02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

000. LEGAL AUTHORITY.
This chapter is adopted under the legal authority of Sections, 22-1907, 22-2004, 22-2006, 22-2403, and 22-2412, Idaho Code. ( )

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.09, "Rules Governing Invasive Species and Noxious Weeds." ( )

02. Scope. This rule governs the designation of invasive species, inspection, permitting, decontamination, recordkeeping and enforcement and apply to the possession, importation, shipping, transportation, eradication, and control of invasive species. This rule identifies those noxious weeds that have been officially designated by the Director as Noxious Weeds in the state of Idaho, designates articles capable of disseminating noxious weeds, requires treatment of articles to prevent dissemination of noxious weeds and provides authority to designate cooperative weed management areas for management of noxious weeds. Also this rule governs the inspection, certification, and marking of noxious weed free forage and straw to allow for the transportation and use of forage and straw in Idaho and states where regulations and restrictions are placed on such commodities. ( )

002. -- 109. (RESERVED)

SUBCHAPTER A – INVASIVE SPECIES

110. DEFINITIONS.
In addition to the definitions found in Section 22-1904 and 22-2005, Idaho Code, the following definitions apply in the interpretation and enforcement of Subchapter A only: ( )

01. Acts. Title 22, Chapter 19, Idaho Code, the "Idaho Invasive Species Act of 2008" and ~~Title 22, Chapter 20, the "Idaho Plant Pest Act of 2002."~~ ( )

02. Aquatic Invertebrate Invasive Species. Those species listed in Section 140. ( )

03. Control. The abatement, suppression, or containment of an invasive species or pest population. ( )

~~04. Conveyance. A terrestrial or aquatic vehicle or a vehicle part that may carry or contain an invasive species or plant pest. A conveyance includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, or any other means or method of transportation. "Conveyance" also includes a live well or a bilge area. ( )~~

05. Dreissenia Infested Waterbody. Body of water designated by the United States Geological Survey, http://nas.er.usgs.gov/taxgroup/mollusks/zebramussel/, or the Director as having a population of any life stage of Dreissenia mussels. ( )

06. Early Detection/Rapid Response. Finding invasive species during the initial stages of colonization and then responding within ten (10) days. ( )

07. Energy Crop Invasive Species. An Energy Crop Invasive Species is a non-native plant grown to harvest for use in making biofuels, such as bioethanol, or combusted for its energy content to generate electricity or heat. Energy Crop Invasive Species are non-native plants that are cultivated for the purpose of producing (non-food) energy. ( )

08. **Equipment**. An article, tool, implement, or device capable of carrying or containing: ( )

a. Water; or ( )

b. An invasive species. ( )

09. **Facility**. Any place, site or location or part thereof where a species listed as invasive pursuant to Subchapter A are found, handled, housed, held, planted, or otherwise maintained for purposes governed by a possession, production, or transport permit issued pursuant to Subchapter A and includes, but is not limited to all fields, plats, buildings, lots, structures, and other appurtenances and improvements on the land. ( )

10. **Possession**. The act of cultivating, importing, exporting, shipping or transporting a listed invasive species in Idaho. Possession does not include the act of having, releasing or transporting a listed invasive species through circumstances beyond individual control, including but not limited to infestations in a water supply system, infestations resulting from natural spread of the species or some other acts of nature. ( )

11. **Trap Crop Invasive Species**. A Trap Crop Invasive Species is a non-native plant species planted for purposes of controlling or eradicating a Plant Pest, as defined in the Idaho Plant Pest Act of 2002. ( )

12. **Water Body**. Natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank and fountain. ( )

13. **Water Supply System**. A system used to treat, store, convey, or distribute water for irrigation, industrial, waste water treatment, residential, or culinary use. A Water Supply System includes a pump, canal, ditch, regulating impoundment, in-canal forebay, pipeline, or associated wetland and water quality improvement project, but does not include a Water Body as defined in Subsection 110.12. ( )

111. ABBREVIATIONS.

01. **AIIS**. Aquatic Invertebrate Invasive Species. ( )

02. **EDRR**. Early Detection/Rapid Response. ( )

03. **HACCP**. Hazard Analysis and Critical Control Points. ( )

112. – 119. (RESERVED)

120. PROHIBITION ON POSSESSION, IMPORTATION, SHIPPING OR TRANSPORTATION OF INVASIVE SPECIES.

No person may possess, cultivate, import, ship, or transport any invasive species, including but not limited to an Energy Crop Invasive Species or Trap Crop Invasive Species, into or through the state of Idaho following the effective date of Subchapter A, unless the person possessing, importing, shipping or transporting has obtained a permit under Section 122, or unless otherwise exempt by Subchapter A, as set forth in Section 123. Prohibited acts include but are not limited to: ( )

01. **Possession or Transportation**. Possessing, cultivating, importing, exporting, shipping, or transporting an invasive species into or through the state of Idaho. ( )

02. **Releasing**. Releasing, placing, planting, or causing to be released, an invasive species in a water body, facility, water supply system, field, garden, planted area, ecosystem, or otherwise into the environment within the state of Idaho.( )

03. **Transporting From an Infested Environment**. Transporting a conveyance or equipment into or through the state of Idaho that has been in an infested environment without obtaining a Department-approved decontamination of the conveyance or equipment. ( )

04. Transporting an Infested Article. Transporting, importing or shipping any plant, animal, mode of transportation, conveyance, or article that is infested with an invasive species into or through the state of Idaho without obtaining a Department-approved decontamination of the object. ( )

121. INTRODUCTION OF NEW SPECIES TO THE STATE.
Following the effective date of Subchapter A, no person may introduce or import a species not previously present in Idaho without first receiving a determination from the Department that the species is not an invasive species. ( )

122. POSSESSION PERMITS.
Possession of invasive species is authorized only if the person possessing the species obtains a possession permit. ( )

01. Application for Possession Permits. Persons seeking a possession permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility where invasive species will be possessed. ~~The application must include: ( )~~

~~**a.** The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. ( )~~

~~**b.** Description of the proposed facility, including: ( )~~

~~i. A map identifying the location of the proposed facility; ( )~~

~~ii. The legal description of the real property for the proposed facility; ( )~~

~~iii. The approximate total area of the proposed facility; ( )~~

~~iv. A detailed diagram of proposed facility, ( )~~

~~v. A detailed confinement or HACCP Plan if applicable. ( )~~

~~**c.** Name and address of the owner(s) and/or operator(s) of the proposed facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. ( )~~

~~**d.** A copy of local zoning authority approval, if approval is required by the local zoning authority. ( )~~

