

FOR INFORMATION AND ACTION
DA-2013-51
November 22, 2013

Subject: *Tilletia indica* (Mitra) Mundkur (Karnal Bunt) – Amendment of Regulated Areas in Arizona

To: State and Territory Agricultural Regulatory Officials

Effective immediately, the Animal and Plant Health Inspection Service (APHIS) is amending the Karnal bunt regulated areas in Arizona.

Specifically, APHIS is removing 31,291 acres in the Buckeye-Peoria area and 21,960 acres in the Paloma area of Maricopa County in Arizona, including 406 acres of Gila River Indian Community tribal land, from the list of regulated areas in Arizona.

Following a review of all available information regarding the aforementioned fields, APHIS determined that these areas qualify for deregulation in accordance with the criteria listed in 7CFR § 301.89-3(f). Accordingly, restrictions are no longer required on the interstate movement of Karnal bunt regulated articles from these areas.

In addition, APHIS is adding 11,511 acres in the Buckeye-Peoria area of Maricopa County to the Karnal bunt regulated area. This action responds to the detection of Karnal bunt in these fields. Following the completion of the 2012 survey of Karnal bunt regulated areas, we have determined that these fields meet the criteria for regulation outlined in 7CFR § 301.89-3(e).

APHIS will follow this emergency action with the publication of an interim rule in the *Federal Register*. We appreciate the cooperative relationship with the State Regulatory Officials, Tribal Nations in Arizona, and the wheat industry in our effort to prevent the spread of Karnal bunt.

For additional information about the Karnal bunt program, please call National Policy Manager Lynn Evans-Goldner at 301-851-2286.

/s/

Osama A. El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER
Domestic Quarantine for
Tilletia indica (Mitra) Mundkur (Karnal Bunt)

DA-2013-51

The purpose of this Federal Order is to prevent the spread of the plant disease caused by *Tilletia indica* (Karnal bunt). This Federal Order is issued in accordance with the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). The Act authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States and is likewise issued pursuant to the regulations promulgated under the Plant Protection Act found at 7 CFR § 301.89 *et seq.*

Removal and Addition of Regulated Areas

This Federal Order **removes** 31,291 acres in the Buckeye/Peoria area of Maricopa County and 21,960 acres in the Paloma area of Maricopa County Arizona, from the KB quarantine area. These areas qualify for deregulation in accordance with the criteria listed in § 301.89-3(f).

This Federal Order also **adds** 11,511 acres in the Buckeye/Peoria area of Maricopa County, Arizona, to the Karnal bunt (KB), *Tilletia indica*, quarantine area. This action is in response to the detection of KB in these additional fields. Following completion of the 2012 survey of KB regulated areas, we have determined that these fields meet the criteria in § 301.89-3(e)(2) of the regulations. In accordance with § 301.89-3(e)(2), the fields are distinct definable areas that contain at least one field that was found during survey to contain a bunted wheat kernel. The distinct definable area may include an area where KB is not known to exist but where intensive surveys are required because of the area's proximity to a field found during survey to contain a bunted wheat kernel.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate the 11,511 acres in the Buckeye/Peoria area of Maricopa County in order to prevent the spread of KB. Accordingly, effective immediately, all interstate movement of KB regulated articles from these fields must be done in accordance with the regulations promulgated in accordance with the Plant Protection Act found at 7 CFR § 301.89 *et seq.* and any applicable provisions of this Federal Order.

Section 7 CFR § 301.89-3(b) allows the designation of less than an entire state as a KB regulated area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire state as a regulated KB area is adequate to prevent the interstate spread of infestations of KB. In addition, 7 CFR § 301.89-3(a) requires that the state enforces an intrastate KB quarantine that is equivalent to the Federal KB regulations. The State Plant Regulatory Official for Arizona has confirmed the establishment of an intra-state quarantine area for KB that mirrors the Federal regulatory requirements as specified in 7 CFR § 301.89.

Section 7 CFR § 301.89-3(d) provides for the temporary designation of new regulated areas pending publication of a rule to add the new areas to the list shown in 7 CFR § 301.89-3(g). Section 7 CFR § 301.89-3(d) further requires written notification be given to the owner or person in possession of a newly quarantined area. This is the responsibility of the Federal and/or State regulatory personnel responsible for the KB program in the affected state.

This Federal Order updates the regulated areas in Arizona designated in the federal regulations located at 7 CFR § 301.89-3(g), and updates and replaces Federal Order (DA-2011-69) issued December 6, 2011.

If you wish more details on the KB program, you may call National Policy Manager Lynn Evans-Goldner at 301-851-2286. We continue to appreciate the cooperative relationship with the State Regulatory Officials, Native American tribes in Arizona, and the wheat industry in our effort to prevent the spread of KB.

