

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

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
5 certain decisions; ~~establishing the Wildlife Connectivity Fund; requiring the~~
6 ~~Department of Natural Resources to develop a website to be used for accepting~~
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)

22 BY repealing and reenacting, with amendments,

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.



Article – Land Use

Section 1–408 and 3–104

Annotated Code of Maryland

(2012 Volume and 2024 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Finance and Procurement~~

~~Section 6–226(a)(2)(i)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2024 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – State Finance and Procurement~~

~~Section 6–226(a)(2)(ii) 204 and 205.~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2024 Supplement)~~

~~BY adding to~~

~~Article – State Finance and Procurement~~

~~Section 6–226(a)(2)(ii) 206.~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2024 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–01.

(a) In this subtitle the following words have the meanings indicated.

(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.

(2) “Endangered species” includes any species of wildlife or plant determined to be an “endangered species” pursuant to the Endangered Species Act.

(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.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COALITION" MEANS THE MARYLAND CONNECTIVITY COALITION.

(3) "ENDANGERED SPECIES" HAS THE MEANING STATED IN § 10-2A-01 OF THIS SUBTITLE.

~~(4) "FUND" MEANS THE WILDLIFE CONNECTIVITY FUND.~~

~~(5)~~ (4) "THREATENED SPECIES" HAS THE MEANING STATED IN § 10-2A-01 OF THIS SUBTITLE.

~~(6)~~ (5) "WILDLIFE CONNECTIVITY" MEANS THE ABILITY OF WILDLIFE TO MOVE FREELY BETWEEN HABITATS TO ACCESS RESOURCES, MAINTAIN HEALTHY POPULATIONS, AND ADAPT TO ENVIRONMENTAL CHANGES.

~~(7)~~ (6) "WILDLIFE CROSSINGS" MEANS IMPROVEMENTS TO ROADS, BRIDGES, OR HIGHWAYS DESIGNED TO IMPROVE WILDLIFE CONNECTIVITY OR TO REDUCE COLLISIONS BETWEEN VEHICLES AND WILDLIFE.

(B) (1) THERE IS A MARYLAND CONNECTIVITY COALITION.

(2) THE PURPOSE OF THE COALITION IS TO FOSTER COLLABORATION AMONG STATE AND FEDERAL AGENCIES, NONGOVERNMENTAL ORGANIZATIONS, AND OTHER STAKEHOLDERS TO:

(I) PROTECT THREATENED AND ENDANGERED SPECIES FROM HABITAT FRAGMENTATION THAT REDUCES ACCESS TO RESOURCES SUCH AS FOOD OR POTENTIAL MATES;

(II) PROTECT MOTORISTS AND WILDLIFE IN THE STATE BY REDUCING COLLISIONS BETWEEN VEHICLES AND WILDLIFE; AND

(III) FACILITATE THE SHARING OF RESOURCES, DATA, AND EXPERTISE RELATING TO WILDLIFE HABITAT CONNECTIVITY.

(3) THE COALITION CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

(II) THE STATE HIGHWAY ADMINISTRATOR, OR THE ADMINISTRATOR'S DESIGNEE;

(III) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED
BY THE SPEAKER OF THE HOUSE;

(IV) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED
BY THE PRESIDENT OF THE SENATE; AND

(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.

(4) THE STATE HIGHWAY ADMINISTRATOR OR THE
ADMINISTRATOR'S DESIGNEE SHALL SERVE AS CHAIR OF THE COALITION.

(5) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION
SHALL ADOPT RULES FOR THE COALITION, INCLUDING:

(I) MEMBERSHIP IN THE COALITION;

(II) THE ROLE OF ANY NONGOVERNMENTAL ORGANIZATIONS
OR PRIVATE ENTITIES THAT ARE MEMBERS OF THE COALITION;

(III) THE ROLES AND RESPONSIBILITIES OF THE LEADERSHIP OF
THE COALITION; AND

(IV) MEETING RULES AND PROCEDURES.

~~(5)~~ (6) (I) THE COALITION SHALL DEVELOP CRITERIA FOR
PRIORITIZING WILDLIFE CONNECTIVITY PROJECTS.

(II) CRITERIA DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS
PARAGRAPH MAY INCLUDE:

1. LOCATIONS WITH A HIGH NUMBER OF COLLISIONS
BETWEEN VEHICLES AND WILDLIFE;

2. LOCATIONS WHERE HIGHWAYS DIVIDE THE HABITAT
OF THREATENED OR ENDANGERED SPECIES;

3. LOCATIONS WHERE WILDLIFE CROSSINGS COULD BE
DESIGNED TO FACILITATE MULTIPLE SPECIES;

4. EQUITY IN DISTRIBUTING FUNDS BETWEEN:

1 A. DIFFERENT REGIONS OF THE STATE; AND

2 B. URBAN, SUBURBAN, AND RURAL AREAS; AND

3 5. ANY OTHER CRITERIA IDENTIFIED BY THE
4 COALITION.

