

February 20th, 2026

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

RE: MBIA Letter of Opposition SB 523 Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 523 Department of the Environment – Water Resources – Protection of Vernal Pools (Vernal Pool Wetlands Protection Act of 2026)**.

The Vernal Pool Wetlands Protection Act of 2026 establishes a new regulatory framework for “Qualified Vernal Pools” but leaves many of the program’s core components undefined in statute. While the bill directs the Department of Environment to identify, list, buffer, and regulate these features, it defers key details — including identification standards, field verification protocols, buffer widths, mitigation requirements, and procedural safeguards — to future rulemaking. Because vernal pools are seasonal and habitat determinations can be subjective, the absence of clear statutory criteria creates uncertainty regarding how features will be identified, how permitting timelines may be affected, and how impacts will be evaluated or mitigated. As drafted, the bill raises implementation questions that would benefit from clearer standards to ensure transparency, consistency, and predictability in its application.

Predictable standards are essential for land acquisition, site design, financing, and permitting. When identification criteria, buffer widths, and mitigation requirements are undefined, it becomes difficult to accurately assess project feasibility, timelines, and costs. Seasonal field determinations and evolving mapping lists could delay approvals, increase upfront due diligence expenses, and introduce uncertainty late in the development process. Without clear statutory guardrails, projects that are otherwise compliant with existing wetland laws may face new and unclear constraints, affecting housing supply, infrastructure delivery, and overall economic development.

MBIA would like to suggest the following recommendations to improve the bill as drafted:

- Accepted projects grandfathered
- Include a defined appeal process
- Mitigation standards and ratios be specified
- Identification criteria be clearly defined in statute

- Buffer widths be specified legislatively rather than deferred
- Survey protocols be standardized to prevent permitting delays

For these reasons, MBIA respectfully requests the Committee 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 Senate Education, Energy, and the Environment Committee