

**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 and Exhibit B, 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 is prohibited on national forest system lands within the boundaries of the Chippewa or Superior National Forests.
 - B. Any firewood from a state-quarantined county and counties contiguous to those counties as well.
 - C. Any firewood that is offered for sale to the public by a vendor is prohibited for use on national forest land **unless** it is certified **approved firewood** by the Minnesota Department of Natural Resources and accompanied by a receipt of purchase that includes name of vendor, date, and quantity of wood purchased.

Approved Firewood is:

- a. Non-ash firewood originating on lands within Minnesota AND within 100 miles of the national forest system lands on which it is to be used, OR
- b. Firewood originating from Minnesota that has been heat-treated in a kiln certified by the Minnesota Department of Agriculture.
- c. Spilt firewood from Minnesota and is 100 percent debarked according to federal guidelines (removal of bark and outer ½ inch of sapwood) OR
- d. Kiln-dried, untreated (unpainted/stained construction/dimensional) lumber that is free of any metal or foreign substance. Pallet boards are not included in this category.

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 and Exhibit B 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. THIS ORDER SUPERCEDES AND RESCINDS ORDER 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 22nd day of June 2009, at Cass Lake and Duluth, Minnesota.

United States Department of Agriculture
Forest Service

/s/ Robert M. Harper
Robert M. Harper
Forest Supervisor
Chippewa National Forest

/s/ James W. Sanders
James W. Sanders
Forest Supervisor
Superior National Forest