECTION ~~3~~ ~~4~~ 6. AND BE IT FURTHER ENACTED, That, subject to Section 4 of
27 this Act, this Act shall take effect October 1, 2025.