~~**e.** Description of the invasive species to be possessed at the facility, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. ( )~~

~~**f.** The date upon which the proposed facility will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the invasive species are possessed at the proposed facility. ( )~~

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: ( )

a. Proximity of the facility to agricultural operations, and environmentally sensitive lands and waters. ( )

b. Potential for access to the facility by unauthorized persons. ( )

c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility. ( )

d. Potential for the invasive species to escape or be released from the facility. ( )

e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility have been met. ( )

f. Whether the applicant has adequate knowledge, experience and training to ensure that the invasive species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. ( )

g. Whether the facility is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from escape of the invasive species. ( )

h. Prior to issuing a possession permit, the Director or his designee may perform an inspection of the facility to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. ( )

03. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Director will either issue the possession permit or deny the application and notify the applicant. If the Director issues the permit, he may include any necessary conditions to prevent release or escape of the invasive species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. ( )

04. Duration of Possession Permit. A possession permit is valid until the permitted person no longer possesses the invasive species, or until the invasive species leaves the state. ( )

05. Permit Revocation. Permits issued pursuant to Subchapter A may be revoked at any time if the Director or Director's designee finds that the permit holder has violated any of the provisions of this Subchapter A, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. ( )

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported invasive species to be removed from the state or destroyed. ( )

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. ( )

123. EXEMPT SPECIES.

The following species were present in portions of the state of Idaho prior to adoption of Subchapter A of these Rules. However, they are not present throughout the state, and in accordance with the policy of the state of Idaho, as expressed in Idaho Code, Section 22-1902, the spread of these species should be prevented to the greatest extent possible. Therefore, the species listed below are exempt from the permit requirements of Sections 121 and 122 above. However, those seeking to transport the species listed in Section 123.01 outside the known established distribution area must obtain a transport permit in accordance with Section 123.03. ( )

01. Exempt Species List: ( )

a. New Zealand Mud Snail, *Potamopyrgus antipodarum*; ( )

b. Bullfrog, *Lithobates catesbeianus*; ( )

c. Asian Clam, *Corbicula fluminea*. ( )

02. Location of Known Established Populations. Known established distributions of the New Zealand Mud Snail, Bullfrog, and Asian Clam are identified and mapped online at http://nas.er.usgs.gov/queries. ( )

03. Possession/Transport Permits. Any person seeking to possess or transport one of the species listed in Subsection 123.01, above, outside of the known established distribution boundaries delineated in Subsection 123.02, above, must obtain a ~~transport~~ permit that will be valid for five (5) years. For the purposes of Subchapter A, transport of these exempt species is assumed when biological organisms and associated water from aquaculture facilities and hatcheries is moved from known infested areas in the state. ( )

a. Permits are not required for Red Claw Crayfish when shipped direct to the consumer for human consumption only.

04. Application for Transport Permits. Persons seeking a transport permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility from which invasive species will be transported. ~~The application must include: ( )~~

~~**a.** The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. ( )~~

~~**b.** Description of the facility of origin, including: ( )~~

~~i. A map identifying the location of the facility; ( )~~

~~ii. The legal description of the real property for the facility; ( )~~

~~iii. The approximate total area of the facility; ( )~~

~~iv. A detailed diagram of facility, ( )~~

~~v. A detailed HACCP Plan if applicable. ( )~~

~~**c.** Name and address of the owner(s) and/or operator(s) of the facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. ( )~~

~~**d.** Description of the invasive species to be transported from the facility, including the genus, species, sex, life state, age, and purpose for transporting the species. ( )~~

~~**e.** Description of self-contained areas needing draining or discharges of water during or after the transport of invasive species. ( )~~

~~**f.** Description of procedures to drain self-contained areas after transport is complete, including: ( )~~

~~i. Into a municipal water treatment facility; or ( )~~

~~ii. Into an on-site waste treatment facility incorporating sand filtration and chlorination; or ( )~~

~~iii. As approved by the Department. ( )~~

124. ENERGY CROP POSSESSION/PRODUCTION PERMITS.

Possession and/or production of Energy Crop Invasive Species is authorized only if the person possessing the species obtains an Energy Crop Invasive Species Possession/Production Permit ("Energy Crop Invasive Species Permit"). ( )

01. Application for Energy Crop Invasive Species Permits. Persons seeking an Energy Crop Invasive Species Permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility or field where the Energy Crop Invasive Species will be possessed and/or produced. Possession of plant material for the purpose of research or processing does not require a permit. ~~The application must include: ( )~~

~~**a.** The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. ( )~~

~~**b.** Description of the proposed facility, including: ( )~~

~~i. A map identifying the location of the proposed facility or field; ( )~~

~~ii. The legal description of the real property for the proposed facility or field; ( )~~

~~iii. The approximate total area of the proposed facility or field; ( )~~

~~iv. A detailed diagram of proposed facility or field; ( )~~

~~v. A detailed confinement plan if applicable; and ( )~~

~~vi. A detailed plan outlining survey and reconnaissance for escaped Energy Crop Invasive Species and a detailed plan for their control or elimination. ( )~~

~~**c.** Name and address of the owner(s) and/or operator(s) of the proposed facility or field, if different than the applicant. If the proposed facility or field will be leased, a written and notarized authorization by the property owner must be included. ( )~~

~~**d.** A copy of local zoning authority approval, if approval is required by the local zoning authority. ( )~~

~~**e.** Description of the Energy Crop Invasive Species to be possessed at the facility or field, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. ( )~~

~~**f.** The date upon which the proposed facility or field will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the Energy Crop Invasive Species are possessed at the proposed facility. ( )~~

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: ( )

a. Proximity of the facility to other agricultural operations, and environmentally sensitive lands and waters. ( )

b. Potential for access to the facility or field by unauthorized persons. ( )

c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility or field. ( )

d. Potential for the Energy Crop Invasive Species to escape or be released from the facility or field. ( )

e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility

or field have been met. ( )

f. Whether the applicant has adequate knowledge, experience and training to ensure that the Energy Crop Invasive Species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. ( )

g. Whether the facility or field is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from release or escape of the Energy Crop Invasive Species. ( )

h. Prior to issuing an Energy Crop Invasive Species Permit, the Director or his designee may perform an inspection of the facility or field to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. ( )

03. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Director will either issue the permit or deny the application and notify the applicant. If the Director issues the permit, he may include any necessary conditions to prevent release or escape of the Energy Crop Invasive Species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. ( )

04. Duration of Possession Permit. An Energy Crop Invasive Species Permit is valid for one (1) year. ( )

05. Permit Revocation. Permits issued pursuant to this section may be revoked at any time if the Director or his designee finds that the permit holder has violated any of the provisions of Subchapter A, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. ( )

