

Chapter 585

(House Bill 870)

AN ACT concerning

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

FOR the purpose of ~~requiring the Department of Natural Resources to establish a program to control the spread of black flies in the State; requiring that the program be implemented initially on certain property in Washington County; authorizing the Department, in conjunction with the University of Maryland's Department of Entomology, to conduct the program in a certain manner; authorizing the Department of Natural Resources to accept, use, or expend certain funding to implement this Act; requiring the Department to adopt certain regulations; stating a certain finding and the intent of the General Assembly; requiring the Department of Natural Resources to conduct a study on the feasibility of establishing a program to control the spread of black flies in the State; requiring the study to include consideration of establishing a pilot program to control the spread of black flies in Washington County; requiring the Department of Natural Resources to consult with the Department of Agriculture and the Department of the Environment in conducting the study; requiring the Department of Natural Resources to report certain findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; 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)~~BY adding toArticle – 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* ~~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;~~
- ~~(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.~~

~~§ 2204.~~

~~THE DEPARTMENT 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.~~

~~§ 2205.~~

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

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

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

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

~~(i) the Department of Agriculture; and~~

~~(ii) the Department of the Environment.~~

~~(b) On or before December 31, 2016, the Department of Natural Resources shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee, in accordance with § 2-1246 of the~~

~~State Government Article, on the findings of the study required under subsection (a) of this section and any recommended policy actions to implement a program to control the spread of black flies in the State, including actions to implement a pilot program to control the spread of black flies in Washington County.~~

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 ISRAELENسيس;

(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 June~~ October 1, 2016.

Approved by the Governor, May 19, 2016.