SENATE BILL 635

M1, R1 5lr2122 CF HB 731

By: Senators Lewis Young and Rosapepe

Introduced and read first time: January 25, 2025 Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2025

CHAPTER

1 AN ACT concerning

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Wildlife - Protections and Highway Crossings

- 3 FOR the purpose of establishing the Maryland Connectivity Coalition; establishing that the State Highway Administration has final decision-making authority regarding 4 certain decisions; establishing the Wildlife Connectivity Fund; requiring the 5 6 Department of Natural Resources to develop a website to be used for accepting 7 denations 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)
- 22 BY repealing and reenacting, with amendments,

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.

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INDICATED.

1	Article – Land Use				
2	Section 1–408 and 3–104				
3	Annotated Code of Maryland				
4	(2012 Volume and 2024 Supplement)				
5	BY repealing and reenacting, without amendments,				
6	Article - State Finance and Procurement				
7	Section 6-226(a)(2)(i)				
8	Annotated Code of Maryland				
9	(2021 Replacement Volume and 2024 Supplement)				
10	BY repealing and reenacting, with amendments,				
11	Article - State Finance and Procurement				
12	Section 6–226(a)(2)(ii)204. and 205.				
13	Annotated Code of Maryland				
14	(2021 Replacement Volume and 2024 Supplement)				
15	BY adding to				
16	Article - State Finance and Procurement				
17	Section 6-226(a)(2)(ii)206.				
18	Annotated Code of Maryland				
19	(2021 Replacement Volume and 2024 Supplement)				
20 21	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
22	Article – Natural Resources				
23	10–2A–01.				
24	(a) In this subtitle the following words have the meanings indicated.				
25 26	(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.				
27 28	(2) "Endangered species" includes any species of wildlife or plant determined to be an "endangered species" pursuant to the Endangered Species Act.				
29 30 31	(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.				
32	10-2A-06.2.				
33	(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS				

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

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$1\\2$	(III) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;
3 4	(IV) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND
5 6 7 8	(V) REPRESENTATIVES OF ANY OTHER STATE AGENCIES, FEDERAL AGENCIES, NONGOVERNMENTAL ORGANIZATIONS, REGIONAL COALITIONS, OR PRIVATE ENTITIES SELECTED BY THE SECRETARY AND THE STATE HIGHWAY ADMINISTRATOR.
9 10	(4) THE STATE HIGHWAY ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE SHALL SERVE AS CHAIR OF THE COALITION.
11 12	(5) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION SHALL ADOPT RULES FOR THE COALITION, INCLUDING:
13	(I) MEMBERSHIP IN THE COALITION;
14 15	(II) THE ROLE OF ANY NONGOVERNMENTAL ORGANIZATIONS OR PRIVATE ENTITIES THAT ARE MEMBERS OF THE COALITION;
16 17	(III) THE ROLES AND RESPONSIBILITIES OF THE LEADERSHIP OF THE COALITION; AND
18	(IV) MEETING RULES AND PROCEDURES.
19 20	(5) (6) (1) THE COALITION SHALL DEVELOP CRITERIA FOR PRIORITIZING WILDLIFE CONNECTIVITY PROJECTS.
21 22	(II) CRITERIA DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY INCLUDE:
23 24	1. LOCATIONS WITH A HIGH NUMBER OF COLLISIONS BETWEEN VEHICLES AND WILDLIFE;
25 26	2. LOCATIONS WHERE HIGHWAYS DIVIDE THE HABITAT OF THREATENED OR ENDANGERED SPECIES;
27 28	3. LOCATIONS WHERE WILDLIFE CROSSINGS COULD BE DESIGNED TO FACILITATE MULTIPLE SPECIES;

