

IDAPA 02 – Department of Agriculture

02.04.19 – RULES GOVERNING DOMESTIC CERVIDAE

DOCKET NO. 02-0419-1401

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2014.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-3704, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend Section .010 – The rule change defines the term “harvest” as it pertains to animals on a domestic cervidae facility.

Amend Section .090 - The rule change will establish the new fee schedule for cervidae producers, collected by ISDA, to cover the cost of administering the program, pursuant to the change in statute.

Amend Section .101 – The rule change will alter the frequency of required facility inspections to coincide with the statutory amendment.

Amend Section .209 – The rule change will describe how the Administrator will implement Chronic Wasting Disease Surveillance standards for facilities at a higher risk of disease exposure.

Amend Section .500 - The rule change will establish the new Chronic Wasting Disease surveillance standards for cervids that die or are harvested on cervidae facilities.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The domestic cervidae industry is at risk for a program shut-down for a third consecutive year due to a shortage of funds unless the 2014 amendments to the domestic cervidae law (House Bill 431) are implemented as a temporary rule, prior to fees being collected at the end of this calendar year. The temporary rule has already been negotiated with stakeholders, who have reached a consensus on all of the changes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The annual assessment fee for domestic elk will be increased from five dollars (\$5) per head per year, to ten dollars (\$10) per head per year. These funds are used to cover the cost of administering the program, as described in IDAPA 02.04.19.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

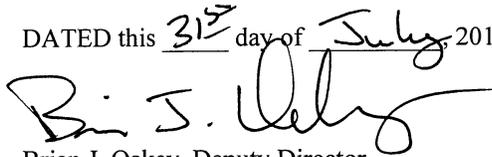
The fiscal impact to the industry, due to the increased fee schedule, will be offset by the reduction of chronic wasting disease testing requirements. ISDA anticipates a net positive fiscal impact to the industry and to the dedicated fund utilized to manage the domestic cervidae program.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 2014 Idaho Administrative Bulletin, Vol. 14-6, page 27. A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 1, 2014. There were twenty (20) people in attendance and multiple comments were entered into the record and taken into consideration when drafting this temporary and proposed rule. The final language represents consensus of the stakeholders present at the negotiated rulemaking.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Scott Leibsle, Deputy Administrator at (208) 332-8614. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2014.

DATED this 31st day of July, 2014.



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