

## Clearinghouse Rule 08-091

Report to  
Legislative Council Rules Clearinghouse  
NR 47, subch. IX, Wis. Adm. Code  
Natural Resources Board Order No. FR-15-08

### Wisconsin Statutory Authority

ss. 26.30(6m) and 227.11(2), Stats., interpreting ss. 26.30, 28.01 and 28.07, Stats.

### Federal Authority

The USDA Forest Service under the Cooperative Forestry Assistance Act of 1978 (appendix A) as amended (P.L. 95-313) and the 1990 Farm Bill offers a cost sharing program to states for the suppression of gypsy moth outbreaks.

### Court Decisions Directly Relevant

None

### Analysis of the Rule - Rule Effect - Reason for the Rule

The purpose of this rule is to revise the existing procedures for participation by landowners through counties in a voluntary, cooperative state suppression program for outbreaks in Wisconsin of a foreign pest, the gypsy moth. The suppression program includes an aerial insecticide treatment program (administered in partnership with the Department of Agriculture, Trade and Consumer Protection) and administration of federal cost sharing for participants in that treatment program.

Gypsy moth is not native to Wisconsin but has become established in many counties of the state. Where this pest is established, it goes through periodic outbreaks in which the population of gypsy moth explodes and forests can be stripped of leaves in late June. The stress of heavy defoliation can cause the death of some trees and leaves surviving trees weak allowing attack by other pests and diseases. When outbreaks occur, the public typically becomes concerned and looks for ways to reduce the population of gypsy moth to tolerable levels. Treatments to kill large numbers of the pest can be expensive, at times damaging to our native insects and other animals, or even dangerous to the landowner when pesticides are not used according to directions. The department-organized suppression program provides the public with a safe, effective and affordable means to prevent damage to their trees.

The suppression program is offered to landowners through counties. Participating counties provide a coordinator who serves as the contact for the public. The existing rule defines the tasks that will be performed by the participating counties, how to apply for the program, criteria of eligible areas for treatment and cost sharing under the program and eligible costs that can be shared in the federal cost sharing program. This revision of that rule will change the eligibility requirements of the state program to comply with those of the federal program. The revision also includes housekeeping changes which will improve the program's efficiency and accommodate the needs of the participating counties.

### Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

### Description of any Forms (attach copies if available)

None

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