SB523 - Vernal Pool Wetlands Protection Act of 202

Uploaded by: Alice Volpitta

Position: FAV

February 13, 2026

Department of the Environment - Water Resources - Protection of Vernal Pools
Vernal Pool Wetlands Protection Act of 2026 (SB523)
Position: FAVORABLE

Dear Chair Feldman, Vice Chair Kagan, and honorable members of the Senate Education, Energy, and the Environment Committee:

Blue Water Baltimore is a local nonprofit organization with a mission to protect and restore the quality of Baltimore's rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities. **On behalf of Blue Water Baltimore and our 1,900 supporters, I write to express our strong support for SB523.**

Blue Water Baltimore, home of the Baltimore Harbor Waterkeeper, is part of the global Waterkeeper Alliance that is composed of over 300 watchdog organizations with a mission to protect and restore waterways all over the world. Our licensed Waterkeeper jurisdiction includes the entirety of the Patapsco and Back River watersheds which extend into Anne Arundel County, Baltimore County, Baltimore City, Carroll County, and Howard County.

In every corner of our watershed, there exist vital ecological hubs of biodiversity called "vernal pools" that act as green sponges across the landscape. Vernal pools are seasonal wetlands that replenish groundwater, filter polluted stormwater, and provide critical breeding grounds and habitat for a variety of obligate and facultative species of salamanders, frogs, turtles, dragonflies, reptiles, snakes, and small crustaceans. **Vernal pools are incredibly important components of our natural ecosystems, but they aren't currently adequately protected by the federal Clean Water Act or by corresponding state law in Maryland.**

A recent Supreme Court decision in *Sackett vs. EPA*, coupled with a disastrous new definition of "Waters of the United States" (WOTUS) proposed by the EPA in November 2025, has stripped innumerable waterways of their federal protections under the Clean Water Act.[1] The new WOTUS definition completely ignores the basic truths of Earth science and foundations of hydrogeology by making the assertion that groundwater connections to surface waters are inconsequential, just because we can't see them. These new definitions take an anthropocentric view of our natural world to an alarming extreme, which is resulting in immeasurable harm to people and ecosystems by allowing for the systematic devastation of our nation's waterways. **These federal rules will quite literally pave the way for the destruction of many of the natural green sponges we have left in Maryland; but the Vernal Pool Wetlands Protection Act of 2026 would stand in the way of that destruction.**

[1] Updated Definition of Waters of the United States. United States Environmental Protection Agency. Last updated January 21, 2026. https://www.epa.gov/wotus/updated-definition-waters-united-states

Several years ago, we worked hard with our coalition partners to support the passage of the Clean Water Justice Act of 2024. This piece of legislation successfully filled many of the gaps left by the *Sackett vs. EPA* decision by ensuring state-level protections for nontidal wetlands and streams. However, it left behind vernal pools despite the fact that they, too, are vital components of our watersheds. **This bill would protect qualified vernal pools and their buffers not currently protected as nontidal wetlands in the State, while leveraging existing nontidal wetlands permitting and mitigation programs for cost-effective implementation.**

For all of the reasons outlined above, Blue Water Baltimore urges this committee to issue a favorable report on SB523.

Sincerely,

Alice Volpitta
Baltimore Harbor Waterkeeper
Blue Water Baltimore
avolpitta@bluewaterbaltimore.org

Vernal Pool Testimony DeLeo 2026 .pdf

Uploaded by: Amanda DeLeo

Position: FAV

HB 701 and SB 523
Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools
Vernal Pool Wetlands Protection Act of 2026

Testimony of Amanda DeLeo, **Favorable**

I am a Maryland Resident, Patapsco Heritage Greenway's Water Quality Program Manager, volunteer with Frog Watch Maryland, member of Vernal Pool Partners, and a Director of the Board on the Maryland Water Monitoring Council. I have a secondary science teaching certificate in Maryland, a Master's Degree from Towson University in Biology and a B.S. degree from UMBC in Interdisciplinary Studies (Environmental Science).

I urge you to consider enacting the Vernal Pool Wetlands Protection Act of 2026. In Maryland, vernal pools are being lost at a rapid rate because of the limited knowledge of their presence and the gap in wetlands protections. Therefore, Maryland should take this step of developing a list of qualified vernal pools (those supporting obligate species) that MDE will review when considering development permits

Vernal pools provide a disproportionate amount of important ecosystem services like slowing down and holding storm water. This is important because we already have lots of impervious surfaces (like roads) that shuttle water quickly to our rivers which can increase the intensity of flooding. Vernal pools help balance that out. Vernal pools also hold the water and filter it, which helps decrease sediment pollution and also helps to replenish groundwater.

Vernal Pools are essential for some species to exist. Some rare and some common species require this type of habitat to thrive and reproduce. Some use it because it's there but others actually *require this exact environment to survive and reproduce (obligate species)*.

These wetlands are temporary which is a distinguishing important factor (because fish can't live there), but also a challenge for protection. The area around the vernal pool is as important as the pool itself because that is the buffer for the pool and also is where the mole salamanders live most of the year, underground. They burrow through underground tunnels in the adjacent areas and use the pools for reproduction.

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

<u>The Time is Now</u>. Vernal Pool Partners has worked closely with MDE for the past two years to revise bill language that embraces a reasonable, move-at-a-reasonable-pace approach adopted by nearby states. New York projects ***no significant fiscal impact*** of their vernal pool protections.

SB 523 FAV Vernal Pools.pdf
Uploaded by: Dorie Broadman
Position: FAV

Promoting native landscapes through education,
advocacy and collaborative action.
Contact:wildonesnationscapital@gmail.com

Testimony: **SB 523, Department of the Environment – Water Resources - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)**
Committee: **Energy, Education, and Environment**
Hearing Date: **February 24, 2026**
Position: **FAVORABLE**

Chair, Brian Feldman; Vice Chair, Cheryl Kagan; and Honorable Members of the Committee:

Wild Ones Nation's Capital Region, a 250-member chapter of the national organization, requests your support for this bill.

A 2023 Supreme Court decision eliminated protection of vernal pools by weakening the Clean Water Act.[1] These already threatened and fragile ecosystems now urgently rely on states to enact protections, such as this bill does. Vernal pools are important to both healthy water processes and healthy ecosystems. Regarding water processes, the Maryland Department of Natural Resources, when writing about vernal pools, noted that "In addition to their vital functions of flood control and water filtration, they are also home to many endangered species.[2]

It is well documented that vernal pools play a massively outsized role in maintaining a healthy ecosystem. This is largely because they dry out regularly, and thus predatory fish can't survive in vernal pools. This makes vernal pools a safe haven for native salamanders and frogs to reproduce, many of which are endangered. The pools also impact the broader ecosystems as animals rely on the amphibians for food sources, and countless forest creatures visit the pools for water.[3]

Taking action to protect the remaining vernal pools is critical for their and broader ecosystems survival. Many states have taken steps to protect vernal pools following the weakening of the Clean Water Act, in particular, Maine recently passed legislation to protect vernal pools[4]. We urge Maryland to be a leader in vernal pool conservation and pass this bill.

Sincerely,

Pru Foster
President

Dorothy Broadman
Director, Legislative Advocacy

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[1] www.supremecourt.gov/opinions/22pdf/21-454_4g15.pdf
[2] dnr.maryland.gov/wildlife/Pages/plants_wildlife/rte/rteplantfacts.aspx?PID=Yellow+Water-crowfoot
[3] nationalzoo.si.edu/conservation/news/hidden-life-vernal-pools
[4] legiscan.com/ME/text/LD497/id/3257115

SB523_WrittenTestimony_AudubonCentralMaryland.pdf
Uploaded by: Eli Vogel
Position: FAV

Audubon Society of CENTRAL MARYLAND

Committee: Education, Energy, and the Environment

Testimony on: SB 523—Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

Position: Support

Hearing Date: February 24, 2026

The Audubon Society of Central Maryland (ASCM) is a 501C3 nonprofit with a mission to protect birds and other wildlife, and we recognize the vital contributions that vernal pools play in supporting invertebrates, amphibians, birds, and other wildlife in wetlands throughout the state of Maryland. To protect these crucial ecological services, ASCM strongly supports SB 523, the Vernal Pool Wetlands Protection Act of 2026.

ASCM's members throughout Carroll, Frederick, and Howard Counties care about Maryland's wildlife diversity and abundance. ASCM's own wildlife sanctuary in Mt. Airy hosts wood frogs in its woodland vernal pool. Often small and overlooked, 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 Rusty Blackbirds and other rare and endangered species. These quiet temporary ponds are fountains of abundance that maintain the health and biodiversity of numerous forests.

