

**NEBRASKA THOUSAND CANKERS DISEASE OF WALNUT QUARANTINE
#5072010**

TO ALL AFFECTED PERSONS:

You are hereby notified that the Nebraska Department of Agriculture (Department) is establishing a quarantine on the importation of all walnut (*Juglans* spp.) and other regulated articles originating in areas infested with Thousand Cankers Disease of Walnut, pursuant to the Plant Protection and Plant Pest Act, Neb. Rev. Stat. §§2-1072 to 2-10,117 (Act).

Sections 2-1091 and 2-10,108 provide that for the enforcement of the Act, the Department may issue a quarantine whenever the Department finds there exists, in any other state, territory, country, or part thereof, any plant pests detrimental to the agricultural interests of the state and that the control, eradication, retarding, or prevention of such pests is necessary to protect the plant industry of the state, the Department may impose and enforce a quarantine prohibiting the transportation into, within, or through Nebraska of such pests. Quarantine enforcement shall apply to any plants or any other property capable of carrying such plant pests.

PURPOSE: This quarantine prevents the introduction into Nebraska of a newly described destructive pest complex known as Thousand Cankers Disease of Walnut (TCD), which poses a serious threat to the walnut trees in Nebraska, and places at risk the ability of Nebraska producers to produce, sell, and distribute walnut plants and products interstate and internationally. TCD is a pest complex involving infestation by the Walnut Twig Beetle (*Pityophthorus juglandis*) and a fungal pathogen (*Geosmithia morbida*), which eventually kills the walnut tree. TCD has recently been discovered to be causing mortality in walnut (*Juglans* spp.) in at least eight western states. It is particularly lethal to black walnut (*Juglans nigra*). Nebraska forests are home to more than 1.5 million black walnut trees. These trees contain over 40 million board feet of merchantable wood, worth \$40 to \$80 million. Approximately 1 million board feet of walnut wood is harvested annually, contributing \$3.5 million to the Nebraska economy. The state is also home to several hundred nut tree growers, with nearly 4,000 bearing trees in production. These growers produce over 70,000 pounds of hulled nuts annually, worth approximately \$150,000. The overall value of the Nebraska nut crop to the state economy is estimated at \$1.2 million per year. TCD threatens to cost the state over \$81 million in uninsured losses to trees killed, and over \$4.7 million annually in lost income from wood and nut processing and sales. TCD has not yet been found in Nebraska or other states in the general native range of black walnut. In order to protect Nebraska black walnut production areas and native timber stands from TCD, the Department finds it necessary to impose this quarantine.

This quarantine will be effective on May 7th, 2010. The specific requirements of the quarantine are as follows:

1. Quarantined Areas:

Quarantined areas shall consist of the entire states of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington; and any other state or foreign country known to be infested.

2. Definitions:

- A. Bark shall mean the natural bark of a tree, including the ingrown bark around knots and bark pockets between rings of annual growth, and an additional one-half(1/2)-inch of wood, including vascular cambium;

- B. Compliance agreement shall mean a written agreement between the State Entomologist and a person or entity moving regulated articles out of or through a quarantined area;
- C. Firewood for the purpose of this quarantine shall be defined as wood, either split or unsplit, in sections less than four feet in length;
- D. State Plant Regulatory Official refers to the National Plant Board member of the state of origin.

3. Regulated Articles:

- A. All plants and plant parts of the genus *Juglans* including but not limited to nursery stock, budwood, scionwood, green lumber, and other material living, dead, cut, or fallen, including logs, boards, firewood, stumps, burls, roots, branches, bark, mulch, composted and uncomposted chips, and lumber for wood packing material;
- B. All life stages of the walnut twig beetle (*Pityophthorus juglandis*);
- C. The fungal pathogen (*Geosmithia morbida*);
- D. Firewood or fuel wood of any non-coniferous (hardwood) species.
- E. Any article, product, or means of conveyance when it is determined by the State Entomologist to present the risk of spread of the Walnut Twig Beetle (*Pityophthorus juglandis*), or the fungal pathogen (*Geosmithia morbida*).

4. The following are conditions of movement of regulated articles:

- A. Except as otherwise provided herein, all regulated articles are prohibited entry into or transiting through the state from the areas under quarantine.
- B. Articles listed in section 3 originating in an area not known to have TCD but transiting through an area known to have TCD will be considered to be regulated articles.
- C. No person, firm, corporation, or other entity shall import, plant, receive for delivery, or otherwise accept or bring into Nebraska any regulated articles from any TCD infested area designated by the Department.
- D. Regulated articles to be used for research purposes, at the discretion of the State entomologist, may move into the state under a Compliance Agreement between the State Entomologist and the Nebraska recipient. At minimum, the Compliance Agreement shall require inspection of the regulated articles at the point of origin, a state phytosanitary certificate issued by the state plant regulatory official in the state of origin, and at least seven (7) days pre-shipment notification.

5. Commodities exempt from quarantine requirements:

- A. All nuts, nut meat, and hulls of the genus *Juglans*;
- B. Processed lumber (100% bark-free, kiln dried, with squared edges);
- C. Finished wood products without bark, including walnut furniture, instruments, and gun stocks;
- D. Nonviable, preserved specimens of the walnut twig beetle (*Pityophthorus juglandis*);
- E. Nonviable, preserved specimens of the *Geosmithia* fungus (*Geosmithia morbida*).

6. Penalties:

- A. Regulated articles transported in violation of this quarantine may be seized, destroyed, and/or returned to point of origin, without compensation, at the discretion of the state entomologist, pursuant to § 2-10, 108 of the Act.

- B. Section 2-10,115 of the Act provides that any person or entity shall be guilty of a Class IV misdemeanor for a first violation, and a Class II misdemeanor for a subsequent violation of the same nature if that person violates this quarantine.
- C. Any person or entity found to have violated this quarantine will be held financially responsible for all regulatory and mitigation expenses related to the violation, pursuant to § 2-10, 111 of the Act.

Any person affected by this quarantine may request a hearing before the Department. Such requests should be made in writing to the:

Nebraska Department of Agriculture
301 Centennial Mall South
P.O. Box 94756
Lincoln, Nebraska 68509

This quarantine is effective until the Department amends the quarantine or determines that the quarantine is no longer necessary.

NEBRASKA DEPARTMENT OF AGRICULTURE

April 29, 2010
Date

Greg Ibach, Director

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