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported Energy Crop Invasive Species to be removed from the state or destroyed. ( )

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. ( )

125. TRAP CROP INVASIVE SPECIES PERMITS.

Production/research of Trap Crop Invasive Species is authorized only if the person possessing the species obtains a Trap Crop Production/Research Permit ("Trap Crop Invasive Species Permit"). ( )

01. Application for Trap Crop Invasive Species Permits. Persons seeking a Trap Crop Invasive Species Permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility where Trap Crop Invasive Species will be researched or produced. ~~The application must include:~~ ~~( )~~

~~**a.** The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. ( )~~

~~**b.** Description of the proposed facility, including: ( )~~

~~i. A map identifying the location of the proposed facility; ( )~~

~~ii. The legal description of the real property for the proposed facility; ( )~~

~~iii. The approximate total area of the proposed facility; ( )~~

~~iv. A detailed diagram of proposed facility; ( )~~

~~v. A detailed confinement plan if applicable; and ( )~~

~~vi. A detailed plan outlining survey and reconnaissance for escaped plants and a detailed plan for their control or elimination. ( )~~

~~c. Name and address of the owner(s) and/or operator(s) of the proposed facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. ( )~~

~~d. A copy of local zoning authority approval, if approval is required by the local zoning authority. ( )~~

~~e. Description of the Trap Crop Invasive Species to be possessed at the facility, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. ( )~~

~~f. The date upon which the proposed facility will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the Trap Crop Invasive Species is possessed at the proposed facility. ( )~~

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: ( )

a. Proximity of the facility to agricultural operations, and environmentally sensitive lands and waters. ( )

b. Potential for access to the facility by unauthorized persons. ( )

c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility. ( )

d. Potential for the Trap Crop Invasive Species to escape or be released from the facility. ( )

e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility have been met. ( )

f. Whether the applicant has adequate knowledge, experience and training to ensure that the Trap Crop Invasive Species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. ( )

g. Whether the facility is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from escape of the Trap Crop Invasive Species. ( )

h. Prior to issuing a Trap Crop Invasive Species Permit, the Director or his designee may perform an inspection of the facility to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. ( )

03. Grant or Denial of the Trap Crop Invasive Species Permit. Following review of the application and any other relevant information, the Director will either issue the Trap Crop Invasive Species Permit or deny the application and notify the applicant. If the Director issues the Trap Crop Invasive Species Permit, he may include any necessary conditions to prevent release or escape of the Trap Crop Invasive Species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. ( )

04. Duration of Trap Crop Invasive Species Permit. A Trap Crop Invasive Species Permit is valid

for one (1) year. ( )

05. Permit Revocation. Permits issued pursuant to this section may be revoked at any time if the Director or his designee finds that the permit holder has violated any of the provisions of this Subchapter A, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. ( )

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported Trap Crop Invasive Species to be removed from the state or destroyed. ( )

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. ( )

126. -- 129. (RESERVED)

130. EARLY DETECTION AND RAPID RESPONSE AQUATIC INVERTEBRATE INVASIVE SPECIES.

01. Statewide EDRR AIIS List. If any of the species listed in the following table are found to occur in Idaho, they shall be reported to the Department immediately. Positive identification will be made by the Department or other qualified authority as approved by the Director. Subsections 130.02 through 130.05 are applicable to EDRR AIIS only and not to other invasive species listed in Sections 140 through 148.

Early Detection Rapid Response Aquatic Invertebrate Invasive Species (EDRR AIIS) List	
Common Name	**Scientific Name**
Quagga Mussel	*Dreissenia bugensis*
Zebra Mussel	*Dreissenia polymorpha*

( )

02. Transporting EDRR AIIS Over Public Roads. No person may transport Equipment or any Conveyance containing EDRR AIIS over public roads within the state of Idaho without first being decontaminated. ( )

03. Contaminated Conveyances in Idaho Waters. No person may place any EDRR AIIS contaminated Equipment or Conveyance into any Water Body or Water Supply System in the state of Idaho. ( )

04. Firefighting Equipment. Precautions should be taken to prevent the introduction and spread of EDRR AIIS through firefighting activities. All firefighting agencies moving equipment into the state of Idaho shall follow protocols similar to the United States Forest Service decontamination protocols set forth in "Preventing Spread of Aquatic Invasive Organisms Common to the Intermountain Region." Those protocols can be viewed online at http://www.fs.usda.gov/detail/r4/landmanagement/resourcemanagement/?cid=fsbdev3_016113. ( )

05. Construction and Road Building and Maintenance Equipment. Construction and equipment used for road building and maintenance must be free of EDRR AIIS. If equipment that is being transported into the state of Idaho has been in an infested water body or water supply system within the preceding thirty (30) days, the equipment must be inspected in accordance with Section 132. The Department may require decontamination. ( )

131. REPORTING REQUIREMENTS.

01. Discovery. Any person who discovers an EDRR AIIS within the state or who has reason to believe that an invasive species may exist at a specific location shall immediately report the discovery to the Department. ( )

02. Contents. The report shall, to the best of the reporter's ability, contain the following information: location of the invasive species; date of discovery; and identification of any conveyance, equipment, water body, or host in or upon which the invasive species may be found. ( )

03. Methods of Reporting. The report shall be made in person or in writing (which may include electronic mail) as follows: ( )

a. At any Department office or headquarters; ( )

b. To the Department's toll free hotline at 1-877-336-8676; or ( )

c. Via the Department's website at https://invasivespecies.idaho.gov/contact ~~www.agri.idaho.gov.~~ ( )

04. Hold Harmless. Reporting parties will be held harmless from violations pursuant to this Subchapter A regarding possession of EDRR AIS. ( )

132. INSPECTIONS.

01. Qualified Inspectors. Inspections to detect the presence of EDRR AIIS may be conducted by any authorized agent, private inspector or peace officer qualified and trained in accordance with the Department's requirements. ( )

02. Conveyances That Have Been in Infested Waters. All persons transporting a conveyance must receive documentation of an inspection prior to launching in any water of the state if the vessel has been in infested water within the last thirty (30) days. ( )

03. All Other Conveyances. All conveyances are subject to inspection. All compartments, equipment and containers that may hold water, including, but not limited to live wells and ballast and bilge areas will be drained as part of all inspections. ( )

04. Inspection Methods. Inspectors will determine if EDRR AIIS are present by interviewing the person transporting the conveyance and using visual and/or tactile inspection methods, or such other methods as may be appropriate and using forms supplied by the Department. ( )

