

**STATE OF NEW YORK:
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of an Order for
the Establishment of a Protective Zone
to Prevent the Spread
of Spotted Lanternfly Pursuant
to ECL Sections 9-1303

ORDER

WHEREAS:

- Spotted Lanternfly is a serious invasive pest of more than 70 plant species including apples, grapes, hops, and maples. Spotted Lanternfly was detected in Berks County, Pennsylvania in 2014 and has since spread to 12 additional counties and locations in New Jersey, Delaware, and Virginia. Upon its arrival in New York, Spotted Lanternfly has the potential to greatly impact vineyards, orchards, maple producers, and the timber industry;
- Spotted Lanternfly lays its eggs on trees, stone, vehicles, buildings, and smooth surfaces of outdoor equipment. Human movement of these items is implicated in the movement of Spotted Lanternfly to new areas. Major travel corridors go through or originate in the infested area of Pennsylvania and pass through New York.
- The Department has entered into a Unified Command System with NYS Department of Agriculture and Markets (NYSDAM) and US Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) to plan for the arrival of Spotted Lanternfly and manage it once it is detected;
- Department forestry and invasive species staff have consulted with NYSDAM, USDA-APHIS, USDA Forest Service, the Pennsylvania Department of Agriculture, and the NY Invasive Species Research Institute;
- In April 2018, Department staff, in cooperation with NYSDAM and USDA-APHIS, developed and implemented a Spotted Lanternfly Response Plan, with stakeholder involvement;
- Environmental Conservation Law (ECL) section 9-1303(7) empowers the

Department to establish protective zones for the purpose of preventing the spread of forest insect pests;

- Department staff have delineated the area at risk of being immediately impacted by Spotted Lanternfly as: the entire counties of Bronx, Broome, Chemung, Chenango, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Otsego, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Tioga, Ulster and Westchester; and
- ECL section 9-1303(7) provides that in establishing protective zones, the Department shall have the authority upon reasonable notice, to enter onto private lands to make such modification in the composition of forest growth as it may deem necessary for the purpose of preventing the spread of forest insect pests, including spraying, cutting, destroying or otherwise treating trees or other vegetation located in the Protective Zone.

NOW, THEREFORE, pursuant to ECL Section 9-1303 and based upon the above:

1. **I HEREBY FIND** that Spotted Lanternfly poses a serious risk to the natural resources of New York and that, in order to protect the forests of New York State, the Department must take immediate action to detect and eradicate Spotted Lanternfly;
2. **I HEREBY ORDER** Department staff to continue to develop and implement, with public involvement, an eradication plan including: (1) the removal of infested and potentially infested host trees, (2) proper disposal of infested material, and (3) any other action reasonably necessary to eradicate Spotted Lanternfly;
3. **I FURTHER ORDER** Department staff to continue to take reasonable steps and exercise due diligence to notify, work cooperatively with and enter into agreements with municipalities and affected landowners as appropriate to implement the Department's eradication plan;
4. **I FURTHER ORDER** that the area made up of the counties of Bronx, Broome, Chemung, Chenango, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Otsego, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Tioga, Ulster and Westchester, further delineated on Schedule A and

