

February 26, 2020

The Honorable Kumar Barve
Chairman, House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen Street
Annapolis, MD 21401

RE: Opposition of House Bill 854 (Department of the Environment - Nontidal Wetlands - Study of Vernal Pools)

Dear Chairman Barve:

The Maryland Building Industry Association (MBIA), representing 100,000 employees of the building industry across the State of Maryland, opposes House Bill 854 (Department of the Environment - Nontidal Wetlands - Study of Vernal Pools).

This bill requires the Maryland Department of the Environment (MDE) to conduct a study on vernal pools in the State that accounts for their inventory and location, measures to protect and manage them, and make recommendations to continue to protect and manage them.

Our industry has several concerns about this study. First, what criteria will be used to determine if an area qualified as a vernal pool? Some vernal pools do not have qualifying criteria of soils, waters, and vegetation to meet the definition of a wetland. This must be clearly defined so that small seasonally ponded areas are not automatically included.

Second, how will the inventory be conducted? Aerial photography and ground-truthing both have their limitations. This is important data that could lead to increased regulation; we should be sure the method of data collection is the best available before passing this measure. And how will MDE access vernal pools on private property, where most are likely to occur? Failing to consider these logistical issues would result in passing a bill that does not accomplish its goal.

For these reasons, MBIA respectfully requests the Committee 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: House Environment and Transportation Committee Members