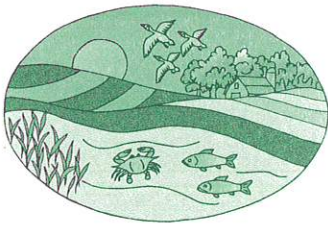


Testimony HB613.pdf

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

March 27, 2026

Senate Education, Energy and Environment Committee
To whom it may concern:

Re: House Bill 613, Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures – regulations and Scoring System

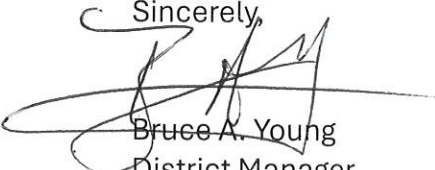
Dear Committee,

I am submitting testimony in favor of the referenced bill submitted by Delegate Morgan and supported by Senator Bailey. This legislation would improve the process by which citizens 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 fetch, 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 offshore 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 House Bill 613.

Sincerely,



Bruce A. Young
District Manager

House Bill 613 - MASCD - Support .pdf

Uploaded by: Jen Nelson

Position: FAV



March 31, 2026

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

Re: House Bill 613 – Department of the Environment - Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring System

Position: **Support**

Chair Feldman & Committee Members:

On behalf of the Maryland Association of Soil Conservation Districts (MASCD) I am writing to express our support for **House Bill 613 – Department of the Environment - Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring System**. MASCD, incorporated in 1956, promotes practical and effective soil, water, and natural resource related programs to all Marylanders. Through individual conservation districts MASCD provides leadership, education, cooperation, and local direction, on a voluntary basis.

Senate Bill 613 directs the Department of the Environment to administer waiver authority through regulations that include a transparent scoring system grounded in ecological and coastal-engineering principles. Requiring a clear, criteria-based waiver process that will ensure that decisions are consistent across cases, defensible, and focused on objective measures of feasibility incorporated with local knowledge. This is sound policy for the Chesapeake Bay, for property owners, and for our local Soil Conservation Districts that must help landowners navigate these requirements.

House Bill 613 is a thoughtful, balanced refinement of Maryland's shoreline policy. It preserves the strong statutory preference for living shorelines and elevates the technical and practical expertise of local Soil Conservation Districts. For these reasons we respectfully request a **favorable** committee report. Thank you for your kind consideration and attention to this legislation.

Respectfully Submitted,

Jen Nelson, Executive Director
Maryland Association of Soil Conservation Districts

HB613.pdf

Uploaded by: John Houser

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

HB 613
Department of the Environment – Waivers for Living Shorelines and
Nonstructural Shoreline Stabilization Measures –
Regulations and Scoring System


COMMITTEE: Education, Energy & Environment
POSITION: Support

The Commissioners of St. Mary's County express our support for **HB 613 – Department of the Environment – Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures – Regulations and Scoring System**. This bill will offer property owners and homeowners a faster and more flexible 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. HB 613 provides a needed update to the approval process for shoreline protection works. Providing our citizens a modern process and modern tools to protect their land is a cause the Commissioners support.

We urge you to **support HB 613**. 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/tr
T:/Consent/2026/034

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

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

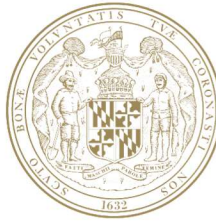
HB 613 senate letter of support.pdf

Uploaded by: Natalie Ziegler

Position: FAV

JEFFERSON L. GHRIST
Co-CHAIR

NATALIE ZIEGLER
Co-CHAIR



H. KEVIN ANDERSON
TERRY BAKER
KEVIN B. HORNBERGER
ANDRE V. JOHNSON, JR.
STEVE JOHNSON
SHEREE SAMPLE-HUGHES

THE MARYLAND HOUSE OF DELEGATES
HOUSE RURAL CAUCUS

March 31, 2026

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

Chair Feldman, Vice Chair Kagan, and Honorable Members of the Senate Education, Energy, and the Environment Committee:

On behalf of the Rural Caucus, we are writing to express our support for **HB 613 Calvert and St. Mary's Counties - Living Shorelines and Nonstructural Shoreline Stabilization Measures**.

HB 613 establishes a new, locally driven process for living shoreline and nonstructural shoreline stabilization projects in Calvert County and St. Mary's County through their respective Soil Conservation Districts. This legislation addresses longstanding concerns that the unique environmental conditions of Southern Maryland's waters and shorelines are not always adequately reflected in state-level decision-making, and transfers planning, review, waiver authority, and related decisions to qualified local experts. For these reasons, the Rural Caucus supports HB 613 and requests a favorable report.

Thank you,

A handwritten signature in black ink, appearing to read "Jefferson L. Ghrist".

Delegate Jefferson L. Ghrist
Co-Chair

A handwritten signature in black ink, appearing to read "Natalie Ziegler".

Delegate Natalie Ziegler
Co-Chair

HB613 DTMorgan Testimony Senate .pdf

Uploaded by: Todd Morgan

Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

House Bill 613 - Department of the Environment - Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring System

Chair Feldman, Vice Chair Kagan and Members of the Committee:

Today, I bring forward House Bill 613.

This bill now as amended is a statewide bill. It has had numerous reviews to gain stakeholder, advocate, DNR, and MDE input and support.

Let me be clear at the outset: I am not against living shorelines. They are an important environmental tool, and the Living Shoreline Protection Act of 2008 established them as the State's preferred method of erosion control where feasible. What I, and many of my constituents, take issue with is the process. Too often, it feels top-down. Exceptions are difficult to obtain, reviews can take a long time, and property owners spend significant money with no certainty of outcome, all while their shoreline continues to erode.

This issue has been developing for several years. A few sessions ago, a similar bill came before the Environment and Transportation Committee. We had a spirited and productive discussion in subcommittee and ultimately decided to continue working on it rather than force the issue.

Since then, the ENT Committee tried to better understand the full picture through interim site visits. We've been to Calvert Cliffs Nuclear Power Plant, Point lookout State Park, and Poplar Island. When you stand on those shorelines and see the conditions firsthand, it reinforces something important: Maryland's coastline is not one-size-fits-all.

Under current law, property owners must generally use nonstructural shoreline stabilization measures. There are two exceptions: where the Maryland Department of the Environment has mapped an area as appropriate for structural measures, or where an applicant can demonstrate that nonstructural methods are not feasible. The challenge is that much of our shoreline is mapped as "undetermined." Additionally, securing a waiver can take considerable time and expense, and there is no guarantee of approval. Meanwhile, erosion continues—often at an accelerated pace because of the energy of the water we face.

When a waiver is denied, property owners and marine contractors have not been told the basis of this denial. At times the process and decisions have seemed arbitrary. This is unfair to everyone involved in the process and gives the appearance of unfair practices.

We consistently hear from marine contractors that some property owners simply decide the process is not workable and walk away. When that happens, the shoreline is left unprotected, and we lose more of it each year.

House Bill 613 has been significantly amended and now reflects a much broader, statewide approach. No longer limited to Calvert and St. Mary's Counties, the bill applies across Maryland and establishes a more transparent and collaborative framework for shoreline management decisions.

As amended, the bill redefines "living shoreline" and clarifies the associated attributes, ensuring a more consistent understanding of what qualifies under that designation.

The role of Soil Conservation Districts has also been updated. While they are now advisory in nature, they are required to be consulted at the initial request of a waiver and will provide recommendations to the Maryland Department of the Environment. This ensures that local expertise remains part of the decision-making process.

Importantly, the bill requires MDE to develop, in collaboration with stakeholders, a scoring system for evaluating projects. This scoring system must be made publicly available on MDE's website, bringing greater transparency and consistency to the evaluation process.

Additionally, MDE is required to engage stakeholders in a series of discussions addressing key challenges, including wave energy environments, existing time-of-year restrictions, and mitigation requirements. The Department must report back to the Environment and Transportation Committee and the Education, Energy, and the Environment Committee by December 1, 2026, on the progress of these efforts.

Overall, the amended bill strengthens transparency, expands stakeholder involvement, and ensures that both local insight and scientific considerations are incorporated into shoreline management decisions statewide

I'm also proud that this is the first bill to receive a letter of support from the newly created House of Delegates, Maryland Rural Caucus, reflecting an understanding that rural coastal communities experience these challenges differently.

For these reasons, I respectfully ask for a favorable report on House Bill 613. Thank you for your consideration.

MDFB - Support - HB613 Waivers for Living Shorelin

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 31, 2026

To: Senate Education, Energy and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of HB613 Department of the Environment - Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring System**

On behalf of the over 7,000 member families of the Maryland Farm Bureau, I submit written testimony in support of HB613 Department of the Environment - Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring System. The Maryland Farm Bureau appreciates the General Assembly's efforts to improve clarity, transparency, and consistency in the shoreline stabilization permitting process through House Bill 613, as amended. We support the bill's amended approach to apply its framework on a statewide basis, which promotes uniformity and predictability for landowners across Maryland while avoiding fragmented or county-specific regulatory structures.

Maryland Farm Bureau particularly supports the bill's emphasis on local implementation and decision-making, including the expanded and clearly defined role of local Soil Conservation Districts in the review, evaluation, and waiver processes related to shoreline stabilization projects. Local Soil Conservation Districts possess site-specific knowledge, technical expertise, and long-standing working relationships with landowners, making them well-positioned to assess feasibility, environmental conditions, and practical constraints on a case-by-case basis.

We strongly support policies that rely on locally informed, science-based recommendations rather than rigid, one-size-fits-all mandates, and believe the bill's reliance on Soil Conservation District involvement reflects this important principle. Additionally, the bill includes provisions that enhance procedural transparency, including clearer waiver criteria, defined review processes, and improved coordination among state and local agencies.

House Bill 613, as amended, appropriately maintains flexibility for property owners by preserving waiver options where living shorelines or nonstructural shoreline stabilization measures are not feasible, while still advancing environmental objectives. Maryland Farm Bureau continues to emphasize that environmental policies should be implemented in a manner that is practical, predictable, and respectful of private property rights, particularly where working lands, farms, and rural properties are affected.