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

Other states such Massachusetts and Rhode Island have set examples by enacting laws and regulations that protect vernal pools and their margins; our state lacks a basic definition that could be used to begin this essential work. This year, Maryland can take a major step toward fostering biodiversity, forest health, and water quality by adopting a clear and accurate definition of vernal pools in our state.

P.O. Box 660
Mt. Airy, MD 21776
www.centralmdaudubon.org

We thank the co-sponsors of this bill and the Maryland Department of the Environment for working with Vernal Pool partners to develop reasonable language for this bill that would protect vernal pools while carefully limiting administrative costs. We urge you to pass the vitally important Vernal Pool Wetlands Protection Act of 2026 to define vernal pools as a crucial step toward assuring that these ephemeral wetlands continue to enrich our woods and watersheds long into the future.

Eli Vogel, Volunteer
Audubon Society of Central Maryland
P.O. Box 660
Mt. Airy, MD 21771

Arundel Rivers Testimony FAV Vernal Pools SB523.pd

Uploaded by: Elle Bassett

Position: FAV

PO Box 760 Edgewater, MD 21037
410-224-3802
www.arundelrivers.org

Testimony in SUPPORT of SB523 - Vernal Pool Wetlands Protection Act of 2026

Education, Energy, and the Environment Committee
February 24, 2026

Dear Chair Feldman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB523**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Senate Bill 523 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.

MDE developed a consensus definition of vernal pools in December of 2024 and has worked with Vernal Pool Partners closely for the past two years– making this the perfect time to solidify vernal pool protection at the state level. The bill language has been updated significantly over the past two years in an effort to address MDE concerns. The bill now specifies a list of "qualified" vernal pools that would be developed at a reasonable and cost-effective pace for the Department. Nearby states including Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine have already enacted protection or certification programs of vernal pools.

The Vernal Pools Wetlands Protection Act of 2026 would better protect vernal pools, a vital and unique habitat that is often overlooked and poorly managed in Maryland.

Arundel Rivers Federation respectfully requests a **FAVORABLE REPORT on SB523.**

Sincerely,

Elle Bassett
South, West, and Rhode Riverkeeper
Arundel Rivers Federation

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[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.

SB 523 Protection of Vernal Pools (Vernal Pool We

Uploaded by: Humna Sharif

Position: FAV

The Nature Conservancy
Maryland/DC

Tuesday, February 24, 2026

TO: Brian Feldman, Chair of the Senate Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Michelle Dietz, The Nature Conservancy, Director of Government Relations

POSITION: Support SB 523 Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

The Nature Conservancy (TNC) supports SB 523 offered by Senator Washington. SB 523 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. Vernal pools can often be an overlooked habitat because of their small size and temporal nature, but their contributions to our state's biodiversity are big. This legislation would require the Maryland Department of the Environment to establish protection for vernal pools and adjacent buffers in the state.

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 the loss of local amphibian species, a decrease in our state's biodiversity, and a decline in food available for many other animals that live in proximity. 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. SB 523 would help protect these small but important ecosystems.

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 Senator Washington for offering SB 523, 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 SB 523.**

The Nature Conservancy Maryland/DC Chapter
4245 North Fairfax Drive, Suite 100 · Arlington, Virginia 22203 · 703-841-5300

SB0523_WrittenTestimony_JennieHudson.pdf
Uploaded by: Jennie Hudson
Position: FAV

Testimony of
Jennie Hudson, River Restoration Associate
Anacostia Watershed Society
to the
Maryland Senate
Environment and Transportation Committee
SB 523, Vernal Pools Protection Act of 2026
February 24, 2026

Good afternoon. I am testifying today on behalf of the over 10,000 members, supporters and volunteers of the Anacostia Watershed Society (AWS). The Anacostia watershed is a 176 square mile area encompassing parts of Prince George's and Montgomery counties in Maryland as well as the District of Columbia. Founded in 1989, AWS is a small organization of activists, advocates, experts, and educators working to conserve, protect and restore the Anacostia watershed for all that lives within it and for future generations. The work AWS does would not be feasible with our staff alone. AWS counts on hundreds of volunteers from Maryland and DC in the field almost every day, monitoring vernal pools, picking up trash, planting trees, propagating wildlife, and removing invasive species. From young students learning about the ecology of the watershed to naturalists preparing to lead conservation efforts in local communities we are thousands. Together we create a group of neighbors and friends in Prince George's and Montgomery counties, brought together by a shared love for our local watershed and a common determination to see it restored to health.

Map 1: Wetland Classifications within the Anacostia Watershed

Vernal pools are a unique type of wetland in the state of Maryland. Though often small and seasonal, they play a vital role in the ecosystem. These temporary wetlands provide essential breeding habitats for a variety of amphibians, including species such as wood frogs and a group of salamanders known as mole salamanders. The mole salamander family is unique to North America (including the famous axolotl) and includes species such as the Eastern tiger salamander (an endangered species in Maryland), Jefferson salamander (a vulnerable species in Maryland), Spotted salamander, and Marbled salamander. The latter two are present in the Anacostia River watershed, and we are currently evaluating their presence in our watershed for purposes of conservation planning. Many species like these cannot reproduce outside of vernal

pools. Consequently, the loss of vernal pools and their dependent amphibian and invertebrate species would go hand in hand. These ecosystems support biodiversity and contribute significantly to the health of Maryland landscapes and natural heritage.

Figure 1: A marbled salamander alive in a vernal pool habitat. To the right is a dead salamander due to unnecessary salt application.

Vernal pools also offer flood mitigation and water filtration benefits, enhancing the resilience of local ecosystems and communities. In many studies vernal pools were found to enhance leaf-litter decomposition and denitrification[1]. This means that when there is stormwater runoff vernal pools act as the landscape's "kidneys". They filter and clean the sediment filled water which then replenishes the groundwater, clean and nitrogen free. Each acre of wetland can store approximately 81-216 metric tons of carbon, making a significant contribution to limiting greenhouse gas emissions.[2] AWS believes many vernal pools have yet to be identified and recorded in the Anacostia watershed. Yet, the small amount already recorded could store 2106-5616 metric tons of carbon.

Unfortunately, vernal pools are often overlooked in conservation efforts due to their transient nature and small size, making them particularly vulnerable to urban development, agriculture,

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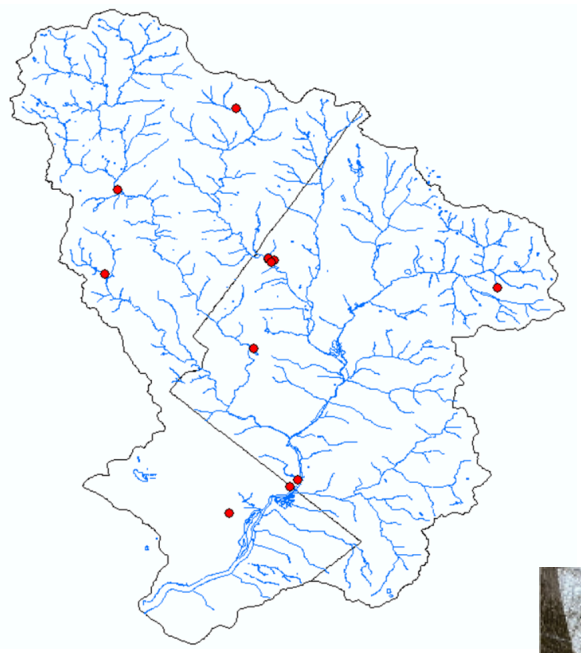
[1] *Capps, Krista A.; Rancatti, Regina L.; Tomczyk, Nathan; Calhoun, Aram J K; and Hunter Jr., Malcolm L., "Biogeochemical hotspots in Forested Landscapes: The Role of Vernal Pools in Denitrification and Organic Matter" (2014). Publications. 30.* https://digitalcommons.library.umaine.edu/mitchellcenter_pubs/30

[2] *Capps Texas A&M Agrilife Extension, Carbon Storage and Credits*

and climate change. In the Anacostia watershed, we have observed that even public landowners of greenspaces are unaware of their presence. Urban development has often caused the destruction of vernal pools, thus leaving important species homeless and unable to survive (Figure 1).

The mission of AWS extends beyond the Anacostia River mainstem to include tributary streams, wetlands, and riparian habitats of which vernal pools are an important part. We began a vernal pool program in 2020 with the following goals 1) Inventory vernal pools of conservation importance in the Anacostia River watershed, focusing on public lands such as those owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) in Prince George's County. 2) With the help of trained citizen scientists, monitor those vernal pools with obligate species. 3) Identify conservation and restoration needs that arise. 4) Educate the public about these fragile ecosystems.