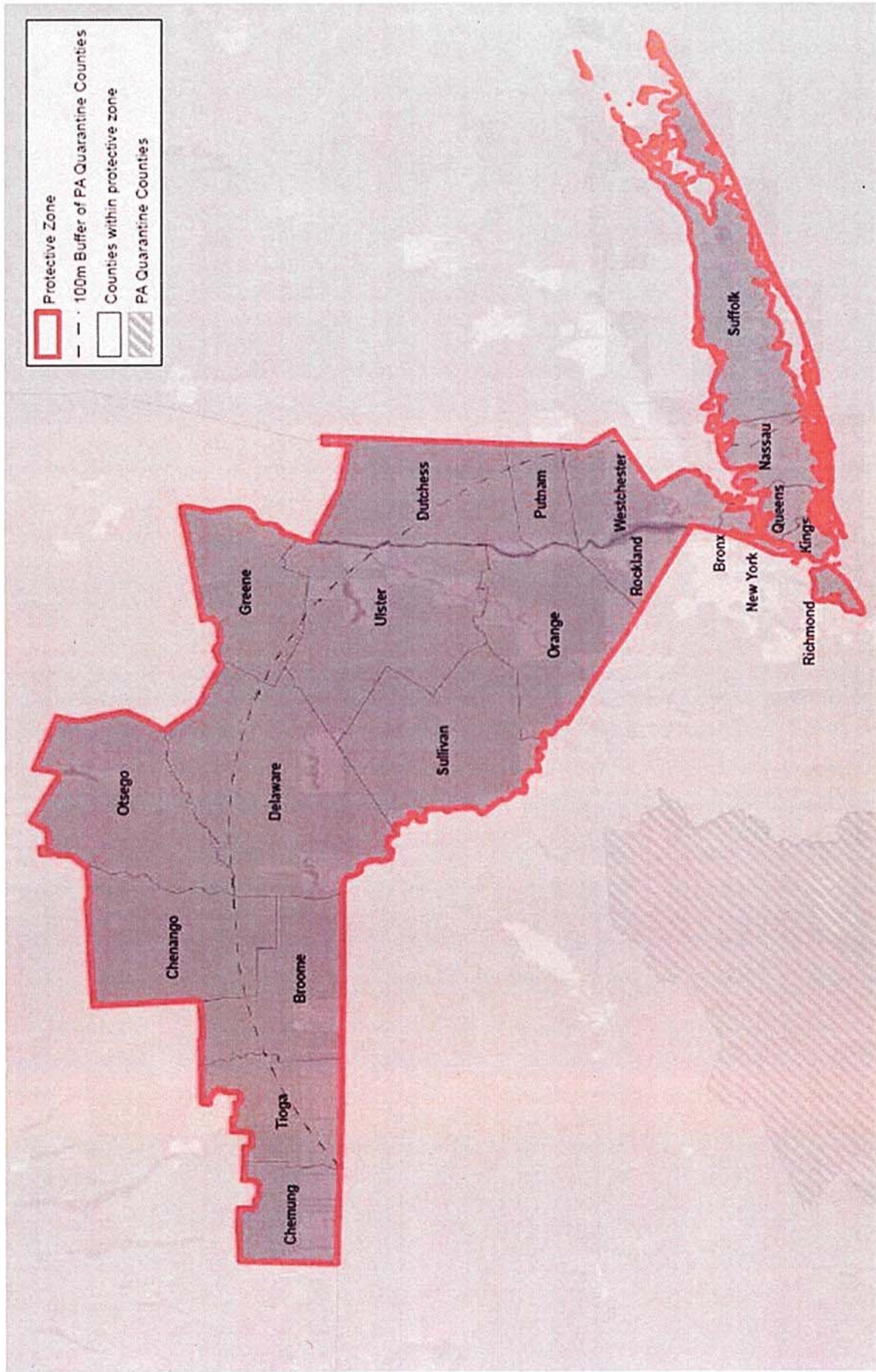
the attached map, is designated as a Protective Zone, pursuant to ECL 9-1303, for the purposes of protecting New York's trees and forests from Spotted Lanternfly;

5. **I FURTHER ORDER** that a copy of this order be immediately filed in the Office of the Clerk of Bronx, Broome, Chemung, Chenango, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Otsego, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Tioga, Ulster and Westchester County; and
6. **THIS ORDER SHALL BE EFFECTIVE** ten days from the filing thereof with such Office and shall remain effective until such time as the Department deems Spotted Lanternfly no longer poses any risk to New York's forests.

DATED: June 28, 2018



Basil Seggos
Commissioner
**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



Schedule A

Those New York State counties where all or part of the county are within a straight-line distance of 100 miles from the border of the counties within Pennsylvania Spotted Lanternfly quarantine zone.

New York counties include: Bronx, Broome, Chemung, Chenango, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Otsego, Putnam, Richmond, Rockland, Sullivan, Suffolk, Tioga, Ulster and Westchester.