5 ~~(6)~~ (7) THE COALITION SHALL DEVELOP PERFORMANCE METRICS
6 TO EVALUATE THE SUCCESS OF FUNDED PROJECTS, INCLUDING:

7 (I) MEASURABLE OUTCOMES, SUCH AS REDUCTIONS IN
8 COLLISIONS BETWEEN VEHICLES AND WILDLIFE; AND

9 (II) ENHANCEMENTS TO HABITAT CONNECTIVITY.

10 ~~(7)~~ (8) (I) ~~THE~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
11 THIS PARAGRAPH, THE COALITION SHALL MEET QUARTERLY TO:

12 ~~(I)~~ 1. SHARE NEW DATA, ANALYSES, AND RESEARCH;

13 ~~(II)~~ 2. IDENTIFY ANY ADDITIONAL DATA, ANALYSES, OR
14 RESEARCH NEEDED;

15 ~~(III)~~ 3. UPDATE THE MEMBERS ON THE STATUS OF PLANNED
16 OR ONGOING WILDLIFE CROSSINGS;

17 ~~(IV)~~ 4. IDENTIFY LOCATIONS WHERE ADDITIONAL WILDLIFE
18 CONNECTIVITY IS NEEDED; AND

19 ~~(V)~~ 5. MAKE RECOMMENDATIONS ON ~~DISBURSEMENTS~~
20 ~~FROM THE FUND~~ FUNDING FOR WILDLIFE CONNECTIVITY.

21 (II) THE COALITION MAY CANCEL A MEETING FOR LACK OF AN
22 AGENDA.

23 ~~(8)~~ (9) THE STATE HIGHWAY ADMINISTRATION SHALL HAVE FINAL
24 DECISION-MAKING AUTHORITY REGARDING ANY DECISION RELATING TO THE
25 PLACEMENT, FUNDING, OR DESIGN OF WILDLIFE CROSSINGS.

26 ~~(9)~~ (10) THE COALITION SHALL DEVELOP A WEBSITE AND PUBLISH
27 ON ITS WEBSITE:

28 (I) THE PURPOSE, HISTORY, AND MEMBERS OF THE
29 COALITION;

(II) ANY CRITERIA USED FOR PRIORITIZING PROJECTS;

(III) ANY DATA, ANALYSES, OR RESEARCH RELEVANT TO THE PURPOSE OF THE COALITION;

(IV) COALITION MEETING AGENDAS AND MINUTES;

(V) INFORMATION TO EDUCATE THE PUBLIC ON THE IMPORTANCE OF WILDLIFE CONNECTIVITY AND WILDLIFE CROSSINGS; AND

(VI) COMPLETED WILDLIFE CROSSINGS AND WILDLIFE CROSSINGS UNDER DEVELOPMENT.

(C) ~~(1) THERE IS A WILDLIFE CONNECTIVITY FUND.~~

~~(2) THE PURPOSE OF THE FUND IS TO:~~

~~(I) PROTECT ANY TERRESTRIAL OR SEMIAQUATIC THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES OF GREATEST CONSERVATION NEED WHOSE HABITAT OR MOVEMENT CORRIDORS INTERSECT WITH A STATE HIGHWAY; AND~~

~~(II) PROTECT MOTORISTS AND WILDLIFE IN THE STATE BY REDUCING COLLISIONS BETWEEN VEHICLES AND WILDLIFE.~~

~~(3) THE DEPARTMENT, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION, SHALL ADMINISTER THE FUND.~~

~~(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~(5) THE FUND CONSISTS OF:~~

~~(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

~~(II) INTEREST EARNINGS OF THE FUND; AND~~

~~(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

~~(6) THE FUND MAY BE USED TO:~~

~~(I) ADVANCE WILDLIFE CROSSING OR WILDLIFE VEHICLE COLLISION MITIGATION PROJECTS;~~

~~(II) ASSIST WITH PREPARATIONS NECESSARY FOR THE PROJECTS SPECIFIED UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING DATA COLLECTION, FEASIBILITY STUDIES, PROJECT DESIGN, AND ENGINEERING, WHICH MAY INCLUDE HYDRAULIC ANALYSIS AND SIZING;~~

~~(III) DEVELOP METHODS AND TOOLS FOR IDENTIFYING LOCATIONS WHERE WILDLIFE CROSSING OR WILDLIFE VEHICLE COLLISION MITIGATION PROJECTS WOULD;~~

~~1. REDUCE COLLISIONS BETWEEN VEHICLES AND WILDLIFE; OR~~

~~2. CONNECT HABITATS OF TERRESTRIAL OR SEMIAQUATIC THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES OF GREATEST CONSERVATION NEED;~~

~~(IV) DEVELOP REGIONAL OR STATEWIDE HABITAT MAPS TO IMPROVE HABITAT CONNECTIVITY OR REDUCE COLLISIONS BETWEEN VEHICLES AND WILDLIFE;~~