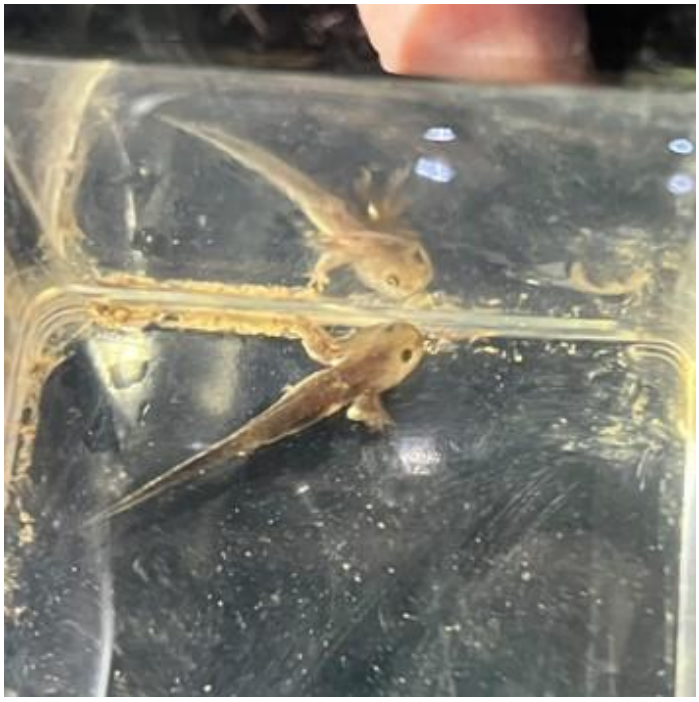


Map 2: Vernal Pool sites in Anacostia Watershed

AWS has discovered 26 vernal pools within the watershed thus far (Map 2). Vernal pools have been typically discovered in and around palustrine wetlands (Map 1). Two were surveyed in a former stream channel and farm pond in the Paint Branch subwatershed in Prince George's County (Figure 2 and 3). In these two vernal pools many species were recorded including, the spotted and marbled salamander, wood frog, seed shrimp, fingernail clams, and caddisflies.

Figure 2: A vernal pool formed by a old stream channel

Figure 3: Vernal pool formed from an old farm pond



The Marbled salamanders lay their eggs under logs or leaves in these dry pool beds in September. The eggs hatch when the pools fill with water. These two vernal pools allow for amphibians like this marbled salamander to thrive and reproduce. While this is the ideal life cycle habitat, through our work we have noted the drying of vernal pools during breeding season, affecting the survival of the species. This drying has been linked to the increasingly unpredictable weather patterns caused by climate change. [3]

Projects like this one rely on trained citizen scientists to go out and survey

[3] *Brooks, Robert, Weather Related Effects on Woodland Vernal Pool Hydrology and Hydroperiod. U.S Dep. of Agriculture WETLANDS vol. 24 No. 1 (2004)*

these areas. We strive for this program to bring naturalists to the next level in their profession and educate the watershed's neighbors about the findings. This brings awareness to the ecological importance of vernal pools and makes a difference in local communities, including by empowering landowners to manage different ecosystems on their land.

Given their ecological importance and the pressures they face, it is crucial that we prioritize the protection of vernal pools. I respectfully urge you to support the Vernal Pool Bill as it will provide much-needed protection for these habitats. Vernal pools are declining at a rapid rate as they often fall through the gaps in the regulatory jurisdiction of the federal Clean Water Act and fall short of requirements for protection of wetlands by MDE. Under SB 523, vernal pools will be protected wetlands under MDE regulations and a plan will be developed to identify vernal pools. Actions by MDE to identify the state's vernal pools should not overly burden an already well-developed process for delineating the state's wetlands.

Benefits of the SB 523 include:

- Protection and increased biodiversity due to protecting rare ecosystems for breeding and population growth; 26% of all state-listed amphibians in the Mid-Atlantic rely on vernal pools[4]
- Filtration of nitrogen pollution that originates from fertilizers and urban development
- Stormwater flooding prevention in urban and rural landscapes by capturing and retaining snowmelt and rain water, replenishing groundwater resources
- Continued carbon sequestration by capturing and storing atmospheric carbon dioxide.[5]

There is no time to delay, vernal pools are declining rapidly within Maryland and it will not stop unless they are protected. AWS strongly supports SB 523 and we urge the Committee to favorably report out on the bill.

4 Southerland, Mark,, "The Magical Vital Vernal Pools, Biodiversity in our Backyards" (2019). Sierra Club

5 Pennsylvania Natural Heritage Program

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[4] *Southerland, Mark,, "The Magical Vital Vernal Pools, Biodiversity in our Backyards" (2019). Sierra Club*

[5] *Pennsylvania Natural Heritage Program*

SB523_Audubon.VernalPools_Fav_EEE.pdf
Uploaded by: Jim Brown
Position: FAV

Maryland Office
2901 E. Baltimore St
Baltimore, MD 21214

February 20, 2026

To: Chair Feldman, Vice-Chair Kagan, and members of the Maryland Senate Committee on Education, Energy and the Environment

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

Subject: Favorable Testimony for Maryland SB 523 Vernal Pool Wetlands Protection Act of 2026

Audubon Mid-Atlantic submits this testimony in support of Senate Bill 523. 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. Along with the undersigned, independent Audubon Chapters across Maryland, we enthusiastically support SB 523.

Adopting tools to identify and protect vernal pools in Maryland is sound practice for bird conservation and ecosystem management. By identifying and protecting vernal pools, SB 253 will strengthen the state's network of landscapes that are critical to the survival of resident and migrating birds. Audubon has partnered with the Maryland Department of Natural Resources to identify forty-four *Important Bird Areas* (IBAs) across the state. These locations were identified because they are most essential for sustaining resident and migratory bird populations in their regional or hemispheric flyways. These IBAs represent all types of Maryland landscapes; from Atlantic shorelines to Chesapeake tidal zones, to central Maryland river valleys and parks, to the high elevation forests, mountain tops and swamps of far western Maryland. Vernal pools are found in almost all these IBA locations. Vernal pools in Maryland are critical to hundreds of species of birds' wellbeing as they reside here and migrate throughout our hemisphere. Vernal pools in Maryland provide hawks, ducks, egrets, herons and other birds with important seasonal food and water sources.

Science tells us birds are in decline due to pollution and habitat loss. 1/3 of all Maryland bird species experienced significant population declines in the past 50 years. Our iconic Baltimore Oriole, and other species of marsh birds, warblers, and songbirds all face significant decline due to habitat loss and degradation. Protecting vernal pools will help reverse that decline. It is particularly important now for Maryland to protect natural resources and bird habitat as sustained attacks on long settled core conservation protections continue at the federal level. Ongoing attempts to weaken the Migratory Bird Protection Act, the Endangered Species Act, and clean water protections at the federal level mean Maryland must act to protect our environment. Enhancing vernal pool protections will help mitigate the ongoing current attacks at the federal level.

Birds in Maryland bring joy by filling the sky with flashes of color and brilliant songs. They provide priceless ecosystem services, and they are pillars of our economy with birders spending $100s of millions of dollars annually in Maryland. But, vernal pools are not just for the birds. They also filter our groundwater and slow stormwater runoff, providing benefits to our human communities and cultural landscapes. They provide habitat, food, and water to countless other reptiles, amphibians, and beneficial insects, which all contribute to robust ecosystem services in Maryland.

By putting protections in place that identify and prioritize critical bird habitat, 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 Senate Bill 523.

Thank You,

Jim Brown
Policy Director
Audubon Mid-Atlantic

Lisa Garrett, President,
Prince George's Audubon Society

Julie Dunlap, Advocacy Chair
Audubon Society of Central Maryland

Ben Springer, Advocacy Chair
Southern Maryland Audubon Society

Testimony in support of Senate Bill 523.pdf

Uploaded by: Jonathan McKnight

Position: FAV

Testimony in support of Senate Bill 523

Vernal Pool Wetlands Protection Act of 2026

ECOLOGICAL VALUE

Vernal pools—small, seasonal wetlands that fill with water in the spring and dry by late summer—are vital ecological habitats in Maryland. Though they may seem temporary and insignificant compared to larger wetlands or rivers, these unique ecosystems play critical role in supporting biodiversity and maintaining environmental health across the state.

Vernal pools provide essential breeding grounds for a variety of amphibians and invertebrates that cannot survive in permanent water bodies. In Maryland, rare and declining species such as the wood frog, spotted salamander, and fairy shrimp depend on these pools to complete their life cycles. Because vernal pools usually lack fish, which are major predators of amphibian eggs and larvae, they serve as safe havens for these species. Many of these organisms are considered indicator species, meaning their presence signals a healthy and balanced ecosystem.

