

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
PLANT PROTECTION AND QUARANTINE

1. NAME AND MAILING ADDRESS OF PERSON OR FIRM Johnson's Nursery, Inc. W180 N6275 Marcy Road Menomonee Falls, WI 53051	2. LOCATION Fields in Waukesha, Washington counties Contact: Aaron Jambura Phone: 262-252-4980 Cellular: 414-940-9766 Email: <a href="mailto:ajambura@johnsonsnursery.com">ajambura@johnsonsnursery.com</a>
3. REGULATED ARTICLES <i>Berberis, Mahoberberis and Mahonia</i>	
4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS Black Stem Rust Quarantine 7 CFR 301.38	

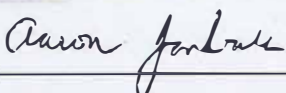
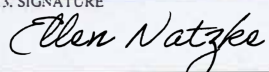

5. I/We agree to the following:

**Stipulations: Regarding propagation and shipment of *Berberis*, *Mahoberberis* and *Mahonia* plants.**

1. To obtain and offer for sale for interstate movement, only those species and varieties of *Berberis*, *Mahoberberis* and *Mahonia* plants designated in CFR 310.38 as resistant to black stem rust. Rust-susceptible plants must be destroyed.
2. That all *Berberis*, *Mahoberberis* and *Mahonia* plants purchased or sold interstate will be obtained or moved under Federal certificate or permit.
3. To restrict the sale and interstate movement of *Berberis* and *Mahoberberis* under certificate, to plants of at least 2 year's growth, and *Mahonia* to plants of at least 1 year's growth. Clonally propagated offspring\* of rust resistant *Berberis* cultivars are exempt from age restrictions, but will be moved under a federal certificate.
4. When movement interstate of plants younger than above is allowed under special authority, to attach a limited permit to shipments of seedlings of *Berberis* of less than 2 year's growth, and *Mahonia* of less than 1 year's growth.

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\*Plants will be considered clonally propagated only if its parent stock is, or was derived from, a seed-propagated rust-resistant plant of more than 2 years' growth.

6. SIGNATURE 	7. TITLE Production Manager	8. DATE SIGNED 3-18-21
The affixing of the signatures below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.		9. AGREEMENT NO. WI-1007 10. DATE OF AGREEMENT 3/23/2021
11. PPQ OFFICIAL (Name and Title) Ellen Natzke Plant Health Safeguarding Specialist	12. ADDRESS USDA, APHIS, PPQ One Gifford Pinchot Drive Madison, WI 53726 608-286-3604	
13. SIGNATURE 	15. ADDRESS WDATCP, ARM, Plant Industry Bureau 2811 Agriculture Drive, P. O. Box 8911 Madison, WI 53708-8911 608-224-4573	
14. STATE AGENCY OFFICIAL (Name and Title) Shahla Werner Plant Protection Section Chief	16. SIGNATURE 	

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5. If the nursery stock grower is granted authority to receive, under a limited permit, seedlings of *Berberis* of less than 2 year's growth, and *Mahonia* of less than 1 years growth:
  - a. Such seedlings of *Berberis* will be held until they have gone through 2 year's growth and *Mahonia* until they have gone through 1 year's growth.
  - b. Such seedlings shall be kept separate from plants eligible for movement.
  - c. Such plants, when they have reached the indicated age in (a) above, shall be examined by an authorized inspector for trueness to type, prior to movement.
  - d. Plants which are not true to type shall be destroyed.
6. That seed of *Berberis* will be obtained only from plants locally approved by the inspector or by limited permit from within the 17-state protected area. The eradication area includes the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, West Virginia, Wisconsin, Wyoming, and portions of the state of Washington.
7. That seed of *Mahonia* will be obtained under permit
8. That records of purchase of *Berberis*, *Mahoberberis* and *Mahonia* including those used to fill orders, will be available to the inspector.
9. That all shipments of *Berberis*, *Mahoberberis*, and *Mahonia* plants will be labeled as to species and horticulture variety.
10. Any Compliance Agreement may be cancelled or revoked by Officer/cooperators if they determine that the holder of the Certificate or Compliance Agreements has not complied with all the conditions of the agreement.
11. Certificates (sticky-back or rubber stamp) are and remain the property of the U.S. Government and must be returned to the Officer/cooperator upon request.
12. Any person who knowingly violates these regulations may be criminally prosecuted and found guilty of a misdemeanor which can result in penalties, a one-year prison term, or both. Additionally, any person violating these regulations may be assessed civil penalties of up to \$250,000 per violation or twice the gross gain or gross loss for any violation that results in the person deriving pecuniary gain or causing pecuniary loss to another, whichever is greater.

