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6lr0889

(PRE-FILED)

CF 6lr0698

By: Senator Colburn

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 1996

CHAPTER ____

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(e)(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

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1 Section 8-2101 and 8-2103
2 Annotated Code of Maryland
3 (1990 Replacement Volume and 1995 Supplement)

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

6 ~~Article—Environment~~

7 ~~5-909.~~

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

10 ~~(i) Acquisition of land;~~

11 ~~(ii) Acquisition of easements;~~

12 ~~(iii) Maintenance of mitigation sites;~~

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

14 ~~(v) IN COORDINATION WITH THE DEPARTMENT OF NATURAL~~
15 ~~RESOURCES, COST SHARING ASSISTANCE TO LANDOWNERS IN THE MANAGEMENT~~
16 ~~AND CONTROL OF PHRAGMITES UNDER TITLE 8, SUBTITLE 21 OF THE NATURAL~~
17 ~~RESOURCES ARTICLE; AND~~

18 ~~(VI) Contractual services necessary to accomplish the intent of this~~
19 ~~paragraph.~~

20 **Article - Natural Resources**

21 8-2101.

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

25 8-2102.

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

29 (b) (1) IF FUNDS ARE APPROPRIATED IN THE STATE BUDGET, THE
30 SECRETARY SHALL ESTABLISH A COST SHARING PROGRAM TO ASSIST
31 LANDOWNERS, ON WHOSE PROPERTY PHRAGMITES GROWS, IN THE MANAGEMENT
32 AND CONTROL OF THE SPREAD OF PHRAGMITES.

33 (2) THE DEPARTMENT MAY NOT PROVIDE ANY FINANCIAL ASSISTANCE
34 UNDER THIS SECTION TO ANY PROPERTY OWNER WHOSE ANNUAL COMBINED
35 INCOME, AS DEFINED IN § 9-104 OF THE TAX - PROPERTY ARTICLE, EXCEEDS \$50,000.

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

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

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

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

8 (II) THE LANDOWNER SHALL BE RESPONSIBLE FOR ANY
9 REMAINING COSTS.

10 ~~(III) MONEYS PAID TO A LANDOWNER UNDER THIS SECTION MAY~~
11 ~~BE PAID FROM THE NONTIDAL WETLAND COMPENSATION FUND. THE DEPARTMENT~~
12 ~~SHALL COORDINATE COST SHARING ASSISTANCE PAID FROM THE FUND UNDER~~
13 ~~THIS SECTION WITH THE DEPARTMENT OF THE ENVIRONMENT.~~

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

17 ~~(3)~~ (2) THE DEPARTMENT MAY NOT PAY MORE THAN \$12,000 EACH
18 YEAR TO A SINGLE LANDOWNER, OR TO A PERSON IN THE IMMEDIATE FAMILY OF
19 THE LANDOWNER, OR TO AN ENTITY IN WHICH THE LANDOWNER HAS A
20 SUBSTANTIAL OWNERSHIP INTEREST, UNDER THE COST SHARING PROGRAM
21 ESTABLISHED IN THIS SECTION.

22 ~~(4)~~ (3) THE DEPARTMENT MAY NOT EXPEND MORE THAN \$60 PER
23 ACRE PER YEAR FOR ANY COST SHARING PROJECT UNDER THIS SECTION.

24 ~~(5)~~ (4) THE DEPARTMENT SHALL ESTABLISH PRIORITIES TO TARGET
25 COST SHARING ASSISTANCE TO WETLANDS RESTORATION AND ENHANCEMENT
26 PROJECTS WITH THE GREATEST POTENTIAL FOR IMPROVING WILDLIFE HABITAT
27 AND WETLANDS FUNCTIONS.

28 8-2103.

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

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

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

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

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

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

3 (1) The Environmental Matters Committee of the House of Delegates of
4 Maryland; and

5 (2) The Economic and Environmental Affairs Committee of the Senate of
6 Maryland.

7 8-2107.

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

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