



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 523

Department of the Environment - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

Position: Information
Committee: Education, Energy, and the Environment
Date: February 24, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) offers the following letter of information for SB 523.

Bill Summary

Senate Bill 523 requires MDE to adopt regulations to: (1) establish and maintain a list of qualified vernal pools in the State; (2) establish protections for the preservation of vernal pools; (3) establish protections for buffers around vernal pools; and (4) require a person conducting certain disturbance activities around a vernal pool or buffer to avoid or minimize any impairment or provide compensation or mitigation. The bill includes vernal pools identified by MDE, a person using identification methods approved by MDE, or a certified wetland delineator during a site assessment for a regulated permitted activity.

Key Points

Establishing vernal pool protections and drafting regulations involves significant costs: administrative and operational expenses for both MDE and the Department of Natural Resources (DNR), who would need to be closely consulted for their expertise in habitat and biodiversity, and project implications for the housing and transportation sectors. MDE focuses on water quality and public health protections and lacks the necessary expertise and resources to effectively develop and implement a protection program for vernal pools.

The number and location of qualified vernal pools in Maryland is currently unknown but MDE estimates the total number to be in the thousands, creating a major enforcement challenge. MDE would need to hire additional personnel and provide extensive technical training to existing personnel to manage the bill's ongoing enforcement requirements. The bill would require MDE to create an entirely new division within the Water and Science Administration, diverting resources from existing regulatory functions and necessitating additional staff, funding, and legal support.

MDE has had further conversations with the bill's proponents and is examining alternative approaches. The Department hopes that this is helpful for the Committee's deliberations on SB 523 and is available for questions.

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