

901:5-52-08

**Gypsy moth suppression program.**

(A) A landowner may request that the department of agriculture include the landowner's property in the gypsy moth suppression program ~~if~~ if:

- (1) The block in which the landowner's property is located is eligible for inclusion in the program pursuant to paragraph (B) of this rule; and
- (2) The landowners designate a block coordinator who submits a completed application pursuant to paragraph (C) of this rule; and
- (3) Each landowner within the block:
  - (a) Signs and submits an agreement to participate in the program pursuant to paragraph (E) of this rule; and
  - (b) Submits payment of the total cost to be assessed to that landowner pursuant to paragraph (E) of this rule; and
- (4) Sufficient funds are available to allow the department to administer the gypsy moth suppression program for the year for which the request is made;

~~The department will have the block in which the landowner's property is located treated for suppression of gypsy moth pursuant to its contract with the aerial applicator.~~

(B) A block may be eligible for inclusion in the gypsy moth suppression program if all of the following requirements are met:

- (1) The block is located within the regulated area of the gypsy moth quarantine, as set out in rule 901:5-52-04 of the Administrative Code; ~~and~~.
- (2) The block is comprised of no less than fifty contiguous acres of treatable area; ~~and~~.
- (3) The tree canopy covers no less than fifty per cent of the block; ~~and~~.
- (4) No less than thirty-five per cent of the tree species within the block boundary is comprised of tree species which are designated as susceptible or resistant to gypsy moth on the list of species in volume II, appendix D of the final environmental impact statement, issued by the USDA ~~United States department of agriculture~~ dated November 1995. This list is set out as

appendix C of this rule; ~~and~~.

- (5) The density of gypsy moth egg masses within the block is no less than either:
    - (a) Two hundred fifty egg masses per acre in a residential forested area; or
    - (b) One thousand egg masses per acre in an uninhabited forested area; ~~and~~.
  - (6) The block has received a favorable assessment review by the Ohio department of natural resources and the United States fish and wildlife service.
- (C) A block may be eligible for participation in the gypsy moth suppression program if the director has received the following on or before the first day of September of the calendar year immediately preceding the year for which treatment for the block is sought:
- (1) A completed application which can be found on the department's website [www.agri.ohio.gov](http://www.agri.ohio.gov). The application must contain the following information in order to, the form of which is attached to this rule as appendix A. An application shall be deemed complete when it contains each of the following on a form prescribed by the director:
    - (a) The full name, mailing address and daytime telephone number of the block coordinator; ~~and~~
    - (b) The full name and address of each participating landowner owning property within the block; ~~and~~
    - (c) The township or municipal corporation in which the block to be treated is located; ~~and~~
    - (d) The county where the block to be treated is located; ~~and~~
    - (e) The preferred product for control of gypsy moth in the block to be treated; ~~and~~
    - (f) The original signature of each participating landowner owning property within the block; and
    - (g) The original signature of the block coordinator; and

(h) A map detailing the boundaries of the block as described in paragraph (C)(2) of this rule.

(2) A map detailing the boundaries of the block to be included in the suppression program. This map shall:

(a) Clearly outline all boundaries for each property forming the block to be treated; ~~and~~

(b) Identify by full name the owners of each property contained within the block to be treated; and

(c) Show the scale used when drawing the map. This scale shall be one of the following:

(i) For blocks less than two hundred acres in size, the scale shall be one inch equals two hundred feet; or

(ii) For blocks greater than or equal to two hundred acres, the scale shall be one inch equals four hundred feet.

(D) When calculating the total cost to be assessed to a landowner, the department shall:

(1) Determine the total treatable acres contained within the qualified block.

(2) Determine the total number of acres owned by each particular landowner.

(3) Determine the percent owned by each particular landowner by dividing the total number of acres owned by each landowner by the total treatable acres contained the qualified block.

(4) Determine the total cost per acre by determining the cost per acre of applying the insecticide as selected by the qualified block. This will be done per the current contract between the department and the aerial spray contractor.

(5) Multiply the percent owned by each landowner by the total cost of applying the insecticide to the entire qualified block. This will result in the total cost to be assessed to a landowner.

~~(1) First determine the total cost per acre to the department for gypsy moth suppression activities for the year that the landowner's block is proposed for treatment, given the preferred pesticide product to be used within the landowner's block. The total cost per acre shall be calculated by determining~~

~~the total expense of aerial spraying for gypsy moths to be incurred by the department in that year for the preferred pesticide product to be used in the block, divided by the number of acres proposed to be treated in that year using that same pesticide. The total expense of aerial spraying for the suppression of gypsy moth shall be calculated per the current contract between the department and the aerial spray contractor.~~

~~(2)(6) Multiply the total cost per acre calculated pursuant to paragraph (D)(1) of this rule by the number of acres that the landowner has requested be treated. In no case shall the total cost to be assessed to a landowner exceed fifty per cent of the department's cost to treat the block in which the landowner's property is located~~

- (E) A landowner whose block has been approved for inclusion in the gypsy moth suppression program shall sign an agreement provided by the department, the form for which is attached to this rule as appendix B, and submit the signed agreement with payment equal to the total cost assessed to the landowner as calculated under paragraph (D) of this rule to the department on or before the first day of March of the calendar year in which the treatment is sought. If the agreement and payment equal to the total cost assessed to the landowner are not received on or before the first day of March, the treatment may not be scheduled.

Effective:

Five Year Review (FYR) Dates: 04/14/2016

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 927.52, 927.701  
Rule Amplifies: 927.71  
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