05. Inspection Results. Any authorized agent or private inspector or private decontaminator who, through the course of an inspection, determines that AIIS are present shall advise the operator that the conveyance is suspected of possessing EDRR AIIS and that it must be decontaminated according to Departmental procedures. ( )

06. Decontamination. Any conveyance found or reasonably believed to contain EDRR AIIS shall be decontaminated in accordance with Section 134. ( )

133. HOLD ORDERS.

01. Hold Order. If any person refuses to permit inspection or decontamination of his or her conveyance, that conveyance is subject to a hold order until the inspection and/or decontamination is complete. ( )

02. Notification to Owner. If the person in charge of the conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within five (5) days of the Hold Order. Such

notification must also include Department contact information. If the registered owner is present when the Hold Order is issued, then the same information shall be provided to the registered owner at the time the order is issued. ( )

03. Release of Hold Order. Decontamination and proof of decontamination, in accordance with Section 134, is necessary in order for the Hold Order to be released. The Hold Order must be released in writing, and may be released only by the Director or his designee. ( )

134. EDRR AIIS DECONTAMINATION.

01. Decontamination Protocol. All decontamination must be accomplished by Department-approved service providers, using Department protocol. All decontamination methods must be in accordance with all applicable laws, disposal methods, recommended safety precautions, and safety equipment and procedures. ( )

02. Reinspection. After decontamination, the Department or its authorized agent must re-inspect the conveyance to ensure complete decontamination prior to releasing the conveyance and any associated Hold Order. ( )

03. Proof of Decontamination. Proof of decontamination will consist of a completed post-decontamination inspection form and application of a tamper-proof seal to the conveyance. ( )

135. -- 139. (RESERVED)

140. INVASIVE SPECIES - AQUATIC INVERTEBRATES.

INVASIVE SPECIES - AQUATIC INVERTEBRATES		
	Common Name	**Scientific Name**
01.	**Zebra Mussel**	***Dreissenia polymorpha***
02.	**Quagga Mussel**	***Dreissenia bugensis***
03.	**New Zealand Mud Snail**	***Potamopyrgus antipodarum***
04.	**Red Claw Crayfish**	***Cherax quadricarinatus***
05.	**Yabby Crayfish**	***Cherax albidus/C. destructor***
06.	**Marone Crayfish**	***Cherax tenuimanus***
07.	**Marbled Crayfish**	***(Procambarus marmorkrebs)***
08.	**Rusty Crayfish**	***Orconectes rusticus***
09.	**Asian Clam**	***Corbicula fluminea***
10.	**Spiny Waterflea**	***Bythotrephes cederstroemi***
11.	**Fishhook Waterflea**	***Cercopagis pengoi***
12.	**Marmorkrebs**	***Procambarus sp.***

( )

141. INVASIVE SPECIES - FISH.

INVASIVE SPECIES - FISH		
	Common Name	**Scientific Name**
01.	**Green Sturgeon**	***Acipenser medirostris***
02.	**Walking Catfish**	***Claridae***
03.	**Bowfin**	***Ania Calva***
04.	**Gar**	***Lepiostidae***
05.	**Piranhas**	***Serrasalmus spp., Rosseveltiella spp., Pygocentrus spp.***
06.	**Rudd**	***Scardinus erythropthalmus***
07.	**Ide**	***Leuciscus idus***
08.	**Diploid Grass Carp**	***Ctenopharyngoden idella***
09.	**Bighead Carp**	***Hypopthalmichthys nobilis***
10.	**Silver Carp**	***Hypopthalmichthys molitrix***
11.	**Black Carp**	***Mylopharyngodeon piceus***
12.	**Snakeheads**	***Channa spp., Parachanna spp.***
13.	**Round Goby**	***Neogobius melanostomas***
14.	**Ruffe**	***Gymnocephalus cernuus***

( )

142. INVASIVE SPECIES - AMPHIBIANS

Table 1:

Invasive Species - Amphibians		
	Common Name	**Scientific Name**
01.	**Rough-skinned Newt**	***Taricha granulose***
02.	**Bullfrog**	***Lithobates catesbeianus***

( )

143. INVASIVE SPECIES - REPTILES.

Invasive Species - Reptiles		
	Common Name	**Scientific Name**
01.	**Red-eared Slider**	***Trachemys scripta elegans***
02.	**Mediterranean Gecko**	***Hemidactylus turcicus***
03.	**Common Wall Lizard**	***Podarcis muralis***
04.	**Italian Wall Lizard**	***Podarcis sicula***
05.	**Brahminy Blindsnake**	***Ramphotyphlops braminus***
06.	**Snapping Turtle**	***Chelydra serpentina***

( )

144. INVASIVE SPECIES - BIRDS.

Invasive Species - Birds		
	Common Name	**Scientific Name**
01.	**Monk Parakeet**	***Myiopsitta monachus***

( )

145. INVASIVE SPECIES - MAMMALS.

Invasive Species - Mammals		
	Common Name	**Scientific Name**
01.	**Nutria**	***Myocastor coypus***

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~~**146. INVASIVE SPECIES - INSECTS.**~~

~~Invasive Species - Insects~~		
	~~**Common Name**~~	~~**Scientific Name**~~
~~01.~~	~~**Asian Longhorned Beetle**~~	~~***Anoplophora glabripennis***~~
~~02.~~	~~**Citrus Longhorned Beetle**~~	~~***Anoplophora chinensis***~~

