

HOUSE BILL 870

M1
HB 1169/15 – ENV

6lr2538
CF SB 876

By: **Delegate Parrott**

Introduced and read first time: February 8, 2016

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2016

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Black Fly Management and Control – ~~Washington County~~**
3 **Study**

4 FOR the purpose of ~~requiring the Department of Natural Resources to establish a program~~
5 ~~to control the spread of black flies in the State; requiring that the program be~~
6 ~~implemented initially on certain property in Washington County; authorizing the~~
7 ~~Department, in conjunction with the University of Maryland's Department of~~
8 ~~Entomology, to conduct the program in a certain manner; authorizing the~~
9 ~~Department of Natural Resources to accept, use, or expend certain funding to~~
10 ~~implement this Act; requiring the Department to adopt certain regulations; stating~~
11 ~~a certain finding and the intent of the General Assembly; requiring the Department~~
12 of Natural Resources to conduct a study on the feasibility of establishing a program
13 to control the spread of black flies in the State; requiring the study to include
14 consideration of establishing a pilot program to control the spread of black flies in
15 Washington County; requiring the Department of Natural Resources to consult with
16 the Department of Agriculture and the Department of the Environment in
17 conducting the study; requiring the Department of Natural Resources to report
18 certain findings and recommendations to the Governor and certain committees of the
19 General Assembly on or before a certain date; and generally relating to the
20 management and control of black flies in the State.

21 ~~BY adding to~~

22 ~~Article – Natural Resources~~

23 ~~Section 8-2201 through 8-2205 to be under the new subtitle “Subtitle 22. Black Fly~~

24 ~~Management and Control”~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~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.~~

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

~~§ 2202.~~

~~THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO CONTROL THE SPREAD OF BLACK FLIES IN THE STATE.~~

~~§ 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 UNIVERSITY OF MARYLAND'S DEPARTMENT OF ENTOMOLOGY, MAY:~~

~~(1) TREAT THE PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK SPRAYING OF BACILLUS THURINGIENSIS ISRAELENIS;~~

1 ~~(2) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR,~~
2 ~~LOCATION, AND TIMING OF SPRAYING;~~

3 ~~(3) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR~~
4 ~~INGESTION BY THE BLACK FLIES;~~

5 ~~(4) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF~~
6 ~~AN UPCOMING SPRAYING;~~

7 ~~(5) REVIEW THE EFFECTIVENESS OF THE SPRAYING; AND~~

8 ~~(6) CONDUCT BIOMONITORING OF AQUATIC MACROINVERTEBRATES~~
9 ~~AND FISH IN SELECTED STREAMS TO ENSURE THERE IS NO IMPACT ON THE~~
10 ~~ENVIRONMENT.~~

11 ~~§ 2204.~~

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

15 ~~§ 2205.~~

16 ~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE~~
17 ~~PROVISIONS OF THIS SUBTITLE.~~

18 (a) (1) The Department of Natural Resources shall study the feasibility of
19 establishing a program to control the spread of black flies in the State.

20 (2) The study required under this section shall include consideration of
21 establishing a pilot program to control the spread of black flies in Washington County.

22 (3) In conducting the study required under this subsection, the
23 Department of Natural Resources shall consult with:

24 (i) the Department of Agriculture; and

25 (ii) the Department of the Environment.

26 (b) On or before December 31, 2016, the Department of Natural Resources shall
27 report to the Senate Education, Health, and Environmental Affairs Committee and the
28 House Environment and Transportation Committee, in accordance with § 2-1246 of the
29 State Government Article, on the findings of the study required under subsection (a) of this
30 section and any recommended policy actions to implement a program to control the spread
31 of black flies in the State, including actions to implement a pilot program to control the
32 spread of black flies in Washington County.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.