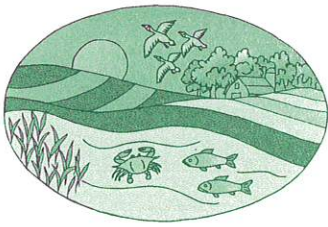


Senate Bill 368 Testimony.pdf

Uploaded by: Bruce Young

Position: FAV



St. Mary's Soil Conservation District

26737 RADIO STATION WAY, SUITE B

LEONARDTOWN, MD 20650

PHONE 301-475-8402 EXT. 3

WWW.STMARYSSCD.COM

February 6, 2026

The Honorable Brian Feldman
Senate
Education, Energy and the Environment Committee

Re: 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 submitting testimony in favor of the referenced bill submitted by Senators Bailey and Harris. This legislation would improve the process by which citizens of Calvert and St. Mary's Counties apply for shoreline stabilization methods. Under current law, a property owner is required to install a living shoreline or request a waiver to install a structural stabilization project. The Virginia Institute of Marine Science (VIMS) has mapped the shorelines in Maryland and has produced a map that specifically shows tidal shorelines that would support living shoreline stabilization methods. All other shorelines were listed as undetermined. The undetermined classification does not mean that a living shoreline would not work, but that the vetch, water depth, the direction the shoreline faces and other factors increase the likelihood of potential failure of the structure. For a private property owner, it is unreasonable to expect they would pay to install something that does not have the potential for long term protection and would require extensive maintenance and repair. The process to request a waiver through the Maryland Department of the Environment is lengthy and potentially very costly.

Soil Conservation Districts (SCD's) are independent units of State Government and have been the local technical expert on erosion issues for over 80 years. SCD's initially worked solely with agriculture but our roles have expanded considerably with urban erosion and sediment control and storm water management. In St. Mary's County, I personally have been involved in the design, construction inspection and as-built certification of all types of shoreline projects, from living shorelines to revetments and off-shore breakwater structures. Shoreline erosion protection and stabilization is a natural progression in our soil conservation and water quality technical assistance mission.

Thank you for consideration of this important issue and the St. Mary's Board of Supervisors support a favorable report on Senate Bill 368.

Sincerely,

Bruce A. Young
District Manager

Marine Contractors - SB 368 - FAV.pdf

Uploaded by: Gerard Evans

Position: FAV



Senator Brian Feldman, Chair
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

February 10, 2026

RE: SB 368 – FAVORABLE – Calvert and St. Mary’s Counties – Living Shorelines and Nonstructural Shoreline Stabilization Measures

Dear Chair Feldman and Members of the Committee:

The Maryland Marine Contractors Association (MMCA) has served as the voice of Maryland’s marine construction industry since its establishment in 2008. Our association represents 98 licensed marine contractors, tradesmen, suppliers, and other industry professionals working across the state. We exist to protect and promote the marine construction industry by unifying contractors, providing a forum for members to raise shared concerns, and serving as a resource for industry information. Through engagement with policymakers and stakeholders, we work to promote professionalism within the trade and ensure the perspectives of marine contractors are clearly represented.

Senate Bill 368 establishes county-specific requirements for the use of living shorelines and nonstructural shoreline stabilization measures in Calvert County and St. Mary’s County. The bill clarifies when these measures are required, creates feasibility and waiver pathways through local soil conservation districts, and recognizes differing shoreline energy conditions when determining appropriate stabilization approaches. In doing so, it provides clearer, more locally administered standards for shoreline erosion control in these two counties.

The MMCA supports Senate Bill 368 because clear, workable shoreline stabilization standards are essential for both environmental stewardship and the viability of marine construction businesses. Shoreline protection is a core component of our members’ work, and this bill appropriately balances the use of living shorelines with practical feasibility considerations based on site conditions. By clarifying requirements and empowering local soil conservation districts to oversee design, waivers, and implementation, SB 368 provides regulatory certainty that allows licensed marine contractors to plan projects responsibly, protect Maryland’s shorelines, and ensure the long-term strength of the state’s marine construction industry. We respectfully request a favorable report.

Thank you for your time.