~~03.~~	~~**Emerald Ash Borer**~~	~~***Agrilus planipennis***~~
~~04.~~	~~**Marmorated Stink Bug**~~	~~***Halyomorpha halys***~~
~~05.~~	~~**European Woodwasp**~~	~~***Sirex noctilio***~~
~~06.~~	~~**European Gypsy Moth**~~	~~***Lymantria dispar***~~
~~07.~~	~~**Asian Gypsy Moth**~~	~~***Lymantria dispar***~~
~~08.~~	~~**Soybean Aphid**~~	~~***Aphis glycines***~~
~~09.~~	~~**Potato Tuber Moth**~~	~~***Tecia solanivora***~~
~~10.~~	~~**Japanese Beetle**~~	~~***Popillia japonica***~~
~~11.~~	~~**Mexican Bean Beetle**~~	~~***Epilachna varivestis***~~
~~12.~~	~~**Kaphra Beetle**~~	~~***Trogoderma granarium***~~
~~13.~~	~~**Red Imported Fire Ant**~~	~~***Solenopsis invicta***~~
~~14.~~	~~**Glassy-winged Sharpshooter**~~	~~***Homalodisca vitripennis***~~
~~15.~~	~~**Grape Phylloxera**~~	~~***Daktulosphaira vitifoliae***~~
~~16.~~	~~**Vine Mealybug**~~	~~***Planococcus ficus***~~
~~17.~~	~~**Summer Fruit Tortix**~~	~~***Adoxophyes orana***~~
~~18.~~	~~**Silver Y Moth**~~	~~***Autographa gamma***~~
~~19.~~	~~**False Codling Moth**~~	~~***Cryptophlebia leucotreta***~~
~~20.~~	~~**Light Brown Apple Moth**~~	~~***Epiphyas postvittana***~~
~~21.~~	~~**Apple Tortrix**~~	~~***Archips fuscocupreanus***~~
~~22.~~	~~**Pine Shoot Beetle**~~	~~***Tomicus piniperda***~~
~~23.~~	~~**Cherry Bark Tortrix**~~	~~***Enarmonia formosana***~~
~~24.~~	~~**Apple Ermine Moth**~~	~~***Yponomeuta malinellus***~~
~~25.~~	~~**Cherry Ermine Moth**~~	~~***Enarmonia formosana***~~
~~26.~~	~~**European Grape Vine Moth**~~	~~***Lobesia botrana***~~
~~27.~~	~~**European Grape Berry Moth**~~	~~***Eupoecilia ambiguella***~~
~~28.~~	~~**Plum Fruit Moth**~~	~~***Cydia funebrana***~~
~~29.~~	~~**Plum Curculio**~~	~~***Conotrachelus nenuphar***~~
~~30.~~	~~**Leek Moth**~~	~~***Acrolepiopsis assectella***~~

31.	Bee Mite	*Tropilaelaps clareae*
32.	Small Hive Beetle	*Aethina tumida*
33.	Africanized Honey Bee	*Apis mellifera*
34.	Black Currant Gall Mite	*Cecidophyopsis ribis*
35.	Exotic Bark Beetles	*(Scolytidae):* **a.** *Scolytus mali.* **b.** *Xylosandrus crassiusculus.* **c.** *Xylosandrus germanus.* **d.** *Xyleborus californicus.*
36.	Sunni Bug	*Eurygaster integriceps*
37.	German Yellowjacket	*espula germanica*
38.	European Paper Wasp	*Polistes dominulus*
39.	European Elm Bark Beetle	*Scolytus multistriatus*
40.	Banded Elm Bark Beetle	*Scolytus schevyrewi*
41.	Wheat Blossom Midge,	*Sitodiplosis mosellana*
42.	Potato Tuberworm	*Phthorimeaea operculella*
43.	Pink Hibiscus Mealybug	*Maconellicoccus hirsutus*
44.	Bean Plataspid (Kudzu Bug)	*Megacopta cribraria*

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147. INVASIVE SPECIES - PLANT PATHOGENS AND PARASITIC NEMATODES.

Invasive Species - Plant Pathogens And Parasitic Nematodes		
	Common Name	Scientific Name
01.	Phytophthora blight (nursery stock)	*Phytophthora ramorum*, *Phytophthora kernoviae*
02.	Karnal Bunt	*Tilletia indica*
03.	Bean Common Mosaic Necrosis Virus (strain NL-3 and NL-5)	
04.	Potato Wart	*Synchytrium endobioticum*
05.	Golden Nematode	*Globodera rostochiensis*
06.	Soybean Cyst Nematode	*Heterodera glycines*

07.	Bacterial Wilt of Alfalfa	*Clavibacter michiganensis* spp. *insidiosus*
08.	Wheat Seed Gall Nematode	*Anguina tritici*
09.	Pine Wilt Nematode	*Bursaphelenchus xylophilus*
10.	Brown Rot of Potatoes	*Ralstonia solanacearum*, race 3, biovar 2 (alternate hosts include tomato, pepper, eggplant, and some greenhouse plants including geranium)
11.	Java Downy Mildew of Corn	*Peronosclerospora maydis*
12.	Philippine Downy Mildew of Corn	*Peronosclerospora philipeninsis*
13.	Asian Soybean Rust	*Phakospsora pachyrhizi*
14.	Plum Pox Potyvirus	
15.	Cherry Leaf Roll Virus	
16.	Stewart's Wilt of Corn	*Pantoea stewartii*
17.	Brown Stripe Downy Mildew of Corn	*Sclerophthora rayssiae* var. *zeae.*
18.	Potato Spindle Tuber Viroid	
19.	Pierce's Disease of Grapes	*Xylella fastidiosa*
20.	Black Currant Reversion Disease	
21.	Powdery Mildew of Hops	*Sphaerotheca macularis (s. humuli)*
22.	Wheat Smut	*Tilletia tritici*
23.	Wheat Scab	*Fusarium graminearum*
24.	Potato Ring Rot	*Clavibacter michiganensis subsp. sepidonicus*
25.	Potato Late Blight	*Phytophthora infestans*
26.	Onion White Rot	*Sclerotium cepivorum*
27.	White Pine Blister Rust	*Cronartium ribicola*
28.	Potato Mop Top Virus, PMTV	
29.	Black Stem Rust	*Puccinia graminis f.*sp. *tritici* Race UG99
30.	Apple proliferation phytoplasma	*Candidatus Phytoplasma mali*

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~~148. INVASIVE SPECIES - INVASIVE MOLLUSKS (TERRESTRIAL SNAILS AND SLUGS).~~

~~Invasive Species - Invasive Mollusks (Terrestrial Snails And Slugs)~~		
	~~Common Name~~	~~Scientific Name~~
~~01.~~	~~Green or Burrowing Snail~~	~~*Cantareus apertus*~~
~~02.~~	~~Pulmonate Snail~~	~~*Helix pomatia*~~
~~03.~~	~~White Garden Snail~~	~~*Theba pisana*~~
~~04.~~	~~Giant African Snail~~	~~*Achatha fulica*~~
~~05.~~	~~Lactea Snail~~	~~*Otala lactea*~~
~~06.~~	~~Maritime Garden Snail~~	~~*Cernuella virgata*~~
~~07.~~	~~Brown Garden Snail~~	~~*Cryptomphalus aspersa*~~
~~08.~~	~~Wrinkled Snail~~	~~*Candidula intersecta*~~
~~09.~~	~~Chinese Mysterysnail~~	~~*Bellamya chinensis*~~
~~10.~~	~~Japanese Mysterysnail~~	~~*Bellamya japonica*~~
~~11.~~	~~Applesnail~~	~~*Pomacea* spp.~~
~~12.~~	~~Marisa~~	~~*Marisa cornuarietis*~~
~~13.~~	~~Red-lipped Melania~~	~~*Melanoides tuberculata*~~
~~14.~~	~~Quilted Melania~~	~~*Tarebia granifera*~~
~~15.~~	~~Decollate Snail~~	~~*Rumina decollate*~~
~~16.~~	~~Faucet Snail~~	~~*Bithynia tentaculata*~~

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149. INVASIVE SPECIES - INVASIVE PLANTS: ENERGY CROPS.