For these reasons, Maryland Farm Bureau supports House Bill 613, as amended.

A handwritten signature in black ink, appearing to read 'Tyler Hough', with a horizontal line above it.

Tyler Hough
Director of Government Relations

Please contact Tyler Hough at though@marylandfb.org with any questions

MDE HB 613 SWA - EEE.pdf

Uploaded by: Jeremy D Baker

Position: FWA



The Maryland Department of the Environment
Secretary Serena McIlwain

House Bill 613

Department of the Environment - Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring System

Position: Support with Amendments
Committee: Education, Energy, and the Environment
Date: March 31, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 613 **WITH AMENDMENTS**.

Bill Summary

House Bill 613 as amended would: (1) institute new definitions for “Living Shoreline” and “Nonstructural Shoreline Stabilization Measure;” (2) eliminate automatic waivers for unmapped areas; (3) require MDE to complete site visits for all waiver requests; (4) provide Soil Conservation Districts the ability to provide comments on applications; (5) require MDE to establish a scoring system for waiver requests; and (6) require MDE to work with stakeholders on further changes to the waiver process and report to the General Assembly.

Position Rationale

MDE supports the overall goals of HB 613 but is requesting additional clarifying amendments to resolve implementation hurdles while preserving the spirit of the bill.

The bill’s new definition of “Living Shoreline” and “Nonstructural Shoreline Stabilization Measure” conflicts 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. Additionally, defining nonstructural shoreline stabilization measures differently from living shorelines creates competing and conflicting criteria. The dual standard may effectively force applicants who do not qualify for a living shoreline waiver to navigate two parallel sets of rules and create confusion and regulatory uncertainty.

MDE recommends amending the bill's definitions to ensure they are scientifically accurate and practically enforceable, while also utilizing terms already well established. As currently written, the term 'low profile' would unintentionally exclude proven resilience strategies, like headland breakwaters, that must extend above the Mean High Water line. Additionally, the phrase 'substantial biological component' is not clearly understood, and 'lacustrine fringe wetlands' is scientifically inaccurate for tidal systems, as it applies only to freshwater lakes. Revising these definitions would allow MDE to implement the bill effectively using appropriate, site-specific engineering.

Contact: Alex Butler, Deputy Director of Government Relations
Phone: 443-695-7478, Email: alex.butler@maryland.gov

The bill also requires the opportunity for the local Soil Conservation District to provide recommendations on waiver requests received by MDE, but lacks timeframes for this recommendation to be provided for MDE's consideration. Existing regulations (COMAR 26.24.02.02 (D)) require MDE to issue notice of an incomplete application by Day 45 or the application is deemed complete and a decision must be issued. Without a required timeframe for local SCD recommendations, MDE may struggle to meet regulatory review deadlines, leading to permit delays for applicants. To improve the operational efficiency of the waiver process, MDE recommends that the bill be amended to specify a required response timeframe of 15 days for local SCD's to submit recommendations on waiver requests to MDE and avoid delays to the review and approval process.

Accordingly, MDE respectfully requests the Committee issue a **FAVORABLE WITH AMENDMENTS** report for HB 613.

SENATE BILL 368

M1, M3

6lr1568
CF 6lr1569

By: **Senators Bailey and Harris**

Introduced and read first time: January 27, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert and St. Mary's Counties –**
3 **Department of the Environment – Waivers**
4 **for Living Shorelines and Nonstructural**
5 **Shoreline Stabilization Measures – Regulations and Scoring System**

6 FOR the purpose of ~~establishing requirements for the use of~~
7 ~~authorizing a person to use living shorelines and~~
8 ~~nonstructural stabilization measures in Calvert County and St. Mary's County;~~
9 ~~exempting property located in Calvert County and St. Mary's County from certain~~
10 ~~general requirements regarding the use of nonstructural shoreline stabilization~~
11 ~~measures as a certain erosion control measure; requiring that certain~~
12 ~~regulations adopted by the Department of the Environment require the~~
13 ~~Department to take certain action during the evaluation of a certain waiver~~
14 ~~request under certain circumstances; requiring the Department to develop~~
15 ~~a certain scoring system; and generally relating to shoreline~~
16 erosion and stabilization.

17 BY repealing and reenacting, with amendments,
18 Article – Environment
19 Section 16–201
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2025 Supplement)

22 BY repealing
23 Article – Natural Resources
24 Section 8–1808.11
25 Annotated Code of Maryland
26 (2023 Replacement Volume and 2025 Supplement)

27 BY adding to
28 Article – Natural Resources
29 Section 8–1808.11
30 Annotated Code of Maryland
31 (2023 Replacement Volume and 2025 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
33 That the Laws of Maryland read as follows:

34 **Article – Environment**

1 16-201.

