

# SENATE BILL 368

M1, M3

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CF 6lr1569

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By: **Senators Bailey and Harris**

Introduced and read first time: January 27, 2026

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Calvert and St. Mary's Counties – Living Shorelines and Nonstructural**  
3 **Shoreline Stabilization Measures**

4 FOR the purpose of establishing requirements for the use of living shorelines and  
5 nonstructural stabilization measures in Calvert County and St. Mary's County;  
6 exempting property located in Calvert County and St. Mary's County from certain  
7 general requirements regarding the use of nonstructural shoreline stabilization  
8 measures; and generally relating to shoreline erosion and stabilization.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 16–201  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2025 Supplement)

14 BY repealing  
15 Article – Natural Resources  
16 Section 8–1808.11  
17 Annotated Code of Maryland  
18 (2023 Replacement Volume and 2025 Supplement)

19 BY adding to  
20 Article – Natural Resources  
21 Section 8–1808.11  
22 Annotated Code of Maryland  
23 (2023 Replacement Volume and 2025 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
25 That the Laws of Maryland read as follows:

26 **Article – Environment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16-201.

2 (a) (1) IN THIS SECTION, “NONSTRUCTURAL SHORELINE STABILIZATION  
3 MEASURE” MEANS AN EROSION CONTROL MEASURE THAT IS:

4 (I) DOMINATED BY TIDAL WETLAND VEGETATION; AND

5 (II) DESIGNED TO PRESERVE THE NATURAL SHORELINE,  
6 MINIMIZE EROSION, AND ESTABLISH AQUATIC HABITAT.

7 (2) “NONSTRUCTURAL SHORELINE STABILIZATION MEASURE”  
8 INCLUDES MARSH OR OTHER TIDAL WETLAND CONSTRUCTION.

9 (B) (1) A person who is the owner of land bounding on navigable water is  
10 entitled to any natural accretion to the person’s land, to reclaim fast land lost by erosion or  
11 avulsion during the person’s ownership of the land to the extent of provable existing  
12 boundaries.

13 (2) The person may make improvements into the water in front of the land  
14 to preserve that person’s access to the navigable water or, subject to [subsection (c)]  
15 SUBSECTIONS (D) AND (E) OF THIS SECTION, protect the shore of that person against  
16 erosion.

17 (3) After an improvement has been constructed, the improvement is the  
18 property of the owner of the land to which the improvement is attached.

19 (4) A right covered in this subtitle does not preclude the owner from  
20 developing any other use approved by the Board.

21 (5) The right to reclaim lost fast land relates only to fast land lost after  
22 January 1, 1972, and the burden of proof that the loss occurred after this date is on the  
23 owner of the land.

24 [(b)] (C) The rights of any person, as defined in this subtitle, which existed prior  
25 to July 1, 1973 in relation to natural accretion of land are deemed to have continued to be  
26 in existence subsequent to July 1, 1973 to July 1, 1978.

27 [(c)] (D) (1) THIS SUBSECTION DOES NOT APPLY TO PROPERTY  
28 LOCATED IN:

29 (I) CALVERT COUNTY; OR

30 (II) ST. MARY’S COUNTY.

1            **[(1)] (2)**       Improvements to protect a person's property against erosion  
2 shall consist of nonstructural shoreline stabilization measures that preserve the natural  
3 environment, such as marsh creation, except:

4            (i)       In areas designated by Department mapping as appropriate for  
5 structural shoreline stabilization measures; and

6            (ii)       In areas where the person can demonstrate to the Department's  
7 satisfaction that such measures are not feasible, including areas of excessive erosion, areas  
8 subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline  
9 stabilization measures.

10           **[(2)] (3)**       (i)       Subject to subparagraph (ii) of this paragraph, in  
11 consultation with the Department of Natural Resources, the Department shall adopt  
12 regulations to implement the provisions of this subsection.

13           (ii)       Regulations adopted by the Department under subparagraph (i)  
14 of this paragraph shall include a waiver process that exempts a person from the  
15 requirements of paragraph **[(1)] (2)** of this subsection on a demonstration to the  
16 Department's satisfaction that nonstructural shoreline stabilization measures are not  
17 feasible for the person's property.