Invasive Species - Invasive Plants: Energy Crops		
	Common Name	Scientific Name
01.	**Giant Reed**	***Arundo donax* (and hybrids)**
~~02.~~	~~**Switch Grass**~~	~~***Panicum virgatum* (and hybrids)~~**
~~03~~02.	**Kudzu**	***Pueraria montana* (and hybrids)**

~~04~~03.	**Chinese Silver Grass**	***Miscanthus giganteus* (and hybrids)**
~~05~~04.	**Purging Nut**	***Jatropha curcus* (and hybrids)**
~~06~~05.	**Cold Tolerant Eucalyptis (and hybrids)**	

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150. INVASIVE SPECIES - INVASIVE PLANTS: TRAP CROPS.

Invasive Species - Invasive Plants: Trap Crops		
Common Name		**Scientific Name**
01.	**Litchi Tomato**	***Solanum sisymbriifolium* (and hybrids)** (Otherwise known as Sticky Nightshade or Fire and Ice)
02.	**Black Nightshade**	***Solanum nigrus* (and hybrids)**

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151. -- 209. (RESERVED)

SUBCHAPTER B – NOXIOUS WEEDS

210. DEFINITIONS.

In addition to the definitions found in Section 22-2402, Idaho Code, the definitions found in Section 210 apply in the interpretation and enforcement of Subchapter B only: ( )

01. Early Detection and Rapid Response (EDRR). Finding invasive plant species during the initial stages of colonization and then responding within the same season to initiate eradication of the invasive plant species. ( )

02. Implements of Husbandry. Every vehicle, including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations when being incidentally operated as an implement of husbandry. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicator equipment, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. Implements of husbandry do not include semi trailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations. ( )

03. Subtaxa(on). A supplementary piece of identifying information in a plant's or animal's scientific name. ( )

211. ABBREVIATIONS.

01. CWMA. Cooperative Weed Management Area. ( )

02. EDRR. Early Detection/Rapid Response. ( )

03. ISDA. Idaho State Department of Agriculture. ( )

212. -- 219. (RESERVED)

220. NOXIOUS WEEDS - DESIGNATIONS.
The weeds listed on the Statewide Prohibited Genera, EDRR, Containment, and Control lists are hereby officially designated and published as noxious. ( )

01. Statewide Prohibited Genera Noxious Weed List. ( )

a. All plants and plant parts in the generas of: *Cytisus*, *Genista*, *Spartium*, and *Chamaecytisus* additionally including "all" subtaxa of these plant genera are prohibited in Idaho. ( )

b. Weeds listed in the Prohibited Genera list may exist in varying populations throughout the state. The concentration of these weeds is at a level where control and/or eradication may be possible. A written plan for weeds on the Statewide Prohibited Genera Noxious Weed List shall be developed by the control authority that specifies active control methods to reduce known populations in not more than five (5) years. The plan shall be available to the Department upon request.( )

02. Statewide EDRR Noxious Weed List. If any of the listed plants (Subsection 220.02) are found to occur in Idaho, they shall be reported to the Department within ten (10) days following positive identification by the University of Idaho or other qualified authority as approved by the Director. These weeds shall be eradicated during the same growing season as identified.

Common Name		Scientific Name
1.	Brazilian Elodea	*Egeria densa*
2.	Common/European Frogbit	*Hydrcharis morsus-ranae*
3.	Fanwort	*Cobomba caroliniana*
4.	Feathered Mosquito Fern	*Azolla pinnata*
5.	Giant Hogweed	*Heracleum mantegazzianum*
6.	Giant Salvinia	*Salvinia molesta*
7.	Goatsrue	*Galega officinalis*
8.	Hydrilla	*Hydrilla verticillata*
9.	Iberian Starthistle	*Centaurea iberica*
10.	Policeman's Helmet	*Impatiens glandulifera*
11.	Purple Starthistle	*Centaurea calcitrapa*
12.	Squarrose Knapweed	*Centaurea triumfetti*
13.	Starry Stonewort	*Nitellopsis obtusa*
13.	Syrian Beancaper	*Zygophyllum fabago*
14.	Tall Hawkweed	*Hieracium piloselloides*

~~15.~~	Turkish Thistle	*Carduus cinereus*
15.	Variable-Leaf-Milfoil	*Myriophyllum heterophyllum*
16.	Water Chestnut	*Trapa natans*
17.	Water Hyacinth	*Eichhornia crassipes*
18.	Yellow Devil Hawkweed	*Hieracium glomeratum*
19.	Yellow Floating Heart	*Nymphoides pelata*

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03. Statewide Control Noxious Weed List. Weeds listed in the control list are known to exist in varying populations throughout the state. The concentration of these weeds is at a level where control or eradication, or both, may be possible. A written plan for weeds on the Statewide Control Noxious Weed List shall be developed by the control authority that specifies active control methods to reduce known populations in not more than five (5) years. The plan shall be available to the Department upon request.

	Common Name	Scientific Name
1.	Black Henbane	*Hyoscyamus niger*
2.	Bohemian Knotweed	*Polygonum X bohemicum*
3.	Buffalobur	*Solanum rostratum*
4.	Common Crupina	*Crupina vulgaris*
5.	Common Reed (Phragmites)	*Phragmites australis*
6.	Dyer's Woad	*Isatis tinctoria*
7.	Eurasian Watermilfoil	*Myriophyllum spicatum (and hybrids)*
~~8.~~	Flowering Rush	*Butomus umbelltus*
~~8~~9.	Giant Knotweed	*Polygonum sachalinense*
~~9~~10.	Japanese Knotweed	*Polygonum cuspidatum*
~~10~~11.	Johnsongrass	*Sorghum halepense*
~~11~~12.	Matgrass	*Nardus stricta*
~~12~~13.	Meadow Knapweed	*Centaurea debeauxii*
~~13~~14.	Mediterranean Sage	*Salvia aethiopis*
~~14~~15.	Musk Thistle	*Carduus nutans*
~~15~~16.	Orange Hawkweed	*Hieracium aurantiacum*

~~16~~17.	Parrotfeather Milfoil	*Myriophyllum aquaticum*
~~17~~18.	Perennial Sowthistle	*Sonchus arvensis*
~~18~~19.	Russian Knapweed	*Acroptilon repens*
~~19~~20.	Scotch Broom	*Cytisus scoparius*
~~20~~21.	Small Bugloss	*Anchusa arvensis*
~~21~~22.	Vipers Bugloss	*Echium vulgare*
~~22~~23.	Yellow Hawkweed	*Hieracium caespitosum*

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04. Statewide Containment Noxious Weed List. Weeds listed in the containment noxious weeds list are known to exist in various populations throughout the state. Weed control efforts may be directed at reducing or eliminating new or expanding weed populations while known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed control authority.

