

Vernal Pool Testimony FINAL DeLeo .pdf

Uploaded by: Amanda DeLeo

Position: FAV

HB0729 Vernal Pool Wetlands Protection Act of 2024

written testimony in favor of HB0729

Amanda DeLeo, Water Monitoring Coordinator, Patapsco Heritage Greenway--non-profit, mission involves preserving and protecting the Patapsco River Valley

Vernal Pools are important for many reasons as stated here today. In addition to all the previously mentioned reasons, **Vernal Pools are an important natural resource to humans and are available to all communities regardless of native language, income, or education level.**

- Rates of depression and anxiety among adults, teens and children are high
- Spending time outside/in nature is one proven way to combat feelings of anxiety and depression (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8125471/>)
- Observing the organisms that exist in the natural ecosystems around us is a kind of experience that can delight and amaze and stay with you for hours and days

As a water monitoring coordinator and someone whose job is to help interpret the natural environment, I can tell you that few things affect people as much as showing them what animals coexist nearby. I've had adults and children alike express surprise at the wide and diverse fauna found under a rock in a stream, just below the surface of the water. "I had no idea this whole world existed under here" is a common refrain or just 'wow'. Once I've shown families the underwater organisms that live in streams and natural pools, I've had people change their beliefs, habits and behaviors.

Vernal Pools are an especially unique habitat to be able to explore and connect to because

- they occur in a wide variety of places across Maryland
- they can be accessible in a way that some natural waterbodies are not, they can be found deep in the forest or in a backyard or along a walking trail
- Chances are you live or pass near one, whether you know it or not.
- You don't have to travel to the eastern shore (like the ocean) or western Maryland to experience them.
- You don't have to fly to the Caribbean or go on safari to see some amazing animals. For example, you might see an 8 to 10 inch long salamander with bright yellow spots called a Spotted Salamander. They live underground almost all year long and they need vernal pools to breed and lay eggs.

Vernal pools are found in neighborhoods and parks in Maryland. You do not need big travel budget or advanced education to visit and appreciate the allure of vernal pools and the critters that need them to survive.

Vernal pools are an opportunity to use our backyards and parks to connect with nature. They are an opportunity to see and protect an ecosystem that doesn't get much attention, but is accessible to all. They are an opportunity for kids from communities all

over Maryland to experience the joy of connection to their outdoor world. I encourage you to protect them by voting in favor of the Vernal Pool Wetland Protection Act.

HB 729_Favorable.pdf

Uploaded by: Anna Griffith

Position: FAV



**HB 729 - Department of the Environment - Nontidal Wetlands - Protection of Vernal Pools
(Vernal Pool Wetlands Protection Act of 2024)**

Position: SUPPORT

Date: February 21, 2024

Contact: Anna Mudd, Potomac Conservancy

Vernal pools are unique, small ecosystems that support biodiversity and provide habitat for several critical species including the state-endangered tiger salamander. They also provide vital ecosystem services such as replenishing groundwater and filtering stormwater. Vernal pools are seasonal wetlands that are often overlooked and filled or poorly managed. These wetlands are being lost at a rapid rate because they often do not meet current Maryland Department of Environment (MDE) wetlands regulations or qualify for federal protections under the Clean Water Act.

House Bill 729 would designate vernal pools as named wetlands in MDE regulations. It would protect vernal pools supporting amphibian species, including a 100-foot buffer needed to support full life cycles and would require MDE to prepare a plan for providing the public with location of vernal pools and other wetlands. For these reasons, **Potomac Conservancy requests a FAVORABLE report on (HB 729) the Vernal Pool Protection Act of 2024 from the Environment and Transportation Committee.**

Sincerely,

Anna Mudd
Senior Policy Director
Potomac Conservancy

HB729_MDSierraClub_fav 21Feb2024.pdf

Uploaded by: Carolyn Parsa

Position: FAV



P.O. Box 278
Riverdale, MD 20738

Committee: Environment and Transportation

Testimony on: H.B. 729 – Nontidal Wetlands – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)

Position: Support

Hearing Date: February 21, 2024

The Maryland Chapter of the Sierra Club supports H.B. 729, the Vernal Pool Wetlands Protection Act of 2024. The bill would require the Department of the Environment (MDE) to develop a plan for identifying vernal pools in Maryland and to preserve and protect vernal pools. MDE would have to complete its plan for protecting vernal pools no later than October 1, 2025.

Vernal pools are unique, biodiverse ecosystems that provide critical habitat for endangered species such as the tiger salamander. As noted in the bill text, many amphibians like wood frogs cannot reproduce in any other habitats but vernal pools. Maryland receives significant ecological services from these seasonal wetlands because they replenish groundwater reservoirs and filter stormwater surges. According to the U.S. Environmental Protection Agency (EPA), “The unique environment of vernal pools provides habitat for numerous rare plants and animals that are able to survive and thrive in these harsh conditions. Many of these plants and animals spend the dry season as seeds, eggs, or cysts, and then grow and reproduce when the ponds are again filled with water.”ⁱ Currently, vernal pools are not protected under the federal Clean Water Act nor current MDE wetlands regulations. This means that vernal pools are not managed well and are being swiftly lost across the state.

H.B. 729 would help MDE preserve the remaining vernal pools in Maryland and provide the public with information about these critically important and biodiverse ecosystems. The Maryland Chapter of the Sierra Club encourages lawmakers to vote in support of H.B. 729.

Sarah Peters
Natural Places Committee
petesa05@gmail.com

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

ⁱ <https://www.epa.gov/wetlands/vernal-pools>

HB0729_Vernal_Pools_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0729
DEPARTMENT OF THE ENVIRONMENT - NONTIDAL WETLANDS - PROTECTION OF
VERNAL POOLS (VERNAL POOL WETLANDS PROTECTION ACT OF 2024)

Bill Sponsor: Delegate Hill

Committee: Environment and Transportation

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0729 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Vernal pools are unique, small ecosystems that help replenish groundwater and filter stormwater. They are a small, and often seasonal, piece of our environment that plays a very important role. Vernal pools are vanishing because they do not have hydric soils or wetlands vegetation required by current MDE wetlands regulations. Adding vernal pools as named wetlands in the regulations will help protect them.

This bill, if enacted, would protect vernal pools and a 100-foot buffer around them whenever the vernal pool exceeds .05 acres and possesses one or more amphibian species (wood frogs, mole salamanders, etc.). It would also cost-effectively inventory vernal pools using new technologies that provide remote 1-meter topography and land cover.

We support this bill and recommend a **FAVORABLE** report in committee.

