



Proposed/Temporary Administrative Rules Form

Section 1 (To be Completed by Agency)

Agency Name: Agriculture	STARS Agency Code: 210	Fax Number: (208) 334-2283	Date: 05/08/2013
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Contact Person: Matt Voile	Title: Section Manager	Phone: (208) 332-8667	Email: matt.voile@agri.idaho.gov
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Person Authorizing Rule: Brian Oakey	Title: Deputy Director	Phone: (208) 332-8500	Email: brian.oakey@agri.idaho.gov
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Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):
Idaho Code § 22-1907

Title, Chapter, and Possible Docket (IDAPA) Number:
02.06.09, Rules Governing Invasive Species

This rule is: Proposed Temporary **Effective Date:**

If this is a temporary rule:

Necessary to protect the public health, safety, or welfare; or

Compliance with deadlines in amendments to governing law or federal programs; or

Conferring a benefit.

Please explain:

If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):

Agency has determined according to Idaho Code 67-5220(1):

This rule is to be negotiated Negotiation of this rule is not feasible

If rule is negotiated:

Agency certifies that the rule has been or will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). *(indicate which)*

If rule negotiation is not feasible, the agency has determined:

Rule is temporary; or Lack of identifiable representatives of affected interests; or

Rule is simple in nature; or Affected interests are not likely to reach consensus; or

Other.

Please explain:

Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds:

There is no anticipated impact to either the General Fund or to any dedicated funds.

Provide a short explanation of the need for this rule:

The changes to the rule will create a new Plants section in the rule; addressing "Trap Crop" and "Biofuels" species. Species that will be proposed in the "Trap Crop" section will include Sticky Nightshade (*solanum sisymbriifolium*) and related hybrids that are developed for the purpose of acting as a trap crop for pale cyst nematode ("PCN"). Species proposed in the "Biofuels" list will include those species grown for the purposes of biofuel production. These species, such

as Arundo (Arundo donax), are known to have invasive characteristics.

Adding these lists to the Invasive Species rule would allow for research or possession of these species under a permit, should a proposal be submitted. With the exception of current research related to Sticky Nightshade, none of the species for consideration are currently known to be in the state.

Technical changes to the rule will be made to update, add, or delete certain insects, snails, and pathogens from the current invasive species list. Changes will also be made to possession permit requirements for the New Zealand Mud Snail.

Provide a short summary of the changes this rule makes:

The proposed rule amendments will add two additional Invasive Species Lists – “Invasive Plants - Biofuels” and “Invasive Plants – Trap Crops.” The proposed amendments will also create two new sections addressing research and possession permitting of “Biofuels” and “Trap Crops.”

Technical changes to the rule will be made to update, add, or delete certain insects, snails, and pathogens from the current invasive species list. Changes will also be made to possession permit requirements for the New Zealand Mud Snail.

Provide a list of those persons or interest group(s) affected by this rule:

Idaho Weed Control Association and other weed control groups, Idaho Potato Commission, University of Idaho Cooperative Extension, Idaho Department of Fish and Game.

Section 2 (To be Completed by DFM)

DFM Analyst Comments:

This rule change will add new plant section to the Invasive Species rules and will be negotiated with the affected interest groups.

DFM Analyst Fiscal Impact Review:

No fiscal impact is anticipated.

DFM Analyst Signature & Date:

Anita Hamann, May 9, 2013

Recommend:

Yes No

Gov Special Assistant Signature & Date:

Bonnie Butler May 13, 2013

Recommend:

Yes No

DFM Administrator Action:

- Approved
 Authorized to Advance Rulemaking Process, DFM to review draft rule prior to publication (See Section 3)
 Not Approved

DFM Administrator Signature & Date:

 5/13/2013

Section 3 (To Be Completed By DFM if Required)

DFM Analyst Signature & Date:

Recommend:

Yes No

DFM Administrator Signature & Date:

Approved:

Yes No

Return via email to: info@dfm.idaho.gov