~~(V) CONSTRUCT EXCLUSIONARY FENCING;~~

~~(VI) PROVIDE MATCHING FUNDS FOR FEDERAL GRANTS;~~

~~(VII) PROVIDE MAINTENANCE FOR COMPLETED PROJECTS;~~

~~(VIII) MONITOR AND EVALUATE COMPLETED PROJECTS;~~

~~(IX) PROVIDE EDUCATION AND OUTREACH REGARDING:~~

~~1. COLLISIONS BETWEEN VEHICLES AND WILDLIFE;~~

~~2. THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES OF GREATEST CONSERVATION NEED WHOSE HABITATS OR MOVEMENT CORRIDORS ARE DIVIDED BY STATE HIGHWAYS; AND~~

~~3. ANY OTHER RELATED TOPIC THE DEPARTMENT OR STATE HIGHWAY ADMINISTRATION DETERMINES IS APPROPRIATE;~~

~~(X) PROVIDE MATCHING GRANTS TO COUNTIES AND MUNICIPALITIES FOR PROJECTS RELATED TO THE PURPOSE OF THE FUND;~~

~~(XI) COVER THE COSTS OF RELEVANT ADMINISTRATION AND PERSONNEL EXPENSES, INCLUDING:~~

~~1. COST RECOVERY;~~

~~2. GIS DATA; AND~~

~~3. ANY OTHER RELATED ADMINISTRATIVE COSTS; AND~~

~~(XII) COVER THE COSTS OF ASSET MANAGEMENT FOR WILDLIFE CROSSING INFRASTRUCTURE, INCLUDING PLANNING, INVENTORY, CONDITION INFORMATION, AND LIFE CYCLE ANALYSES.~~

~~(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

~~(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.~~

~~(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.~~

~~(9) MONEY EXPENDED FROM THE FUND FOR THE PROTECTIONS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THESE PROTECTIONS.~~

~~(10) IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION AND THE COALITION, THE DEPARTMENT MAY TRANSFER FUNDS FROM THE FUND TO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3-216 OF THE TRANSPORTATION ARTICLE IN ORDER TO ADVANCE THE GOALS AND PURPOSES OF THE FUND.~~

~~(11) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION SHALL COORDINATE EFFORTS WITH FEDERAL PROGRAMS AND FUNDING OPPORTUNITIES TO MAXIMIZE PROJECT IMPACTS AND USE ALL AVAILABLE RESOURCES.~~

~~(D) THE DEPARTMENT SHALL:~~

~~(1) DEVELOP A WEBSITE TO BE USED FOR ACCEPTING DONATIONS TO THE FUND; AND~~

~~(2) IF FEASIBLE, WORK WITH THE MOTOR VEHICLE ADMINISTRATION TO PROVIDE THE OPTION, APPEARING ON THE VEHICLE REGISTRATION PORTAL, TO DONATE TO THE FUND.~~

~~(E)~~ (1) THE STATE HIGHWAY ADMINISTRATION SHALL REPORT ON WILDLIFE CROSSINGS IN EACH CONSOLIDATED TRANSPORTATION PLAN OF THE STATE.

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) TRANSPORTATION TRUST FUND EXPENDITURES FOR WILDLIFE CROSSINGS;

(II) WILDLIFE CROSSINGS PLANNED AND IN PROCESS; AND

(III) PERFORMANCE METRICS AND MEASURABLE OUTCOMES EVALUATING THE SUCCESS OF COMPLETED WILDLIFE CROSSINGS.

~~(F)~~ (D) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

Article – Land Use

1–408.

(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.

(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.

(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.

(2) THE DEPARTMENT OF PLANNING SHALL COORDINATE WITH THE DEPARTMENT OF NATURAL RESOURCES AND THE STATE HIGHWAY

**ADMINISTRATION TO PROVIDE EACH CHARTER COUNTY WITH UPDATED
INFORMATION ON HABITAT CONNECTIVITY CONCERNS AND CURRENT AND
PLANNED WILDLIFE CROSSINGS.**

(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.

3-104.

(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.

(2) A LOCAL JURISDICTION SHALL CONSIDER WILDLIFE MOVEMENT AND HABITAT CONNECTIVITY WHEN ENACTING, ADOPTING, AMENDING, OR EXECUTING A PLAN IN ACCORDANCE WITH § 3-101 OF THIS SUBTITLE.

(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.

(2) THE DEPARTMENT OF PLANNING SHALL COORDINATE WITH THE DEPARTMENT OF NATURAL RESOURCES AND THE STATE HIGHWAY ADMINISTRATION TO PROVIDE EACH LOCAL JURISDICTION WITH UPDATED INFORMATION ON HABITAT CONNECTIVITY CONCERNS AND CURRENT AND PLANNED WILDLIFE CROSSINGS.

(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.

~~**Article State Finance and Procurement**~~

~~6-226.~~

~~(a) (2) (i) 1. This subparagraph does not apply in fiscal years 2024 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, not 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.~~

(ii) ~~The provisions of subparagraph (i) of this paragraph do not apply to the following funds:~~

~~204. the Victims of Domestic Violence Program Grant Fund;~~

~~[and]~~

~~205. the Proposed Programs Collaborative Grant Program;~~

~~AND~~

~~206. THE WILDLIFE CONNECTIVITY FUND.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.