

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

669 BUREAU OF FORESTRY

DIVISION OF FOREST HEALTH AND MONITORING

Chapter 35: BROWNTAIL MOTH MITIGATION FUND

AUTHORITY: 12 M.R.S. § 8321; P.L. 2021, ch. 727

Summary: This rule establishes standards for the administration of the Browntail Moth Mitigation Fund by the Bureau of Forestry.

1. PROGRAM DESCRIPTION

Pursuant to 12 M.R.S. §8321, the Browntail Moth Mitigation Fund was established to provide funding to government entities or nonprofit organizations to assist with reducing impacts from browntail moths. The Browntail Moth Mitigation Fund was established to be distributed in support of browntail moth mitigation using mechanical, cultural, or chemical control methods; education campaigns; and other activities.

2. DEFINITIONS

For the purpose of this rule chapter, the following terms are defined as follows:

1. **Browntail Moth** means the insect species *Euproctis chrysorrhoea* in all its life stages.
2. **Bureau** means the Bureau of Forestry in the Maine Department of Agriculture, Conservation and Forestry, also known as the Maine Forest Service.
3. **Department** means the Maine Department of Agriculture, Conservation and Forestry.
4. **Division** means the Division of Forest Health and Monitoring.
5. **Division Director** means the director of the Bureau's Forest Health and Monitoring Division.
6. **Forest Entomologist** means an expert on insects with a concentration in forest insects.
7. **Government Entity** means a local or tribal government authority, board, commission, department, division, or agency.
8. **Grant Review Committee** means the committee assembled by the Division Director to review proposals. The committee shall include at minimum an integrated pest management expert, a resource administrator, and a forest entomologist.
9. **Grantee** means an entity selected for receipt of Browntail Moth Mitigation Funds.

10. **Integrated Pest Management Expert** means an expert in pest management systems that bring together a range of biological, cultural, physical, and pesticide options to address pest problems.
11. **Nonprofit Organization** means an organization that is incorporated as a non-profit organization, is registered with Maine's Secretary of State office, engaged in activity of public benefit without any intention of earning income for its owners, and is exempt for taxation under US Internal Revenue Service Tax Code 501(c)(3).
12. **Resource Administrator** means the position within the Bureau responsible for providing support to the Bureau for finance issues.
13. **State of Maine Vendor** means an entity registered with the Maine Department of Administrative and Financial Services to receive payments from the State of Maine.

3. APPLICATION PROCESS

- A. The Division will issue a request for applications with application requirements and guidelines. Details on the request for applications will be provided on the Division website and announced in Department bulletins, including the Browntail Moth News bulletin.
- B. The request for applications will include, at minimum:
 - i. proposal requirements,
 - ii. funding limitations,
 - iii. proposal deadlines,
 - iv. review criteria, and
 - v. reporting requirements.
- C. Completed applications must be submitted as outlined in the request for applications to be considered for funding.
- D. The Grant Review Committee will review proposals based on the criteria outlined in the request for applications. Full, partial, or no funding may be awarded for each submitted proposal.

4. ELIGIBILITY

Government entities and Nonprofit Organizations engaged in or wishing to engage in activities to reduce the impacts from Browntail Moth in areas of Maine with significant Browntail Moth populations are eligible to apply for mitigation funds.

The Division will identify areas with significant populations of Browntail Moth through surveys conducted the previous winter and summer. A listing of eligible areas will be posted on the Division website by December of each year. Upon request by an applicant, the Division, in its sole discretion, may decide to add additional areas to the Division's list of eligible areas.

5. ELIGIBLE ACTIVITIES

Eligible activities are those activities that may help reduce the impacts of browntail moth including, but not limited to, activities that support or implement:

1. Physical controls such as removal and destruction of overwintering webs,
2. Pesticide treatments,
3. Cultural controls such as taking actions to limit exposure, reduce habitat or attraction, and
4. Education.

6. ACCOUNTING AND REPORTING

- A.** Grantee must enter a formal agreement with the Department and be a State of Maine Vendor. Work performed prior to a fully executed agreement with the Department is not eligible for reimbursement and will not be reimbursed by the Browntail Moth Mitigation Fund.
- B.** Grantee must maintain an accurate record of expenditures and activities and must provide reports as outlined in the request for applications and the executed agreement.
- C.** Funds may only be used consistent with the terms of the executed agreement.
- D.** The Department will disburse funds on a reimbursement basis only, for work conducted within the agreement period and consistent with terms of the agreement, and after verifying expenditures.

STATUTORY AUTHORITY:

12 M.R.S. §8321; P.L. 2021 ch. 727

EFFECTIVE DATE:

April 9, 2023 – filing 2023-053