4. EQUITY IN DISTRIBUTING FUNDS BETWEEN:

1	1 A. DIFFERENT REGIONS OF THE	STATE; AND
2	2 B. URBAN, SUBURBAN, AND RUR	AL AREAS; AND
3 4		IDENTIFIED BY THE
5 6	· / - /	
7 8		AS REDUCTIONS IN
9	9 (II) ENHANCEMENTS TO HABITAT CONN	NECTIVITY.
	10 (7) (8) (I) THE EXCEPT AS PROVIDED IN 11 THIS PARAGRAPH, THE COALITION SHALL MEET QUARTERI	
12	12 (1) SHARE NEW DATA, ANALYSES	, AND RESEARCH;
	13 (II) <u>2.</u> IDENTIFY ANY ADDITIONAL 14 RESEARCH NEEDED;	DATA, ANALYSES, OR
	15 (HH) <u>3.</u> UPDATE THE MEMBERS ON TO 16 OR ONGOING WILDLIFE CROSSINGS;	HE STATUS OF PLANNED
	17 (IV) <u>4.</u> IDENTIFY LOCATIONS WHERE 18 CONNECTIVITY IS NEEDED; AND	E ADDITIONAL WILDLIFE
	19 (V) <u>5.</u> Make recommendations 20 from the Fund <u>funding for wildlife connectivity</u> .	ON DISBURSEMENTS
	21 (II) THE COALITION MAY CANCEL A ME 22 AGENDA.	EETING FOR LACK OF AN
23 24 25	24 DECISION-MAKING AUTHORITY REGARDING ANY DECISI	ON RELATING TO THE
	26 (9) <u>(10)</u> THE COALITION SHALL DEVELOP A 27 ON ITS WEBSITE:	WEBSITE AND PUBLISH
28	28 (I) THE PURPOSE, HISTORY, AND	MEMBERS OF THE

COALITION;

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(6)

THE FUND MAY BE USED TO:

1		(II) ANY CRITERIA USED FOR PRIORITIZING PROJECTS;
2 3	PURPOSE OF THE	(III) ANY DATA, ANALYSES, OR RESEARCH RELEVANT TO THE COALITION;
4		(IV) COALITION MEETING AGENDAS AND MINUTES;
5		(V) INFORMATION TO EDUCATE THE PUBLIC ON THE
6	IMPORTANCE OF	WILDLIFE CONNECTIVITY AND WILDLIFE CROSSINGS; AND
7		(VI) COMPLETED WILDLIFE CROSSINGS AND WILDLIFE
8	CROSSINGS UNDE	R DEVELOPMENT.
9	(C) (1)	THERE IS A WILDLIFE CONNECTIVITY FUND.
10	(2)	THE PURPOSE OF THE FUND IS TO:
11		(I) PROTECT ANY TERRESTRIAL OR SEMIAQUATIC
12		PECIES, ENDANGERED SPECIES, OR SPECIES OF GREATEST
13		NEED WHOSE HABITAT OR MOVEMENT CORRIDORS INTERSECT
14	WITH A STATE HI	GHWAY; AND
1 -		(II) Dromeom Momorioma AND MILDLIED IN MILD CHAME DV
15 16	DEDUCING COLL	(II) PROTECT MOTORISTS AND WILDLIFE IN THE STATE BY
10	REDUCING CULLI	SIONS BETWEEN VEHICLES AND WILDLIFE.
17	(3)	THE DEPARTMENT, IN CONSULTATION WITH THE STATE
18		ISTRATION, SHALL ADMINISTER THE FUND.
19	(4)	(I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
20	SUBJECT TO § 7-3	302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
21		(H) THE STATE TREASURER SHALL HOLD THE FUND
22	SEPARATELY, AN	THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.
23	(5)	THE FUND CONSISTS OF:
24		(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
24 25	Fund:	THE WORLD WITHOUT WELL TO THE STATE BUDGET TO THE
4 0	1 UND,	
26		(H) INTEREST EARNINGS OF THE FUND; AND
27		(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
28	FOR THE BENEFY	` ′
40	I ON THE DENETT.	OF THE LOND,