Despite their small size, vernal pools support a disproportionately large amount of biodiversity. The temporary wetlands create a mosaic of distinct microhabitats, each supporting various forms of life—plants, insects, amphibians, and even some reptiles and mammals that rely on them for food and water. Protecting vernal pools thus helps conserve a wide range of species within Maryland's landscape, contributing to regional and statewide biodiversity goals.

WATER QUALITY

In addition to their biological importance, vernal pools serve crucial hydrological functions. They capture runoff, helping to reduce flooding during heavy rains, and gradually release water back into the surrounding soil and groundwater systems. This process filters pollutants, improves water quality, and maintains soil moisture balance in nearby ecosystems. In Landscape with a growing amount of impervious surface, the groundwater recharge function of vernal pools is hard to overstate. As Maryland faces increasing development pressure and climate variability, these natural water retention systems are becoming even more valuable; both locally and in the broader Chesapeake Bay ecosystem.

Vernal pools are often overlooked in conservation planning because of their small size and seasonal nature. Many are filled or drained during land development projects, leading to habitat loss for the specialized species that depend on them. In Maryland, Scientists and Conservationists are working to map, monitor, and protect vernal pools, integrating them into broader wetland protection policies and environmental education programs.

AGENCY EFFORT

The concern that the designation of vernal pools as wetlands would require an enormous amount of agency effort or a comprehensive mapping effort is misplaced. When a site is slated to be altered, wetlands are delineated and marked as part of that process. The process for protecting

vernal pools would not be very different from that used in protecting other wetlands. Conserving these critical habitats will not be a heavy administrative lift for the Maryland Department of the Environment. The Department of the Environment's enormous fiscal note is wildly inaccurate.

CONCLUSION

Senate Bill 523 is an important bill which will have a profound positive impact in conserving rare and endangered species in Maryland. I respectfully urge the Maryland General Assembly to vote to support it.

Jonathan McKnight February 2026

SB523-~1.PDF
Uploaded by: Josh Hastings
Position: FAV

Saving the Chesapeake's Great Rivers and Special Places
Earl Conservation Center | 1212 West Street | Annapolis, MD 21401
www.chesapeakeconservancy.org | 443.321.3610

Date: February 16, 2026
Bill Number: **SB 523 - Department of the Environment - Water Resources - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)**
Committee: Senate Education, Energy, and the Environment Committee
Position: Support

Chairman Feldman and Committee Members:

Chesapeake Conservancy supports SB 523 - Department of the Environment - Water Resources - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026), for the purpose of mapping and protecting Maryland's vital vernal pool wetlands.

Vernal Pools are currently *excluded* wetlands that provide infinite ecological benefit, especially in a time when we are losing species at an alarming rate. A vernal pool is a freshwater wetland that is typically water–filled from early winter through mid–summer. They do not host fish populations but provide habitat for native and critical species that cannot reproduce elsewhere. Fairy shrimp, wood frogs, spring peepers, toads, spotted salamanders and other woodland salamanders all count on Maryland's vernal pools for their survival.

East of the Mississippi, close to a dozen other states have already enacted protections for vernal pools, and Maryland, with one of the most sensitive ecological landscapes in North America, needs to lead on protecting these vital spaces. This bill simply extends current wetland protections for these small but mighty nontidal wetlands and requires that any "regulated activities" that affect vernal pools simply provide compensation or mitigation for any unavoidable damage done.

Chesapeake Conservancy's Conservation Innovation Center (CIC) has pioneered the use of high-resolution land use and land cover data products to deepen our understanding of both precision-based and landscape-scale conservation. We leverage cutting-edge geospatial data science, artificial intelligence and advanced analytics to tackle pressing environmental and conservation challenges in the Chesapeake Bay watershed. By creating, using and sharing some of the most comprehensive land use, land cover and hydrography mapping tools in the world, we stand ready to support the State of Maryland in clearly understanding and identifying vernal pools.

For further information, please contact Jody Couser, senior vice president of policy & communications, at jcouser@chesapeakeconservancy.org or (443) 321-3610.

We greatly appreciate your consideration and respectfully request a favorable report.

SB0523_Vernal Pools_Sierra Club_FAV_Fulton_2026Feb

Uploaded by: Judith Fulton

Position: FAV

SIERRA CLUB
MARYLAND CHAPTER

P.O. Box 278
Riverdale, MD 20738

Testimony: **SB0523, Department of the Environment - Water Resources - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)**
Committee: **Education, Energy, and the Environment**
Hearing Date: **February 24, 2026**
Position: **Favorable**

The Maryland Chapter of the Sierra Club supports Senate Bill 523 because of the benefits of vernal pools to amphibians, other wildlife, and native plants.

Critical, Unique Habitat for Rare Species: Vernal pools seasonally alternate between wet and dry conditions, and these isolated systems do not harbor fish, which devour invertebrates and amphibian eggs. Consequently, these shallow ephemeral ponds and their surroundings are fragile, remarkable habitats that host rare plants and animals not typically found elsewhere. To survive and breed, these organisms have developed unique behaviors, structures, and physiologies.[1] For example, the resident pretty Yellow Water Crowfoot wildflower (*Ranunculus flabellaris*) and the attractively colored Eastern Tiger Salamander (*Ambystoma tigrinum*) are endangered, according to the Maryland Department of Natural Resources.[2, 3] In the Mid-Atlantic region, a remarkable 26% of amphibians listed as state-threatened or endangered depend on seasonal ponds.[4] In addition to highly state-rare residents, many other animals depend on the vernal pools for food, including reptiles, birds, and mammals.[5]

Crucial Services to the Environment and Humans: Vernal pool depressions can stop or slow floodwaters, prevent erosion, filter out pollutants that could damage the Chesapeake Bay, and allow water to infiltrate down into our vital aquifers. Furthermore, resident salamanders, particularly from the ambystomatid family, can provide mosquito-control services. According to one research study, mosquito larvae were 98% less dense in wetlands when these salamanders were present.[6]

Threats and Protections for Vernal Pool Habitats: The existence of these small, unique environments is threatened because they are often filled, drained, paved over, and bulldozed. Without protections, these easy-to-miss seasonal pools are being destroyed by development and agriculture. If these valuable habitats disappear, biodiversity will suffer. Rare animals, including amphibians, would be at risk of going extinct because they would have nowhere to breed.

Declining Amphibian Populations: Amphibian populations are declining at an alarming rate, and some species are likely to become extinct. The causes are complex and interrelated, but the biggest factor is habitat destruction.[7] Decades ago, it was not unusual to see children out exploring the wilds of a suburban neighborhood. In early spring, the children might hear spring

peepers and go out adventuring . They might return sopping wet, eyes-shining with delight and excited about the army of frogs singing and laying eggs in the local shallow pond. We have the responsibility to protect these natural habitats for future generations.

Vernal pools are crucial for the health of the environment, the services they provide, and the biodiversity they contain. The Maryland Chapter of the Sierra Club respectfully requests a favorable report for SB0523.

Judy Fulton
Natural Places Committee
jfulton5@gmail.com

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

CITATIONS:

1 Brown, L.J. and R. Jung. 2005. An Introduction to Mid-Atlantic Seasonal Pools (EPA/903/B-05/001). U.S. Environmental Protection Agency. 92 pages.

2 Maryland Natural Heritage Program. 2021. Rare, Threatened, and Endangered Plants of Maryland, C. Frye Ed., Maryland Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401. DNR 03-030321-270.

3 Maryland Natural Heritage Program. 2023. List of Rare, Threatened, and Endangered Animals of Maryland. Maryland Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401.

4 Brown, L.J. and R. Jung. 2005. An Introduction to Mid-Atlantic Seasonal Pools (EPA/903/B-05/001). U.S. Environmental Protection Agency. 92 pages.

5 Williams, D.D. 1987. The Ecology of Temporary Waters. Timber Press, Portland, Oregon.

6 Brodman, R., J. Ogger, M. Kolaczyk, R.A. Pulver. 2003. Mosquito control by pond-breeding salamander larvae. Herpetological Review 34: 116-119.

7 Blaustein, A.R., B.A. Han, R.A. Relyea, P.T.J. Johnson, J.C. Buck, S.S. Gervasi, and L.B. Kats. 2011. The complexity of amphibian population declines: understanding the role of cofactors in driving amphibian losses. Ann. N.Y. Acad. Sci. 1223:108–119, New York Academy of Sciences.

SB523_WrittenTestimony_SafeSkiesMaryland final.pdf
Uploaded by: Julie Dunlap
Position: FAV

February 24, 2026

SB523 Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

TESTIMONY OF SAFE SKIES MARYLAND -- Support

Education, Energy and the Environment Committee Members,

Safe Skies Maryland is a program of the Maryland Ornithological Society, focused on protecting wild bird populations throughout their habitats and in every season. We recognize vernal pools as a key element in woods and wetlands that support birds, and other wildlife in healthy ecosystems birds depend on. Safe Skies' supporters find that this bill would protect qualified vernal pools, and we strongly favor passing this bill into law. We would like to thank the bill's co-sponsors and the MDE for developing language that preserves vernal pools without creating undue administrative burdens.