HB0729ASCM_Vogel_Testimony_Feb21.pdf

Uploaded by: Eli Vogel

Position: FAV



P.O. Box 660
Mt. Airy, MD 21771

Committee: Environment and Transportation

Testimony on: H.B. 729—Nontidal Wetlands – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)

Position: Support

Hearing Date: February 21, 2024

I am representing the Audubon Society of Central Maryland as a long-time volunteer with a strong interest in wetland conservation. ASCM is a 501(c)(3) nonprofit with a mission that includes protecting birds, other wildlife, and their habitats, and we recognize the vital but imperiled contributions that vernal pools play in supporting invertebrates, amphibians, and other species in wetlands throughout the state of Maryland. ASCM strongly supports HB 729, the Vernal Pool Wetlands Act of 2024.

Often small and easy to overlook, these temporary wetlands play outsized roles in forested ecosystems. In early spring they are home to fairy shrimp and nurseries for wood frogs and spotted salamanders. As the season progresses, they become a buffet for birds like great blue herons and barred owls, as well as rare and endangered species like the rusty blackbird. These quiet temporary ponds are fountains of abundance that maintain the health and biodiversity of numerous forests.

Yet dredging, logging, agricultural expansion, and widespread urbanization over vernal pools have seriously diminished these unique sources of biodiversity and ecosystem services. The threats of a warming climate make their future still more uncertain, especially in the face of the recent withdrawal of federal protections under the Clean Water Act. We do not even know how many remain in the state or where many are located.

Other states such as Massachusetts and Rhode Island have set examples by enacting laws and regulations that protect vernal pools and their buffers, an important component of this bill. This year, Maryland can take a leadership role in fostering biodiversity, forest health, and water quality by initiating planning to identify and protect seasonal wetlands.

ASCM's members throughout Howard, Carroll, and Frederick counties care about wildlife diversity and abundance throughout the state. ASCM's own Audrey Carroll Wildlife Sanctuary in Mount Airy, Maryland, hosts wood frogs in its woodland vernal pools. We urge you to pass the vitally important Vernal Pool Wetlands Act of 2024 to assure that these ephemeral wetlands continue to enrich our woods and watersheds long into the future.

Eli Vogel
Volunteer
elijdvogel@gmail.com

Julie Dunlap
Advocacy Chair
advocacy@centralmdaudubon.org

HB729.Audubon.VernalPools.pdf

Uploaded by: Jim Brown

Position: FAV



Maryland Office
2901 E. Baltimore St
Baltimore, MD 21214

February 19, 2024

To: Chair Korman and members of the Maryland House Committee on the Environment and Transportation

From: Jim Brown, Policy Director, Audubon Mid-Atlantic

Subject: Favorable Testimony for Maryland HB 729 Vernal Pools Wetland Protection Act of 2024

Audubon Mid-Atlantic submits this testimony in support of House Bill 729. Audubon Mid-Atlantic is the regional office of National Audubon Society, representing over 35,000 Marylanders who advocate for the protection of birds, bird habitat, and policies aiming to protect both birds and human communities in the face of increasing environmental challenges, habitat loss, pollution, and climate change. We work with partner organizations, government agencies, and local communities to protect birds and the places they need to survive now, and into the future.

Adopting regulations to identify, protect and preserve vernal pools in Maryland is sound practice for conservation planning, bird conservation, and diverse ecosystem management. By protecting vernal pools HB 729 will strengthen the state's network of landscapes that are critical to the survival of resident and migrating birds. Vernal pools in Maryland provide hawks, ducks, egrets, herons and other birds with important seasonal food and water sources. However, vernal pools, are not just for the birds. They also filter our groundwater, slow stormwater runoff providing benefits to our human communities and cultural landscapes. They also provide habitat, food, and water to countless other reptiles, amphibians, and beneficial insects, which all contribute to robust ecosystem services in Maryland.

Science tells us birds are in decline due to habitat loss and climate change. 1/3 of all Maryland bird species experienced significant population declines in the past 50 years. By putting protections in place that identify and prioritize important bird areas, such as vernal pools, Maryland will be setting a standard of land-use planning that will bring added protections to birds and all of the co-benefits that birds bring us. It will hold Maryland up as a leader in the protection of birds now and in the future.

Audubon Mid-Atlantic respectfully urges a favorable review of this legislation.

Thank You,

Jim Brown
Policy Director
Audubon Mid-Atlantic
Jim.brown@audubon.org

HB 729 - National Aquarium - Support.pdf

Uploaded by: Maggie Ostdahl

Position: FAV



Date: February 21, 2024

Bill: HB 729 – Vernal Pool Wetlands Protection Act of 2024

Position: Support

Dear Chair Korman and Members of the Committee:

The National Aquarium respectfully requests a favorable report for **House Bill 729 – Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools, also known as the Vernal Pool Wetlands Protection Act of 2024**. The legislation would define vernal pools as seasonal wetlands; and require the Department of the Environment to develop a plan to identify vernal pools throughout the state and establish protections related to their preservation.

Vernal pools are isolated seasonal bodies of water that form during the wetter months of each year and play a key role in the health of the Chesapeake Bay watershed. For one, they serve as necessary habitats that support an incredible variety of life. Biologists have identified more than 700 species that depend on vernal pools as habitat in northeastern region of the US – including wood frogs, American toads, spotted salamanders, Eastern fairy shrimp and the state-endangered tiger salamanders. The still water and fallen leaves along with an abundance of invertebrate prey and an absence of fish predators make vernal pools ideal breeding grounds for these and other amphibians.

Vernal pools are also an important part of our hydrological system, serving as natural stormwater runoff ponds that capture and filter stormwater and replenish groundwater. Nature provides these important ecosystem services for free, and particularly during challenging budget realities, it would behoove us to identify and conserve seasonal wetlands that help supply people with clean water.

One of the National Aquarium’s overarching conservation goals is to save wildlife and habitats, and we recognize that the ephemeral features that make vernal pools important ecosystems are the same reasons they are vulnerable to human disturbance. They do not qualify for current wetland regulations in Maryland, and following a 2023 U.S. Supreme Court decision, vernal pools and other seasonal wetlands effectively lost Clean Water Act protections.