2 (a) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(2) (i) "LIVING SHORELINE" MEANS A PROJECT TO MITIGATE THE EFFECTS OF EROSION CAUSED BY SHORELINE FLOODING OR INUNDATION, CURRENTS, AND WAVE ENERGY THROUGH PROJECT DESIGN THAT:~~

~~1. STABILIZES A SHORELINE BY USING NATURAL MATERIALS TO CREATE BUFFERS TO ABSORB THE IMPACT OF COASTAL STORMS, FLOODING, AND WAVE ENERGY AND TO PREVENT OR MINIMIZE SHORELINE EROSION;~~

~~2. INCORPORATES AS MANY NATURAL ELEMENTS AS POSSIBLE TO ENSURE A SUBSTANTIAL BIOLOGICAL COMPONENT, SUCH AS NATIVE, TIDAL, OR LACUSTRINE FRINGE WETLANDS, OYSTER REEFS, SUBMERGED AQUATIC VEGETATION, OR NATIVE PLANTS;~~

~~3. UTILIZES TECHNIQUES THAT INCORPORATE ECOLOGICAL AND COASTAL ENGINEERING PRINCIPLES IN SHORELINE STABILIZATION; AND~~

~~4. TO THE EXTENT POSSIBLE, MAINTAINS OR RESTORES EXISTING NATURAL SLOPES AND CONNECTIONS BETWEEN UPLANDS AND ADJACENT WETLANDS OR SURFACE WATERS.~~

~~(ii) "LIVING SHORELINE" INCLUDES THE USE OF:~~

~~1. NATURAL ELEMENTS SUCH AS SAND, WETLAND PLANTS, WOODY DEBRIS, OYSTERS OR OTHER SHELLFISH, SUBMERGED AQUATIC VEGETATION, NATIVE GRASSES, SHRUBS, TREES, OR OTHER BIODEGRADABLE MATERIALS AS APPROVED BY THE DEPARTMENT; AND~~

~~2. LOW PROFILE STRUCTURAL ELEMENTS, SUCH AS STONE, CONCRETE, OYSTER DOMES, OR OTHER APPROVED ENGINEERED STRUCTURES.~~

~~(3) (i) "NONSTRUCTURAL NONSTRUCTURAL SHORELINE STABILIZATION MEASURE" MEANS AN EROSION CONTROL MEASURE THAT IS:~~

~~4 (i) 1. DOMINATED BY TIDAL WETLAND VEGETATION; AND~~

~~5 (ii) 2. DESIGNED TO PRESERVE THE NATURAL SHORELINE, 6 MINIMIZE EROSION, AND ESTABLISH AQUATIC HABITAT;~~

~~7 (2) (ii) "NONSTRUCTURAL SHORELINE STABILIZATION MEASURE" 8 INCLUDES MARSH OR OTHER TIDAL WETLAND CONSTRUCTION;~~

~~(2) "COASTAL ENGINEERING PRINCIPLES" MEAN THE APPLICATION OF CIVIL ENGINEERING, OCEANOGRAPHY, AND GEOLOGY TO MANAGE COASTAL SHORELINES TO:~~

~~(I) CONTROL EROSION;~~

~~(II) MANAGE WAVE ENERGY AND SEDIMENT TRANSPORT; AND~~

~~(III) SUPPORT COASTAL RESILIENCE UTILIZING SUSTAINABLE DESIGN.~~

~~(3) "COASTAL PROCESSES" MEANS THE NATURAL, DYNAMIC INTERACTION THAT SHAPES A SHORELINE AND IS DRIVEN BY WAVES, TIDE, AND WEATHER THROUGH HYDRAULIC ACTION, ABRASION, DEPOSITION, SOLUTION, AND TRANSPORTATION.~~

~~(4) "LIVING SHORELINE" MEANS A SHORELINE STABILIZATION PRACTICE THAT UTILIZES ECOLOGICAL AND COASTAL ENGINEERING PRINCIPLES TO MINIMIZE SHORE EROSION, SUPPORT COASTAL RESILIENCE, AND CREATE, MAINTAIN, OR ENHANCE HABITAT THROUGH A DESIGN THAT, TO THE EXTENT PRACTICABLE:~~

~~(i) MAINTAINS COASTAL PROCESSES;~~

~~(ii) MAINTAINS OR RESTORES THE TRANSITION BETWEEN THE LANDWARD BOUNDARY OF WETLANDS AND ADJACENT STATE OR PRIVATE WETLANDS;~~

(iii) INCORPORATES NATURAL ELEMENTS, INCLUDING:

1. SAND;

2. NATIVE WETLAND VEGETATION;

3. WOODY DEBRIS;

4. OYSTERS OR OTHER SHELLFISH;

5. SUBMERGED AQUATIC VEGETATION; OR

6. OTHER BIODEGRADABLE MATERIALS, AS APPROVED BY THE DEPARTMENT; AND

0. (iv) MAY INCLUDE STRUCTURAL ELEMENTS AT OR BELOW MEAN HIGH WATER LINE, AS NECESSARY, TO SUPPORT THE STABILITY AND FUNCTION OF THE NATURAL ELEMENTS.

0. "MEAN HIGH WATER LINE" MEANS THE LINE WHERE THE LAND MEETS THE WATER SURFACE AT THE ELEVATION OF MEAN HIGH WATER.

