



March 31, 2026

SB523 – Department of Natural Resources - Water Resources - Identification of Vernal Pools

Hearing Date: April 2, 2026

Position: **FAVORABLE**

Dear Chair Korman, and members of the Environment and Transportation 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,

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