



# PESTICIDE MANAGEMENT AREAS



FY2017

## Guidance For the Gila River Indian Community



### **Mission Statement:**

The Department of Environmental Quality honors the Community's cultural heritage by protecting, conserving, and restoring the Community's environmental resources.

### **Vision Statement:**

A healthy, sustainable environment for our future generations.

PO Box 2139 • 45 S. Church Street • Sacaton, AZ 85147  
Office (520) 562-2234 • Fax (520) 562-3198

# PESTICIDE MANAGEMENT AREAS

*Gila River Indian Community Pesticide Control Office*



Dale H. Ohnmeiss  
Director, Department of Environmental Quality

10/11/2017  
Date

# Table of Contents

<b>1.0 INTRODUCTION</b> .....	<b>4</b>
<b>2.0 ESTABLISHMENT OF OR MODIFICATION TO A PMA</b> .....	<b>4</b>
2.1 PUBLIC NOTIFICATION / COMMENT SOLICITATION.....	4
2.2 PROCESSING .....	5
2.3 DETERMINATION .....	5
2.4 IMPLEMENTATION .....	5
2.4.1 <i>Request Approved</i> .....	5
2.4.2 <i>Request Denied</i> .....	5
<b>3.0 EMERGENCY SUSPENSION OF A PMA</b> .....	<b>6</b>
<b>4.0 TIMEFRAMES</b> .....	<b>6</b>
<b>5.0 APPENDICES</b> .....	<b>7</b>
APPENDIX A: §18.310, PESTICIDE MANAGEMENT AREAS .....	7
APPENDIX B: DEQ-PCO-02, PMA DESIGNATION REQUEST FORM.....	8

**This Page Intentionally Left Blank**

## 1.0 INTRODUCTION

Pesticide Management Areas (PMA) are a mechanism utilized by the Community to restrict the aerial application of **pesticides** applied by fixed wing aircraft. This mechanism is codified under Title 18, Chapter 3, of the Community Code, otherwise referred to as the Pesticide Code or Ordinance GR-05-14. An excerpt of GR-05-14, Section 18.310: Pesticide Management Areas, is provided in Appendix A.

The Pesticide Code allows for the following:

- Establishment of a new PMA;
- Modification to an existing PMA; and
- Temporary suspension of the restrictions imposed by an established PMA in the event of an agricultural emergency.

The following guidance is intended to provide the residents of the Community and the regulated community with procedures necessary for the Pesticide Control Office (Office) to process the requested action for submittal for determination.

## 2.0 ESTABLISHMENT OF OR MODIFICATION TO A PMA

Persons wishing to submit a request for the establishment of a new PMA should begin with completing DEQ-PCO-02, PMA Designation Request Form (Appendix B). In addition, the following should accompany the completed form as part of the submission:

- Applicable maps of the area which include a clearly outlined parameter designated by GPS coordinates and the following labeled within the requested area:
  - Residences;
  - Structures;
  - Bodies of water; and
  - Roads and Right of Ways.

Additional documents may also be submitted to support the request. These are not required, however are recommended:

- Additional justification and reason for the request;
- Signed petitions;
- Signed letters of support; or
- Lease agreements.

Persons requesting a modification by expanding or contracting the perimeter of an existing PMA should submit the same documents as outlined above with maps depicting the current boundaries of the existing PMA and the modifications requested.

### 2.1 Public Notification / Comment Solicitation

The Office will provide notice to the Community of the PMA Designation Request and solicit comments on the requested action for a period of 30-days from notification.

Public notification will consist of:

- A cover letter from the Office explaining the request, the authority outlined in the Ordinance and detail consisting of how and when comments can be submitted and to whom.
- A copy of the original request submission documents.

Public notification will be made available for public review in each district where a designation change has been requested, electronically posted on the [www.gricideq.org](http://www.gricideq.org) website, and published in the Gila River Indian Newspaper. In addition, notification and solicitation for comment will be sent to the following at a minimum:

- Land Use Planning & Zoning;
- Pima Leasing;
- Respective District Chairperson;
- Residents within the exterior boundaries of the proposed PMA;
- Landowners and lessees of the land within the exterior boundaries of the proposed PMA; and
- All currently permitted Aerial Custom Applicators.

## 2.2 Processing

At the conclusion of the 30-day comment period, the Office will compile all submitted comments and provide a summary report in the form of white paper. White paper will thoroughly describe the request, summarize all comments provided and include additional data, facts and potential implications to the environment, wildlife, humans, economic interests, etc. of the Community where applicable.

## 2.3 Determination

The Director, Department of Environmental Quality, will make the final determination of a request to establish or modify a PMA. The following considerations will be taken into account:

- History and current level of complaints in and near the proposed area of change
- District support
- Evidentiary support for facts presented by the requestor
- Concerns of landowners and residents within the PMA
- Concerns of landowners and residents in areas adjacent to the PMA

## 2.4 Implementation

### 2.4.1 Request Approved

The Office will provide public outreach, informing all stakeholders of the Director's determination while providing amended PMA maps to the respective District and District Chairperson. Formal notices of PMA changes will be sent via certified mail, return receipt, to the requestor and those agricultural growers and aerial applicators directly impacted by the designation change.

