



February 19, 2024

The Honorable Marc Korman, Chair  
House Environment and Transportation Committee House  
Office Building, Room 251  
6 Bladen St., Annapolis, MD 21401

**Oppose: HB 729 – Department of Environment – Protection of Vernal Pools**

Dear, Chair Korman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate I am writing to oppose HB 729 which requires MDE to develop regulations governing vernal pools.

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.

The rationale for NAIOP's opposition to HB 729 is based on the following:

- Industry experts advise NAIOP that the definition on page 2, lines 5-6 does not reflect the high-quality habitat and biodiversity that distinguishes a vernal pool from a more common depression that can temporarily hold water.
- Page 2, lines 3-4 require that MDE's regulations establish a 100-ft buffer around vernal pools in all cases. 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.
- The bill requires that MDE issue regulations *before* surveying and creating an inventory of vernal pools. We believe this is not the appropriate sequence.
- Because vernal pools are dry for most of the summer, fall and part of the winter, their identification by MDE on state and private lands will be difficult and time consuming. The October 1, 2025, reporting deadline does not provide enough time to assess vernal pools and develop a management plan.

**For these reasons, NAIOP respectfully requests your unfavorable report on HB 729.**

Sincerely,

A handwritten signature in blue ink, appearing to read "T.M. Ballentine".

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.