

Amend Melon Fruit Fly Interior Quarantine, Section 3425(b) to read:

(b) Area Under Quarantine.

(1) An area shall be designated as under quarantine when survey results indicate an infestation is present, the Department has defined the infested area, and the local California County Agricultural Commissioner(s) is notified and requests the quarantine area be established. The Department shall also provide electronic and/or written notification of the area designation(s) to other California County Agricultural Commissioners and other interested or affected parties and post the area description to its website at: <http://www.cdfa.ca.gov/plant/ml/regulation.html>. An interested party may also go to the above website and elect to receive automatic notifications of any changes in quarantine areas through the list serve option.

(2) An infestation is present when:

A. In urban areas either eggs, a larva, a pupa, a mated female or eight or more adult melon fruit flies of either sex are detected within three miles of each other and within one life cycle and all detections shall be more than 4.5 miles from any commercial host production area; or

B. In rural or commercial host production areas either eggs, a larva, a pupa, a mated female or six or more adult melon fruit flies of either sex are detected within three miles of each other and within one life cycle; or

C. Satellite infestations: a detection of a single life stage of melon fruit fly within any established quarantine area may be considered a satellite infestation and may be used as the epicenter using an additional 4.5 mile radius surrounding the detection to expand the quarantine area.

(3) The initial area under quarantine shall be a minimum of a 4.5 mile radius surrounding the qualifying detections being used as an epicenter. Commercial host properties shall not be split by the quarantine boundary line and the boundary line shall be expanded beyond the 4.5 miles as necessary to encompass such host material in its entirety. Wherever possible, known accepted mapping features, including but not limited to roads, streets, highways, creeks, streams, rivers, canals, city, county, State, park and forest boundary lines

are used first and if there are no acceptable features such as these then imaginary lines with or without latitude and longitude points may be used.

(4) Any interested party or local entity may appeal an area designation by submission to the Department of a written request for review of the designation accompanied by clear and convincing evidence justifying a change in the designation. The appeal must be submitted no later than ten (10) working days following receipt of the notice of designation. The Department must respond with a written decision no later than ten (10) working days following receipt of the appeal. During the pending of the appeal, the designation under appeal shall remain in effect.

(5) The infested area designation shall be removed if no additional life stages are detected by trapping or visual surveys for three life cycles after the last detection within the quarantine area.

(6) A life cycle is an estimate of insect phenology based on a heat degree day temperature driven model. Base developmental temperature thresholds are used in this model's calculations and it estimates the generation time period necessary for the completion of a generation of melon fruit fly. Daily minimum and maximum temperatures are used to produce a sine curve over a 24-hour period. The degree days for that day are estimated by calculating the area above the threshold and below the curve, assuming that the temperature curve is symmetrical around the maximum temperature. For melon fruit fly the Department uses the lifecycle model with 49.3° Fahrenheit base developmental temperature and 198.9 degree days Fahrenheit for egg and larval development, 49.1° Fahrenheit base developmental temperature and 284.9 degree days Fahrenheit for pupal development, and 51.4° Fahrenheit base developmental temperature and 394.2 degree days Fahrenheit for the preoviposition period.

Note: Authority: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code.

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