9 **(B) (1)** A person who is the owner of land bounding on navigable water is
10 entitled to any natural accretion to the person's land, to reclaim fast land lost by erosion or
11 avulsion during the person's ownership of the land to the extent of provable existing
12 boundaries.

13 **(2)** The person may make improvements into the water in front of the land
14 to preserve that person's access to the navigable water or, subject to ~~subsection (e) (D)~~
15 ~~SUBSECTIONS (D) AND (E) OF THIS SECTION~~, protect the shore of that person against
16 erosion.

17 **(3)** After an improvement has been constructed, the improvement is the
18 property of the owner of the land to which the improvement is attached.

19 **(4)** A right covered in this subtitle does not preclude the owner from
20 developing any other use approved by the Board.

21 **(5)** The right to reclaim lost fast land relates only to fast land lost after

22 January 1, 1972, and the burden of proof that the loss occurred after this date is on the
23 owner of the land.

24 ~~[(b)] (C)~~ The rights of any person, as defined in this subtitle, which existed prior
25 to July 1, 1973 in relation to natural accretion of land are deemed to have continued to be
26 in existence subsequent to July 1, 1973 to July 1, 1978.

27 ~~[(c)] (D) (1) THIS SUBSECTION DOES NOT APPLY TO PROPERTY~~
28 ~~LOCATED IN:~~

29 ~~(i) CALVERT COUNTY; OR~~

30 ~~(ii) St. Mary's County APPLIES ONLY TO A SHORELINE STABILIZATION PROJECT~~
~~FOR WHICH ANY PORTION OF THE PROJECT IS IN AN AREA THAT IS NOT DESIGNATED AS APPROPRIATE FOR STRUCTURAL~~
~~SHORELINE STABILIZATION MEASURES BY DEPARTMENT MAPPING.~~

1 [(1)] (2) Improvements to protect a person’s property against erosion
2 shall consist of A LIVING SHORELINE OR nonstructural shoreline stabilization measures that
3 preserve the natural
4 environment, such as marsh creation, except:

4 ~~(i) In areas designated by Department mapping as appropriate for
5 structural shoreline stabilization measures; and~~

6 (i) In areas designated by Department mapping as appropriate for structural shoreline stabilization
7 measures; and

8 ~~(ii) In In~~ areas where the person can demonstrate to the Department’s
9 satisfaction that such measures are not feasible, including areas of excessive erosion, areas
10 subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline
11 stabilization measures.

12 [(2)] (3) (i) Subject to subparagraph (ii) of this paragraph, in
13 consultation with the Department of Natural Resources, the Department shall adopt
14 regulations to implement the provisions of this subsection.

15 (ii) Regulations adopted by the Department under subparagraph (i)
16 of this paragraph shall:

17 1. ~~include~~ INCLUDE a waiver process that exempts a person from the
18 requirements of paragraph [(1)] (2) of this subsection on a demonstration to the
19 Department’s satisfaction that A LIVING SHORELINE OR nonstructural shoreline stabilization
measures are not
feasible for the person’s property; AND

2. REQUIRE THE DEPARTMENT, AS PART OF ITS EVALUATION OF WAIVER
REQUESTS, TO:

A. ON REQUEST OF THE PROPERTY OWNER, VISIT THE SITE OF THE
PROPOSED PROJECT WITHIN 45 DAYS AFTER THE DATE OF THE WAIVER REQUEST UNLESS OTHERWISE
AGREED; AND

B. PROVIDE THE LOCAL SOIL CONSERVATION DISTRICT WITH WRITTEN NOTICE OF THE WAIVER
REQUEST AND PROVIDE THE DISTRICT THE OPPORTUNITY TO MAKE RECOMMENDATIONS ON THE ACCEPTANCE OF OR
MODIFICATIONS TO THE WAIVER REQUEST. SUBMIT COMMENTS TO THE DEPARTMENT WITHIN 15 DAYS.

C. A LOCAL SOIL CONSERVATION DISTRICT MAY DECLINE IN WRITING TO
RECEIVE WRITTEN NOTICE OF THE WAIVER REQUESTS OR PARTICIPATE IN THE COMMENT
PROCESS.

(E) (1) THE DEPARTMENT SHALL DEVELOP A SCORING SYSTEM TO EVALUATE
WAIVER REQUESTS UNDER THIS SECTION.

(2) THE SCORING SYSTEM DEVELOPED UNDER PARAGRAPH (1) OF THIS
SUBSECTION SHALL INCLUDE:

(i) THE FACTORS THE DEPARTMENT WILL CONSIDER IN EVALUATING A
REQUEST;

(ii) THE RELATIVE WEIGHT OF EACH FACTOR; AND

(iii) THE MINIMUM SCORE THAT A PROJECT MUST RECEIVE TO
DEMONSTRATE TO THE DEPARTMENT’S SATISFACTION THAT A LIVING SHORELINE OR NONSTRUCTURAL
SHORELINE STABILIZATION MEASURE IS NOT FEASIBLE FOR THE PERSON’S PROPERTY.

