



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 729

Department of the Environment - Nontidal Wetlands - Protection of Vernal Pools
(Vernal Pool Wetlands Protection Act of 2024)

Date: February 21, 2024	Position: Favorable
To: House Environment and Transportation Committee	From: Alan Girard Eastern Shore Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 729 which requires the Maryland Department of the Environment to adopt regulations that protect and preserve vernal pools, a type of seasonal wetland of vital importance to water quality and wildlife habitat that per a recent Supreme Court ruling is no longer federally managed.

In May of 2023, the United States Supreme Court released its decision in *Sackett v. EPA*, which significantly narrows the definition of which wetlands and other waters are protected by the Clean Water Act. The opinion rejects EPA's authority to regulate wetlands unless they have a continuous connection to "navigable" surface waters, such as a creek, stream, or river. While regulations in Maryland provide some protections for wetlands no longer supplied by federal partners, loopholes, waivers, and limited enforcement by state officials leave ecologically important wetlands like vernal pools at risk.

HB 729 strengthens state wetland regulations by requiring MDE to establish specific provisions for vernal pools. Vernal pools provide essential ecosystem services like filtering stormwater, replenishing groundwater, and supporting biodiversity for amphibians including certain endangered species. Because they may contain water only during parts of the year, regulators can overlook vernal pools when making land use and water quality decisions. Establishing a definition of vernal pools and identifying their location as called for by HB 729 can help Maryland preserve this valuable natural resource while strengthening state oversight for this unique wetland type in the wake of weakening federal protections.

CBF urges the Committee's FAVORABLE report on HB 729.

For more information, please contact Alan Girard, Eastern Shore Director, at agirard@cbf.org.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.