



**The Maryland Department of the Environment**  
**Secretary Serena McIlwain**

***House Bill 729***  
***Environment - Nontidal Wetlands - Protection of Vernal Pools***  
***(Vernal Pool Wetlands Protection Act of 2024)***

**Position:** Oppose  
**Committee:** Environment and Transportation  
**Date:** February 21, 2024  
**From:** Jeremy D. Baker

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The Maryland Department of the Environment (MDE) **OPPOSES** HB 729.

**Bill Summary**

House Bill 729 requires MDE to adopt regulations to: (1) protect and preserve vernal pools in the State; (2) establish protections for the preservation of vernal pools; and (3) to define vernal pools as seasonal wetlands that support at least one amphibian species. The bill also requires MDE to: (1) develop a plan for identifying the number and location of vernal pools in the State; and (2) report the vernal pool inventory plan to the General Assembly by October 1, 2025.

Additionally, HB 729 defines vernal pools as wetlands. However, not all vernal pools meet the established criteria for wetlands, which include appropriate water levels and durations, soils, and vegetation. MDE already regulates vernal pools which do meet these criteria. Thus, the scope of HB 729 does not reach some existing vernal pools. As written, the bill conflicts between the regulatory jurisdiction of vernal pools considered to be wetlands and vernal pools which lack the necessary features.

**Position Rationale**

MDE had a conversation with the bill sponsor in regards to the true intent of the legislation and we are working on amendments to address MDE's concerns outside of legislation.

However, as drafted, MDE would not be able to provide a comprehensive plan in the timeframe required under the bill. To develop and implement a vernal pool inventory plan, MDE would need specialized expertise outside of the agency, including technical support, data sharing, field verification, and management recommendations from the Department of Natural Resources (DNR). The plan would also require detailed protocols for animal handling, protection, and disinfection of equipment which would require further consultation with DNR. To carry out the plan, MDE would need to obtain permission to access private properties for field verification as well as scientific collection permits. The full scope of the plan requirements cannot be determined, as the number and extent of vernal pools in Maryland are not currently known. Existing MDE staff do not have the expertise to fully develop and implement a plan to create an inventory of vernal pools, as this effort will require specialized modeling, mapping, and field verification requirements to inventory and characterize the biodiversity of vernal pools.

In short, HB 729 does not include the additional resources needed to effectively comply with the requirements in this bill. Accordingly, MDE urges an **UNFAVORABLE** report for HB 729.

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**Contact:** Les Knapp, Government Relations Director  
Cell: 410-453-2611 (cell), Email: [les.knapp@maryland.gov](mailto:les.knapp@maryland.gov)