(3) THE DEPARTMENT SHALL PUBLISH THE SCORING SYSTEM DEVELOPED UNDER THIS
SUBSECTION ON THE DEPARTMENT’S WEBSITE.

(4) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT THE DISCRETION OF THE DEPARTMENT TO GRANT A WAIVER TO A PROJECT THAT DOES NOT RECEIVE A MINIMUM SCORE.

20 ~~(e) (1) (i)~~ ~~IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE~~
21 ~~MEANINGS INDICATED:~~

22 (ii) ~~“HIGH-ENERGY ENVIRONMENT” MEANS AN AREA~~
23 ~~CHARACTERIZED BY AT LEAST TWO OF THE FOLLOWING CRITERIA:~~

24 1. ~~A FETCH OF GREATER THAN 2 MILES;~~

25 2. ~~A STEEP NEARSHORE SLOPE EXCEEDING 5%, WHERE~~
26 ~~WATER DEEPENS QUICKLY ALLOWING LARGE WAVES TO REACH THE SHORELINE~~
27 ~~WITHOUT MUCH DISSIPATION; AND~~

28 3. ~~GREATER THAN 2 FEET OF EROSION PER YEAR.~~

29 (iii) 1. ~~“LIVING SHORELINE” MEANS A PROJECT TO~~
30 ~~MITIGATE THE EFFECTS OF EROSION CAUSED BY SHORELINE FLOODING OR~~
31 ~~INUNDATION, CURRENTS, AND WAVE ENERGY THROUGH PROJECT DESIGN THAT:~~

32 A. ~~STABILIZES A SHORELINE BY USING NATURAL~~
33 ~~MATERIALS TO CREATE BUFFERS TO ABSORB THE IMPACT OF COASTAL STORMS,~~
34 ~~FLOODING, AND WAVE ENERGY AND TO PREVENT OR MINIMIZE SHORELINE~~
35 ~~EROSION;~~

1 ~~B. INCORPORATES AS MANY NATURAL ELEMENTS AS~~
2 ~~POSSIBLE, SUCH AS NATIVE WETLANDS, OYSTER REEFS, SUBMERGED AQUATIC~~
3 ~~VEGETATION, NATIVE GRASSES, SHRUBS, OR TREES;~~

4 ~~C. UTILIZES TECHNIQUES THAT INCORPORATE~~
5 ~~ECOLOGICAL AND COASTAL ENGINEERING PRINCIPLES IN SHORELINE~~
6 ~~STABILIZATION; AND~~

7 ~~D. TO THE EXTENT POSSIBLE, MAINTAINS OR RESTORES~~
8 ~~EXISTING NATURAL SLOPES AND CONNECTIONS BETWEEN UPLANDS AND ADJACENT~~
9 ~~WETLANDS OR SURFACE WATERS.~~

10 2. ~~“LIVING SHORELINE” INCLUDES THE USE OF:~~

11 ~~A. NATURAL ELEMENTS SUCH AS SAND, WETLAND~~
12 ~~PLANTS, LOGS, OYSTERS OR OTHER SHELLFISH, SUBMERGED AQUATIC~~
13 ~~VEGETATION, NATIVE GRASSES, SHRUBS, TREES, OR COIR FIBER LOGS; AND~~

14 ~~B. STRUCTURAL MATERIALS, SUCH AS STONE,~~
15 ~~CONCRETE, OYSTER DOMES, OR OTHER APPROVED ENGINEERED STRUCTURES.~~

16 (iv) ~~“MEDIUM ENERGY ENVIRONMENT” MEANS AN AREA~~
17 ~~CHARACTERIZED BY AT LEAST TWO OF THE FOLLOWING CRITERIA:~~

18 1. ~~A FETCH OF 0.5 MILES TO 2 MILES;~~

19 2. ~~A MODERATE NEARSHORE SLOPE OF 2% TO 5% WITH~~
20 ~~ENOUGH DEPTH FOR SMALL TO MODERATE WAVES TO PERSIST; AND~~

21 3. ~~FROM 0.5 FEET TO 2 FEET OF EROSION PER YEAR.~~

22 (2) ~~THIS SUBSECTION APPLIES ONLY TO PROPERTY LOCATED IN:~~

23 (i) ~~CALVERT COUNTY; OR~~

24 (ii) ~~ST. MARY’S COUNTY.~~

25 (3) ~~SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION,~~
26 ~~IMPROVEMENTS TO PROTECT A PERSON’S PROPERTY AGAINST EROSION SHALL~~
27 ~~CONSIST OF A LIVING SHORELINE OR NONSTRUCTURAL SHORELINE STABILIZATION~~
28 ~~MEASURES, EXCEPT IN AREAS WHERE THE PERSON CAN DEMONSTRATE TO THE~~
29 ~~LOCAL SOIL CONSERVATION DISTRICT’S SATISFACTION THAT THE PROJECTS AND~~
30 ~~MEASURES ARE NOT FEASIBLE, INCLUDING AREAS OF EXCESSIVE EROSION; AREAS~~