Common Name		Scientific Name
1.	Canada Thistle	*Cirsium arvense*
2.	Curlyleaf Pondweed	*Potamogeton crispus*
3.	Dalmatian Toadflax	*Linaria dalmatica ssp. dalmatica*
4.	Diffuse Knapweed	*Centaurea diffusa*
5.	Field Bindweed	*Convolvulus arvensis*
~~6.~~	~~Flowering Rush~~	~~*Butomus umbelltus*~~
~~7~~6.	Hoary Alyssum	*Berteroa incana*
~~8~~7.	Houndstongue	*Cynoglossum officinale*
~~9~~8.	Jointed Goatgrass	*Aegilops cylindrica*
~~10~~9.	Leafy Spurge	*Euphorbia esula*
~~11~~10.	Milium	*Milium vernale*
~~12~~11.	Oxeye Daisy	*Leucanthemum vulgare*
~~13~~12.	Perennial Pepperweed	*Lepidium latifolium*
~~14~~13.	Plumeless Thistle	*Carduus acanthoides*

~~15~~14.	Poison Hemlock	*Conium maculatum*
~~16~~15.	Puncturevine	*Tribulus terrestris*
~~17~~16.	Purple Loosestrife	*Lythrum salicaria*
~~18~~17.	Rush Skeletonweed	*Chondrilla juncea*
~~19~~18.	Saltcedar	*Tamarix* sp.
~~20~~19.	Scotch Thistle	*Onopordum acanthium*
~~21~~20.	Spotted Knapweed	*Centaurea stoebe*
~~22~~21.	Tansy Ragwort	*Senecio jacobaea*
~~23~~22.	White Bryony	*Bryonia alba*
~~24~~23.	Whitetop (Hoary Cress)	*Cardaria draba*
~~25~~24.	Yellow Flag Iris	*Iris psudocorus*
~~26~~25.	Yellow Starthistle	*Centaurea solstitialis*
~~27~~26.	Yellow Toadflax	*Linaria vulgaris*

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05. Designation of Articles Capable of Disseminating Noxious Weeds. The following articles are designated by the Director as capable of disseminating noxious weeds: ( )

a. Construction equipment, road building and maintenance equipment, and implements of husbandry. ( )

b. Motorized vehicles such as, all-terrain vehicles, motorcycles, and other off-road vehicles and non-motorized vehicles such as bicycles and trailers. ( )

c. Grain and seed. ( )

d. Hay, straw and other material of similar nature. ( )

e. Nursery stock including plant material propagated for the support of aquarium, pet, or horticultural activities. ( )

f. Feed and seed screenings. ( )

g. Fence posts, fencing and railroad ties. ( )

h. Sod. ( )

i. Manure, fertilizers and material of similar nature. ( )

j. Soil, sand, mulch, and gravel. ( )

k. Boats, personal watercraft, watercraft trailers, and items of a similar nature. ( )

221. -- 229. (RESERVED)

230. TREATMENT OF ARTICLES.

01. Duty. It is the duty of every person, before removing any article from any place that is infested with noxious weeds or before moving the article onto any public roadway, to enclose, clean, or treat the article in a manner that will prevent the spread of noxious weeds ( )

02. Treatment. No article containing noxious weed propagules shall be sold or furnished to any person within this state, until it has been treated in a manner sufficient to eliminate all noxious weed propagating capability except when sold or furnished to a person for the purpose of destroying the viability of the noxious weed propagules. ( )

231. – 303. (RESERVED)

SUBCHAPTER C – NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION

304. INCORPORATION BY REFERENCE.
The following document is incorporated by reference and applies to Subchapter C, only: ( )

01. The NAISMA Weed Free Forage Minimum Certification Standards, as published at https://www.naisma.org/images/NAISMA_WFF_Minimum_Standards_10_17_2018_Approved_Changes.pdf. ( )

305. – 309. (RESERVED)

310. DEFINITIONS.
In addition to the definitions found in Section 22-2402, Idaho Code, the definitions found in section 310 apply to the interpretation and enforcement of Subchapter C only: ( )

01. Agent. Any instrumentality or entity authorized by the Director of the Department, and acting in an official capacity and under the supervision of the Department, to administer the provisions of Subchapter C. The principal purpose of the agent is to establish, conduct, and maintain a uniform and reasonable system of inspection and certification of forage and straw crops to determine if such crops are noxious weed free. ( )

02. Approved Inspector. An individual who has been accredited by the Department or by the Department's agent in the noxious weed free forage and straw certification program. ( )

03. Bale. A mechanically compressed package of forage or straw bound by string or wire, or other binding material. ( )

04. Bale Tag. A tag or label that is attached to the string or wire, or other binding material of a bale of certified forage or straw, and identifies the bale as being certified noxious weed free. ( )

05. Certificate of Inspection. A record of inspection issued by an approved inspector that states the results of a field or commodity inspection. The certificate shall document that the inspected field or commodity is Idaho State Noxious Weed Free, NAISMA Noxious Weed Free, or that the field or commodity contains noxious weeds. ( )

06. Certification. The process whereby an approved inspector conducts field or commodity inspections to determine that the field or commodity is noxious weed free. ( )

07. Certification Markings. Bale tags, purple and yellow colored twine, compressed forage/straw bale

binding material, and forage cubes/pellets container tags/labels. ( )

08. Certified Compressed Forage/Straw Bale Binding Material. An ISDA approved binding material that is attached to a compressed forage/straw bale of certified noxious weed free forage/straw and identifies the bale as being certified to the NAISMA Standards. ( )

09. Compressed Forage/Straw Bale. A bale that has been twice compressed, once in the field by a forage/straw baler and then recompressed a second time and bound by string, wire or other binding material. ( )

10. Field. The land on which a forage or straw crop is grown and is not divided by streams, public roads, other crops, or other barriers. ( )

