



Testimony in Opposition of Senate Bill 368 - Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures

February 6, 2026

Dear Chairman Feldman,

Thank you for this opportunity to submit testimony in **OPPOSITION** of **SB368** on behalf of ShoreRivers. ShoreRivers is a river protection organization on Maryland's Eastern Shore with more than 2,000 members. Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement.

SB368 would fundamentally undermine decades of progress in statewide environmental protection and coordination by transferring the primary regulatory authority — specifically time of year restrictions and mitigation requirements — from the Maryland Department of the Environment (MDE) to local Soil Conservation Districts (SCDs). The **Living Shoreline Protection Act of 2008** established a uniform, science-based standard for all Maryland tidal waters managed by MDE. SB368 effectively removes Calvert and St. Mary's counties from these frameworks, which would lead to inconsistent and inadequate state environmental review. Maryland's **Critical Area Law**, enacted in 1984, protects the Chesapeake Bay and its tributaries by regulating land use within 1,000 feet of tidal waters and wetlands. SB368 would create conflict with the Critical Area Law, specifically with buffer replanting and public variance requirements. By granting the Calvert and St. Mary's SCDs sole regulatory authority on shoreline projects, SB368 also **eliminates coordination with the Department of Natural Resources and Critical Area Commission** in protecting sensitive terrestrial and aquatic species and habitats through time of year restrictions.

By granting authority to local SCDs while removing MDE oversight, **SB368 also risks violating the federal Clean Water Act (CWA)**. Under Section 401 of the CWA, any project requiring a federal permit must receive a water quality certification from a "certifying authority." It is unclear if the Environmental Protection Agency would recognize the SCDs as valid certifying authorities. Section 404 of the CWA mandates "no net loss" of wetlands. While MDE requires compensatory mitigation when non-structural measures are infeasible, giving the SCDs authority to "waive or reduce" mitigation requirements could violate this section.

By fragmenting living shoreline regulatory authority and allowing for localized mitigation waivers and time of year restrictions in Calvert and St. Mary's counties, **this bill creates a dangerous precedent that threatens Maryland's water quality, aquatic resources, and Critical Area**. **ShoreRivers urges an UNFAVORABLE report on SB368 to protect the integrity of Maryland's environmental laws and natural resources.**

Sincerely,
Becky Golden, Watershed Scientist
on behalf of:

ShoreRivers

Scott Budden, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper