



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

February 18, 2026

BILL NUMBER: HOUSE BILL 701 - 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 ones smaller in nature. Therefore, while the Department can help advise MDE on regulation from a species management perspective, they will almost certainly need to hire additional staff in order to create this new regulatory framework.

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

HB 701 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.

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