Quarantine Boundaries - Arizona

Update § 301.89-3(g) Arizona, **Maricopa County**, paragraph (1), as follows:

- (1) Beginning at the southeast corner of sec. 32, T. 1 N., R. 1 E.; then west to the northeast corner of sec. 6, T. 1 S., R. 1 W.; then south to the southeast corner of sec. 7, T. 1 S., R. 1 W.; then west to the northeast corner of sec. 14, T. 1 S., R. 2 W.; then south to the southeast corner of sec. 14, T. 1 S., R. 2 W.; then west to the northeast corner of sec. 20, T. 1 S., R. 2 W.; then south to the southeast corner of sec. 20, T. 1 S., R. 2 W.; then west to the southwest corner of sec. 23, T. 1 S., R. 3 W.; then north to the northwest corner of sec. 23, T. 1 S., R. 3 W.; then west to the northeast corner of sec. 23, T.1 S., R.4 W.; then south to the southeast corner of sec. 26, T.1 S., R. 4 W.; then west to the southwest corner of sec. 26, T. 1 S., R. 5 W.; then north to the northwest corner of sec. 26, T.1 N., R.5 W.; then east to the northeast corner of sec. 26, T.1 N, R.5 W.; then north to the northwest corner of sec. 13, T.1 N., R.5 W.; then east to the northeast corner of sec. 16, T.1 N., R.4 W.; then south to the southeast corner of sec.16, T.1 N., R.4 W.; then east to the northeast corner of sec. 22, T.1 N., R.4 W.; then south to the southeast corner of sec.34, T.1 N., R.4 W.; then east to the southwest corner of sec. 36, T.1 N, R. 4 W.; then north to the northwest corner of sec. 13, T.1 N. R. 4 W.; then east to the northeast corner of sec. 18, T.1 N., R.2 W.; then north to the northwest corner of sec. 5, T. 1 N., R. 2 W.; then east to the northeast corner of sec. 5, T. 1 N., R. 2 W.; then north to the northwest corner of sec. 33, T. 2 N., R. 2 W.; then east to the northeast corner of sec. 33, T. 2 N., R. 2 W.; then north to the northwest corner of sec. 3, T. 3 N., R. 2 W.; then east to the northeast corner of sec. 4, T. 3 N., R. 1 W.; then south to the southeast corner of sec. 4, T. 3 N., R. 1 W.; then east to the northeast corner of sec. 10, T. 3 N., R. 1 W.; then south to the southeast corner of sec. 10, T. 3 N., R. 1 W.; then east to the northeast corner of sec. 13, T. 3 N., R. 1 W.; then south to the northwest corner of sec. 19, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 20, T. 3 N., R. 1 E.; then south to the southeast corner of sec. 29, T.3 N., R. 1E.; then east to the northeast corner of sec. 35, T. 3 N., R. 1 E.; then south to the southeast corner of sec. 35, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 1, T. 2 N., R. 1 E.; then south to the southeast corner of sec. 1, T. 1 N., R. 1 E.; then west to

the southwest corner of sec. 1, T. 1 N., R. 1 E.; then south to the southeast corner of sec. 14, T. 1 N., R. 1 E.; then west to the southeast corner of sec. 15, T. 1 N., R. 1 E.; then west to the southwest corner of sec. 15, T. 1 N., R. 1 E.; then west to the southwest corner of sec. 16, T. 1 N., R. 1 E.; then south to the point of beginning.

Update paragraph 3, as follows:

(3) Beginning at the southeast corner of sec. 14, T. 6 S., R. 6 W.; then west to the southwest corner of sec. 17, T. 6 S., R. 7 W.; then north to the northeast corner of sec. 6, T. 6 S., R. 7 W.; then west to the southeast corner of sec. 31, T. 5 S., R. 7 W.; then north to the northwest corner of sec. 29, T. 5 S., R. 7 W.; then east to the northeast corner of sec. 29, T. 5 S., R. 7 W.; then east to the southwest corner of sec. 22, T. 5 S., R. 7 W.; then north to northwest corner of sec. 22, T. 5 S., R. 7 W.; then east to the southwest corner of sec. 14, T. 5 S., R. 7 W.; then north to the northwest corner of sec. 14, T. 5 S., R. 7 W.; then east to the northeast corner of sec. 13, T. 5 S., R. 6 W.; then south to the southeast corner of sec. 36, T. 5 S., R. 6 W.; then east to the northeast corner of sec. 1, T. 6 S., R. 6 W.; then south to the south east corner of sec. 1, T. 6 S., R. 6 W.; then west to the southwest corner of sec. 1, T. 6 S., R. 6 W.; then south to the point of beginning.