

# NAIOP

MARYLAND CHAPTERS



THE ASSOCIATION FOR  
COMMERCIAL REAL ESTATE

February 20, 2026

The Honorable Brian J. Feldman, Chair  
Senate Education, Energy, and the Environment Committee  
2 West Senate Office Building  
Annapolis, Maryland 21401

## **Unfavorable: SB 532 – Regulation of Vernal Pools**

Dear Chair, Feldman and Committee Members:

The NAIOP Maryland Chapters represent approximately 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to recommend your unfavorable report on SB 532.

SB 532 creates a new definition, “Qualified Vernal Pool” and requires the Maryland Department of Environment (MDE) create a framework for identifying, listing, buffering, and regulating these features. However, the proposed definition conflicts with the current COMAR definition and the bill leaves many of the program’s most consequential components undefined in statute, deferring key standards and procedures entirely to future regulatory action.

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.

Vernal pools are seasonal features, and because their presence is intermittent and subject to field interpretation, they may not be present when environmental site assessments are conducted.

The absence of clear statutory criteria creates significant uncertainty regarding how pools will be identified, how long determinations will take, and what the mitigation or buffer obligations will be.

The nature of Vernal Pools and lack of clear statutory guardrails will make it difficult for applicants to anticipate how new Vernal Pool identifications might affect project feasibility, timelines, or design.

## **For these reasons, NAIOP respectfully recommends your unfavorable report on SB 532.**

Sincerely,

A handwritten signature in blue ink, appearing to read "T.M. Ballentine", is written over a light blue circular stamp.

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

cc: Education, Energy, and the Environment Committee Members  
Nick Manis – Manis, Canning Assoc.