PMA changes will become effective the date of approval and actively enforced by the Office 30 calendar days after to allow for proper notification to the regulated community.

### 2.4.2 Request Denied

The requestor will be notified in writing by the Office if the request is denied by the Director.

### 3.0 EMERGENCY SUSPENSION OF A PMA

The Pesticide Code allows for the temporary suspension of the aerial fixed wing pesticide application restrictions imposed by an established PMA in the event of an **agricultural emergency**. Persons seeking an emergency suspension of PMA restrictions should submit a formal letter requesting such while identifying the:

- PMA in question;
- Agricultural crop impacted to include acreage;
- Pest and pest pressure impacting the crop;
- Suspected cause of the abnormal pest pressure;
- Potential economic impact or loss;
- Potential impact to the health, welfare, or safety of the Community if threatened;
- Commencement and end dates of the requested suspension; and
- Alternative application methods used or plan to be used and their efficacy in combating the pest.

The Office will review the request in the determination of an agricultural emergency after consultation with the Arizona Department of Agriculture and the University of Arizona Cooperative Extension. A recommendation will be provided, with justification, to the Department of Environmental Quality Director, who will make the final determination.

### 4.0 TIMEFRAMES

Due to the time required to prepare packets, get on agendas and obtain public comment, requesters are advised to submit requests as soon as possible and at least four (4) months, before a decision is needed. The following table is an estimate on expected timeframes.

DEQ Receives Initial Request	Initiates Process
DEQ prepares packets, provides notification	2-3 weeks
DEQ requests to be placed on impacted District meeting agenda; makes a presentation at District meeting	1-4 weeks
Comment period	4 weeks
Compilation of comments and white paper development	1-2 weeks
Review and decision by DEQ Director	1-2 weeks
<b>Total estimated timeframe</b>	<b>9-15 weeks</b>

## 5.0 APPENDICES

### Appendix A: §18.310, Pesticide Management Areas

*A. The Pesticide Management Areas, in existence as of the effective date of this chapter, are hereby adopted by reference and incorporated herein. The Office shall develop guidelines for the establishment of new pesticide management areas and changes to the boundaries of existing pesticide management areas. In developing the guidelines, the Office shall consider the number of residences, public areas and structures located near agricultural fields. The Office shall provide written notice to all affected parties of the establishment of new pesticide management areas and changes to existing pesticide management areas. The Office shall prepare, date, keep on file and make available upon request maps identifying the location of all new and existing pesticide management areas and the location of the existing pesticide management areas and any changes thereto.*

*B. If the Office determines that an agricultural emergency under this chapter exists, the Office may suspend any pesticide application restrictions imposed on pesticide management areas during the time of the emergency. The Office shall show in writing, its reasons for the determination of an agricultural emergency. In making the determination of an agricultural emergency, the Office shall consider the following criteria:*

- 1. Whether the health, welfare, or safety of the Community is threatened;*
- 2. Whether a natural cause exists such as a boll weevil, whitefly, or other infestation of insects that threatens the economic viability of crops or ongoing weather conditions such as muddy or flooded fields precludes use of alternative treatment options; and*
- 3. Whether a significant loss to the crop will result from any organism determined to be a pest.*

*C. The Office shall prohibit aerial pesticide applications by fixed wing aircraft within a pesticide management area, unless the Director determines an agricultural emergency exists.*

*D. The Office may allow aerial pesticide applications by helicopter and ground applications at any time within a pesticide management area.*



Appendix B: DEQ-PCO-02, PMA Designation Request Form



**GILA RIVER INDIAN COMMUNITY**  
**Department of Environmental Quality - Pesticide Control Office**  
 PO BOX 2139 • SACATON, AZ 85147 • OFFICE (520) 562-2234 • FAX (520) 562-3198  
 GRIC.Pesticide.Office@GRIC.nsn.us • www.GRICDEQ.org



New  
 Change

## Pesticide Management Area Designation Request

Section 1: General Information			
Last Name:		First Name:	District:
Phone Number:		Email Address:	
Mailing Address:		Physical Address:	
Section 2: Description of Area Under Consideration			
Township:	Section:	Range:	
Acres:	# Occupied Structures:	# Unoccupied Structures:	
Distance to Nearest Ag Field:		Distance to Nearest Body of Water:	
Observed Flight Pattern of Fixed Wing Aircraft(s):			
Section 3: Summarized Justification			
FOR OFFICIAL USE ONLY			
Date Received	Time Received	Received By	Determination:
Notes:			

FORM DEQ-PCO-02

Revised: 09/2017