

General Permit: Take, collect, transport, dispose, or possess state endangered butternut (*Juglans cinerea*) for the purpose of enhancing survival

The once widespread Butternut tree is in drastic decline range-wide due to a lethal fungal disease, butternut canker, and is threatened by hybridization with Japanese walnut. There is no evidence of pure, native butternut trees with genetics resistant to butternut canker. The best hope for preserving butternut genes in the long run is to maintain pure, native butternut on the landscape as long as possible to increase the transfer of genetic material into hybrid butternut-walnut trees through long term hybrid back crosses (Pike et al. 2020). DNR is issuing this general permit to encourage the propagation of pure, native butternut on the landscape.

Action covered by this general permit (Special Permit 37497)

Under the authority of Minnesota Statutes, section 84.0895, and Minnesota Rules, parts 6212.1800-2100, permission is hereby granted to people in the state of Minnesota (Permittee) to:

Take, collect, transport, dispose, or possess seeds and dead parts of state endangered butternut (*Juglans cinerea*) to enhance the survival of the species, according to the conditions below.

Permit conditions

A. Butternut seed collection

1. Only pure, native butternut seed may be collected. Use the Purdue Butternut Identification Guide to confirm identity (<https://www.extension.purdue.edu/extmedia/fnr/fnr-420-w.pdf>; See table 2).
2. Seed must be collected from large contiguous forest areas to increase the likelihood of collecting pure, native butternut rather than hybrids (Farlee *et al.* 2010, Hobran *et al.* 2012). "Large contiguous forest areas" do not include old fields, roadsides, fencerows, abandoned farms, or very small woodlots.
3. Obtain landowner permission prior to collection.
4. Collect no more than 50% of the seed available in canopy openings and no more than 90% of seed under closed canopy.
5. All seeds collected must be propagated for non-commercial use.
6. Butternut seed may not be sold.
7. Butternut seed may not be used for any purpose besides propagation of butternut. Use of butternut seed for consumption or decoration is not authorized by this permit

B. Propagation for non-commercial use

8. Collected butternut seeds will be planted directly in upland areas within forest gaps or open canopy to ensure optimal growing conditions or grown in a nursery setting and later planted into such habitats. Butternut grown in a nursery must be grown in growing containers on raised platforms to prevent invasion by jumping worms and maintained to prevent establishment of weedy or invasive species.
9. All butternut plantings must be protected from deer browse, such as by tree cages, fencing, bud caps, or repellents.
10. Obtain landowner permission prior to planting. The Permittee must notify the landowner of planting site of the protected status of butternut and prohibition on harvesting live butternut trees.

11. All planted butternut must be reported on the MNDNR Butternut Planting Report tool:
(<https://survey123.arcgis.com/share/16bbaa207add4d1b9b6216724e4f8183?portalUrl=https://arcgis.dnr.state.mn.us/portal>)

C. Timber Harvest

12. Dead butternut trees may be harvested.
13. Dead or live **hybrid** butternut trees may be harvested; prior to harvest of live hybrid trees, identification of hybrid trees must be confirmed by DNR plant ecologists. See Table 2 in the [Purdue Butternut Identification Guide](#) and contact [DNR regional plant ecologists](#) in your region to confirm identification.
14. Timber harvest in areas with live, pure, native butternut trees must create suitable conditions for regeneration of, and avoid damage to, live, pure, native butternut trees. Suitable conditions include canopy openings. Harvest during frozen soil conditions is recommended to minimize impacts to root systems. In all instances, harvests must maintain a protective buffer around all live pure, native butternut trees to prevent damage to the tree or root system. At minimum, an appropriate buffer shall include a radius (in feet) equal to 3 times the diameter at breast height (DBH) in inches, or 10 feet, whichever is greater (Johnson 1999). For example, a 14-inch DBH butternut must receive a 42-foot-radius buffer (14 multiplied by 3 equals 42), whereas a two-inch DBH butternut must receive a 10-foot-radius buffer.

D. Maintenance of Live Butternut for Tree Health

15. Live butternut trees may be pruned to prevent physical damage to the tree. Examples include removal of branches overhanging human-use areas (e.g., sidewalks, trails). Prune only branches otherwise at risk of damage; this permit does not authorize clearing of live butternut. No more than 20% of the tree may be removed by pruning.
16. If canker is detected early, branches with signs of butternut canker may be pruned in effort to reduce spread of canker along tree. No more than 20% of the tree may be removed by pruning. Prune branches six to eight inches below the canker.
17. When pruning butternut trees, disinfect pruning tools between use on multiple butternut trees by treating tools for at least 30 seconds with a 10% bleach solution or 70% alcohol solution.
18. Permittees may employ tree supports such as braces or cables on structurally weak butternut trees to extend the life span of a butternut and prevent further damage to the tree.

E. Possession

19. Possession, transport, use, disposal, import, export, purchase, and/or sale of dead butternut trees and pruned branches that are legally harvested is authorized. This provision does not apply to butternut seed.

F. General

20. Failure to comply with this permit may be a violation of Minnesota Statutes, section 84.0895.
21. You do not need to keep a copy of this permit. You do need to read and follow the permit conditions.
22. The Permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local governmental unit. To the extent the terms and conditions of this Special Permit are inconsistent with any rule, regulation, requirements, or standard of any federal, state, or local governmental unit, the more restrictive standard will govern.
23. This Permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Permittee. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the Permittee for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the Permittee for violation of or failure to comply with the permit or applicable conditions

This permit does not authorize:

- The import and export of live butternut or seeds
- Harvest of live butternut trees
- Propagation of hybrid butternut trees
- Purchase or sale of butternut seed or live trees

Other jurisdictions: This permit applies to butternut in Minnesota. You may need additional state, provincial, or federal permits outside of Minnesota.

Dates valid: This permit is valid until **December 31, 2030** but may be revoked or amended by the Commissioner of the Department of Natural Resources at any time.

Bridget Henning-Randa
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References

- Farlee, L., K. Woeste, M. Ostry, J. McKenna, and S. Weeks. 2010. Identification of butternuts and butternut hybrids. FNR-420-W. West Lafayette, IN. Purdue University Cooperative Extension Service. 11 p., pp.1-11.
- Hoban, S., S.E. Schlarbaum, S.L. Brosi, and J.R. Romero Severson. 2012. A rare case of natural regeneration in butternut, a threatened forest tree, is parent and space limited. *Conservation Genetics* 13(6):1447–1457.
- Johnson, G.R. 1999. Protecting trees from construction damage: a homeowner's guide. Retrieved from the University of Minnesota Digital Conservancy, <https://hdl.handle.net/11299/199785>.
- Leisso, R. and Hudelson, B. 2024. Butternut Canker. Retrieved from the University of Wisconsin Plant Disease Diagnostic Clinic, <https://hort.extension.wisc.edu/articles/butternut-canker/>.
- Pike, C.C., M. Williams, A. Brennan, K. Woeste, J. Jacobs, S. Hoban, M. Moore, J. Romero-Severson. 2021. Save Our Species: A Blueprint for Restoring Butternut (*Juglans cinerea*) across Eastern North America. *Journal of Forestry* 119(2): 196–206.