

Chapter 584

(Senate Bill 876)

AN ACT concerning

Natural Resources – Black Fly Management and Control – Washington County

FOR the purpose of ~~requiring~~ *authorizing* the Department of Natural Resources, *in conjunction with the Department of Agriculture*, to establish a program to control the spread of black flies in the State *under certain circumstances*; requiring that the program be implemented initially on certain property in Washington County; authorizing the Department *of Natural Resources*, in conjunction with *the Department of Agriculture and* the University of Maryland's Department of Entomology, to conduct the program in a certain manner; authorizing the Department of Natural Resources *and the Department of Agriculture* to accept, use, or expend certain funding to implement this Act; ~~requiring~~ *authorizing* the Department *of Natural Resources, in conjunction with the Department of Agriculture*, to adopt certain regulations; stating a certain finding and the intent of the General Assembly; and generally relating to the management and control of black flies in the State.

BY adding to

Article – Natural Resources

Section 8–2201 through 8–2205 to be under the new subtitle “Subtitle 22. Black Fly Management and Control”

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

Article – Natural Resources**SUBTITLE 22. BLACK FLY MANAGEMENT AND CONTROL.****8–2201.**

(A) THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF THE GROUP *SIMULIUM JENNINGSI*, COMMONLY KNOWN AS BLACK FLIES, ARE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND TOURISM.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT, IN CONJUNCTION WITH *THE DEPARTMENT OF AGRICULTURE AND*

THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, SIGNIFICANTLY REDUCE THE POPULATION OF BLACK FLIES IN THE STATE.

8-2202.

~~THE SUBJECT TO FUNDING MADE AVAILABLE TO THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE, THE DEPARTMENT SHALL~~ MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, IMPLEMENT A PROGRAM TO CONTROL THE SPREAD OF BLACK FLIES IN THE STATE.

8-2203.

(A) THE PROGRAM SHALL BE IMPLEMENTED INITIALLY IN WASHINGTON COUNTY ON:

- (1) STATE-OWNED PROPERTY;
- (2) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH CONSENT OF THE LOCAL GOVERNMENT; AND
- (3) PRIVATE PROPERTY WITH CONSENT OF THE PROPERTY OWNER.

(B) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE AND THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, MAY:

- (1) TREAT THE PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK SPRAYING OF BACILLUS THURINGIENSIS ISRAELENESIS;
- (2) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR, LOCATION, AND TIMING OF SPRAYING;
- (3) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR INGESTION BY THE BLACK FLIES;
- (4) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF AN UPCOMING SPRAYING;
- (5) REVIEW THE EFFECTIVENESS OF THE SPRAYING; AND
- (6) CONDUCT BIOMONITORING OF AQUATIC MACROINVERTEBRATES AND FISH IN SELECTED STREAMS TO ENSURE THERE IS NO IMPACT ON THE ENVIRONMENT.

8-2204.

THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE MAY ACCEPT, USE, OR EXPEND ANY AID, GIFT, OR GRANT MADE AVAILABLE FROM ANY PRIVATE OR PUBLIC SOURCE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

8-2205.

THE DEPARTMENT ~~SHALL~~ MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.