

HOUSE BILL 878

M3
HB 729/24 – ENT

5lr2387

By: **Delegates Hill, Ruth, and Terrasa**

Introduced and read first time: January 30, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment – Water Resources – Protection of Vernal Pools**
3 **(Vernal Pool Wetlands Protection Act of 2025)**

4 FOR the purpose of requiring the Department of the Environment to adopt regulations to
5 protect and preserve vernal pools in the State; and generally relating to the
6 regulatory protection and preservation of water resources and vernal pools in the
7 State.

8 BY adding to
9 Article – Environment
10 Section 5–205
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2024 Supplement)

13 Preamble

14 WHEREAS, Vernal pools are unique, small-scale ecosystems that contribute
15 significantly to the biodiversity of Maryland by providing habitat for species that cannot
16 reproduce in alternative habitats, including the wood frog, mole salamanders, and fairy
17 shrimp; and

18 WHEREAS, Vernal pools provide a significant amount of ecosystem services as they
19 occur frequently throughout Maryland and have the capacity to replenish groundwater and
20 filter stormwater flows; and

21 WHEREAS, Vernal pools are threatened due to limited knowledge of their seasonal
22 presence and the lack of regulatory protections; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Environment

5-205.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FACULTATIVE SPECIES” MEANS AN ANIMAL SPECIES THAT USES VERNAL POOLS IRREGULARLY.

(3) “OBLIGATE SPECIES” MEANS AN ANIMAL SPECIES THAT DEPENDS ON VERNAL POOLS AS A NECESSARY PART OF ITS LIFE CYCLE.

(4) “TYPICAL YEAR” MEANS A YEAR IN WHICH RAINFALL TOTALS MEET OR EXCEED THE AVERAGE YEARLY RAINFALL FROM THE PREVIOUS 30 YEARS FOR THE COUNTY WITHIN WHICH THE VERNAL POOL IS LOCATED.

(5) “VERNAL POOL” MEANS A CONFINED DEPRESSION THAT:

(I) HAS SURFACE WATER FOR AT LEAST 2 CONSECUTIVE MONTHS BETWEEN NOVEMBER AND MAY IN A TYPICAL YEAR;

(II) EXPERIENCES A DECREASE IN WATER LEVEL TO 6 INCHES OR LESS BETWEEN JUNE AND SEPTEMBER IN A TYPICAL YEAR;

(III) PROVIDES A PERSISTENT OR BREEDING HABITAT FOR VARIOUS ANIMAL SPECIES, INCLUDING NATIVE AMPHIBIANS AND INVERTEBRATES THAT ARE FACULTATIVE SPECIES OR OBLIGATE SPECIES;

(IV) CONTAINS LESS THAN 30% AERIAL COVER OF EMERGENT VEGETATION WHEN FULL;

(V) IS PREDOMINANTLY OR PARTIALLY SHADED BY WOODY VEGETATION;

(VI) IS LESS THAN 5 ACRES IN SIZE; AND

(VII) MAY HAVE INTERMITTENT, TEMPORARY CONNECTIONS TO OTHER BODIES OF WATER.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

1 **(1) ESTABLISH PROTECTIONS RELATED TO THE PRESERVATION OF**
2 **VERNAL POOLS IN THE STATE; AND**

3 **(2) ESTABLISH PROTECTIONS FOR BUFFERS AROUND VERNAL POOLS**
4 **IN THE STATE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2025.