

SB0523/103120/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 523
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**the Environment**” and substitute “**Natural Resources**”; in the same line, strike “**Protection**” and substitute “**Identification**”; strike line 3 in its entirety; strike beginning with the last “the” in line 4 down through “manner” in line 5 and substitute “Natural Resources in coordination with the Department of the Environment”; in line 5, strike “and protect”; in the same line, after “State” insert “in a certain manner”; strike beginning with the comma in line 6 down through “permit” in line 7 and substitute “of Natural Resources to create and maintain a certain list of vernal pools in the State in a certain manner; requiring the Department of the Environment to designate staff to receive training in vernal pool identification and to notify the Department of Natural Resources under certain circumstances”; in line 8, strike “regulatory protection of water resources and” and substitute “identification of”; in line 10, strike “Environment” and substitute “Natural Resources”; in line 11, strike “5–205” and substitute “1–1002”; and in line 13, strike “2013” and substitute “2023”.

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 7 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 10 on page 2 through line 27 on page 5, inclusive, and substitute:

“Article – Natural Resources

1–1002.

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

(2) “FACULTATIVE SPECIES” MEANS AN ANIMAL SPECIES THAT USES VERNAL POOLS IRREGULARLY.

(3) “OBLIGATE SPECIES” MEANS AN ANIMAL SPECIES THAT DEPENDS ON VERNAL POOLS AS A NECESSARY PART OF ITS LIFE CYCLE.

(4) “TYPICAL YEAR” MEANS A YEAR IN WHICH RAINFALL TOTALS MEET OR EXCEED THE AVERAGE YEARLY RAINFALL FROM THE PREVIOUS 30 YEARS FOR THE LOCATION WITHIN WHICH THE VERNAL POOL IS LOCATED.

(5) “VERNAL POOL” MEANS A CONFINED DEPRESSION THAT:

(I) HAS SURFACE WATER FOR AT LEAST 2 CONSECUTIVE MONTHS BETWEEN NOVEMBER AND MAY IN A TYPICAL YEAR;

(II) EXPERIENCES A DECREASE IN WATER LEVEL TO 6 INCHES OR LESS BETWEEN JUNE AND SEPTEMBER IN A TYPICAL YEAR;

(III) PROVIDES A PERSISTENT OR BREEDING HABITAT FOR VARIOUS ANIMAL SPECIES, INCLUDING NATIVE AMPHIBIANS AND INVERTEBRATES THAT ARE FACULTATIVE SPECIES OR OBLIGATE SPECIES;

(IV) CONTAINS LESS THAN 30% AERIAL COVER OF EMERGENT VEGETATION WHEN FULL;

(V) IS PREDOMINANTLY OR PARTIALLY SHADED BY WOODY VEGETATION;

(VI) IS LESS THAN 5 ACRES IN SIZE; AND

(VII) MAY HAVE INTERMITTENT, TEMPORARY CONNECTIONS TO OTHER BODIES OF WATER.

(B) THE DEPARTMENT SHALL:

(1) IN COORDINATION WITH THE DEPARTMENT OF THE ENVIRONMENT, CREATE AND MAINTAIN A LIST OF VERNAL POOLS IN THE STATE;

(2) ESTABLISH CRITERIA AND PROCEDURES FOR IDENTIFYING AND INCLUDING VERNAL POOLS ON THE LIST, INCLUDING:

(I) VERNAL POOLS IDENTIFIED BY THE DEPARTMENT IN CARRYING OUT ITS DUTIES SET FORTH IN THIS ARTICLE;

(II) LOCATIONS THE DEPARTMENT DETERMINES MEET THE DEFINITION OF A VERNAL POOL UNDER SUBSECTION (A) OF THIS SECTION; AND

(III) VERNAL POOLS IDENTIFIED BY THE DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION;

(3) AUTHORIZE:

(I) USING MAPPING OR OTHER SCIENTIFIC INFORMATION TO IDENTIFY ADDITIONAL VERNAL POOLS FOR INCLUSION ON THE LIST; AND

(Over)

(II) CONSULTING WITH ANY STAKEHOLDER GROUP AS APPROPRIATE, INCLUDING THE DEPARTMENT OF THE ENVIRONMENT AND THE UNIVERSITY OF MARYLAND, TO IDENTIFY VERNAL POOLS FOR INCLUSION ON THE LIST; AND

(4) PROVIDE FOR PUBLICATION OF THE LIST OF VERNAL POOLS ON THE DEPARTMENT'S WEBSITE.

(C) (1) THE DEPARTMENT OF THE ENVIRONMENT SHALL DESIGNATE STAFF TO RECEIVE TRAINING IN VERNAL POOL IDENTIFICATION.

(2) THE DEPARTMENT SHALL PROVIDE VERNAL POOL IDENTIFICATION TRAINING TO THE STAFF DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) IF, IN CARRYING OUT RESPONSIBILITIES UNDER TITLE 5, SUBTITLE 9 OF THE ENVIRONMENT ARTICLE, STAFF TRAINED UNDER THIS SUBSECTION IDENTIFY A LOCATION THAT MAY QUALIFY AS A VERNAL POOL, THE DEPARTMENT OF THE ENVIRONMENT SHALL NOTIFY THE DEPARTMENT OF THE LOCATION FOR POSSIBLE INCLUSION ON THE LIST ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF THE DEPARTMENT OF THE ENVIRONMENT TO REGULATE VERNAL POOLS THAT MEET THE DEFINITION OF NONTIDAL WETLANDS UNDER TITLE 5, SUBTITLE 9 OF THE ENVIRONMENT ARTICLE.”.