With this bill, Maryland has an opportunity to both improve wetland science and protect vernal pools. **We urge the Committee to issue a favorable report on HB 729.**

Contact:

Ryan Fredriksson
Vice President, Government Affairs
410-385-8276
rfredriksson@aquarium.org

Maggie Ost Dahl
Sr. Conservation Policy Manager
410-385-8275
mostdahl@aquarium.org

Testimony of Dr Mark Southerland for HB0729 Verna

Uploaded by: Mark Southerland

Position: FAV



**HB729 Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools
(Vernal Pool Wetlands Protection Act of 2024)**

TESTIMONY OF DR. MARK SOUTHERLAND -- Favorable

I received a Ph.D. and Smithsonian Fellowship in freshwater ecology and have consulted for federal, state, and local agencies on water resource issues for 30 years. I am the founder of Vernal Pool Partners and have served with the Maryland Academy of Sciences' Science Council, Maryland Water Monitoring Council, Howard County Environmental Sustainability Board, Howard County Conservancy, Patapsco Heritage Greenway, and Safe Skies Maryland.

Vernal pools are a type of freshwater wetland that are typically water-filled from early winter through mid-summer; have no fish populations; and provide habitat for species that cannot reproduce anywhere else, including fairy shrimp, wood frogs, and mole salamanders, such as the endangered eastern tiger salamander. Vernal pools provide disproportionately large amounts of ecosystem services, owing to their widespread occurrence throughout the landscape and ability to replenish groundwater and filter stormwater flows. They even occur in underserved communities, where these "backyard ecosystems" offer convenient connections to nature.

Two events brought me to conceiving and advocating for this bill:

1. Our Natural Waters are in Crisis. The wetlands and other waters of Maryland and the nation continue to be lost through development, pollution, and modification, and are consistently listed as the most endangered ecosystems in the U.S. and worldwide. The 2023 Sackett vs EPA Supreme Court decision removed federal protections from approximately 50% of U.S. waters, including all vernal pools. At the same time, under Maryland wetland regulations, many vernal pools are not protected because they do not possess the hydric soils or hydrophytic vegetation of other wetlands. The science is clear that all waters are connected hydrologically and that ephemeral wetlands, such as vernal pools, are critical to the health and utility of permanent waters. Therefore, it is incumbent on Maryland to take this simple step of protecting vernal pools so that we are good stewards of all our waters.
2. Vernal Pools are Little Understood in Maryland. In Maryland, as elsewhere, there is little understanding of what vernal pools are and how they contribute to biodiversity and human quality of life. However, the nearby states of Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine have already enacted protection or certification programs, while others have conducted inventories to better understand the abundance and distribution of vernal pools. In Maryland and elsewhere, vernal pools are being lost at a rapid rate because of the limited knowledge of their presence (they hold water only part of the year) and the gap in wetlands protections. Therefore, Maryland should develop a plan for identifying vernal pools using new remote technologies, so that the public is better informed and the state can improve protection and management. The Maryland Department of the Environment, Maryland Department of Natural Resources, University of Maryland Center for Environmental Science, University of Maryland Baltimore County, and U.S. Geological Survey have expertise to develop this plan.

The Time is Now. If we wait, we will continue to lose vernal pools every year and the biodiversity and environmental services they provide.

Vernal Pool Wetlands Protection Act 2024 TESTIMONY

Uploaded by: Mark Southerland

Position: FAV



Vernal Pool Wetlands Protection Act of 2024

HB729

Delegates Hill, McComas, Taylor, Terrasa, and Williams



The Problem

- Vernal pools are unique, small ecosystems that support biodiversity including state-endangered tiger salamander
- Vernal pools provide vital ecosystem services such as replenishing groundwater and filtering stormwater
- Vernal pools are seasonal wetlands that are often overlooked and filled or poorly managed
- Vernal pools are being lost at a rapid rate because they often do not meet current MDE wetlands regulations or qualify for federal protections under the Clean Water Act

These organizations say Maryland needs to protect vernal pools

The Solution

- Act would designate vernal pools as named wetlands in MDE regulations
- Act would protect vernal pools supporting amphibian species, including a 100-foot buffer needed to support full life cycle
- Act would require MDE to prepare a plan for providing the public with location of vernal pools and other wetlands

Pass this bill to protect vernal pools within Maryland wetlands regulations and provide useful information to the public

For more information, please contact **Vernal Pool Partners** at mark@vernalpoolpartners.org

and visit [USEPA: An Introduction to Mid-Atlantic Seasonal Pools](#)



HB 729 - CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



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

To: House Environment and Transportation Committee

Position: **Favorable**

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.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

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.

Arundel Rivers Testimony FAV HB0729.pdf

Uploaded by: Matthew Johnston

Position: FAV



PO Box 760 Edgewater, MD
21037

410-224-3802
www.arundelrivers.org

Testimony in SUPPORT of HB0729 - Vernal Pool Wetlands Protection Act of 2024

Environment and Transportation Committee
February 21, 2024

Dear Chair Korman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF HB0729**, on behalf of Arundel Rivers Federation. Arundel Rivers is a non-profit organization dedicated to the protection, preservation, and restoration of the South, West and Rhode Rivers with over 3,500 supporters. Our mission is to work with local communities to achieve clean, fishable, and swimmable waterways for present and future generations.

House Bill 729 will create regulations to protect currently unprotected vernal pool wetlands and their buffers. Vernal pools provide unique habitat for amphibians and other aquatic species that simply cannot be provided in other, perpetually wet environments. Typically, fish and other aquatic predators are able to move throughout wet landscapes to find food sources and smaller aquatic species - especially larval stages of amphibians - are placed at risk in such landscapes. However, vernal pools are uniquely disconnected from the broader rivers and streams for most of the year, offering a haven for these creatures that otherwise would not exist.¹

Additionally, seasonally wet areas, such as vernal pools, provide critical water storage during wet times of the year, allowing seasonal snowmelt and rainwater to be stored in small pockets across the landscape without exacerbating downstream flooding or pollution problems.

For these reasons, many states have long protected vernal pools and other seasonally wet areas from disturbance and we encourage the State of Maryland to now do the same.

Arundel Rivers Federation respectfully requests a **FAVORABLE REPORT on HB0729**.

Sincerely,

A handwritten signature in black ink that reads "Matt Johnston".

Matt Johnston
Executive Director
Arundel Rivers Federation

¹ Tarr, M. and Babbitt, K. The Importance of Hydroperiod in Wetland Assessment: A guide for community officials, planners, and natural resource professionals. University of New Hampshire Cooperative Extension. Available at: https://extension.unh.edu/sites/default/files/migrated_unmanaged_files/Resource000812_Rep847.pdf.

HB 729 - Vernal Pool Wetlands Protection Act of 20

Uploaded by: Michelle Dietz

Position: FAV

Wednesday, February 21, 2024

TO: Marc Korman, Chair of the House Environment and Transportation Committee, and Committee Members
FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Michelle Dietz, The Nature Conservancy, Director of Government Relations
POSITION: Support HB 729 Department of the Environment - Nontidal Wetlands - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)

The Nature Conservancy (TNC) supports HB 729 offered by Delegate Hill. HB 729 mandates the Department of the Environment (MDE) to create regulations aimed at protecting and preserving vernal pools in Maryland. Vernal pools are seasonal wetlands that host unique ecosystems and contribute significantly to the state's biodiversity. This legislation would require MDE to develop a plan for identifying vernal pools in the state, including their number and location. HB 729 establishes protections for vernal pools and defines them as non-tidal wetlands supporting at least one amphibian species.

Vernal pools nurture rare and unique species in Maryland that rely solely on these ephemeral habitats for their survival. These habitats are sanctuaries for wood frogs, eastern spadefoot frogs, mole salamanders, fairy shrimp and many other species in Maryland. Species like the fairy shrimp and other invertebrates use vernal pools for their entire life cycle. Many species that rely on vernal pools for breeding are listed as rare, threatened, or endangered, for example, the eastern tiger salamander. The loss of vernal pools and the critical terrestrial habitat around them can lead to local amphibian species loss, a decrease in biodiversity, and a decline in food available for many other animals that live in proximity.

Vernal pools can often be an overlooked habitat because of their small size and temporal nature. Currently in Maryland, vernal pools are not legally defined as wetlands and HB 729 aims to update this status. Legislatively defining vernal pools will allow MDE to analyze, study and collect important data for these pockets of biodiversity and give the agency the necessary tools to prioritize their long-term health. With increased pressures from development, urbanization, and climate change, these delicate ecosystems are facing unprecedented threats requiring urgent action from state regulatory bodies for their protection.

TNC is part of a global effort to preserve the world's remaining wild and near-natural habitats, with the goal of protecting 30 percent of the planet by 2030. Each year, the United States loses an area the size of Delaware to development and unsustainable use. This land and biodiversity loss can often be irreversible. Here in Maryland, the lands and waters that surround us are irreplaceable resources. They are an invaluable part of our heritage, our economy, and our identity. Climate change and a wide range of human activities are impacting habitats at an unprecedented and unsustainable rate. The precipitous decline in biodiversity is one of our greatest challenges; it is jeopardizing food and water supplies and undermining global, social and economic stability. Economists have estimated that nature contributes trillions of dollars to the global economy each year, in the form of ecosystem services such as pollination and water filtration and storage.

By creating a protection framework for vernal pools, Maryland can take marked steps to reverse biodiversity loss in our state in order to create a future where natural areas can support the most vulnerable species and can continue to provide valuable ecosystem services on which Marylanders depend.

We commend Delegate Hill for offering HB 729, which sets Maryland on a path towards long-term protection of vernal pools by defining them in law and creating regulations for identifying and protecting these ecosystems in our state.

For these reasons, we urge a favorable report on HB 729.

HB729_IndivisibleHoCo_FAV_Peter Alexander.pdf

Uploaded by: Peter Alexander

Position: FAV



HB729

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

Testimony before the Environment and Transportation Committee

Hearing February 21, 2024

Position: Favorable

Dear Chair Korman and Vice-Chair Boyce, and members of the committee, my name is Peter Alexander, and I represent the 700+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today **in support of HB729**, which would establish protection for vernal pools through regulations set by the MDE. We appreciate the leadership of Delegate Hill and her colleagues in sponsoring this legislation.

Vernal pools are unique, seasonally transient wetland ecosystems that support species biodiversity and important ecosystem functions including replenishing ground water and filtering storm water. Typically filled from early Winter through mid-Summer, these pools are essential habitat for fairy shrimp, wood frogs, and mole salamanders, including Maryland's endangered Tiger Salamander.

In Maryland as elsewhere, vernal pools are often small and overlooked, and are rapidly being lost due to oversight and poor land management practices. Many vernal pools do not meet the current MDE wetland or federal Clean Water Act protection criteria although several Mid-Atlantic and New England states have implemented legal protections or certification programs to preserve them

HB729 will designate vernal pools as named wetlands in MDE regulations, and along with a 100-foot buffer zone, protect amphibian habitat from mismanagement. HB729 also requires MDE prepare a plan for notifying the public of the location of vernal pools and other wetlands.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report.

Peter Alexander, PhD
District 9A
Woodbine, MD 21797

HB0729_Vernal pools_testimony_MOS.pdf

Uploaded by: Robin Todd

Position: FAV



February 19, 2024

Committee: Environment and Transportation

Testimony on: Vernal Pools Wetlands Protection Act

Position: Support: HB0729

Dear Chair Korman and Members of the Committee

I write on behalf of the Maryland Ornithological Society (MOS) in strong support of HB0729.

Vernal pools are small, under-appreciated, yet valuable wetlands that provide breeding places for various frogs, toads, salamanders, as well foraging sites for several species of birds and are home to an assemblage of invertebrates. One of the wonders of the transition from late winter to early spring is the sudden appearance of boldly marked Spotted Salamanders and the magical choruses of Spring Peepers and Wood Frogs. These species depend upon vernal pools to breed in. Although MOS members are birders, we also fascinated by amphibians such these.

Vernal pools are valuable to birds. Great Blue Herons visit to feed upon the breeding frogs. Red-winged Blackbirds, Rusty Blackbirds (uncommon and declining), Red-headed Woodpeckers (uncommon), Swamp Sparrows and Wood Ducks, forage in and around these pools.

Vernal pools are not accorded any protection and are therefore often filled or polluted without anyone realizing that valuable habitat has been lost. Many of these pools have been lost to development in the last 50 years.

Accordingly, we ask that the Environment and Transportation Committee give a favorable report on HB0729.

MOS is a Maryland-based volunteer organization, founded in 1945, and now with some 2000 members, organized into 15 chapters throughout the state. MOS is devoted to the study, conservation and enjoyment of birds that spend at least part of their lives in Maryland. MOS members are also keenly interested in other animals, plants, and their habitats.

Sincerely,

A handwritten signature in blue ink that reads "Robin G. Todd". The signature is written in a cursive style with a large initial 'R' and a stylized 'T'.