Vernal pools, or seasonal ponds, are very valuable because they offer unique protections that are not possible in regular ponds. As a type of freshwater wetland that is water–filled only from early winter through mid–summer; but dry otherwise, there can be no fish. Certain animals that cannot survive the predation of fish will thrive in this special habitat. Vernal pools can be any size and are found in wooded areas or meadows, where they support frogs and salamanders and other animals that would perish in a pond with fish.

Birds can also benefit from this rich ecosystem. Teaming with insect life, birds can find food and water. They can also find shelter in dense grassy vegetation that often accompanies vernal pools.

Specifically, the Rusty Blackbird tends to nest near vernal pools and benefits from the abundant food source of insects while raising its young. The Rusty Blackbird is a species of conservation concern that needs our protection. Once a common North American Bird, the populations of Rusty Blackbirds have decreased 89-99% in over the last 40 years[1]. When we protect vernal pools, we increase habitat for the Rusty Blackbird, which increases its chance for survival.

The Rusty Blackbird is just one example of a bird that specifically thrives nesting near a vernal pool. Many other birds also benefit from visiting vernal pools, such as ducks, songbirds, egrets and herons. They find food, water and shelter in this seasonal resource.

To continue the good stewardship of our waters, it is important that Maryland take this simple step of protecting vernal pools. The nearby states of Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine have already enacted protection or certification programs for protecting vernal pools.

We ask for a favorable report on SB 523.

Carolyn Parsa
Director, Safe Skies Maryland

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[1] https://ebird.org/news/unlocking-the-rusty-blackbird-mystery

SB523_Maryland Native Plant Society_McDowell_FAV.p
Uploaded by: Liz McDowell
Position: FAV

Maryland Native Plant Society

APPRECIATION · CONSERVATION · EDUCATION

Testimony: **SB 523, Department of the Environment – Water Resources - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)**
Committee: **Education, Energy, and the Environment**
Hearing Date: **February 24, 2026**
Position: **FAVORABLE**

Chair Feldman, Vice Chair Kagan, and honorable members of the Committee:

The Maryland Native Plant Society supports Senate Bill 523. The preservation of native plants and their habitats is a critical component of the MNPS mission. The various species of native plants found in and around vernal pools form the backbone of these unique wetland ecosystems, providing food, cover, and a place to raise young for a variety of species. Vernal pools are critical to the reproduction and survival of animals such as fairy shrimp, spotted salamander, and wood frog. They also provide important food for birds and mammals not typically associated with these seasonal wetland ecosystems.[1,2]

The various native plants in and around a vernal pool help shape these unique ecosystems. A number of these species are listed as Rare, Threatened, or Endangered in Maryland.[3] These include:

- Buxbaum's sedge, *Carex buxbaumii* - Threatened MD / State Rare
- Blister sedge, *Carex vesicaria* - Threatened MD / Highly State Rare
- Barbed-bristle bulrush, *Scirpus ancistrochaetus* - Globally Rare/Local / Endangered Federally / Endangered MD / Highly State Rare
- Creeping Mannagrass, *Glyceria acutiflora* - Endangered MD / Highly State Rare
- Fernald's mannagrass, *Torreyochloa pallida* var. *fernaldii* - Highly State Rare
- American featherfoil, *Hottonia inflata* - Threatened MD / State Rare
- Lowland yellow loosestrife, *Lysimachia hybridum* - Threatened MD / State Rare
- Yellow water buttercup, *Ranunculus flabellaris* - Endangered MD / Highly State Rare

If we fail to protect vernal pools, the plant and animal species intimately connected to them will not survive, and Maryland's biodiversity will be significantly diminished. **As such, the Maryland Native Plant Society urges a favorable report on SB 523.**

Liz McDowell
Board, Maryland Native Plant Society
lmcd.mnps@gmail.com

Judy Fulton
President, Maryland Native Plant Society
jfulton5@gmail.com

[1] Eakin, C.J., M L. Hunter, A.J.K. Calhoun. Bird and mammal use of vernal pools along an urban development gradient. Urban Ecosystems, 2018. https://www.vernalpools.me/wp-content/uploads/2020/02/Eakin-2019-bird-.pdf

[2] Marteau, B., P. Nummi, T. Lilley, and J. Sunnell. Role of vernal pools in activity and diversity of bats and birds linked with the emergence of flying insects. Global Ecology and Conservation: Volume 48, December 2023. https://www.sciencedirect.com/science/article/pii/S2351989423003578

[3] Maryland Biodiversity Project https://www.marylandbiodiversity.com Accessed 8 Feb 2026.

The Maryland Native Plant Society promotes awareness, appreciation, and conservation of Maryland's native plants and their habitats. Our engaged, active members represent all 24 state jurisdictions, from the coastal plain beaches to the western mountains. We reach 20,000 followers on social media. MNPS is a 501(c)(3) charitable organization incorporated in Maryland.

SB 523 - National Aquarium - Support.pdf
Uploaded by: Maggie Ostdahl
Position: FAV

Date: February 24, 2026

Bill: SB 523 – Vernal Pool Wetlands Protection Act of 2026

Position: Support

Dear Chair Feldman and Members of the Committee:

The National Aquarium respectfully requests a favorable report for **SB 523.** The legislation would define, identify, and extend critical protections to qualified vernal pools and buffer areas across Maryland, important wetland habitats which currently lack necessary protection at both the state and federal levels.

Vernal pools, isolated seasonal bodies of water that form during the wetter months of each year, are temporary wetlands that are critical to the health of the Chesapeake Bay watershed. Biologists have identified more than 700 species that depend on vernal pools in the northeastern region of the US, including wood frogs, Eastern fairy shrimp and the state-endangered tiger salamanders. The still water, presence of detritus like fallen leaves, abundance of invertebrate prey, and absence of fish predators make vernal pools ideal breeding grounds for these and other amphibians, many of which cannot breed anywhere else.

Vernal pools are also an incredibly important part of our hydrological system, serving as natural stormwater runoff ponds that capture and filter stormwater and replenish groundwater. These 'free' ecosystem services help supply Maryland residents with clean water in addition to their ecological benefits. A better understanding of Maryland's vernal pools is needed to calculate specific values, yet on the global scale we know that of all terrestrial ecosystems, wetlands provide the highest value per area of ecological services[1].

One of the National Aquarium's overarching conservation goals is to save wildlife and habitats. The ephemeral features that make vernal pools important ecosystems are the same reasons they are vulnerable to human disturbance and climate change. Paraphrasing the Aquarium's late great General Curator Jack Cover: 'eliminate vernal pools and you eliminate some populations of wood frogs, spotted salamanders, and valuable stormwater management and other natural services provided free of charge to sustain wildlife and people.'

Many vernal pools in Maryland are not covered by current state nontidal wetland regulations. Additionally, federal wetlands protections have seen a precipitous and concerning decline. About two-thirds of all U.S. wetlands, including vernal pools, lost Clean Water Act protections administered by the Environmental Protection Agency (EPA) following the 2023 *Sackett v. EPA* Supreme Court decision. The EPA's recent proposal to further narrow the scope of wetlands and other water bodies protected by the Clean Water Act emphasizes the need for Maryland to act now to ensure our vernal pool ecosystems continue to provide critical habitat and ecosystem services.

We appreciate the ongoing work by Department of the Environment and Department of Natural Resources and many others throughout the state to better understand and characterize vernal pools. This legislation builds on that work to further improve wetland science and conservation

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[1] Costanza, R., et al. 1997. The value of the world's ecosystem services and natural capital. *NATURE, 387*. https://www.robertcostanza.com/wp-content/uploads/2017/02/1997_J_Costanza_Nature.pdf

for the benefit of wildlife and all Marylanders. **We urge the Committee to issue a favorable report on SB 523.**

Contact:
Maggie Ostdahl
Director of Conservation Policy
410-385-8275
mostdahl@aqua.org

Mark Southerland PhD Vernal Pool Partners Testimon

Uploaded by: Mark Southerland

Position: FAV

HB 701 and SB 523
Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools
(Vernal Pool Wetlands Protection Act of 2026)

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 35 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 (and even those thus protected are at risk owing to the federal assault on wetlands definitions). 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 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. The draft Maryland State Wildlife Action Plan lists protection of vernal pools as a high priority. Therefore, Maryland should take this cost-effective step of developing a list of qualified vernal pools (those supporting obligate species) that MDE will review when considering development permits.