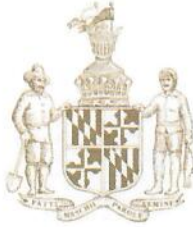
CalvertSenators_FAV_SB368.pdf

Uploaded by: Jack Bailey

Position: FAV

JACK BAILEY
DISTRICT 29

James Senate Office Building
11 Bladen Street, Room 401
Annapolis, Maryland 21401
410-841-3673
800-492-7122 Ext. 3673



KEVIN M. HARRIS
DISTRICT 27

James Senate Office Building
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Annapolis, Maryland 21401
410-841-3700
800-492-7122 Ext. 3700

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401
CALVERT COUNTY DELEGATION

February 10, 2026

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

Re: Senate Bill 368 – Calvert and St. Mary’s Counties – Living Shorelines and Nonstructural Shoreline Stabilization Measures

Dear Chair Feldman:

As the two Senators representing Calvert County, we hereby state our support for Senate Bill 368 – Calvert and St. Mary’s Counties – Living Shorelines and Nonstructural Shoreline Stabilization Measures.

This letter confirms the support of the Senatorial Delegation from Calvert County for Senate Bill 368. We would therefore respectfully ask for a favorable report from the Committee on this local bill. Thank you for your attention to this important matter; please contact us if you have any questions.

Sincerely,

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

Senator Jack Bailey

A handwritten signature in black ink, appearing to read "K. Harris".

Senator Kevin M. Harris

SenatorBailey_FAV_SB368.pdf

Uploaded by: Jack Bailey

Position: FAV

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

Budget & Taxation Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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James Senate Office Building
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Jack.Bailey@senate.maryland.gov

District Office
23680 Three Notch Road, Unit 101
Hollywood, Maryland 20636
240-309-4238

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.

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

—
Budget & Taxation Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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—
District Office
23680 Three Notch Road, Unit 101
Hollywood, Maryland 20636
240-309-4238

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

SB368 LSL Favorable_06Feb2026.pdf

Uploaded by: Ken Eaton

Position: FAV

To: The Honorable Brian J. Feldman, Chairman and Members of the Judicial Proceedings Committee

From: Ken Eaton, Senior Coastal Manager, MD Based Engineering Company

Date: February 6, 2026

Re: **SB 368 - Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures**

Position: **FAVORABLE: SUPPORT**

I have worked in the Coastal Engineering field for over 40 years for a Maryland based architectural / engineering company, and currently reside in Queen Anne's County. I quite often see projects throughout Maryland that have been identified with the recommended shoreline practice as "Living Shoreline" on the Maryland Shoreline Stabilization Mapper (MSSM), that should not be classified as such.

When that happens, most clients ask us to apply for a "Living Shoreline waiver," especially when the shorelines are in moderate to high exposure areas. Quite honestly, all this does is cost the property owner more money to prepare the application to stabilize the shoreline. This additional step requires a separate site visit, collection of data, and preparation of a brief report. In addition, MDE has been requiring that structural shoreline stabilization projects be designed by a "Coastal Engineer." Other shoreline improvements are not required to be evaluated or designed by a coastal engineer. In many instances, an experienced marine contractor can provide a more than adequate design for a shoreline stabilization project, especially if he has been working in the general area and is familiar with the tides, currents, and winds.

This is where I see this bill being beneficial, not only for St. Mary's and Calvert Counties, but throughout the coastal parts of Maryland. The local Soil Conservation District offices are familiar with the counties they are located in and would have a wealth of knowledge when it comes to shoreline stabilization.

This would help property owners and keep the decision-making process within the local district.

I urge the committee to issue a FAVORABLE report on SB 368.

Thank you for your time and consideration.



Kenneth B. Eaton

SB 368 - Commissioners of St. Mary's County SUPPOR

Uploaded by: Randy Guy

Position: FAV

ST. MARY'S COUNTY GOVERNMENT
COMMISSIONERS OF
ST. MARY'S COUNTY



James R. Guy, President
Michael R. Alderson, Jr., Commissioner
Eric S. Colvin, Commissioner
Michael L. Hewitt, Commissioner
Scott R. Ostrow, Commissioner

SB 368
**Calvert and St. Mary's Counties - Living Shorelines and Nonstructural
Shoreline Stabilization Measures**

February 3, 2026

COMMITTEE: Education, Energy and the Environment
POSITION: Support

The Commissioners of St. Mary's County express our support for **SB 368 – Calvert and St. Mary's Counties – Living Shorelines and Nonstructural Shoreline Stabilization Measures**. This bill, supported by the entire delegation for St. Mary's County, will offer property owners and homeowners a faster, more flexible, better approval process for critical shoreline protection works.

St. Mary's County has over 500 miles of shoreline and thousands of our citizens live on the waterfront. Many of their properties suffer extreme erosion and can experience, in as little as months or years, several feet of shoreline loss. SB 368 provides a needed update to the approval process for shoreline protection works and empowers our local soil conservation district to implement and administer smart, balanced, and common-sense regulations. Providing our citizens a modern process and modern tools to protect their land, and keeping decisionmakers close to home, is a cause the Commissioners wholeheartedly support.

We urge you to **support SB 368**. Thank you for your consideration as well as your attention to this matter, and thank you for the opportunity to provide this testimony.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/jb

T:/Consent/2026/003

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Brian Crosby
Commissioner Mike Alderson, Jr.
Commissioner Eric Colvin

P.O. BOX 653 ♦ CHESAPEAKE BUILDING ♦ 41770 BALDRIDGE ST., LEONARDTOWN, MD 20650
PHONE 301.475.4200 *1350 ♦ FAX 301.475.4935 ♦ www.stmaryscountymd.gov ♦ CSMC@STMARYSCOUNTYMD.GOV

Page 2

COMMITTEE: Education, Energy and the Environment
February 3, 2026

Commissioner Michael Hewitt
Commissioner Scott R. Ostrow
David Weiskopf, County Administrator
David Yingling, Deputy County Administrator
Buffy Giddens, County Attorney
John Sterling Houser, Deputy County Attorney

CalvertCounty_FAV_HB613_SB368 - Signed.pdf

Uploaded by: Samantha Jones

Position: FAV



CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS

150 Main Street
Prince Frederick, Maryland 20678
410-535-1600
www.calvertcountymd.gov

Board of Commissioners
Mark C. Cox Sr.
Catherine M. Grasso
Earl F. Hance
Mike Hart
Todd Ireland

February 5, 2026

Via Electronic Mail

The Honorable Delegate Marc Korman, Chair
Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, Maryland 21401

RE: HB613/SB368 – Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures

Chair Korman, Vice Chair Guyton and Committee Members:

The Calvert County Board of County Commissioners (BOCC) writes in support of HB613/SB368 and respectfully requests a favorable committee report.


This legislation is important to Calvert County because it moves away from a uniform, statewide approach to shoreline stabilization, creating separate guidelines and establishing definitions, requirements and exemptions specific to Calvert and St Mary's counties. The bill would have the local soil conservation districts determining the shore stabilization for a property based on the actual characteristics of said property. This approach aligns closely with the county's priorities related to public safety and the well-being of our constituents.


Additionally, by enabling property owners to work directly with their local soil conservation office, the bill will encourage not only more shore stabilization but more environmentally appropriate solutions. This would help reduce shoreline erosion and the associated pollution of our nearby waterways. The BOCC believes this measure strikes a reasonable balance between statewide objectives and local needs.


Thank you for your thoughtful consideration of this legislation. Should you have any questions or require additional information, please contact Planning & Zoning Director Jason Brinkley at 410-535-1600, ext. 2334.

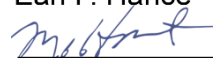
Sincerely,
BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND


Todd Ireland, President


Mark C. Cox Sr., Vice President


Catherine M. Grasso


Earl F. Hance


Mike Hart

SB 368

Uploaded by: Alex Butler

Position: UNF



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 368

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

Position: Oppose
Committee: Education, Energy, and the Environment
Date: February 10, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **OPPOSES** SB 368.

Bill Summary

Senate Bill 368 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) imposing 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

Senate Bill 368 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). SB 368 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.

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 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

Senate Bill 368 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 at 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 (DNR), 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 SB 368.

ShoreRivers Opposition SB368.pdf

Uploaded by: Becky Golden

Position: UNF



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

shorerivers.org | 443.385.0511 | info@shorerivers.org

SB368- (OPPOSE) Living Shorelines.pdf

Uploaded by: Christa Peters-Lidard

Position: UNF

Testimony in Support/Opposition of SB368
Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization
Measures

Senate Energy, Education and Environment Committee Hearing 2/10/2026 at 1:00 p.m.
Submitted on 2/6/2026 by 3:00pm

To Chair Feldman and Committee Members,

My name is Christa Peters-Lidard, Ph.D. I live in Grasonville, on Greenwood Creek within the Prospect Bay/Eastern Bay watershed, and I urge an unfavorable report on SB368.

This Bill will:

- establish requirements for the use of living shorelines and nonstructural stabilization measures in Calvert County and St. Mary's County; and
- exempt property located in Calvert County and St. Mary's County from certain general requirements regarding the use of nonstructural shoreline stabilization measures.

I oppose this bill because it sets a dangerous precedent for living shoreline permitting across the State. As a waterfront homeowner, the stability of my shoreline and the ability of my creek to support crabs, fish, waterfowl, and other parts of the ecosystem depends on the health of submerged and shoreline vegetation. I treasure my ability to fish, swim, crab, and harvest oysters on my creek and throughout the Chesapeake Bay watershed.

Thank you for your consideration, and I look to this committee to give **SB368** an **unfavorable** report.

Sincerely,
Christa Peters-Lidard
316 Prospect Bay Dr E
Grasonville, MD 21638

** Occasionally testimony is needed in committees other than the Energy, Education, and Environment Committee. Please always double check the Committee the hearing will be held within. Visit: <https://mgaleg.maryland.gov/mgawebsite/Committees/Charts> to note correct committee chairs and salutations.

ArundelRiversUNFAV368.pdf

Uploaded by: Elle Bassett

Position: UNF



Testimony in OPPOSITION of SB368 – Calvert and St. Mary’s Counties – Living Shorelines and Nonstructural Shoreline Stabilization Measures

Energy, Education, and the Environment Committee
February 10, 2026

Dear Chair Feldman and members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF SB368**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Senate Bill 368 compromises and undermines Maryland State living shoreline law, which prioritizes living shorelines as the preferred method of shore protection as they trap sediment, filter pollution, and provide important aquatic, terrestrial habitat, and control shoreline erosion. This bill will create special exemptions in two state counties from generally applicable state requirements. Tailoring exemptions for specific local jurisdictions risks weakening protections designated to safeguard Maryland’s critical coastal and aquatic environments.

Shoreline erosion and stabilization decisions directly affect water quality, sedimentation rates, and habitat integrity for fish, crabs, oysters, and other wildlife. Allowing inconsistent or lower standards in two counties could increase runoff, destroy submerged vegetation, and degrade water quality — undermining long-term restoration goals for the Chesapeake Bay and local tributaries.

Special exemptions for targeted counties can lead to a piecemeal environmental policy that varies widely across the state. A patchwork of local standards makes statewide conservation goals harder to achieve and creates confusion for residents, property owners, and regulators.

This bill ignores current efforts from environmental funders, partners, state agencies, and living shoreline contractors working to perfect the living shoreline law in Maryland, including identifying appropriate exemptions to the law. Arundel Rivers strongly believes that the living shoreline waiver process should continue to be at the discretion of the Maryland Department of the Environment.

Arundel Rivers Federation recognizes that not every shoreline in Maryland is a good candidate for a living shoreline project, however having independent standards and exemptions across counties is not the right approach. For these reasons, we request an **unfavorable report** on SB368.

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett
South, West, and Rhode Riverkeeper
Arundel Rivers Federation

SB 368 Living Shorelines and Nonstructural Shoreli

Uploaded by: Humna Sharif

Position: UNF

Tuesday, February 10, 2026

TO: Brian Feldman, Education, Energy and the Environment Committee, and Committee Members
FROM: Humna Sharif, Climate Adaptation Manager, The Nature Conservancy; Michelle Dietz, Director of Government Relations, The Nature Conservancy
POSITION: Oppose SB 368 - Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures

The Nature Conservancy (TNC) opposes SB 368 offered by Senators Bailey and Harris. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering data-driven, on-the-ground solutions that secure clean water, air, and healthy, secure living environments for our human and natural communities today and in the generations to come.

Maryland's more than 7000 miles of shoreline along the Atlantic Ocean, and the Chesapeake and Coastal Bays is experiencing rapid sea level rise, and increased flooding because of it. Flooding impacts both people and our economy, with more than 100 communities at risk of chronic inundation by 2100. Conservative estimates indicate the costs to safeguard Maryland from chronic flooding by 2040 to be a minimum of \$27.4 billion¹. As Maryland looks ahead, the state will need to use a variety of tools to prevent catastrophic impacts due to sea level rise. Living shorelines are an integral part of Maryland's response to coastal flooding. Living shorelines protect communities, trap sediment, filter pollution, and provide important aquatic and terrestrial habitat.

The Nature Conservancy is supportive of Maryland's Living Shorelines Protection Act and the Living Shorelines Program. We understand the need to revisit permitting processes to remove redundancies and ensure there isn't undue burden on applicants. We believe, however, that SB 368 will create processes that complicate the implementation of the state's living shorelines laws and programs. This bill would create a waiver exemption process Calvert and St. Mary's county that would go through respective county Soil Districts instead of being reviewed by the Maryland Department of the Environment, or Maryland Department of Natural Resources as appropriate. Adding further complication to the process, SB 368 would also require Calvert and St. Mary's counties to review each other's shoreline stabilization projects before construction can begin.

¹ Center for Climate Integrity. (n.d.) *Climate Costs in 2040: Maryland*
<https://www.climatecosts2040.org/files/state/MD.pdf>

TNC recognizes living shorelines are not appropriate for every location and waivers should be considered for some sites. However, existing Maryland law already includes a waiver process for areas and geomorphological features where creation and maintenance of living shorelines is not feasible. SB368 is duplicative and creates potentially conflicting guidance for Marylanders.

The Nature Conservancy supports the creation of living shorelines across our state, while at the same time, ensuring permitting processes are not overly burdensome or complicated. This legislation adds unnecessary process steps to the implementation of Maryland's Living Shorelines legislation.

Therefore, we urge an unfavorable report on SB368.

SB0368_DNR_OPP_EEE_2-10-26.pdf

Uploaded by: Lydia McPherson

Position: UNF



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 10, 2026

BILL NUMBER: SENATE BILL 368

SHORT TITLE: CALVERT AND ST. MARY'S COUNTIES - LIVING SHORELINES AND NONSTRUCTURAL SHORELINE STABILIZATION MEASURES

DEPARTMENT'S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT'S POSITION

SB 368 would amend the Living Shoreline Act to create a special exemption for Calvert and St. Mary's Counties regarding the living shoreline permitting process. Within these counties, the local Soil Conservation Districts (SCD) would have permitting authority and oversight over the living shoreline waiver process, and would remove requirements to consult the Department of Natural Resources on certain restrictions.

Under current law, DNR subject matter experts provide review and recommendations on shoreline erosion control projects to the Maryland Department of the Environment (MDE) during the permit review process. The bill does not require the SCDs to consult with DNR, allowing them to make decisions, such as waiving mitigation requirements and Time of Year restrictions, without input from the Department's subject matter experts on how the project will impact the natural resources the Department is charged with protecting. The department has the following concerns with this proposed policy shift:

(1) Conflict with Time of Year Waivers on Submerged Aquatic Vegetation (SAV) and Waterfowl Concentration Areas:

This bill allows SCDs to waive or alter Time of Year restrictions that are intended to protect natural resources, which are vitally important to the restoration and ecology of the Chesapeake Bay, including SAV and Waterfowl Concentration Areas. The purpose of Time of Year restrictions is to protect these resources when they are most vulnerable and to allow projects to take place during a time of year when the chance of ecological damage is most reduced. Allowing SCDs to waive or alter established Time of Year restrictions in Calvert and St. Mary's Counties removes an important regulatory tool from the department and leads to unnecessary confusion and inconsistency of practices in other Maryland counties.

(2) Conflict with Shellfish Provisions that may undermine Aquaculture markets:

The proposed definition for living shoreline adds shellfish, in contrast to current law. This definition creates inconsistencies with how DNR regulates shellfish, particularly given the Department would not be included in the review or permitting a living shoreline. The Department closely regulates shells and

Contact: Lydia McPherson, Director, Legislative and Constituent Services
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shellfish in order to prevent accidental introduction of disease. Without Department input in the living shoreline process, there could be unintended negative impacts on oyster restoration efforts.

(3) Conflict with Incidental Taking of Rare, Threatened and Endangered (RTE) Species:

This bill as written allows Soil Conservation Districts to bypass the Department and/or to make decisions on Time of Year restrictions and habitat modifications. This appears to be in direct conflict DNR's role in permitting incidental taking of specific species.

(4) Conflict with State laws and regulations requiring mitigation:

This legislation provides SCDs with the authority to waive or reduce mitigation requirements. Mitigation, currently, is imposed by the Board of Public Works and cannot be waived. This legislation could result in more tidal wetland losses throughout the Chesapeake Bay and tidal tributaries. It is also not clear how broadly an SCD could apply this waiver and if it could waive mitigation requirements in other state laws, such as incidental taking of the Puritan tiger beetle or Critical Area mitigation requirements.

BACKGROUND INFORMATION

SB 368 proposes to amend certain portions of the 2008 Living Shoreline Act, codified at § 16-201(c) of the Environment Article, which governs the process for riparian landowners to protect their shorelines from erosion by constructing improvements along the shoreline. Current law requires a homeowner to construct a nonstructural shoreline erosion control measure – i.e., a living shoreline, unless a waiver is granted.

BILL EXPLANATION

SB 368 creates a special exemption regarding permits for living shorelines and nonstructural shoreline stabilization measures in two counties: Calvert and St. Mary's. The exemption 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) imposing time of year restrictions for the construction of a living shoreline or nonstructural shoreline stabilization measure. This bill eliminates the Department's role in reviewing applications for shoreline erosion control projects for the counties covered under this exemption.

SB368 Maryland LCV UNF Calvert and St. Mary's Coun

Uploaded by: Marisa Olszewski

Position: UNF



**MARYLAND
LEAGUE OF
CONSERVATION
VOTERS**

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Executive Director

February 10, 2026

Oppose: SB 368 Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures

Mr. Chairman and Members of the Committee:

Maryland LCV Opposes SB 368 Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures.

SB 368 would create a special exemption for only two counties in the state from the current, established process for assessing and permitting shoreline stabilization measures for waterfront property owners. The bill would move the authority for the process of permitting or exempting the use of living shorelines or non structural shoreline stabilization measures to local Soil Conservation Districts. These offices, under Maryland Department of Agriculture, while excellent partners in the protection of the Chesapeake Bay through land-based practices, especially agricultural lands, are not the appropriate agents for projects in tidal wetlands and those associated with the living resources that make up living shorelines.

Furthermore, language in this bill makes added provisions for exemptions in the use of living shorelines, when our most up to date science on the health of the Chesapeake Bay emphasizes the importance of nearshore habitats and living resources. [The Comprehensive Evaluation of System Response \(CESR\) Report](#), released by the Chesapeake Bay Program's Scientific and Technical Advisory Committee, stated: "A new approach to water quality management, *combined with nearshore habitat management*, can open new opportunities for living resource abundance." (*Emphasis added.*)

It is important for Maryland to maintain a commitment to the establishment and maintenance of living shorelines and non structural erosion control along the tidal shoreline of the Chesapeake Bay and its tributaries. This bill would undermine an established program for doing just that.

Maryland LCV urges the committee to reject the approach proposed in SB 368.

SB 368 - CBF - OPP.pdf

Uploaded by: Matt Stegman

Position: UNF



CHESAPEAKE BAY FOUNDATION

Senate Bill 368

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

Date: February 10, 2026

To: Education, Energy and the Environment Committee

Position: UNFAVORABLE

From: Matt Stegman,
MD Staff Attorney

Chesapeake Bay Foundation (CBF) **OPPOSES Senate Bill 368**, which would exempt properties in Calvert and St. Mary's Counties from Maryland's successful landmark Living Shorelines Protection Act and move permitting authority for shoreline stabilization measures away from the Maryland Department of the Environment and invest the local Soil & Water Conservation Districts with the power to review and grant living shoreline waivers.

State Law Requires Primary Consideration for Living Shorelines Where Appropriate:

State law requires waterfront property owners to make improvements to their shorelines against erosion using living, or nonstructural, stabilization methods, such as marsh creation. Living shorelines incorporate vegetation and living materials, along with natural structures such as rock sills or oyster reefs. They provide habitat for fish, crabs, marine birds, and other marine wildlife. Grasses and other aquatic vegetation also filter runoff before it enters the Bay. Additionally, living shorelines often, depending on the wave energy environment of a specific site, cost significantly less for property owners to maintain than armored alternatives over their lifetime. With these benefits in mind, in 2008 the legislature passed the Living Shoreline Protection Act of 2008.¹ to make living shorelines the preferred method to control shoreline erosion.

However, living shorelines are not the right solutions in all circumstances and we have allowed the Maryland Department of the Environment (MDE) to provide waivers to property owners in two circumstances: (1) a property is located in an area MDE has mapped as being inappropriate for a living shoreline, or (2) where an individual property owner demonstrates to MDE that their property is not appropriate for a living shoreline. A property may not be appropriate for a living shoreline for any number of reasons, including – but not limited to – the depth of the water, slope of the shoreline, or wave energy.

Local SCDs Are Less Equipped Than Statewide Regulators to Consistently Evaluate Waiver Requests:

SB 368 shifts the responsibility of reviewing shoreline waiver requests to the local soil conservation districts (SCD) in Calvert and St. Mary's counties. Far from providing objectivity and certainty for contractors and property owners, this change is likely to create an inconsistent, and potentially arbitrary, process. While current staff at Calvert and St. Mary's counties SCDs may or may not have the expertise necessary to assess the feasibility of a living shoreline or a nonstructural shoreline at a given property in their county, there is no guarantee that future staff will as this responsibility is generally outside the charge of an SCD. SCD staff,

¹ [2008 Md. Laws, Chap. 304](#)

funded by the Maryland Department of Agriculture, are meant to be knowledgeable on a wide variety of best management practices for farmers. On the other hand, Maryland Department of Natural Resources (DNR) and Maryland Department of the Environment (MDE) are the legislatively-mandated authorities to regulate shoreline stabilization throughout the state and maintain permanent staff to carry out those functions. It makes sense for waiver requests to continue to be submitted to MDE because they will, in perpetuity, be more likely to have shoreline experts on staff than the SCDs.

SB 368 Directs SCDs to Make Decisions with Bay-Wide Impacts:

SB 368 would allow SCDs to take several actions related to individual shoreline stabilization projects that are better considered in a broader context by experts within MDE and DNR. For example, the bill would permit an SCD to waive or reduce mitigation requirements for submerged aquatic vegetation (SAV). SAV play a vital role in the overall health of the Chesapeake Bay, and many SAV areas are still recovering from the fresh years of 2018 and 2019. The new iteration of the Chesapeake Bay Agreement sets a goal of 100,000 acres of SAV Bay-wide by 2040. With just over 83,000 acres of SAV Bay-wide in 2024 (the most recent numbers), the cumulative impacts of skipping mitigation across the Bay are too great. Again, the authority to waive or reduce mitigation best lies with the state's experts, who can take a holistic view of our progress towards SAV goals.

Additionally, the bill gives SCDs the authority to establish Time of year restrictions (TOYR), which are meant to be protective of fragile species, such as migratory fish, certain waterfowl, and other. Allowing SCDs the sole authority to impose TOYR on living shoreline projects is a) confusing for contractors who may have to operate by two sets of rules, depending on which county they are working in and b) potentially detrimental to the resources that the TOYR are meant to protect. Additionally, some TOYRs are set by Federal law or regulation, so it is unclear if an SCD *could* even make this determination.

CBF is Working Constructively with Shoreline Contractors to Improve the Waiver Process:

CBF has been before this Committee several times this term to advocate for legislation that adds clarity to the waiver process and provides financial assistance for landowners who – either by choice or because the law requires it – opt to pursue a living shoreline.² In the course of advocating for these bills, we became aware of frustrations experienced by some of the contractors and property owners doing shoreline stabilization work and navigating the living shoreline waiver process. During the Fall of 2025, CBF worked with partners at the Chesapeake Bay Trust and representatives from the contractor community to have a series of informal discussions to identify common areas of concern where we could advocate together for a fairer, clearer, more objective waiver process. Some of those discussions are reflected in this bill and ideas we could potentially support, but we had not yet reached a place of consensus. CBF is committed to continuing these conversations at the appropriate time.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

² See, eg, SB 546 (2024) and SB 417 (2023).

