



**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

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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.