1	(1) ADVANCE WILDLIFE CROSSING OR WILDLIFE-VEHICE	Æ	
2	COLLISION MITIGATION PROJECTS;		
3	(II) ASSIST WITH PREPARATIONS NECESSARY FOR TH		
4	PROJECTS SPECIFIED UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING DAT		
5	COLLECTION, FEASIBILITY STUDIES, PROJECT DESIGN, AND ENGINEERING, WHIC	H	
6	MAY INCLUDE HYDRAULIC ANALYSIS AND SIZING;		
7	(HI) DEVELOP METHODS AND TOOLS FOR IDENTIFYIN	C	
8	LOCATIONS WHERE WILDLIFE CROSSING OR WILDLIFE-VEHICLE COLLISIO		
9	MITIGATION PROJECTS WOULD:		
10	1. REDUCE COLLISIONS BETWEEN VEHICLES AN	Ð	
11	WILDLIFE; OR		
10	2 Converge management of management of		
12	2. CONNECT HABITATS OF TERRESTRIAL O		
13	SEMIAQUATIC THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES C) 	
14	GREATEST CONSERVATION NEED;		
15	(IV) DEVELOP REGIONAL OR STATEWIDE HABITAT MAPS T	()	
16	IMPROVE HABITAT CONNECTIVITY OR REDUCE COLLISIONS BETWEEN VEHICLE		
17	AND WILDLIFE;		
18	(V) CONSTRUCT EXCLUSIONARY FENCING;		
10	(TH) PROMINE MARGINAG PUNDS FOR FERFRAL CRANGS		
19	(VI) PROVIDE MATCHING FUNDS FOR FEDERAL GRANTS;		
20	(VII) PROVIDE MAINTENANCE FOR COMPLETED PROJECTS;		
20	(VII) I NOVIDE MENIVIEN NOET ON COMPLETED I NOSECIE,		
21	(VIII) MONITOR AND EVALUATE COMPLETED PROJECTS;		
22	(IX) PROVIDE EDUCATION AND OUTREACH REGARDING:		
2.2	1		
23	1. Collisions between vehicles and wildlife;		
24	2. THREATENED SPECIES, ENDANGERED SPECIES, O	1D	
2 5	SPECIES OF GREATEST CONSERVATION NEED WHOSE HABITATS OR MOVEMEN		
26	CORRIDORS ARE DIVIDED BY STATE HIGHWAYS; AND	. 1	
40	COMMIDGING THE DIVIDED DI STRIE MIGHWINS, THE		
27	3. ANY OTHER RELATED TOPIC THE DEPARTMENT O	R	
28	STATE HIGHWAY ADMINISTRATION DETERMINES IS APPROPRIATE;		

1	(X) PROVIDE MATCHING GRANTS TO COUNTIES AND			
2	MUNICIPALITIES FOR PROJECTS RELATED TO THE PURPOSE OF THE FUND;			
3	(XI) COVER THE COSTS OF RELEVANT ADMINISTRATION AND			
4	PERSONNEL EXPENSES, INCLUDING:			
5	1 COST DECOVEDY.			
5	1. Cost recovery;			
6	2. GIS DATA; AND			
O				
7	3. Any other related administrative costs; and			
8	(XII) COVER THE COSTS OF ASSET MANAGEMENT FOR WILDLIFE			
9	CROSSING INFRASTRUCTURE, INCLUDING PLANNING, INVENTORY, CONDITION			
10	INFORMATION, AND LIFE CYCLE ANALYSES.			
11	(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE			
12	Fund in the same manner as other State money may be invested.			
13	(H) ANY INTEREST EARNINGS OF THE FUND SHALL BE			
$\frac{13}{14}$	CREDITED TO THE FUND.			
14	CREDITED TO THE FUND.			
15	(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN			
16	ACCORDANCE WITH THE STATE BUDGET.			
17	(9) Money expended from the Fund for the protections			
18	SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION IS SUPPLEMENTAL TO AND IS			
19	NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE			
20	APPROPRIATED FOR THESE PROTECTIONS.			
0.4	(10) To account the control of the co			
21	(10) IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION			
22	,			
23	TO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3–216 OF THE			
$\frac{24}{25}$	TRANSPORTATION ARTICLE IN ORDER TO ADVANCE THE GOALS AND PURPOSES OF THE FUND.			
20	THE PUND.			
26	(11) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION			
27	SHALL COORDINATE EFFORTS WITH FEDERAL PROGRAMS AND FUNDING			
28	OPPORTUNITIES TO MAXIMIZE PROJECT IMPACTS AND USE ALL AVAILABLE			
29	RESOURCES.			
30	(D) THE DEPARTMENT SHALL:			