SB 368 Bill Report - Written Testimony -Critical A

Uploaded by: Nick Kelly

Position: UNF



**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

February 10, 2026

BILL NUMBER: SENATE BILL 368 – First Reader

SHORT TITLE: Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures

COMMISSION'S POSITION: OPPOSE

EXPLANATION OF COMMISSION'S POSITION

The Commission opposes SB 368 and requests an unfavorable report from the Committee. The bill removes Commission staff and local Critical Area planners from the living shoreline review process, with the following effects:

- The bill would negatively affect the ability for consistent application of the State's oversight of the portion of the Critical Area located below mean high water, where shoreline protection activities are generally located;
- The bill would negatively affect the ability of the Critical Area Commission and local governments to provide consistent oversight of impacts above mean high water to the Critical Area buffer that occur due to certain shoreline protection applications; and
- The bill would create inconsistent application of required mitigation measures across the 64 Critical Area jurisdictions.

Consistent application is essential since many shoreline protection measures affect both the land above mean high water, including the 100-foot Critical Area buffer, and the area below mean high water. This land and water interface is a key transition zone that supports many habitats and provides water quality benefits. Shore erosion control projects have the potential to cause forest clearing, habitat loss, compaction, and other impacts to the buffer due to construction and maintenance of the shoreline.

Projects that affect the 100-foot buffer require close collaboration between the noted agencies to ensure the appropriate shore erosion control method is used, that mitigation and impacts are minimized, and that the project will result in the best application for the site. Commission staff and local Critical Area planners have extensive expertise in identifying, managing, and minimizing these impacts, which includes collaboration with the Department of the Environment (MDE), the Department of Natural Resources (DNR), local governments, property owners, and shore erosion control contractors.

BACKGROUND INFORMATION

The Critical Area Law was enacted in 1984 to establish a Resource Protection Program for the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas to minimize damage to water quality and natural habitats. The General Assembly established the Critical Area program to be implemented on a cooperative basis between state and local governments, with local governments implementing their programs in a “consistent, uniform, and equitable manner” subject to state criteria and oversight.ⁱ The law also established special protections and oversight for the 100-foot Critical Area buffer, the shoreline area immediately upland of mean high water.

Additionally, in 2008 the General Assembly passed HB 973, Chapter 304 of the 2008 Laws of Maryland, namely the Living Shoreline Protection Act of 2008. This bill established the basis for encouraging the application of living shorelines where appropriate and permitted through the Maryland Department of the Environment with input from the Department of Natural Resources and the Critical Area Commission. In addition, local governments, who also permit shoreline protection measures, could be assured of an ability to review impacts within the Critical Area’s Buffer prior to MDE’s authorization so that their comments and concerns could be incorporated into the design.

The Critical Area Commission worked with MDE, DNR, local governments, and shore erosion contractors to develop simplified forms to assess Buffer impacts and calculate mitigation. These forms are actively used across the Critical Area and provide flexibility in mitigation assessments based on the type of shore erosion control practice proposed and on clearing impacts.

BILL EXPLANATION

Under §8-1808.11 of the Natural Resources Article, Commission staff review living shoreline and nonstructural shoreline stabilization measures on a regular basis with MDE and DNR. This arrangement also includes local Critical Area plan reviewers and ensures consistent application of the State’s regulatory and Statutory requirements. SB 368 would remove this provision from the Critical Area statute. This change does not provide clarity on how collaboration would occur or if coordination would be permitted at all. The bill would also grant unilateral authority to the local Soil Conservation District to modify or waive Critical Area requirements.

Contact: Nick Kelly at (443) 758-4249 or by email at nick.kelly@maryland.gov

ⁱ NR §8-1801(b)(2)

SB0368 - LOI - SHA - Calvert and St. Mary's Counti

Uploaded by: Patricia Westervelt

Position: INFO

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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