1. ~~SUBJECT TO HEAVY TIDES, AND AREAS TOO NARROW FOR EFFECTIVE USE OF A~~
2. ~~LIVING SHORELINE OR NONSTRUCTURAL SHORELINE STABILIZATION MEASURES.~~

3. ~~(4) A SOIL CONSERVATION DISTRICT MAY WAIVE OR REDUCE~~
4. ~~MITIGATION REQUIREMENTS FOR LIVING SHORELINES OR NONSTRUCTURAL~~
5. ~~SHORELINE STABILIZATION MEASURES IN MEDIUM AND HIGH ENERGY~~
6. ~~ENVIRONMENTS IF, TO THE SOIL CONSERVATION DISTRICT'S SATISFACTION, THE~~
7. ~~LAND-WATER INTERFACE IS MAINTAINED.~~

8. ~~(5) ONLY A SOIL CONSERVATION DISTRICT MAY IMPOSE~~
9. ~~RESTRICTIONS ON THE TIME OF YEAR WHEN A LIVING SHORELINE OR~~
10. ~~NONSTRUCTURAL SHORELINE STABILIZATION MEASURE MAY BE CONSTRUCTED IN~~
11. ~~CALVERT COUNTY OR ST. MARY'S COUNTY.~~

12. ~~(6) (i) THE CALVERT SOIL CONSERVATION DISTRICT AND THE ST.~~
13. ~~MARY'S SOIL CONSERVATION DISTRICT SHALL ADOPT REGULATIONS TO~~
14. ~~IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.~~

15. ~~(ii) THE REGULATIONS SHALL:~~

16. ~~1. INCLUDE A WAIVER PROCESS THAT EXEMPTS A~~
17. ~~PERSON FROM THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION ON A~~
18. ~~DEMONSTRATION TO THE SOIL CONSERVATION DISTRICT'S SATISFACTION THAT THE~~
19. ~~USE OF A LIVING SHORELINE OR NONSTRUCTURAL SHORELINE STABILIZATION~~
20. ~~MEASURES IS NOT FEASIBLE FOR THE PERSON'S PROPERTY; AND~~

21. ~~2. REQUIRE A LIVING SHORELINE OR NONSTRUCTURAL~~
22. ~~SHORELINE STABILIZATION MEASURE TO BE DESIGNED TO WITHSTAND AT LEAST A~~
23. ~~10-YEAR STORM EVENT.~~

24. ~~(7) (i) A PERSON MAY NOT BEGIN CONSTRUCTION OF A SHORELINE~~
25. ~~STABILIZATION PROJECT FOR WHICH THE CALVERT SOIL CONSERVATION~~
26. ~~DISTRICT HAS PROVIDED DESIGN SERVICES UNLESS THE ST. MARY'S SOIL~~
27. ~~CONSERVATION DISTRICT HAS REVIEWED THE PROJECT AND CERTIFIED THAT IT~~
28. ~~COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.~~

29. ~~(ii) A PERSON MAY NOT BEGIN CONSTRUCTION OF A SHORELINE~~
30. ~~STABILIZATION PROJECT FOR WHICH THE ST. MARY'S SOIL CONSERVATION~~
31. ~~DISTRICT HAS PROVIDED DESIGN SERVICES UNLESS THE CALVERT SOIL~~
32. ~~CONSERVATION DISTRICT HAS REVIEWED THE PROJECT AND CERTIFIED THAT IT~~
33. ~~COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.~~

34. Article - Natural Resources

1 [8-1808.11.

1. (a) Other than in areas designated by the Department of the Environment
2. mapping as appropriate for structural shoreline stabilization measures, improvements to
3. protect a person's property against erosion shall consist of nonstructural shoreline
4. stabilization measures that preserve the natural environment, such as marsh creation,
5. except in areas where the person can demonstrate to the satisfaction of the Department of
6. the Environment that these measures are not feasible, including areas of excessive erosion,
7. areas subject to heavy tides, and areas too narrow for effective use of nonstructural
8. shoreline stabilization measures.

9. (b) (1) In consultation with the Department, the Department of the
 10. Environment shall adopt regulations to implement the provisions of this subsection.

11. (2) The regulations shall include a waiver process that exempts a person
 12. from the requirements of subsection (a) of this section on a demonstration to the satisfaction
 13. of the Department of the Environment that nonstructural shoreline stabilization measures
 14. are not feasible for the person's property.]

15. 8-1808.11.

16. IMPROVEMENTS TO PROTECT A PERSON'S PROPERTY AGAINST EROSION
 17. SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF § 16-201 OF THE
 18. ENVIRONMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

1. (1) The Department of the Environment shall work with stakeholders on further alterations to evaluation of the waiver process under § 16-201 of the Environment Article.

○ In working with stakeholders as required under paragraph (1) of this subsection, the Department shall:

- discuss how to:
 - address the specific challenges with constructing shoreline stabilization projects living shoreline projects in medium- and high-energy environments; and
 - provide greater transparency and certainty to the waiver process; and
- review existing construction time-of-year restrictions and tidal wetland mitigation requirements associated with living shoreline projects.