18           **(E) (1) (I)       IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**  
19 **MEANINGS INDICATED.**

20           **(II)       "HIGH-ENERGY ENVIRONMENT" MEANS AN AREA**  
21 **CHARACTERIZED BY AT LEAST TWO OF THE FOLLOWING CRITERIA:**

22                               1.       **A FETCH OF GREATER THAN 2 MILES;**

23                               2.       **A STEEP NEARSHORE SLOPE EXCEEDING 5%, WHERE**  
24 **WATER DEEPENS QUICKLY ALLOWING LARGE WAVES TO REACH THE SHORELINE**  
25 **WITHOUT MUCH DISSIPATION; AND**

26                               3.       **GREATER THAN 2 FEET OF EROSION PER YEAR.**

27           **(III) 1.       "LIVING SHORELINE" MEANS A PROJECT TO**  
28 **MITIGATE THE EFFECTS OF EROSION CAUSED BY SHORELINE FLOODING OR**  
29 **INUNDATION, CURRENTS, AND WAVE ENERGY THROUGH PROJECT DESIGN THAT:**

30                               A.       **STABILIZES A SHORELINE BY USING NATURAL**  
31 **MATERIALS TO CREATE BUFFERS TO ABSORB THE IMPACT OF COASTAL STORMS,**  
32 **FLOODING, AND WAVE ENERGY AND TO PREVENT OR MINIMIZE SHORELINE**  
33 **EROSION;**

**B. INCORPORATES AS MANY NATURAL ELEMENTS AS POSSIBLE, SUCH AS NATIVE WETLANDS, OYSTER REEFS, SUBMERGED AQUATIC VEGETATION, NATIVE GRASSES, SHRUBS, OR TREES;**

**C. UTILIZES TECHNIQUES THAT INCORPORATE ECOLOGICAL AND COASTAL ENGINEERING PRINCIPLES IN SHORELINE STABILIZATION; AND**

**D. TO THE EXTENT POSSIBLE, MAINTAINS OR RESTORES EXISTING NATURAL SLOPES AND CONNECTIONS BETWEEN UPLANDS AND ADJACENT WETLANDS OR SURFACE WATERS.**

**2. "LIVING SHORELINE" INCLUDES THE USE OF:**

**A. NATURAL ELEMENTS SUCH AS SAND, WETLAND PLANTS, LOGS, OYSTERS OR OTHER SHELLFISH, SUBMERGED AQUATIC VEGETATION, NATIVE GRASSES, SHRUBS, TREES, OR COIR FIBER LOGS; AND**

**B. STRUCTURAL MATERIALS, SUCH AS STONE, CONCRETE, OYSTER DOMES, OR OTHER APPROVED ENGINEERED STRUCTURES.**

**(IV) "MEDIUM-ENERGY ENVIRONMENT" MEANS AN AREA CHARACTERIZED BY AT LEAST TWO OF THE FOLLOWING CRITERIA:**

**1. A FETCH OF 0.5 MILES TO 2 MILES;**

**2. A MODERATE NEARSHORE SLOPE OF 2% TO 5% WITH ENOUGH DEPTH FOR SMALL TO MODERATE WAVES TO PERSIST; AND**

**3. FROM 0.5 FEET TO 2 FEET OF EROSION PER YEAR.**

**(2) THIS SUBSECTION APPLIES ONLY TO PROPERTY LOCATED IN:**

**(I) CALVERT COUNTY; OR**

**(II) ST. MARY'S COUNTY.**

**(3) SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, IMPROVEMENTS TO PROTECT A PERSON'S PROPERTY AGAINST EROSION SHALL CONSIST OF A LIVING SHORELINE OR NONSTRUCTURAL SHORELINE STABILIZATION MEASURES, EXCEPT IN AREAS WHERE THE PERSON CAN DEMONSTRATE TO THE LOCAL SOIL CONSERVATION DISTRICT'S SATISFACTION THAT THE PROJECTS AND MEASURES ARE NOT FEASIBLE, INCLUDING AREAS OF EXCESSIVE EROSION, AREAS**

1 SUBJECT TO HEAVY TIDES, AND AREAS TOO NARROW FOR EFFECTIVE USE OF A  
2 LIVING SHORELINE OR NONSTRUCTURAL SHORELINE STABILIZATION MEASURES.

