



**The Maryland Department of the Environment**  
**Secretary Serena McIlwain**

***House Bill 613***

***Calvert & St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures***

**Position:** Oppose  
**Committee:** Environment and Transportation  
**Date:** February 25, 2026  
**From:** Alex Butler, Deputy Director of Government Relations

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The Maryland Department of the Environment (MDE) **OPPOSES** HB 613.

**Bill Summary**

House Bill 613 establishes distinct shoreline erosion control rules for properties in Calvert and St. Mary's Counties related to living shorelines and nonstructural shoreline stabilization measures. In those counties, the bill shifts the authority from the State to the local soil conservation districts (SCDs) to: (1) determine when a living shoreline or nonstructural shoreline stabilization measure is required; (2) waive or reduce mitigation requirements for a living shorelines or nonstructural shoreline stabilization measure; and (3) impose, modify or waive time of year restrictions for the construction of a living shoreline or nonstructural shoreline stabilization measure.

If one county SCD has provided design services for a shoreline stabilization project, the project cannot begin construction unless the other county SCD has reviewed the project and certified that it complies with the bill's requirements. Finally, the bill creates a statewide definition for "nonstructural shoreline stabilization measure" and definitions applicable in Calvert and St. Mary's Counties for "living shoreline," "high-energy environment," and "medium-energy environment."

**Key Points**

*Inconsistent Standards*

House Bill 613 would establish different and conflicting requirements for different counties. Currently, all counties are subject to consistent living shoreline requirements and standards established by MDE and the Living Shoreline Protection Act (HB 973 of 2008). Passing HB 613 would create separate standards for Calvert and St. Mary's Counties and create a pathway for other counties to request similar "opt-outs." This would turn the State's comprehensive protection strategy into a patchwork of local exemptions.

**Contact:** Alex Butler, Deputy Director of Government Relations  
Phone: 443-695-7478, Email: [alex.butler@maryland.gov](mailto:alex.butler@maryland.gov)

### *Role of SCDs*

Under this bill, the local SCDs in Calvert and St. Mary's Counties decide if a living shoreline is feasible in those counties which will result in different processes for select counties and place a burden on MDE staff to understand and ensure conformity with different procedures prior to issuing an application decision. SCDs may not have the technical expertise to competently review projects and make informed waiver or mitigation decisions for living shorelines.

The legislation may also result in failure to meet MDE's published turnaround times for approval of shoreline erosion control projects in Calvert and Saint Mary's Counties if waiver or mitigation decisions are delayed at the SCD level.

### *Mapping Issues*

House Bill 613 as written does not override other parts of State law that refer to MDE mapping requirements, meaning that mapping updates and maintenance costs may need to continue for all of Calvert and Saint Mary's Counties even though this information would no longer be utilized by MDE. Furthermore, MDE would likely have to conduct all-new mapping efforts specific to Calvert and St. Mary's Counties to meet the bill's different definitions for "high-energy environment" and "medium-energy environment" within those jurisdictions. This remodeling and re-mapping effort is estimated to cost approximately \$150,000 - \$200,000,

### *Definitional Issues*

The bill's new and expanded definitions conflict with MDE regulations in COMAR 26.24.01 and the Maryland Board of Public Works (BPW) regulations in COMAR 23.02.04, leading to regulatory uncertainty and the need for regulation updates by MDE and BPW to align with requirements. Codifying these definitions will make it difficult for MDE to adjust requirements due to new science or innovations related to shoreline protection.

The bill also includes definitions for "high-energy environment" and "medium-energy environment," which are in conflict with the criteria developed for the Maryland Shoreline Stabilization Mapper (MSSM) Tool for these same terms. The result will be inconsistent issuance of waiver decisions for areas in Calvert and St. Mary's Counties with the same or similar site conditions to shorelines in the rest of Maryland.

Finally, the bill requires living shoreline or nonstructural shoreline stabilization measures in Calvert and St. Mary's Counties must be designed to withstand at least a "10-year storm event." However, "10-year storm event" is not a defined term.

### *MDE Response to Living Shoreline Concerns*

MDE is aware of concerns raised by marine contractors, constituents, and legislators and is responding to those concerns independently of this legislation. MDE hosted stakeholder meetings to discuss these issues during the 2025-2026 timeframe. These meetings were followed up by an intensive outreach effort by the Chesapeake Bay Trust to identify specific marine contractor concerns and discuss possible solutions with MDE, the Maryland Department of Natural Resources, and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. MDE is currently working on changes and solutions to many of these issues and would be happy to provide further information to the Committee.

Accordingly, MDE asks for an **UNFAVORABLE** report for HB 613.

## MDE Recent and Ongoing Actions to Improve Processes

Beginning in the spring of 2025, MDE has engaged directly with Living Shoreline stakeholders to identify regulatory hurdles and process concerns. Based on this feedback, the Department is actively implementing the following action plan:

1. **Incorporating Sea Level Rise to Support Resilience Projects (Target: Mar. 17th)** MDE is finalizing guidance to incorporate **2050 Sea Level Rise projections** into the definition of the tidal wetland zone. This adjustment allows applicants to use additional fill for resilience (sea level rise) projects while still meeting the mandatory 2:1 plant-to-fill ratio.
  - *Action:* Complete guidance documents and staff training by March 17th.
2. **Clarifying Flexibility in Planting Ratios (Target: March 17th)** MDE is updating the Living Shoreline Checklist to clarify that the 1:1 ratio (50/50 split) of low-to-high marsh planting is a **preference, not a strict requirement**. The update will explicitly allow applicants to propose alternative planting ratios for high and medium-energy sites.
  - *Action:* Update and release the checklist by March 17th.
3. **Increasing Transparency in the Waiver Process (Target: March 17th)** To ensure shoreline waiver determinations are evaluated holistically and transparently, MDE is updating the waiver worksheet. For the first time, the associated scoring system used to make these determinations will be shared publicly with stakeholders.
  - *Action:* Publish the updated worksheet and scoring system and share with stakeholders by March 17th.
  - The draft 2026 Living Shoreline Waiver Assessment Package represents a major shift from the current version, reflecting stakeholder feedback and leadership direction. The application process has transitioned from a single subjective worksheet to a structured, multi-tier evaluation system. This new system features **Automatic Waiver Determinations**, a new **Point-Based Scoring System now publicly available**, updated measurement methodologies, and expanded avenues for professional supplemental assessments as part of the waiver review process.
4. **Modernizing Technical Standards via VIMS Partnership (Target: Dec. 2027)** MDE has contracted with the Virginia Institute of Marine Sciences (VIMS) to comprehensively update the *Shoreline Design Manual* utilizing federal (EPA) grant award funding. The new manual will integrate modern standards for **coastal resiliency, sea level rise, and climate change**, while also addressing impacts on other resources such as submerged aquatic vegetation (SAV).
  - *Action:* Complete the comprehensive manual update by Dec. 2027.

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