

16-205.

(d) Funds in the Wetlands Compensation Fund may be appropriated only for acquisition AND CONSERVATION of wetland areas by the State, INCLUDING COST SHARING ASSISTANCE TO LANDOWNERS IN THE MANAGEMENT AND CONTROL OF PHRAGMITES UNDER TITLE 8, SUBTITLE 21 OF THE NATURAL RESOURCES ARTICLE.

(e) Funds appropriated in the budget for wetlands acquisition AND CONSERVATION under this section:

- (1) Shall remain available until expended; and
- (2) May not be reverted under any other provision of law.

Article – Natural Resources

8-2101.

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

8-2102.

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

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

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

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

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

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

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

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