3 (4) A SOIL CONSERVATION DISTRICT MAY WAIVE OR REDUCE  
4 MITIGATION REQUIREMENTS FOR LIVING SHORELINES OR NONSTRUCTURAL  
5 SHORELINE STABILIZATION MEASURES IN MEDIUM- AND HIGH-ENERGY  
6 ENVIRONMENTS IF, TO THE SOIL CONSERVATION DISTRICT'S SATISFACTION, THE  
7 LAND-WATER INTERFACE IS MAINTAINED.

8 (5) ONLY A SOIL CONSERVATION DISTRICT MAY IMPOSE  
9 RESTRICTIONS ON THE TIME OF YEAR WHEN A LIVING SHORELINE OR  
10 NONSTRUCTURAL SHORELINE STABILIZATION MEASURE MAY BE CONSTRUCTED IN  
11 CALVERT COUNTY OR ST. MARY'S COUNTY.

12 (6) (I) THE CALVERT SOIL CONSERVATION DISTRICT AND THE ST.  
13 MARY'S SOIL CONSERVATION DISTRICT SHALL ADOPT REGULATIONS TO  
14 IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

15 (II) THE REGULATIONS SHALL:

16 1. INCLUDE A WAIVER PROCESS THAT EXEMPTS A  
17 PERSON FROM THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION ON A  
18 DEMONSTRATION TO THE SOIL CONSERVATION DISTRICT'S SATISFACTION THAT THE  
19 USE OF A LIVING SHORELINE OR NONSTRUCTURAL SHORELINE STABILIZATION  
20 MEASURES IS NOT FEASIBLE FOR THE PERSON'S PROPERTY; AND

21 2. REQUIRE A LIVING SHORELINE OR NONSTRUCTURAL  
22 SHORELINE STABILIZATION MEASURE TO BE DESIGNED TO WITHSTAND AT LEAST A  
23 10-YEAR STORM EVENT.

24 (7) (I) A PERSON MAY NOT BEGIN CONSTRUCTION OF A SHORELINE  
25 STABILIZATION PROJECT FOR WHICH THE CALVERT SOIL CONSERVATION  
26 DISTRICT HAS PROVIDED DESIGN SERVICES UNLESS THE ST. MARY'S SOIL  
27 CONSERVATION DISTRICT HAS REVIEWED THE PROJECT AND CERTIFIED THAT IT  
28 COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.

29 (II) A PERSON MAY NOT BEGIN CONSTRUCTION OF A SHORELINE  
30 STABILIZATION PROJECT FOR WHICH THE ST. MARY'S SOIL CONSERVATION  
31 DISTRICT HAS PROVIDED DESIGN SERVICES UNLESS THE CALVERT SOIL  
32 CONSERVATION DISTRICT HAS REVIEWED THE PROJECT AND CERTIFIED THAT IT  
33 COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.

1 [8-1808.11.

2 (a) Other than in areas designated by the Department of the Environment  
3 mapping as appropriate for structural shoreline stabilization measures, improvements to  
4 protect a person's property against erosion shall consist of nonstructural shoreline  
5 stabilization measures that preserve the natural environment, such as marsh creation,  
6 except in areas where the person can demonstrate to the satisfaction of the Department of  
7 the Environment that these measures are not feasible, including areas of excessive erosion,  
8 areas subject to heavy tides, and areas too narrow for effective use of nonstructural  
9 shoreline stabilization measures.

10 (b) (1) In consultation with the Department, the Department of the  
11 Environment shall adopt regulations to implement the provisions of this subsection.

12 (2) The regulations shall include a waiver process that exempts a person  
13 from the requirements of subsection (a) of this section on a demonstration to the satisfaction  
14 of the Department of the Environment that nonstructural shoreline stabilization measures  
15 are not feasible for the person's property.]

16 **8-1808.11.**

17 **IMPROVEMENTS TO PROTECT A PERSON'S PROPERTY AGAINST EROSION**  
18 **SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF § 16-201 OF THE**  
19 **ENVIRONMENT ARTICLE.**

20 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
21 **October 1, 2026.**