The Time is Now. Vernal Pool Partners has worked closely with MDE for the past two years to create bill language that embraces a practical, move-at-a-reasonable-pace approach adopted by nearby states. New York projects no significant fiscal impact from their vernal pool protections.

Vernal Pool Protection Act of 2026

HB 701 Delegate Terri Hill
SB 523 Senator Mary Washington

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, so their protection is a high priority in the draft Maryland State Wildlife Action plan
- 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 interpreted Clean Water Act

These organizations say Maryland needs to protect vernal pools

The Solution

- Act would protect listed vernal pools and their buffers not currently protected as nontidal wetlands in the State
- Act would designate qualified vernal pools as those supporting amphibian and invertebrate species that require these pools to survive
- Act would leverage existing nontidal wetlands permitting and mitigation programs for cost-effective implementation

Pass this bill to protect vernal pools within Maryland

For more information, please visit **vernalpoolpartners.org** or contact mark@vernalpoolpartners.org

and visit USEPA: An Introduction to Mid-Atlantic Seasonal Pools

SB523 Vernal Pools.pdf
Uploaded by: Marlene Durholz
Position: FAV

Marlene Durholz
Hanover, MD 21076
February 20, 2026

RE: Favorable position on SB0523 Water Resources - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

Dear Education, Energy,and the Environment Committee Members:

I am writing to ask that the committee provide a favorable report on SB0523, Vernal Pool Wetlands Protection Act of 2026.

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. SB0523 will designate vernal pools as named wetlands in MDE regulations, and along with a 100 foot buffer zone, protect amphibian habitat. SB0523 also requires MDE to prepare a plan for notifying the public of the location of vernal pools and other wetlands.

I believe notifying the public of the location of vernal pools and other wetlands will bring the needed attention to this essential, unique, seasonally transient wetland ecosystem. Until volunteering at the Patapsco Heritage Greenway, I did not understand the importance of vernal pools.

I urge a Favorable SB0523 committee report and floor vote.

Thank you for the opportunity to testify on this legislation.

Marlene Durholz
Hanover, MD

SB0523_Wild Ones Chesapeake Bay_FAV Vernal Pool We

Uploaded by: Marlene Smith

Position: FAV

Wild Ones Chesapeake Bay
15321 Colony Place
Waldorf, MD 20601
240-416-7108
chesapeakebay@wildoneschapters.org

Deeply rooted in native plants, promoting native landscapes through education, advocacy and collaborative action.

Testimony: SB0523, Department of the Environment - Water Resources - Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)
Committee: Education, Energy, and the Environment
Hearing Date: February 18, 2026
Position: FAVORABLE

Chair - Brian Feldman; Vice Chair, Cheryl Kagan, and honorable members of the Committee:

Located in Southern Maryland, Wild Ones Chesapeake Bay[1], a 71-member chapter of the national organization Wild Ones[2], strives to preserve biodiversity through the preservation, restoration, and establishment of native plant communities across Southern Maryland. We **strongly urge you to support this bill** for the benefits it will bring to our local ecosystems, including the native plants and creatures (biodiversity) that call Maryland home**.** We must take every step we can to save our treasured Chesapeake Bay and its watershed for future generations.

Threats to Vernal Pools: The existence of vernal pools is threatened because they are often filled, drained, paved over, and bulldozed. Without protection, these easy-to-miss seasonal pools are being destroyed by development and agriculture. If these valuable habitats disappear, biodiversity will suffer.

Critical, Unique Habitat for Rare Species: Vernal pools seasonally alternate between wet and dry conditions, and these isolated systems do not harbor fish, which devour invertebrates and amphibian eggs. Consequently, these shallow ephemeral ponds and their surroundings are fragile, remarkable habitats that host rare plants and animals not typically found elsewhere.

According to a U.S. Environmental Protection Agency assessment of Mid-Atlantic seasonal pools, a quarter of all state-listed threatened and endangered amphibians depend on vernal pools[3]. Examples include the resident buttercup, Yellow Water Crowfoot wildflower (Ranunculus flabellaris),[4] and the attractively colored Eastern Tiger Salamander (Ambystoma tigrinum)5. Besides these highly rare state residents, many other animals, such as reptiles, birds, and mammals, depend on vernal pools for food[6].

Crucial Services to the Environment and Humans: Vernal pool depressions can 1) stop or slow floodwaters, 2) prevent erosion, 3) filter out pollutants that could harm the Chesapeake Bay, and 4) allow water to infiltrate down into our vital aquifers. And the resident ambystomatid salamanders can provide mosquito-control services. According to one research study, mosquito larvae were 98% less dense in wetlands when these salamanders were present[7].

Following a 2023 U.S. Supreme Court decision, many vernal pools lost federal Clean Water Act protections, making state-level regulation necessary to prevent their rapid loss from development. Supporting this legislation would align Maryland with neighboring states that already have vernal pool protection programs.

Wildly appreciative of your support for this bill,

Marlene Smith , President, Wild Ones Chesapeake Bay

Wild Ones Chesapeake Bay
15321 Colony Place
Waldorf, MD 20601
240-416-7108
chesapeakebay@wildoneschapters.org

Deeply rooted in native plants, promoting native landscapes through education, advocacy and collaborative action.

References:

[1]Wild Ones Chesapeake Bay Chapter, https://chesapeakebay.wildones.org/

[2]Wild Ones Natural Landscapers, LTD, a nationwide nonprofit organization with local chapters throughout the country, ncluding 5 chapters in Maryland, https://wildones.org/

[3]Brown, L.J. and R. Jung. 2005. An Introduction to Mid-Atlantic Seasonal Pools (EPA/903/B-05/001). U.S. Environmental rotection Agency.

[4]Maryland Natural Heritage Program. 2021. Rare, Threatened, and Endangered Plants of Maryland, C. Frye Ed., Maryland Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401. DNR 03-030321-270.

[5]Maryland Natural Heritage Program. 2023. List of Rare, Threatened, and Endangered Animals of Maryland. Maryland Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401.

[6]Williams, D.D. 1987. The Ecology of Temporary Waters. Timber Press, Portland, Oregon.

[7]Brodman, R., J. Ogger, M. Kolaczyk, R.A. Pulver. 2003. Mosquito control by pond-breeding salamander larvae. Herpetological Review 34: 116-119.

FAV_SB523 - Vernal Pool Wetlands Protections Act o

Uploaded by: Martinna Parham

Position: FAV

February 20, 2026

SB523 – Department of the Environment – Water Resources – Protection of Vernal Pools Vernal Pool Wetlands Protection Act of 2026
Hearing Date: Tuesday 24, 2026

Position: **FAVORABLE**

Dear Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

Waterkeepers Chesapeake respectfully requests a **FAVORABLE report on SB523**. Waterkeepers Chesapeake is a network of Waterkeeper programs across the Chesapeake and coastal bays region, with 12 Waterkeeper members located in Maryland. Waterkeepers are local advocates working with their communities to protect access to clean water and to restore waterways.

In every corner of our watershed, there exist vital ecological hubs of biodiversity called "vernal pools" that act as green sponges across the landscape. Vernal pools are seasonal wetlands that replenish groundwater, filter polluted stormwater, and provide critical breeding grounds and habitat for a variety of obligate and facultative species of salamanders, frogs, turtles, dragonflies, reptiles, snakes, and small crustaceans. **Vernal pools are incredibly important components of our natural ecosystems, but they aren't currently adequately protected by the federal Clean Water Act or by corresponding state law in Maryland.**

MDE developed a consensus definition of vernal pools in December of 2024 and has worked with Vernal Pool Partners closely for the past two years– making this the perfect time to solidify vernal pool protection at the state level. The bill language has been updated significantly over the past two years in an effort to address MDE concerns. The bill now specifies a list of "qualified" vernal pools that would be developed at a reasonable and cost-effective pace for the Department. Nearby states including Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine have already enacted protection or certification programs of vernal pools.

