



February 27, 2026

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

Unfavorable: SB 687 – Environmental Permits – Impact Burden Analysis

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing seven hundred companies involved in all aspects of commercial, light-industrial, and mixed-use real estate, I am writing to recommend your unfavorable report on SB 687.

SB 687 creates an entirely new, mandatory Flood Risk Review Process within the Maryland Department of the Environment (MDE). The bill requires that MDE establish and implement a new review process for development applications in any area designated by MDE or the Department of Natural Resources (DNR) to be at risk of tidal or nontidal flooding. The bill does not specify which mapping data define these areas or what criteria are used to determine flood risk areas.

The bill requires MDE to evaluate cumulative watershed impacts, climate-adjusted precipitation, and land-use trends and authorizes the Department to condition, modify, or deny stormwater permits on a project-by-project basis. MDE's final decision would be binding on local governments departing from the delegated review authority most jurisdictions use today.

Even if MDE had the program capacity to conduct these reviews, this approach would redirect the technical focus away from AStoRM which has over the course of several years worked through a collaborative process to incorporate modern climate science, updated precipitation data, and watershed-scale planning into stormwater and flood-risk regulations. The AStoRM initiative provides a strong, collaborative, data-driven pathway to accomplish these goals and should continue to be the approach taken to incorporating changing conditions into stormwater regulations.

For these reasons, NAIOP respectfully requests your unfavorable report on SB 687.

Sincerely,

A handwritten signature in blue ink that reads "T.M. Ballentine". The signature is written in a cursive style and is positioned above the typed name.

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.