2. On or before December July 1, 2026 2027, the Department shall report to the Senate Committee on Education, Energy, and the Environment and the House Environment and Transportation Committee, in accordance with § 2-1257 of the State Government Article, on the progress of the stakeholder engagement required under subsection (a) of this section.

19. SECTION 2, 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 October July 1, 2026.

HB613 Maryland LCV FWA - Waivers for Living Shorel

Uploaded by: Marisa Olszewski

Position: FWA



**MARYLAND
LEAGUE OF
CONSERVATION
VOTERS**

**Maryland LCV
Board of Directors**

Patrick Miller
Chair

Honorable Nancy Kopp
Treasurer

Bonnie Norman
Secretary

Kimberly Armstrong
Caroline Baker
Joe Gill

Lynn Heller
Honorable Steve Lafferty
Kevin Loeb

Kim Coble
Executive Director

March 30, 2026

Favorable with Amendment: HB 613 Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring Systems

Mr. Chairman and Members of the Committee:

Maryland LCV supports the substantial changes made to HB 613 since its introduction. We appreciate the work of the sponsor, Delegate Morgan and the House Environment and Transportation Committee for their work to deliver legislation that addresses concerns and strengthens Maryland's commitment to improving shoreline habitat in the Chesapeake Bay.

As amended, HB 613 codifies an appropriately broad definition of living shoreline to incorporate the many types of shoreline habitats within Maryland's Chesapeake Bay system. Providing this definition will improve regulatory certainty and will make it easier for more waterfront property owners to install living shorelines - a main goal of this regulatory program.

Furthermore, changes made to the bill in the House direct the Maryland Department of the Environment to continue to improve and provide transparency for the waiver process when shorelines are determined inappropriate for living shoreline installations.

Maryland LCV requests a small change in the amended language of the bill. As noted in written testimony from Chesapeake Bay Foundation, we concur that the words "where appropriate" should be added on page 3, line 5 after "engineered structures" to ensure the intent of the bill is clear - to prioritize living shorelines and not to require structural elements if they are not needed.

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. As amended, this bill achieves that goal.

Maryland LCV urges the committee to accept the proposed amendment and vote for a favorable report for HB 613.

HB 613 - CBF - FWA - EEE.pdf

Uploaded by: Matt Stegman

Position: FWA



CHESAPEAKE BAY FOUNDATION

House Bill 613

Department of the Environment - Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures - Regulations and Scoring System

Date: March 31, 2026

To: Education, Energy, & the Environment Committee

Position: FAVORABLE w/ AMENDMENT

From: Matt Stegman,
MD Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS House Bill 613**, which as amended in the House adopts a new, more inclusive definition of living shorelines and nonstructural shoreline stabilization measures and directs MDE to continue making improvements to the living shoreline requirement waiver evaluation process that make the process more transparent and understandable for property owners and project implementers.

CBF respectfully requests that the committee make one additional clarifying change to the living shoreline definition contained in the bill. On page 3, line 5, the committee should add “where appropriate” after “engineered structures”. In its current form, the definition would require all living shoreline projects to have both a natural element and a low-profile structural element. Structural elements are not necessary in low-energy environments. Mandating their inclusion could add additional cost and complication to erosion control projects.

HB 613 is very different from the form in which it was introduced and from its crossfile, SB 368, which was heard by the committee earlier this session. CBF thanks the bill sponsors in the House and Senate for being responsive to our concerns. This version maintains consistent permitting processes across the state while ensuring local insight is incorporated into waiver decisions. It also ensures that the stakeholder discussions around improving the waiver process that had begun this past Fall will continue.

CBF requests the committee’s FAVORABLE WITH AMENDMENT report on HB 613.

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

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

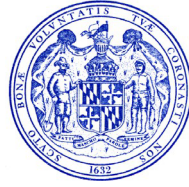
The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

HB 613 CAC_LOI_EEE 3 31 26.pdf

Uploaded by: Lisa Hoerger

Position: INFO

Wes Moore
Governor
Aruna Miller
Lt. Governor



Erik Fisher
Chair
Nick Kelly
Executive Director

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

March 31, 2026

BILL NUMBER: HOUSE BILL 613 – First Reader

SHORT TITLE: Department of the Environment – Waivers for Living Shorelines and Nonstructural Shoreline Stabilization Measures Regulations and Scoring System

COMMISSION’S POSITION: INFORMATION

EXPLANATION OF COMMISSION’S POSITION

The Commission offers this letter of information for HB 613. The amendments approved by the House resolve our opposition to the original bill. Specifically, the amendments restore the consistent application of the State’s oversight of shoreline protection projects and restores Commission staff and local Critical Area planners’ participation in the living shoreline review process. The addition of the word “channelward” on page 3, line 4 is important since it will have the effect of ensuring structural measures are not located in the 100-foot buffer.

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. The House amendments to HB 613 would restore the consistent application of the State’s regulatory and Statutory requirements.

Contact: Nick Kelly at (443) 758-4249 or by email at nick.kelly@maryland.gov
Lisa Hoerger at (410) 271-6622 or by email at lisa.hoerger@maryland.gov

ⁱ NR §8-1801(b)(2)