A recent Supreme Court decision in Sackett vs. EPA, coupled with a disastrous new definition of "Waters of the United States" (WOTUS) proposed by the EPA in November 2025, has stripped innumerable waterways of their federal protections under the Clean Water Act.[1] The new

[1] Updated Definition of Waters of the United States. United States Environmental Protection Agency. Last updated January 21, 2026. https://www.epa.gov/wotus/updated-definition-waters-united-states

WOTUS definition completely ignores the basic truths of Earth science and foundations of hydrogeology by making the assertion that groundwater connections to surface waters are inconsequential, just because we can't see them. These new definitions take an anthropocentric view of our natural world to an alarming extreme, which is resulting in immeasurable harm to people and ecosystems by allowing for the systematic devastation of our nation's waterways. **These federal rules will quite literally pave the way for the destruction of many of the natural green sponges we have left in Maryland; but the Vernal Pool Wetlands Protection Act of 2026 would stand in the way of that destruction.**

In 2024, Waterkeepers Chesapeake and our Waterkeepers worked to pass the Clean Water Justice Act in response to the *Sackett* vs. *EPA* decision. This piece of legislation successfully filled many of the gaps left by the *Sackett vs. EPA* decision by ensuring state-level protections for nontidal wetlands and streams. However, it left behind vernal pools despite the fact that they, too, are vital components of our watersheds. **This bill would protect qualified vernal pools and their buffers not currently protected as nontidal wetlands in the State, while leveraging existing nontidal wetlands permitting and mitigation programs for cost-effective implementation.**

For all of the reasons outlined above, Waterkeepers Chesapeake and the below signed organizations urge this committee to issue a favorable report on SB523.

Thank you for your time and consideration.

Sincerely,

Martinna Parham, Program Associate
Waterkeepers Chesapeake
martinna@waterkeeperschesapeake.org

Alice Volpitta, Baltimore Harbor Waterkeeper
Blue Water Baltimore
avolpitta@bluewaterbaltimore.org

Elle Bassett, South West and Rhode Riverkeeper
Arundel Rivers Federation
elle@arundelrivers.org

Evan Isaacson, Senior Attorney, Director of Research
Chesapeake Legal Alliance
evan@chesapeakelegal.org

Matt Pluta, Choptank Riverkeeper, Director
ShoreRivers
mpluta@shorerivers.org

Taylor Swanson, Executive Director and Assateague Coastkeeper

Assateague Coastal Trust
taylor@actforbays.org

SB 523 - CBF - FAV.pdf
Uploaded by: Matt Stegman
Position: FAV

CHESAPEAKE BAY FOUNDATION

Senate Bill 523

Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

Date:	February 24, 2026	**Position:**	**FAVORABLE**
To:	Education, Energy, & the Environment Committee	**From:**	Alan Girard, Director of Advocacy

The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 523** which defines "vernal pools" and requires the Maryland Department of the Environment (MDE) to adopt regulations that protect vernal pools and vernal pool buffers.

Vernal pools are high value wetlands:
Wetlands - including vernal pools - are among the most productive, diverse, and important ecosystems in the Chesapeake Bay watershed. They improve water quality, reduce storm damage and flooding, control erosion, provide vital wildlife habitat, and help fight climate change. Wetlands act as natural filters, protecting groundwater and downstream waters by trapping and treating pollutants, including phosphorus, nitrogen, and sediment. They are often referred to as the watershed's kidneys, absorbing and cleansing polluted runoff through a complex system of physical, chemical, and biological processes before it enters the Bay.

Vernal pools are a unique type of seasonal, shallow wetland that is filled with water in the spring and fall and dries out in the summer. Ranging in size from puddles to shallow lakes, they are often found in low lying areas and throughout Maryland's coastal plain. Vernal pools are vital to the survival of many amphibians, insects, and crustaceans, and are sensitive habitats that can be easily disturbed or destroyed by human activities.

Wetland protection is under threat:
In 2015, the U.S. Environmental Protection Agency (EPA) finalized the Clean Water Rule, which clearly defined the specific types of wetlands and waterways considered "Waters of the United States" (WOTUS) protected by the Clean Water Act. The rule clarified that wetlands adjacent to navigable waters, regardless of whether they have an above-ground connection to those waters, are subject to Clean Water Act requirements that prohibit discharge of pollutants to waterways.

The Trump administration repealed the Clean Water Rule in 2020 and replaced it with a much narrower rule that excluded protections for many wetland types, including vernal pools. A federal court overturned the Trump Administration's Navigable Waters Rule in 2021, and in 2023, the Biden administration issued a new rule reinstating and updating the pre-2015 WOTUS regulations. The latest rule restored protections for isolated wetlands, including vernal pools, which don't have a permanent inlet or outlet of water or flow all year round.

The 2023 rulemaking was seriously undermined when the Supreme Court's May 2023 ruling in *Sackett v. EPA* dramatically narrowed the scope of the Clean Water Act. The high court held that the law covers only wetlands with "a continuous surface connection" to navigable waters. The new definition excludes wetlands that may only connect to surface waters underground, such as vernal pools. Today, the *Sackett* decision exposes vernal pools to destruction from land use decisions in states that do not have their own rules to protect these special areas.

SB 523 clarifies and strengthens protections for vernal pools:
Approximately 60% of Maryland's wetlands lost Clean Water Act coverage due to *Sackett*. However, Maryland and some other Bay states including New York, Virginia, and Pennsylvania all have policies in place that allow them to regulate all or most waters within their respective jurisdictions not covered by the Clean Water Act. MDE's Wetlands and Waterways Protection Program is designed to protect Maryland wetlands and waterways from loss and degradation through the regulation of the draining, dredging and filling of tidal and nontidal wetlands through a permitting or authorization process.

Unfortunately, while tidal and nontidal wetlands are intended to be protected under Maryland law, these protections do not always extend to vernal pools. Wetlands in Maryland are identified in part by whether they include hydric soils or hydrophytic vegetation, two features that not all vernal pools have. SB 523 closes this regulatory gap by clearly defining vernal pools in statute and establishing protection related to the preservation of vernal pools and vernal pool buffers in the state.

Vernal pools filter stormwater, replenish groundwater, and provide critical habitat for wildlife that cannot reproduce anywhere else. SB 523 closes a regulatory gap for this important type of wetland, clarifying and strengthening wetland law at a time when federal protections are being eliminated. **For these reasons, CBF urges the Committee's FAVORABLE report on SB 523.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

SB523_IndivisibleHoCo_FAV.pdf
Uploaded by: Peter Alexander
Position: FAV

SB0523

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

Testimony before Education, Energy and the Environment Committee

Hearing February 24, 2026

Position: Favorable

Dear Chair Feldman and Vice-Chair Kagan, and members of the committee, my name is Peter Alexander, and I represent the 1700+ 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 SB523**, the **Vernal Pool Wetland Protection Act**, which will protect an important ephemeral but vital ecosystem in Maryland. We thank Senator Washington for introducing this bill.

Vernal pools are unique, small seasonal wetland ecosystems that support biodiversity including state-endangered tiger salamander. They provide vital ecosystem services such as replenishing groundwater and filtering stormwater and 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 interpreted Clean Water Act.

Numerous state- and nationally-recognized environmental organizations support this legislation, including among others, the Sierra Club Maryland Chapter, Patapsco Heritage Greenway, Anacostia Watershed Society, Audubon Mid-Atlantic, Chesapeake Bay Foundation, and The Nature Conservancy.

The **Vernal Pool Wetland Protection Act** will protect qualified vernal pools and their buffers which are not currently protected as nontidal wetlands in the State. It will designate qualified vernal pools as those supporting amphibian and invertebrate species that require these pools to survive. It will also leverage existing nontidal wetlands permitting and mitigation programs for cost-effective implementation.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report.

Peter Alexander, PhD
Woodbine, MD 21797

ACT Testimony - SB0523.pdf
Uploaded by: Taylor Swanson
Position: FAV

Testimony in SUPPORT of SB523
Department of the Environment - Water Resources - Protection of Vernal Pools
(Vernal Pool Wetlands Protection Act of 2026)

Education, Energy, and the Environment Committee
February 20, 2026

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB 523** on behalf of Assateague Coastal Trust.

Assateague Coastal Trust is dedicated to its mission of conservation, preservation, and protection of the waterways of Worcester County and Maryland's Lower Eastern Shore. Our work helps ensure that residents and visitors to Maryland's coast forever enjoy the resources provided by our coastal waters. We see this bill as a major step towards not only protecting important parts of Maryland's heritage, but as a means for conserving iconic landscapes.

Vernal pools are ephemeral wetlands that fill with water in winter and dry in summer. **Vernal pools provide essential habitat for amphibians and invertebrates, recharge shallow aquifers, mitigate stormwater, and filter nutrients before they reach downstream waters.**

On the Lower Eastern Shore, these pools are under threat from intense land use practices, and urban expansion. Protecting them is important towards maintaining water quality in the Coastal Bays and to preserve some of the region's iconic species.

In 2023, the U.S. Supreme Court's decision in Sackett v. Environmental Protection Agency significantly narrowed federal Clean Water Act protections. By limiting jurisdiction to wetlands with a continuous surface connection to navigable waters, the Court excluded many ephemeral and geographically isolated wetlands, including most vernal pools on the Lower Eastern Shore. As a result, these resources now face a regulatory gap at the federal level.

SB 523 appropriately addresses that gap by requiring the Maryland Department of the Environment to adopt regulations to identify and protect qualified vernal pools and associated buffer areas statewide.

