



February 17, 2025

The Honorable, Marc Korman, Chair
House Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, Maryland 21401

Unfavorable: HB 878 – Protection of Vernal Pools

Dear Chair, Korman and Committee Members:

The NAIOP Maryland Chapters represent approximately seven hundred companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to request your unfavorable report on HB 878 as introduced because of its lack of clarity, potential to overlap and cause confusion in the regulation of similar environmental features and the likelihood that regulating vernal pools will pose implantation challenges.

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.

Like prior versions of this bill, HB 878's definition of Vernal Pool uses broad language that does not reflect the high-quality habitat and biodiversity that distinguishes a Vernal Pool from a more common depression that can hold water.

Because vernal pools are dry for most of the summer, fall and part of the winter, their identification and mapping will be extremely challenging.

The protections that will take effect on October 1, 2025, are unspecified. These requirements should be thoroughly vetted, scientifically supported and clearly understood by the regulated communities, and regulators before implementation.

The lack of specifics in the bill creates the potential for overlapping requirements and confusion. Isolated nontidal wetlands, which include Vernal Pools, are protected, and buffered under COMAR. A 100-ft buffer is currently applied to wetlands of special state concern, highly erodible soils, or Outstanding National Resource Waters.

For these reasons, NAIOP respectfully requests your unfavorable report on HB 878.

Sincerely,

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

cc: Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.