

February 10, 2026

The Honorable Brian J. Feldman  
Chair, Education, Energy and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

***RE: Letter of Information – SB 368 – Calvert and St. Mary’s Counties – Living Shorelines and Nonstructural Shoreline Stabilization Measures***

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation State Highway Administration (SHA) takes no position on Senate Bill 368 and offers the following information for the Committee’s consideration.

SB 368 establishes requirements for using living shorelines and nonstructural stabilization measures in Calvert and St. Mary’s counties; exempts property located in these counties from certain general requirements of nonstructural shoreline stabilization; and, generally, relates to shoreline erosion and stabilization.

As written, SB 368 delegates regulatory authority for living or nonstructural shoreline projects to St. Mary’s and Calvert counties. However, if passed, federal permitting regulations related to living shorelines would still apply and Board of Public Works approval would still be required for final tidal permits.

The definition of "person" includes the State in Natural Resources Article § 8-101, Environment Article § 16-101, and in the existing regulations at COMAR 26.24.01.02; therefore, the State would also be subject to these new requirements. Furthermore, the SHA would be subject to regulations adopted by the Calvert Soil Conservation District and the St. Mary’s Soil Conservation District.

The SHA anticipates that more time would be needed to complete wetland and waterway permitting due to the additional coordination with the Soil Conservation Districts, as well as other state and federal regulatory agencies. The mandated coordination would increase costs on SHA projects in Calvert and St. Mary’s Counties.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 368.

Respectfully submitted,

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