Robin G. Todd PhD
Conservation Chair, Maryland Ornithological Society
10174 Green Clover Drive
Ellicott City, MD 21042
Robin.todd@mdbirds.org

Boies.HB729.FAV.pdf

Uploaded by: Sharon Boies

Position: FAV

H.B. 729 – NONTIDAL WETLANDS – PROTECTION OF VERNAL POOLS

(Vernal Pool Wetlands Protection Act of 2024)

COMMITTEE – Environment and Transportation

Testimony on H.B.729 – Vernal Pools Wetlands Protection Act of 2024

Position – SUPPORT

Hearing Date – February 21, 2024

Dear members of the Environment and Transportation committees,

I urge you to vote in favor on H.B. 729, the Vernal Pool Wetlands Protection Act of 2024, which would require the Maryland Department of the Environment (MDE) to adopt regulations to protect and preserve vernal pools and to develop a plan for identifying vernal pools in the state. MDE would have to complete their plan for protecting vernal pools no later than October 1, 2025.

Vernal pools are unique, seasonal, micro -ecosystems that support an array of equally unique flora and fauna, some with eggs on the ground or seeds that have dried out and blown there in the wind just waiting for that rain to come and fill the shallow depression so the amazing transformation of these special plants and animals can begin. Vernal pools provide one-of-a-kind, critical breeding habitat and habitat for several species that remain in these shallow pools throughout their earliest stages of development or even their entire life, like Fairy Shrimp as an example.

Vernal pools provide additional eco-services such as they capture and retain rainfall helping to reduce erosion in other areas as they absorb the rainfall, recharging and replenishing the groundwater.

Vernal pools provide a calming connection with nature for free, all we need to do is identify and protect them. Many occur in other sensitive ecosystems such as shaded mature forests and shaded, forested stream corridors, these habitats are under threat for a variety of reasons like stream restorations and development which is why it is critical to establish protections that include a 100 foot buffer of protection around the pools.

Vernal pools are seasonal, ephemeral, and their shallow depressions are easy to miss in year round grading and development. Wetlands lost critical protections in the recent Supreme court case, Sacket vs the EPA, underscoring the need and urgency of this bill.

This bill will enable MDE to take the necessary steps to develop a plan to identify and protect Maryland's vernal pools and I urge you to please vote in favor of it.

Thank you for your immediate consideration.

Truly Yours, Sharon Boies, Columbia, MD

HB729 testimony.pdf

Uploaded by: susan craig

Position: FAV

Re: Support HB0729, Vernal Pool Wetlands Protection Act of 2024

Chair Korman
Vice Chair Boyce

In the article “America Is Using Up Its Groundwater Like There’s no Tomorrow” published in the New York Times, Dec. 29, 2023, it was alarming to read that Eastern MD is one of the areas where groundwater has been depleted to an alarming degree and at an alarming rate. Given the hydrological evidence that vernal pools are an essential component of **replenishing** groundwater and filtering stormwater, I support passage of the Vernal Pools Wetlands Protection Act of 2024 HB0729.

Susan and Nessly Craig
6570 Belmont Woods Rd.
Elkridge, MD 21075

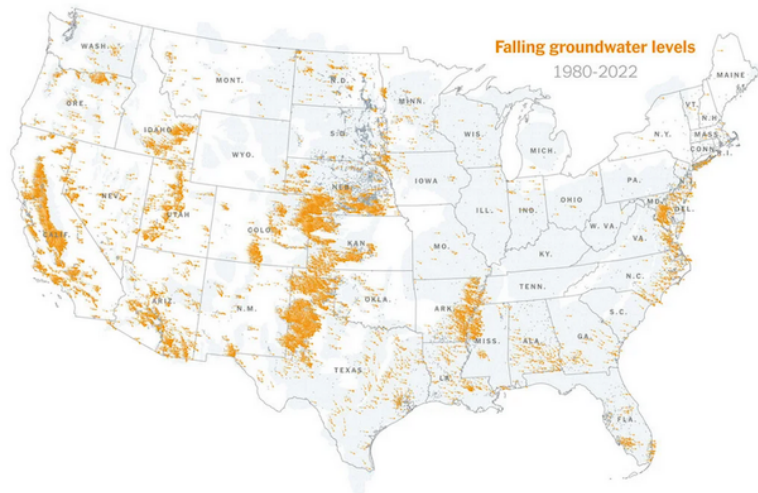
Uncharted Waters

A series on the causes and consequences of disappearing water.

America Is Using Up Its Groundwater Like There’s No Tomorrow

Unchecked overuse is draining and damaging aquifers nationwide, a data investigation by the New York Times revealed, threatening millions of people and America’s status as a food superpower.

December 29, 2023 • By MIRA ROJANASAKUL, CHRISTOPHER FLAVELLE, BLACKI MIGLIORZI and ELI MURRAY



HB0729.pdf

Uploaded by: Taylor Swanson

Position: FAV



Assateague Coastal Trust, Inc.

P.O. Box 731, Berlin, MD 21811

(410) 629-1538

www.ACTforBays.org

mail@ACTforBays.org

HB0729 – Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)

Feb 19, 2024

Position: Favorable

I am writing to express my strong **SUPPORT** for the **HB0729** Vernal Pool Wetlands Protection Act of 2024. This bill aims to safeguard vernal pool ecosystems and represents a vital step towards preserving Maryland's biodiversity and ensuring the long-term health of our natural environment.

Vernal pools are seasonal wetlands which play a critical role in supporting a wide array of species, including the wood frog, mole salamanders, and fairy shrimp, many of which rely exclusively on vernal pools for their reproduction and survival. By providing essential habitat for these unique species, vernal pools contribute significantly to the rich biodiversity of Maryland.

Additionally, vernal pools offer invaluable ecosystem services that benefit both wildlife and humans alike. **These pools act as natural filters for stormwater flows, helping to improve water quality, playing a crucial role in replenishing groundwater, which is essential for maintaining healthy ecosystems and supporting human communities.**

Despite their ecological importance, vernal pools face numerous threats, including habitat destruction and the lack of regulatory protection. The Vernal Pool Wetlands Protection Act of 2024 addresses these challenges by requiring the Department of the Environment to adopt regulations aimed at protecting and preserving vernal pools in our state. These regulations will establish much-needed protections for vernal pools, including 100-foot buffers around these ecosystems to safeguard their integrity and prevent encroachment.

This legislation mandates the development of a comprehensive plan for identifying vernal pools throughout Maryland. By gaining a better understanding of the number and locations of these critical habitats, we can take targeted conservation actions to ensure their long-term viability. This is of great importance to the southern region of Delmarva where vernal pool ecosystems have been devastated by agricultural and developmental sprawl. This legislation will help offer critical protections to those remaining vernal pool ecosystems.



MISSION: Working with diverse community partners, we protect and defend the health of Delmarva's waters through advocacy, education, science, and the enforcement of clean water laws.

ACT is a 501(c)3 Non-profit Organization – Please consider donating by scanning here.

In conclusion, I urge your **SUPPORT** for **HB0729** Vernal Pool Wetlands Protection Act of 2024. By enacting this legislation, we can take meaningful steps towards conserving Maryland's natural heritage, preserving essential ecosystems, and protecting the countless species that rely on vernal pools for their survival. Thank you for your attention to this important issue.

Taylor Swanson,

Assateague Coastkeeper, on behalf of Assateague Coastal Trust.

HB0729 Vernal Pools - Sponsor Testimony - Final 02

Uploaded by: Terri Hill

Position: FAV

TERRI L. HILL, M.D.

Legislative District 12A

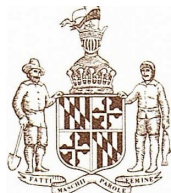
Howard County

Health and Government Operations
Committee

Subcommittees

Government Operations and
Health Facilities

Public Health and Minority
Health Disparities



**THE MARYLAND HOUSE OF
DELEGATES**

ANNAPOLIS, MARYLAND 21401

Annapolis Office

6 Bladen Street, Room 404
Annapolis, Maryland 21401

410-841-3378 | 301-858-3378

800-492-7122 Ext. 3378

Fax 410-841-3197 | 301-858-3197

Terri.Hill@house.state.md

February 21, 2024

SUPPORT

**HB729 - Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools
(Vernal Pool Wetlands Protection Act of 2024)**

Chair Korman, Vice Chair Boyce, and Members of the Environment and Transportation Committee,

HB729 strengthens existing protections for vernal pool wetlands in Maryland. Doing so is particularly important since the U.S. Supreme Court in *Sackett vs. Environmental Protection Agency* rescinded EPA’s authority to do so as, by definition, vernal pools are not wetlands lying alongside “relatively permanent waterways... connected to traditional interstate navigable waters”^{1, 6, 7}

Rather, vernal pools are a specialized category of nontidal, seasonal depression wetlands, typically water-filled from early winter through mid-summer and dry during other times of the year. Their unique, small-scale ecosystems contribute significantly to Maryland’s biodiversity by providing critical habitat and protection for breeding and raising offspring for species such as wood frogs, mole salamanders, fairy shrimp, and the endangered Tiger Salamander.²

Vernal pools serve critical roles in mitigating environmental threats to human life through their capacity to:

- Absorb stormwater, which reduces flooding and erosion.³
- Filter out pollutants that enter waterways and drinking water supplies.³
- Remove carbon dioxide from the atmosphere, mitigating risks and impacts of climate change and improving air quality.^{3, 4, 5}

HB729 requires MDE establish regulations to

- (1) Define vernal pools and clarifies MDE’s authority to regulate them.
- (2) Establish regulations for protecting and preserving vernal pools in Maryland.
- (3) Establishes protections of 100-foot buffers around vernal pools.
- (4) Develop a plan for enumerating and identifying the locations of vernal pools in Maryland.

The plan developed under the legislation, if implemented, would facilitate the monitoring and protection of these seasonal wetlands and creation of reliable maps. The maps could potentially mitigate financial risks of property development in parts of the state when the presence of wetlands was not previously recognized. Structures built on seasonal wetlands are more susceptible to flooding, leading to property damage, costly repairs, and higher flood insurance premiums.⁸ Having reliable information about the absence or presence of vernal pools would be of value.

As legislators, we are responsible for ensuring a clean, healthy, and vibrant environment and protecting the state’s biodiversity. **HB729** helps uphold that responsibility with respect to a fragile and important part of our aquatic ecosystem. I urge a favorable report.

A handwritten signature in black ink, appearing to read 'Terri Hill'.

¹ https://www.supremecourt.gov/opinions/22pdf/21-454_4g15.pdf

² [Continuous Hydrologic and Water Quality Monitoring of Vernal Ponds](#)

³ [Vernal Pool Conservation and Management](#)

⁴ [Climate Change: Atmospheric Carbon Dioxide](#)

⁵ [Air Quality and Climate Connections](#)

⁶ [SCOTUS Sackett v. Environmental Protection Agency](#)

⁷ [Clean Water Act - US CODE 2018 Title 33 Chapter 26](#)

⁸ [Direct and Indirect Impacts of Urbanization on Wetland Quality](#)

Testimony of Cathy Wiss, MD General AssemblyHouse

Uploaded by: Cathy Wiss

Position: FWA

Maryland General Assembly
House Bill 729
Vernal Pool Wetlands Protection Act of 2024

Written Testimony of Cathy Wiss
Master Naturalist with the Anacostia Watershed Society
February 19, 2024

I am writing in support of House Bill 729. As a volunteer Master Naturalist with the Anacostia Watershed Society (AWS), I have been monitoring several vernal pools in Prince George's County and am involved in the AWS effort to identify and inventory other vernal pools within the Anacostia Watershed. I also monitor vernal pools in Anne Arundel County at Jug Bay Wetlands Sanctuary.

Vernal pools are hidden gems. They are small and shallow, without a permanent inlet or outlet, and follow a seasonal pattern of filling with water in late fall or early winter and drying up during the summer. Because they dry up, they often are overlooked and misunderstood. About half of them have already been lost to urbanization, agriculture, and other habitat disturbances. Identifying them is critically important for their survival and for the survival of the organisms that depend on them.

Vernal pools are indeed unique and important ecosystems that contribute substantially to Maryland's biodiversity. Not only do they serve as breeding grounds for many species of amphibians – salamanders, frogs, and toads -- they also are the only place that some amphibians can breed successfully because they lack defense to fish predation. The seasonal drying of vernal pools prevents establishment of fish populations. In Maryland "vernal pool obligate" amphibians include marbled salamanders, spotted salamanders, eastern tiger salamanders, Jefferson salamanders, wood frogs, and eastern spadefoot toads. In addition, vernal pools are the only places where fairy shrimp are found.

Although I wholeheartedly support the legislation, I encourage you to add Delmarva bays and magnolia bogs to the wetlands to be protected through this bill. Both are small, isolated wetlands that harbor unique life.

Delmarva bays are small depressions on the Eastern Shore that most likely date from the Pleistocene Era. Wayne Tyndall, restoration ecologist with the Maryland Natural Heritage Program, once stated, "If you could only save one type of wetland, this would be it. . . . [Delmarva bays] have the highest biodiversity conservation value of any wetland type on the peninsula, as they support the greatest total number of plant and animal species, including many that are rare, threatened or endangered." See: <https://news.maryland.gov/dnr/2018/10/01/delmarva-bays/#:~:text=On%20the%20Delmarva%20Peninsula%2C%20they,colder%20temperatures%20and%20longer%20freezes>. Delmarva bays support the eastern tiger salamander, which is listed as endangered in Maryland and now found only on the

Eastern Shore. See Cunningham, Heather R., and Nathan H. Nazdrowicz, ed. 2018. *The Maryland Amphibian and Reptile Atlas*. Baltimore: Johns Hopkins University Press.

During our vernal pool monitoring in Prince George's County, we rediscovered some long-forgotten magnolia bogs. These are not technically vernal pools because they do not dry out in summer. Instead, they are more fen-like, fed by groundwater seepages along the Fall Line between the Piedmont and Coastal Plain. Magnolia bogs are characterized by a unique plant community and are breeding grounds for vernal pool obligate amphibians. Last year, we found wood frogs breeding in these bogs. The appended article by Rod Simmons and Mark Strong gives a fuller description of magnolia bogs and their flora.

I also urge you to consider increasing the size of the buffers to be established to protect vernal pools. Adult vernal pool amphibians live in burrows or under logs some distance away from the pools where they breed, usually much more than 100 feet away. One of the volunteer activities at Jug Bay Wetlands Sanctuary is to keep these amphibians safe when they travel across roads during their migration to their pools. These roads are much farther away from the pools than 100 feet.

Likewise, a 100-foot buffer would not be large enough to protect a magnolia bog. Not only are bogs threatened directly, but also by changes to their underground water source.

Thank you.

Cathy Wiss

Appendix

Fall Line Magnolia Bogs of the Mid-Atlantic Region

By Roderick Simmons and Mark Strong

[Reprinted from the October 2002 issue of Audubon Naturalist]

Magnolia Bogs have long been regarded as one of the most interesting natural features in the Washington, D. C. area. W. L. McAtee, a Washington area naturalist who first defined these bogs in 1918, termed them "Magnolia Bogs" for the unique assemblage of sweetbay magnolia (*Magnolia virginiana*), *Sphagnum* moss, and other bog flora. Occasionally they are referred to as "McAteean Bogs," after McAtee, or "Seepage Bogs." These bogs usually form on hillsides or slopes where a spring or seep flows from an upland gravel and sand aquifer over a thick, impervious layer of underlying clay which prevents the downward infiltration of water. This seepage flow and the highly acidic, gravelly soils create optimal conditions for the formation of bogs.

The term "bog" as applied here, although technically a misnomer, has traditionally been used by people in general, including botanists, to describe acidic, sphagnum wetlands that strongly resemble bogs. Magnolia Bogs are actually acidic, fen-like seeps uniquely associated with high elevation gravel terraces of the inner Coastal Plain near the Fall Line, which divides the Coastal Plain and Piedmont physiographic provinces in the mid-Atlantic region. Their distribution generally follows the Fall Line in a narrow east-west band from the Laurel area, at the northern extent of their range in Prince George's County, Maryland, to their southern extent near Fredericksburg, Virginia.

Throughout their range, they were never common or very large, usually occupying an area an acre or less in size. Nevertheless, they are vitally important resources both for the pure, naturally filtered waters which flow continuously from them — even in drought periods — and the relic populations of ancient northward and westward migrations of often rare Coastal Plain flora, which have persisted in small communities well inland and fairly close to the Piedmont. Included in these relic communities are plants such as bog clubmoss (*Lycopodiella appressa*), twisted spikerush (*Eleocharis tortilis*), slender beaksedge (*Rhynchospora gracilentia*), bunched beaksedge (*Rhynchospora cephalantha*), hairy umbrellasedge (*Fuirena squarrosa*), darkgreen sedge (*Carex venusta* var. *minor*), bog yellow-eyed grass (*Xyris difformis* var. *difformis*), ten-angled pipewort (*Eriocaulon decangulare*), smooth winterberry (*Ilex laevigata*), red milkweed (*Asclepias rubra*), zigzag bladderwort (*Utricularia subulata*), and Elliott's goldenrod (*Solidago lalissimifolia*). Other well-known bogs near Washington in Anne Arundel County, Maryland that are more eastward of the Fall Line — such as the extirpated Glen Burnie Bog and the Magothy and Severn Bogs — are not characteristic Magnolia Bogs, despite some floristic similarities, because of different geological conditions and plant assemblages.

Peatlands, pocosins, fens, and bogs throughout the Coastal Plain are now extremely rare as a result of development, habitat disturbance, fire suppression, and fragmentation. Magnolia Bogs are also increasingly rare and surviving ones degraded throughout their range because of extensive development of the gravel terraces that surround the bogs — destroying or severely depleting their water supply. Most of the famous ones surveyed by the Smithsonian Institution and W. L. McAtee nearly a century ago, like the Holmead Swamp, Terra Cotta Bog, and Powder Mill Bogs, have long been destroyed (although we recently uncovered a small remnant of the latter, along with a small population of ten-angled pipewort).

Some, like the Suitland Bog and Oxon Run Bogs, have survived, although the Suitland Bog is greatly disturbed with the addition of a boardwalk, numerous out-plantings of non-native (to the site) carnivorous pitcher plants (*Sarracenia purpurea*) which rob valuable habitat for native species, a sewer line, and encroaching housing developments. Urbanization, storm water runoff, siltation, off-road vehicles, and invasive exotic plants have degraded most of the few remaining Magnolia Bogs and greatly threaten their future survival. Unless adequate protection is uniformly given to these sites, most of them will disappear in the decades to come.

For the past five years as part of a research project mainly for conservation purposes, we have been conducting an exhaustive search for any remaining Magnolia Bogs in the region. All available information regarding the historic Magnolia Bogs — going back to the Civil War — was also researched and documented. We have been aided in these surveys by other botanists with the Maryland Native Plant Society (MNPs), and the preservation of surviving Magnolia Bogs has become a major campaign of MNPS. Although most of the historic sites have been destroyed,

some new sites were discovered — the mostly pristine but threatened Araby Bog is a stellar example.

A dozen Magnolia Bogs are known to exist today in Maryland, D. C., and Virginia, three of which are in the path of the proposed Inter County Connector. Several small remnants of historic bogs like the Ammendale and Powder Mill Bogs have been discovered. While most of the rare orchids and lilies have largely disappeared, several very rare plants that had not been seen for many decades — halberd-leaved greenbrier (*Smilax pseudochina*), low rough aster (*Aster radula*), and Long's rush (*Juncus longii*), for example — have been rediscovered. Several previously unreported plants for Maryland — including featherbristle beak sedge (*Rynchospora oligantha*) have also turned up.

