



February 16, 2026

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

Unfavorable: HB 701 – Regulation of Vernal Pools

Dear Chair, Korman 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 HB 701.

HB 701 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 often intermittent and subject to field interpretation, 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.

Without clear statutory guardrails, it will be difficult for applicants to anticipate how new vernal pool identifications might affect project feasibility, timelines, or design.

For these reasons, NAIOP respectfully requests your unfavorable report on HB 701.

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.