

By: Senator Colburn

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Phragmites - Cost Sharing Program**

3 FOR the purpose of requiring the Department of Natural Resources to pay certain
4 landowners a certain percentage of the costs associated with the management and
5 control of the spread of phragmites on the landowner's property under a cost
6 sharing program under certain circumstances; authorizing the expenditure of funds
7 from the Nontidal Wetlands Compensation Fund for certain purposes and in
8 coordination with the Department of the Environment; authorizing the Secretary of
9 Natural Resources to take certain actions necessary for managing and controlling
10 the spread of phragmites; and generally relating to the management and control of
11 the spread of phragmites.

12 BY repealing and reenacting, with amendments,
13 Article - Environment
14 Section 5-909(c)(3)
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1995 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Natural Resources
19 Section 8-2102 and 8-2107
20 Annotated Code of Maryland
21 (1990 Replacement Volume and 1995 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Natural Resources
24 Section 8-2101 and 8-2103
25 Annotated Code of Maryland
26 (1990 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Environment**

2 5-909.

3 (c) (3) Funds in the Nontidal Wetland Compensation Fund may be used only
4 for the creation, restoration, or enhancement of nontidal wetlands, including:

5 (i) Acquisition of land;

6 (ii) Acquisition of easements;

7 (iii) Maintenance of mitigation sites;

8 (iv) Purchase of credits in mitigation banks; [and]

9 (v) IN COORDINATION WITH THE DEPARTMENT OF NATURAL
10 RESOURCES, COST SHARING ASSISTANCE TO LANDOWNERS IN THE MANAGEMENT
11 AND CONTROL OF PHRAGMITES UNDER TITLE 8, SUBTITLE 21 OF THE NATURAL
12 RESOURCES ARTICLE; AND

13 (VI) Contractual services necessary to accomplish the intent of this
14 paragraph.

15 **Article - Natural Resources**

16 8-2101.

17 The General Assembly finds that the growth of the tall, reed-like grass Phragmites
18 communis, commonly known as phragmites, may be a public and common nuisance on
19 land and wetlands used for wildlife habitat areas.

20 8-2102.

21 (a) A person who owns real property on which phragmites grows may apply to the
22 Secretary for COST SHARING assistance in the management and control of the spread of
23 phragmites.

24 (b) THE SECRETARY SHALL ESTABLISH A COST SHARING PROGRAM TO
25 ASSIST LANDOWNERS, ON WHOSE PROPERTY PHRAGMITES GROWS, IN THE
26 MANAGEMENT AND CONTROL OF THE SPREAD OF PHRAGMITES.

27 (C) The Secretary may determine whether the Department should assist
28 landowner in the management and control of the spread of phragmites based on:

29 (1) The magnitude of the area [of current growth for phragmites] TO BE
30 MANAGED AND CONTROLLED; and

31 (2) The possibility of the spread of phragmites into adjoining land and
32 wetland areas.

33 (D) (1) (I) SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE
34 DEPARTMENT SHALL PAY A LANDOWNER 50% OF THE COSTS ASSOCIATED WITH THE
35 ERADICATION AND CONTROL OF THE SPREAD OF PHRAGMITES.

36 (II) THE LANDOWNER SHALL BE RESPONSIBLE FOR ANY
37 REMAINING COSTS.

1 (III) MONEYS PAID TO A LANDOWNER UNDER THIS SECTION MAY
2 BE PAID FROM THE NONTIDAL WETLAND COMPENSATION FUND. THE DEPARTMENT
3 SHALL COORDINATE COST SHARING ASSISTANCE PAID FROM THE FUND UNDER
4 THIS SECTION WITH THE DEPARTMENT OF THE ENVIRONMENT.

5 (2) THE DEPARTMENT MAY NOT EXPEND MORE THAN \$100,000 EACH
6 YEAR FROM THE NONTIDAL WETLAND COMPENSATION FUND FOR THE COST
7 SHARING PROGRAM ESTABLISHED IN THIS SECTION.

8 (3) THE DEPARTMENT MAY NOT PAY MORE THAN \$12,000 EACH YEAR
9 TO A SINGLE LANDOWNER, OR TO A PERSON IN THE IMMEDIATE FAMILY OF THE
10 LANDOWNER, OR TO AN ENTITY IN WHICH THE LANDOWNER HAS A SUBSTANTIAL
11 OWNERSHIP INTEREST, UNDER THE COST SHARING PROGRAM ESTABLISHED IN THIS
12 SECTION.

13 (4) THE DEPARTMENT MAY NOT EXPEND MORE THAN \$60 PER ACRE
14 PER YEAR FOR ANY COST SHARING PROJECT UNDER THIS SECTION.

15 (5) THE DEPARTMENT SHALL ESTABLISH PRIORITIES TO TARGET COST
16 SHARING ASSISTANCE TO WETLANDS RESTORATION AND ENHANCEMENT PROJECTS
17 WITH THE GREATEST POTENTIAL FOR IMPROVING WILDLIFE HABITAT AND
18 WETLANDS FUNCTIONS.

19 8-2103.

20 (a) The Department shall study the feasibility of establishing a cost sharing
21 program in the Department to assist landowners in paying for the cost of the management
22 and control of the spread of phragmites.

23 (b) The Department of Natural Resources shall study and analyze the progress
24 made in the management and control of the spread of phragmites on:

25 (1) Lands that the Department of Natural Resources owns or controls; and

26 (2) Any real property on which the Department of Natural Resources assists
27 landowners with the control of phragmites.

28 (c) No later than December 1, 1994, the Department of Natural Resources, in
29 conjunction with the Department of Transportation and soil conservation districts, shall
30 prepare an inventory of phragmites in the State.

31 (d) By December 1, 1994, and on request of the committees thereafter, the
32 Department shall submit a report under subsections (a) and (b) of this section to:

33 (1) The Environmental Matters Committee of the House of Delegates of
34 Maryland; and

35 (2) The Economic and Environmental Affairs Committee of the Senate of
36 Maryland.

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1 8-2107.

2 The Secretary shall adopt regulations to carry out the provisions of this subtitle,
3 INCLUDING ELIGIBILITY CRITERIA FOR LANDOWNERS TO OBTAIN COST SHARING
4 ASSISTANCE UNDER THIS SUBTITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1996.