Rod Simmons is a field ecologist and MNPS Botany Chair. Mark Strong is a botanist with the Smithsonian Institution. They expect to publish their research on Magnolia Bogs later this year.

hb0729F PhilipDabney comments and thoughts.pdf

Uploaded by: Philip Dabney

Position: FWA

Thoughts on HOUSE BILL 729

Positive:

This is a much-needed legislation, since the Federal Protections for Wetlands have not addressed these critical ecosystems.

Even with the federal legislation/laws, California still lost 90% of its vernal pools. Consequently. Some of their counties have enacted their own regulations and monitoring..

<https://www.placer.ca.gov/3483/Vernal-Pools#:~:text=It%20is%20estimated%20that%20more,pool%20habitat%20in%20Placer%20County>

<https://www.placer.ca.gov/DocumentCenter/View/56008/Appendix-D---Aquatic-Resources-Delineation-Guidance>

Maine has a statewide program that defines the vernal pools that are significant habitat and the level of evidence required to be a significant vernal pool. They also identify both animals and plants that depend on the pools.

<https://www.maine.gov/dep/land/nrpa/vernalpools/index.html>

Maryland needs its own legislation that addresses our unique species that use these pools and our unique climate and ecosystems.

Negative:

As currently written, the definition of Vernal Pool is too broad and will result in a backlash from landowners and other interests, and result in significant legal challenges and litigations. This could render some projects and developments dead in the water and prevent some landowners from ever developing most of their land in areas replete with vernal pools of any size and quality.

For example: Vernal pools created by fallen trees whose roots pulled out of the ground leaving a large hole that fills with water and becomes a vernal pool could render that area unusable by the owner once a single amphibian species moves in and reproduces there. This can happen quickly and within weeks of the tree falling in some areas.

The list of species may be too short and there is no weighting given to them. Plants are not reflected in the current list, should they be as they are in the lists developed by Maine? A weighting for the relative importance of each species is not reflected. Should the more endangered species be given a heavier weighting in establishing the significance of a pool or network of small pools?.

Solutions:

Use the term Significant Vernal Pool and develop a definition for significant that has some dynamic range to it to assign relative value.

It appears that in the Placer California guidelines pools are classified as to size and distribution. A network of small pools is considered differently than a single pool.

The Maine guidelines uses the term Significant and goes on to define that in terms of the number and variety of species that use that pool/

The possibility of creating suitable pools elsewhere on the property for a “no net loss” of vernal pools is not reflected in the current wording and should be in the list of options to be defined and considered to mitigate the potential for excessive restrictions on landowners when a suitable alternative may be found to preserved the local habitat..

HB 729 MDE OPP.pdf

Uploaded by: Les Knapp

Position: UNF



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

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.

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

MBIA Letter of Opposition HB 729.pdf

Uploaded by: Lori Graf

Position: UNF

February 19, 2024

The Honorable Marc Korman
Chairman, Environment and Transportation Committee
Room 251, House Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition HB 729 Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 729 Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)**. MBIA opposes the Act in its current version.

We also have concerns with the definition of “Vernal Pools”. The bill defines a vernal pool as “seasonal wetlands that support at least one amphibian species”. We believe this definition is too broad. In order for it to classify as a vernal pool it should have more than one species and those species should be defined (for example, Pennsylvania has a list of Vernal Pool Indicator animals such as salamanders, fairy shrimp etc.). Additionally, we have concerns about how this bill will be implemented considering vernal pools are seasonal in nature.

We also believe the provisions in this bill are redundant and unnecessary, as they are already covered by the existing State of Maryland Nontidal Wetlands Protection Act. The State's environmental regulations, specifically Title 5 - WATER RESOURCES, Subtitle 9 - NONTIDAL WETLANDS, § 5-901, define "Isolated Nontidal Wetland" as a wetland that is not hydrologically connected, through surface or subsurface flow, to streams, tidal or nontidal wetlands, or tidal waters.

It's important to note that vernal pools, a specific category of isolated nontidal wetlands, are already protected by the State of Maryland. Section 26.23.01.04 - Expanded Buffer allows for the expansion of the required 25-foot buffer for isolated wetlands to 100 feet under certain circumstances, such as nontidal wetlands of special state concern, nontidal wetlands with adjacent areas containing steep slopes or highly erodible soils, and Outstanding National Resource Waters (ONRW). This bill is not supported by peer-reviewed, ecological scientific evidence that expanding Maryland's existing vernal pool 25-foot wetland buffer offers any greater ecological benefit to vernal pool wetland ecosystems.

For these reasons, MBIA respectfully urges the Committee to give this measure **an unfavorable** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

HB0729 - MDE -Protection of Vernal Pools - NAIOP

Uploaded by: Tom Ballentine

Position: UNF



February 19, 2024

The Honorable Marc Korman, Chair
House Environment and Transportation Committee House
Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Oppose: HB 729 – Department of Environment – Protection of Vernal Pools

Dear, Chair Korman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate I am writing to oppose HB 729 which requires MDE to develop regulations governing vernal pools.

Vernal pools are shallow, temporary wetlands that fill when rain or snowmelt drains into shallow depressions. They are covered by shallow water for variable periods from winter to spring but experience a drying phase and are usually completely dry for most of the summer, fall and part of the winter. Vernal pools are characterized by high-quality habitat and biodiversity.

The rationale for NAIOP's opposition to HB 729 is based on the following:

- Industry experts advise NAIOP that the definition on page 2, lines 5-6 does not reflect the high-quality habitat and biodiversity that distinguishes a vernal pool from a more common depression that can temporarily hold water.
- Page 2, lines 3-4 require that MDE's regulations establish a 100-ft buffer around vernal pools in all cases. Isolated nontidal wetlands, which include Vernal Pools, are protected, and buffered under COMAR. A 100-ft buffer is currently applied to wetlands of special state concern, highly erodible soils or, Outstanding National Resource Waters.
- The bill requires that MDE issue regulations *before* surveying and creating an inventory of vernal pools. We believe this is not the appropriate sequence.
- Because vernal pools are dry for most of the summer, fall and part of the winter, their identification by MDE on state and private lands will be difficult and time consuming. The October 1, 2025, reporting deadline does not provide enough time to assess vernal pools and develop a management plan.

For these reasons, NAIOP respectfully requests your unfavorable report on HB 729.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T.M. Ballentine', written over a light blue circular stamp.

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.