This clear, science-based regulatory framework will provide consistency for landowners and developers while ensuring that seasonal wetlands are not overlooked simply because they are

dry at the time of review. Early identification and listing of vernal pools will reduce conflicts, improve predictability, and prevent incremental loss of these critical habitats.

For the Lower Eastern Shore and Maryland's Coastal Bays, protecting vernal pools is not optional, it is essential for sustaining water quality, biodiversity, and the economic vitality of our coastal communities.

Assateague Coastal Trust urges an **FAVORABLE REPORT** on **SB 523**.

Sincerely,

Taylor Swanson,
Executive Director and Assateague COASTKEEPER
Assateague Coastal Trust

SB523.FAVORABLE.ShoreRivers.pdf
Uploaded by: Zack Kelleher
Position: FAV

Testimony in Support of Senate Bill 523 – Department of the Environment -Water Resources – Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

February 24, 2026

Dear Chairman Feldman,

Thank you for this opportunity to submit testimony in **SUPPORT** of **SB523** on behalf of ShoreRivers. ShoreRivers is a river protection organization on Maryland's Eastern Shore with more than 2,000 members. *Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement.*

This legislation **requires the Maryland Department of the Environment to adopt regulations that identify and protect vernal pools and similar seasonal wetlands throughout the state.** Vernal pools are critical, and increasingly-rare, natural infrastructure for clean water and ecosystem health. They are seasonal pools that recharge groundwater, reduce runoff pollution, and provide critical habitat for hundreds of aquatic species including salamanders, frogs, and shrimp. **Data collected during the Maryland Biological Stream Survey documented more than 57,521 seasonal pools in the state of Maryland, with the highest concentrations being on the Eastern Shore, where there is an average of 11.66 pools per stream mile[1].** This number likely underestimates the true number of vernal pools, given their seasonal nature and gaps in current monitoring protocols. The Eastern Shore is also home to a particularly rare type of seasonal pool known as a Delmarva Bays.

Unfortunately, due to recent rollbacks of the Clean Water Act at the federal level, many seasonal pools such as vernal pools and Delmarva Bays are no longer protected, which leaves them open to development pressures and destruction by industry. **SB523 will not only improve monitoring protocols for seasonal pools, but, most importantly, it will ensure that these crucial and endangered habitats are afforded the same protections as other waterways.** It is especially important for Maryland to step up and restore protections to vernal pools in the absence of federal leadership. Vernal pools play an important, but often-forgotten, role in local water quality, and are under increasing threat from climate change.

For these reasons, ShoreRivers **urges a favorable report on Senate Bill 523** and encourages the legislature to support policies that invest in watershed health and resilient natural systems across Maryland, especially on the Eastern Shore.

Sincerely,
Zack Kelleher, Sassafras Riverkeeper on behalf of:

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[1] Results from Round 3 of the Maryland Biological Stream Survey (2007-2009) https://dnr.maryland.gov/streams/Documents/MBSSR3Report.pdf

ShoreRivers
Scott Budden, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

shorerivers.org | 443.385.0511 | info@shorerivers.org

MBIA Letter of Opposition SB 523.pdf
Uploaded by: Lori Graf
Position: UNF

MARYLAND BUILDING INDUSTRY ASSOCIATION
11825 West Market Place | Fulton, MD 20759 | 301-776-6242

February 20th, 2026

The Honorable Brian J. Feldman
Chair, Senate Education, Energy and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition SB 523 Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 523 Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026).**

The Vernal Pool Wetlands Protection Act of 2026 establishes a new regulatory framework for "Qualified Vernal Pools" but leaves many of the program's core components undefined in statute. While the bill directs the Department of Environment to identify, list, buffer, and regulate these features, it defers key details — including identification standards, field verification protocols, buffer widths, mitigation requirements, and procedural safeguards — to future rulemaking. Because vernal pools are seasonal and habitat determinations can be subjective, the absence of clear statutory criteria creates uncertainty regarding how features will be identified, how permitting timelines may be affected, and how impacts will be evaluated or mitigated. As drafted, the bill raises implementation questions that would benefit from clearer standards to ensure transparency, consistency, and predictability in its application.

Predictable standards are essential for land acquisition, site design, financing, and permitting. When identification criteria, buffer widths, and mitigation requirements are undefined, it becomes difficult to accurately assess project feasibility, timelines, and costs. Seasonal field determinations and evolving mapping lists could delay approvals, increase upfront due diligence expenses, and introduce uncertainty late in the development process. Without clear statutory guardrails, projects that are otherwise compliant with existing wetland laws may face new and unclear constraints, affecting housing supply, infrastructure delivery, and overall economic development.

MBIA would like to suggest the following recommendations to improve the bill as drafted:

- Accepted projects grandfathered
- Include a defined appeal process
- Mitigation standards and ratios be specified
- Identification criteria be clearly defined in statute

- Buffer widths be specified legislatively rather than deferred
- Survey protocols be standardized to prevent permitting delays

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: Members of the Senate Education, Energy, and the Environment Committee

SB - 532 - Regulation of Vernal Pools - NAIOP - UN

Uploaded by: Tom Ballentine

Position: UNF

NAIOP
MARYLAND CHAPTERS
THE ASSOCIATION FOR COMMERCIAL REAL ESTATE

February 20, 2026

The Honorable Brian J. Feldman, Chair
Senate Education, Energy, and the Environment Committee
2 West Senate Office Building
Annapolis, Maryland 21401

Unfavorable: SB 532 – Regulation of Vernal Pools

Dear Chair, Feldman and Committee Members:

The NAIOP Maryland Chapters represent approximately 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to recommend your unfavorable report on SB 532.

SB 532 creates a new definition, "Qualified Vernal Pool" and requires the Maryland Department of Environment (MDE) create a framework for framework for identifying, listing, buffering, and regulating these features. However, the proposed definition conflicts with the current COMAR definition and the bill leaves many of the program's most consequential components undefined in statute, deferring key standards and procedures entirely to future regulatory action.

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.

Vernal pools are seasonal features, and because their presence is intermittent and subject to field interpretation, they may not be present when environmental site assessments are conducted.

The absence of clear statutory criteria creates significant uncertainty regarding how pools will be identified, how long determinations will take, and what the mitigation or buffer obligations will be.

The nature of Vernal Pools and lack of clear statutory guardrails will make it difficult for applicants to anticipate how new Vernal Pool identifications might affect project feasibility, timelines, or design.

For these reasons, NAIOP respectfully recommends your unfavorable report on SB 532.

Sincerely,

T.M. Ballentine

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

cc: Education, Energy, and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.

U.S. Mail: 12 Francis Street, Annapolis, Maryland 21401 **Phone:** 410.977.2053 **Email:** tom.ballentine@naiop-md.org

MDE SB 523 INF.pdf
Uploaded by: Jeremy D Baker
Position: INFO

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.

Contact: Alex Butler, Deputy Director of Government Relations
Phone: 443-695-7478, Email: alex.butler@maryland.gov

SB0523_DNR_LOI_EEE_2-24-26.pdf
Uploaded by: Lydia McPherson
Position: INFO

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 24, 2026

BILL NUMBER: **SENATE BILL 523 - FIRST READER**

SHORT TITLE: **DEPARTMENT OF THE ENVIRONMENT - WATER RESOURCES - PROTECTION OF VERNAL POOLS (VERNAL POOL WETLANDS PROTECTION ACT OF 2026)**

DEPARTMENT'S POSITION: **LETTER OF INFORMATION**

EXPLANATION OF DEPARTMENT'S POSITION

This bill requires MDE to adopt regulations establishing protections for the preservation of vernal pools. Vernal pools provide high-quality habitat for a variety of species and help recharge aquifers. These pools are seasonal in nature which can also make them difficult to identify and map. The department does not currently have a comprehensive data set necessary to map all vernal pools, particularly those smaller in nature. Therefore, while the Department can help advise MDE on regulation from a species management perspective, they may need to hire additional staff in order to create this new regulatory framework.

The Department is working with MDE and bill proponents on possible amendments to limit the scope and address potential fiscal concerns.

BACKGROUND INFORMATION

Vernal pools in the United States have been federally protected under Section 404 of the Clean Water Act since 1972. However, because of the 2023 Supreme Court decision Sackett vs. EPA, their protection has been stripped.

BILL EXPLANATION

SB 523 requires the Maryland Department of the Environment to adopt regulations to establish protections related to the preservation of vernal pools and to establish protections for buffers around vernal pools.

Contact: Lydia McPherson, Director, Legislative and Constituent Services
lydia.mcpherson1@maryland.gov ♦ 410-260-8113 (office) ♦ 443-875-7785 (cell)