1 2	(1) DEVELOP A WEBSITE TO BE USED FOR ACCEPTING DONATIONS TO THE FUND; AND
3 4 5	(2) IF FEASIBLE, WORK WITH THE MOTOR VEHICLE ADMINISTRATION TO PROVIDE THE OPTION, APPEARING ON THE VEHICLE REGISTRATION PORTAL, TO DONATE TO THE FUND.
6 7 8	(E) (1) THE STATE HIGHWAY ADMINISTRATION SHALL REPORT ON WILDLIFE CROSSINGS IN EACH CONSOLIDATED TRANSPORTATION PLAN OF THE STATE.
9 10	(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:
11 12	(I) TRANSPORTATION TRUST FUND EXPENDITURES FOR WILDLIFE CROSSINGS;
13	(II) WILDLIFE CROSSINGS PLANNED AND IN PROCESS; AND
14 15	(III) PERFORMANCE METRICS AND MEASURABLE OUTCOMES EVALUATING THE SUCCESS OF COMPLETED WILDLIFE CROSSINGS.
16 17 18	(F) (D) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.
19	Article – Land Use
20	1–408.
21 22 23	(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.
242526	(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.
27 28 29 30	(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

STATE

THE

HIGHWAY

RESOURCES AND

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(2)

 \mathbf{OF}

NATURAL

DEPARTMENT

- 1 ADMINISTRATION TO PROVIDE EACH CHARTER COUNTY WITH UPDATED 2 INFORMATION ON HABITAT CONNECTIVITY CONCERNS AND CURRENT AND
- 3 PLANNED WILDLIFE CROSSINGS.
- 4 (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
- 6 whether the proposed plan is consistent with the programs and goals of the departments.
- 7 3–104.
- 8 (a) (1) A sensitive areas element shall include the goals, objectives, principles, 9 policies, and standards designed to protect sensitive areas from the adverse effects of development.
- 11 (2) A LOCAL JURISDICTION SHALL CONSIDER WILDLIFE MOVEMENT
 12 AND HABITAT CONNECTIVITY WHEN ENACTING, ADOPTING, AMENDING, OR
 13 EXECUTING A PLAN IN ACCORDANCE WITH § 3–101 OF THIS SUBTITLE.
- 14 (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.
- THE DEPARTMENT OF PLANNING SHALL COORDINATE WITH THE **(2)** 18 19 **DEPARTMENT** NATURAL RESOURCES AND THE STATE 20 ADMINISTRATION TO PROVIDE EACH LOCAL JURISDICTION WITH UPDATED 21INFORMATION ON HABITAT CONNECTIVITY CONCERNS AND CURRENT AND 22PLANNED WILDLIFE CROSSINGS.
- 23 (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.

26 Article - State Finance and Procurement

- 27 6-226.
- 28 (a) (2) (i) 1. This subparagraph does not apply in fiscal years 2024 29 through 2028.
- 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 earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

l 2	(ii) to the following funds:	The p	provisions of subparagraph (i) of this paragraph do not apply
3 1	[and]	204.	the Victims of Domestic Violence Program Grant Fund;
5	AND	205.	the Proposed Programs Collaborative Grant Programs
7		206.	THE WILDLIFE CONNECTIVITY FUND.
3	SECTION 2. AND 1, 2025.	BE IT	FURTHER ENACTED, That this Act shall take effect July
	Approved:		
			Governor.
			President of the Senate.
			Speaker of the House of Delegates.