Chapter Ag 25

WHITE PINE BLISTER RUST

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History: Chapter Ag 25 as it existed on February 28, 1966 was repealed and a new chapter Ag 25 was created effective March 1, 1966.

Ag 25.01 Definitions. (1) "Department" is the state department of agriculture.

(2) "White pine" includes the eastern white pine tree (*Pinus strobus* Linnaeus) and other five-needled species belonging to the genus Pinus.

(3) "White pine blister rust", a fungus disease caused by the parasitic fungus *Cronartium ribicola* Fischer, is a plant pest highly injurious to white pine trees.

(4) "Alternate host plants" are plants on which the white pine blister rust fungus is dependent for a portion of its life cycle and includes the European Black Currant (*Ribes nigrum* L.) and all other species of currant and gooseberry plants (of the genus Ribes) except the staminate plant of Alpine Currant (*Ribes alpinum* Linnaeus). Alternate host plants are plant pests as defined in section 93.01 (16), Wis. Stats.

(5) "Control area" is any area designated in these rules where a high hazard exists to white pine from white pine blister rust and into or within which the movement of alternate host plants is prohibited or controlled by department permit.

(6) "Protection and control zone" is any area of white pine, and all lands within 1500 feet thereof, as designated by the department, in which white pine are protected against white pine blister rust by the suppression and control of alternate host plants located therein.

History: Cr. Register, February, 1966, No. 122, eff. 3-1-66.

Ag 25.02 Disease control; cooperative program. The department shall cooperate with and provide technical guidance and assistance to private landowners and local units of government for the protection of white pine from loss or destruction through the spread of white pine blister rust, suggest methods and procedures for the conduct of control work, establish white pine blister rust protection and control zones, and to the extent federal funds are available under the Lea Act (16 U.S.C. 594a), enter into cooperative agreements on a cost-sharing basis with the Wisconsin conservation department, local units of government and private landowners for the execution of control measures by or under the technical direction and supervision of the department.

History: Cr. Register, February, 1966, No. 122, eff. 3-1-66.

Ag 25.03 Establishment of protection and control zones. (1) Owners of white pine nurseries or forest lands may apply to the department for cooperative assistance and guidance in the conduct of control work or for the establishment of white pine blister rust protection and control zones as necessary for the protection of white pine owned by them.

(2) Before designating any area as a protection and control zone or entering into cooperative agreements for the conduct of control work, the department shall survey, inspect and map white pine areas involved, determine methods of control and delineate the zones in which the work is to be performed. Privately-owned lands, other than those of the applicant, may not be included within protection and control zones unless essential to the protection of valuable areas of white pine, and no control work may be performed thereon without the owner's or occupant's consent, in writing, or without the giving of notice and an opportunity for a hearing as provided in this section.

(3) Unless waived by consent in writing, the department shall notify such owners or occupants that their lands are included within a white pine blister rust protection and control zone as designated by the department, and of their right to a hearing thereon, that no alternate host plants may be planted therein, and that any alternate host plants found on the premises are subject to abatement and control without compensation to the owners or occupants. Such notice shall be in writing and may be served in person or by registered or certified mail on the owners or occupants at least 30 days prior to the commencement of any control work. If service cannot be made personally or by registered or certified mail, notice may be given by publication of a class 3 notice, under chapter 985, Wis. Stats., describing the lands included within the proposed protection and control zone. Owners or occupants of any lands affected thereby may, within 10 days after receipt of such notice or the last date of publication, request a hearing on the inclusion of their lands within the zone. No part of the cost of suppression and control of alternate host plants shall be assessed against privately-owned lands of another located in areas designated as protection and control zones.

(4) The designation of any area as a protection and control zone may be terminated when the department finds that control measures are no longer necessary. Notice of termination shall be given to owners or occupants of lands located within such zones.

(5) The department shall maintain official maps and records of all lands within the state designated as white pine blister rust protection and control zones.

History: Cr. Register, February, 1966, No. 122, eff. 3-1-66; am. (3), Register, September, 1967, No. 141, eff. 10-1-67.

Ag 25.04 Prohibitions within protection and control zones. It is unlawful for any person having notice that any of his lands are located within a white pine blister rust protection and control zone to plant or foster the growth of alternate host plants within such zones or to do any act which would hinder the performance of control work by authorized personnel. Alternate host plants found growing on such lands are subject to suppression and control by authorized control personnel without compensation to the owners or occupants.

History: Cr. Register, February, 1966, No. 122, eff. 3-1-66.

Ag 25.05 Access for control work. All personnel engaged in white pine blister rust control work under the technical direction and supervision of the department, shall have access to and may at all reasonable times enter upon any premises within established protection and control zones for purposes of inspection and the suppression and control of alternate host plants.

History: Cr. Register, February, 1966, No. 122, eff. 3-1-66.

Ag 25.06 Control areas; permits. (1) CONTROL AREA COUNTIES. The following counties are designated as white pine blister rust control areas and the movement of alternate host plants, and their cuttings or seeds, into such counties is prohibited or controlled by department permit as provided in this section: Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Door, Douglas, Dunn, Eau Claire, Florence, Forest, Grant, Iowa, Iron, Jackson, Juneau, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Monroe, Oconto, Oneida, Outagamie, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Sheboygan, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waupaca, Waushara, Wood.

(2) INTERSTATE PERMITS. (a) Alternate host plants or parts thereof, other than the European black currant (*Ribes nigrum* L.), the movement of which is prohibited under section Ag 25.08, may not be moved or transported interstate into white pine blister rust control areas unless accompanied by a White Pine Blister Rust Control Area Permit (Form PIBR-17) issued by the department.

(b) Applications for permits shall be made to the Plant Industry Division, Department of Agriculture, Hill Farms State Office Building, Madison, Wisconsin 53702, and shall include the names and addresses of the consignee and consignor, the number and kind of plants or plant parts to be shipped or transported, and the planting destination within such control area counties. Permits will not be issued for planting within established protection and control zones or within infective distances of protected pine.

(c) Permits shall not be required for the intrastate movement of such plants.

History: Cr. Register, February, 1966, No. 122, eff. 3-1-66; am. (2) (a) and (b), Register, September, 1967, No. 141, eff. 10-1-67.

Ag 25.07 Interstate movement of white pine; inspection certificates. No white pine trees or seedlings may be imported into this state unless accompanied by a certificate issued by plant inspection authorities in the state of origin, certifying that such trees or seedlings have been grown in a nursery protected from white pine blister rust or have otherwise been grown under Ribes-free conditions.

History: Cr. Register, February, 1966, No. 122, eff. 3-1-66.

Ag 25.08 European Black Currant prohibited. The European Black Currant (*Ribes nigrum* L.) is an injurious plant pest hazardous to white pine, within the meaning of section 94.57, Wis. Stats., and is subject to summary abatement and complete eradication from this state. European Black Currant plants or parts thereof may not be planted or maintained within this state or moved into or within this state, except under department permit issued pursuant to section

94.544, Wis. Stats., and no compensation shall be allowed for the destruction of such plants transported or maintained in violation of these rules. This section, as well as section Ag 25.07, shall not apply to governmental, educational or research agencies engaged in the conduct of research for the development of disease-resistant white pine.

History: Cr. Register, February, 1966, No. 122, eff. 3–1–66.