

**ORDER OF THE FOREST SUPERVISOR  
RESTRICTING THE OCCUPANCY AND USE, TO WIT:**

**NATIONAL FOREST LANDS  
CHIPPEWA AND SUPERIOR NATIONAL FORESTS**

Under authority of the Act of Congress of June 4, 1897, as amended (16 U.S.C. 551), and pursuant to the Secretary of Agriculture's Regulations set forth at 36 CFR Part 261, Subpart B (CFR 261.50(a) and (b)), the following acts and omissions are prohibited on National Forest System lands in the Chippewa and Superior National Forests (Minnesota), said area being described and designated as shown on the maps set forth at Exhibit A, which is attached hereto and made a part hereto:

1. Possessing, storing or transporting any part of a tree or other plant as described below (36 CFR 261.58(t)).

A. Any firewood of any species originating from any state other than Minnesota.

**PURPOSE OF EMERGENCY ACTION:**

The Emerald Ash Borer (*Agrilus planipennis*) is a destructive, non-native wood-boring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, black ash, and several horticultural varieties of ash). This emergency action is necessary to prevent the spread of Emerald Ash Borer and other invasive insects/diseases into non-infested areas of the National Forest System.

This closure is consistent with the emergency Federal regulations found at Title 7 Code of Federal Regulations (CFR), Part 301, set forth in Exhibit A which is attached hereto and made a part hereto; all of which are necessary to restrict the interstate movement of firewood from states with quarantined areas to prevent the artificial spread of Emerald Ash Borer to National Forest System lands in other states.

**THESE RESTRICTIONS ARE NECESSARY FOR PUBLIC SAFETY AND TO PROTECT NATIONAL FOREST PROPERTY. THEY ARE IN ADDITION TO THE GENERAL PROHIBITIONS SET FORTH IN 36 CFR 261. THE PROHIBITIONS WILL BE IN EFFECT FROM THE DATE OF THIS ORDER UNTIL SPECIFICALLY WITHDRAWN BY TERMINATION ORDER OF THE FOREST SUPERVISOR.**

**ORDER NO. R903-07-02**

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this order:

1. Persons with a permit granted either by USDA-Animal and Plant Health Inspection Service (APHIS), USDA-Forest Service, or Minnesota Department of Natural Resources, specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer in the performance of an official duty.
3. Any USDA, APHIS Administrator, Inspector or its agents thereof.

**Violations of these prohibitions are punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than SIX (6) months, or both. (16USC 551, 18 USC 3559 and 3571).**

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2007, at Cass Lake and Duluth, Minnesota.

United States Department of Agriculture  
Forest Service

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Robert M. Harper  
Forest Supervisor  
Chippewa National Forest

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James W. Sanders  
Forest Supervisor  
Superior National Forest

**Definitions:**

**Emerald Ash Borer.** The insect known as Emerald Ash Borer (*Agrilus planipennis* [Coleoptera: Buprestidae]) in any stage of development.

**Infestation.** The presence of the Emerald Ash Borer or the existence of circumstances that make it reasonable to believe that the ash borer is present.

**Moving** (movement, move, moved). Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, or carried.

**National Forest System.** Includes all national forest lands and waters reserved or withdrawn from the public domain of the United States and other lands acquired through purchase, exchange or other means.

**Forest Officer.** Means an employee of the USDA-Forest Service. *(A Forest Officer may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles).*

**Permit.** Means authorization in writing from a Forest Officer or USDA-APHIS employee.

**The following are regulated articles:**

1. Any firewood of any species originating from outside the state of Minnesota.

