

February 19, 2024

The Honorable Marc Korman
Chairman, Environment and Transportation Committee
Room 251, House Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition HB 729 Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 729 Department of the Environment – Nontidal Wetlands – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2024)**. MBIA opposes the Act in its current version.

We also have concerns with the definition of “Vernal Pools”. The bill defines a vernal pool as “seasonal wetlands that support at least one amphibian species”. We believe this definition is too broad. In order for it to classify as a vernal pool it should have more than one species and those species should be defined (for example, Pennsylvania has a list of Vernal Pool Indicator animals such as salamanders, fairy shrimp etc.). Additionally, we have concerns about how this bill will be implemented considering vernal pools are seasonal in nature.

We also believe the provisions in this bill are redundant and unnecessary, as they are already covered by the existing State of Maryland Nontidal Wetlands Protection Act. The State's environmental regulations, specifically Title 5 - WATER RESOURCES, Subtitle 9 - NONTIDAL WETLANDS, § 5-901, define "Isolated Nontidal Wetland" as a wetland that is not hydrologically connected, through surface or subsurface flow, to streams, tidal or nontidal wetlands, or tidal waters.

It's important to note that vernal pools, a specific category of isolated nontidal wetlands, are already protected by the State of Maryland. Section 26.23.01.04 - Expanded Buffer allows for the expansion of the required 25-foot buffer for isolated wetlands to 100 feet under certain circumstances, such as nontidal wetlands of special state concern, nontidal wetlands with adjacent areas containing steep slopes or highly erodible soils, and Outstanding National Resource Waters (ONRW). This bill is not supported by peer-reviewed, ecological scientific evidence that expanding Maryland's existing vernal pool 25-foot wetland buffer offers any greater ecological benefit to vernal pool wetland ecosystems.

For these reasons, MBIA respectfully urges the Committee to 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 House Environment & Transportation Committee