

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Budget & Taxation Committee



THE SENATE OF MARYLAND
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February 10, 2026

Senate Bill 368 - Calvert and St. Mary's Counties – Living Shorelines and Nonstructural Shoreline Stabilization Measures

Dear Chair Feldman and Members of the Committee,

I am writing to introduce Senate Bill 368. This legislation would implement a process for reviewing and approving applications for shoreline stabilization methods in Calvert and St. Mary's Counties. This area faces specific challenges in preventing shoreline erosion based on the depth and the fetch of our water. Living shorelines are an important component of protecting our environment in Maryland. The Living Shoreline Protection Act of 2008 established that it is the State's preference for living shorelines to be used wherever feasible for erosion protection. This legislation is not intended to undermine this principle but rather implement it in a way that I believe will be more feasible and responsive to our constituents, as our local living shoreline projects can be as much as 10 times more costly than those in other jurisdictions and also more prone to failure.

Under current law, improvements to protect a person's property against erosion must consist of nonstructural shoreline stabilization measures that preserve the natural environment. There are two exceptions to this – nonstructural shoreline stabilization methods do not have to be constructed in areas designated by mapping done by the Maryland Department of the Environment (MDE) as appropriate for structural shoreline stabilization measures or in areas where a person can demonstrate to MDE's satisfaction that nonstructural shoreline stabilization measures are not feasible. However, MDE's current mapping designates much of the shoreline not as appropriate for one method or another but rather as "undetermined," and obtaining a waiver of these requirements from MDE can cost a property owner a substantial amount of time and money for an uncertain outcome. This is significantly troublesome because the shoreline is continuing to erode as this process continues, a fact made worse by the strength and the energy of the water that we face in Calvert and St. Mary's Counties. Ultimately, we hear from many marine contractors that landowners decide that going through this process is not feasible for them, and as a result, they do not pursue erosion protection at all, meaning that we lose more and more of our shoreline every year.

Senate Bill 368 places the local soil conservation districts (SCDs) in both Calvert and St. Mary's Counties in charge of determining where living shoreline projects must be constructed and approving appropriate shoreline stabilization projects within each county. I have been very proud to work with the SCDs in the two counties that I represent, and each are willing to bring their expertise, which we already utilize in other contexts for erosion control and prevention, to address this urgent issue. These are entities of the State, so these shoreline stabilization projects will still be regulated at the State level, but the SCDs are closer to the affected landowners, and their specific expertise and knowledge of the local environment will inform these important decisions.

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This is a local bill because, just as I believe that one size cannot fit all with the current regulatory structure, there are jurisdictions that experience less intense erosion that are satisfied with the present system of oversight over this process. In addition to this change of authority, the bill also incorporates some recommendations from the SCDs to give greater flexibility to address the unique needs of our region – specifically regarding mitigation and the time of the year that a shoreline stabilization measure can be constructed. The bill also includes provisions ensuring that there is additional oversight over projects where the SCD provides design services to protect against conflicts of interest.

This bill has the support of the Calvert County and St. Mary's County Delegations. I respectfully request a favorable report on Senate Bill 368. Thank you for your consideration of this important issue for the residents of Calvert and St. Mary's Counties.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey