



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 26, 2020

The Honorable Kumar P. Barve  
Environment and Transportation Committee  
Room 251, House Office Building  
Annapolis, Maryland 21401

### **Re: House Bill 854 – Environment – Nontidal Wetlands – Study of Vernal Pools**

Dear Chairman Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 854, entitled Environment – Nontidal Wetlands – Study of Vernal Pools and would like to offer a letter of information, including some concerns we have regarding this legislation.

Due to the tight deadline and very specialized modeling and mapping requirements to identify and characterize the biodiversity of vernal pools throughout the State, new staff and outside solicitation of proposals to undertake the study design and implementation is required. MDE lacks the staff and funding necessary to oversee the work of creating an inventory of vernal pools which would include field verification and mapping of the results. Expertise outside of the agency, including additional technical support from the Maryland Department of Natural Resources, data sharing, field verification, inventory, and management recommendations will be needed to determine the recommended approach and then implementation of the study. The precise amount of funding needed is unknown at this time; however, it is anticipated to be significant if the effort is to be completed by October 2021 because the effort would require the use of salaried technical and scientific staff or payment to contractors to obtain this expertise. A rough estimate is that a study of this nature to be completed on this timeline would require over \$1,000,000. It is more likely that this would better suited as a multi-year effort lasting five or more years.

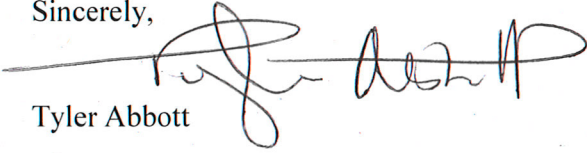
Once the study is complete, the legislation requires the Department to identify measures to protect, create and restore vernal pools and improve the biodiversity of existing pools. This would involve vernal pool-specific assessments of existing vernal pools to determine their “quality.” This could involve more than 13,000 assessments throughout Maryland (rough estimate based on a mapping effort undertaken in New Jersey). Due to their small size, many vernal pools are not currently depicted on maps. Some field data exists for vernal pools identified during other State efforts but comprehensive mapping does not exist. While raw data exists in the form of comprehensive mapping for nontidal wetlands, additional modeling and programming would be needed to depict vernal pools on maps.

Finally, after all of this work is completed, the legislation requires the development of protection and management measures. The bill characterizes vernal pools as wetlands. Wetlands that are vernal pools are currently regulated and designated in statute and regulation as having significant plant and wildlife, and subject to regulation and mitigation regardless of size, see Md. Code Ann., Env. Article 5-901 et seq. Vernal pools, due to their size, would otherwise be exempt 5-906(a)(2) except that they are designated as having significant plant or wildlife value. This applies only to those vernal pools which meet the nontidal wetland definition. See COMAR 26.23.01.01B(80)(a); 26.23.01.01B(87); 26.23.03.01B(1).

The Honorable Kumar P. Barve

Thank you for your consideration. We will continue to monitor House Bill 854 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Terri L. Hill