11. Forage. Alfalfa, grain, and grass hay, and/or combinations of alfalfa, grain, or grass hay; the term "forage" includes forage cubes, compressed forage bales, and pellets. ( )

12. Forage Cubes. Forage that is harvested from a field certified to NAISMA Standards and is mechanically compacted into wafers or cubes. ( )

13. Forage Cube/Pellet Tag. A tag, label, or statement that is attached or printed on a container of certified noxious weed free forage cubes or pellets, and identifies the container as being certified to the NAISMA Standards. ( )

14. Idaho State Noxious Weed Free. Forage and straw inspected for weeds designated by the Director as noxious as defined in Section 22-2402(17), Idaho Code, and determined to be free of such weeds. ( )

15. Idaho State Noxious Weed Free Standards. Forage and straw that meets the requirements Idaho State Noxious Weed Free. ( )

16. NAISMA Noxious Weed Free. Forage and straw inspected for, and determined to be free of, weeds designated as noxious by the Director as defined in Section 22-2402(17), Idaho Code, and noxious weeds listed on the NAISMA Designated Weed List. ( )

17. NAISMA Weed Free Forage Certification Program. The North American Invasive Species Management Association standard for forage certification. ( )

18. NAISMA Twine. Special purple and yellow colored twine approved by NAISMA that is used to mark bales as certified to the NAISMA Standards. ( )

19. NAISMA Standards. Requirements of the NAISMA Weed Free Forage Certification Program. ( )

20. Noxious Weed Free. No noxious weeds with viable seed, injurious portions, or propagating parts were found during inspection procedures. ( )

21. Pellets. Forage that is harvested from a field certified to NAISMA Standards and is manufactured into an agglomerated feed, formed by compacting and forcing through die openings by a mechanical process. ( )

23. Straw. The dried stalks or stems remaining after grain is harvested. ( )

24. Transit Certificate. A document completed by an approved inspector to certify products proposed for movement as certified noxious weed free into states that require noxious weed free forage and straw certification. The transit certificate must be in the possession of the transporter. ( )

311. ABBREVIATIONS.

01. **ISDA**. The Idaho State Department of Agriculture. ( )

02. **NAISMA**. North American Invasive Species Management Association. ( )

03. **NWFF&S**. Noxious Weed Free Forage and Straw. ( )

312. -- 319. (RESERVED)

320. VOLUNTARY NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION PROGRAM.

01. **Purpose**. The noxious weed free forage and straw certification program is a voluntary program, the purpose of which is to provide a means for the inspection, certification, and marking of forage and straw as noxious weed free. The program will be managed by the Department and may be implemented through an agent of the Department. The program will allow for the preparation of a transit certificate for the purpose of interstate transport or shipping of forage and straw into and through states that place regulations and restrictions on such commodities. The program is intended to reduce the exportation, importation, growth, and spread of noxious weeds. ( )

02. **Certifying Authority**. The Department or its agent is the certifying authority. The certifying authority will appoint, as needed, approved inspectors throughout the state, who may issue certificates of inspection. ( )

03. **Certification Training**. The Department will determine minimum training and accreditation standards for approved inspectors. Training will be provided annually by the Department or its agent. Attendance at annual training will certify accreditation for the inspector for that calendar year. Approved inspectors will be issued a certificate of training for the calendar year. Annual training includes: ( )

a. Field inspection techniques and procedures; ( )

b. ISDA Noxious Weed Lists and NAISMA Weed Free Forage Prohibited Weed List plant identification; ( )

c. ISDA and NAISMA certification standards and guidelines; ( )

d. Knowledge of weed management, including: ( )

i. Burning; ( )

ii. Mowing, cutting or roguing; ( )

iii. Mechanical methods; and ( )

iv. Herbicides. ( )

e. Inspection forms. ( )

04. **Certification Program**. ( )

a. The Department or its agent will: ( )

i. Coordinate forage and straw inspections within the state; ( )

ii. Select, train, and supervise persons who serve as approved inspectors; ( )

iii. Issue certificates of inspection, transit certificates, NAISMA Twine, forage cubes/pellets tags/labels, certified compressed forage/straw bale binding material, and bale tags to qualifying participants; ( )

iv. Maintain a record of inspections performed and certificates and tags issued; ( )

b. Under the direction of the Department or its agent an approved inspector may perform inspections and issue certificates of inspection, transit certificates, NAISMA Twine, forage cubes/pellets tags/labels, and bale tags within the state at cost. ( )

05. Application for Certification. ( )

a. Application for certification inspection shall be made on forms available from the Department or its agent and submitted to the Department or its agent. ( )

b. An applicant's signature on the application for certification is verification of the accuracy of the information submitted, and signifies the applicant's intent to comply with the post-certification and distribution requirements. ( )

06. Field Inspection Procedures. ( )

a. Forage or straw shall be inspected within a maximum of ten (10) days prior to cutting/harvesting in the field of origin for each field and cutting to be certified. Fields must be inspected again if circumstances prevent harvest of the forage/straw for a period greater than ten (10) days from the first inspection. ( )

b. Each field inspected shall be identified by the name of the owner and a field name or number. The certification inspection may be performed on an entire field or a portion of a field, if the portion is plainly marked and identified prior to inspection. ( )

c. Field inspections must take place prior to any operation that will limit the approved inspector's ability to properly inspect and certify the field. Fields that have been cut or harvested prior to inspection are ineligible for certification. ( )

d. There shall be a minimum of two (2) entry points per field. ( )

e. There shall be minimum of one (1) entry point per each ten (10) acres (four (4) hectares).( )

f. Each point of entry shall be at least one hundred fifty (150) feet (forty-five (45) meters) into the field, and each additional one hundred fifty (150) feet (forty-five (45) meters) traveled constitutes an entry point. Travel shall be uninterrupted, proceeding through the field being inspected. ( )

g. The entire field border will be physically inspected. ( )

h. The field inspection will include all ditches, fence rows, roads, easements, rights-of-way, or buffer zones surrounding the field. ( )

i. Forage/straw that contains any noxious weeds as identified in Section 22-2402(17) or noxious weeds listed on the NAISMA Weed Free Forage Prohibited Weed List, may be certified if the following requirements are met: ( )

i. Forage/straw that contains any noxious weeds may still be certified if the field upon which the forage/straw was produced is treated to prevent noxious weed seed or other propagule viability according to agricultural practices acceptable to, and to the satisfaction of, the approved inspector. ( )

ii. Noxious weed(s) were treated not later than rosette to bud stage, or boot stage for grass species classified as noxious weeds, prior to cutting or harvesting; and ( )

iii. Treatment method can include, but is not limited to burning, mowing, cutting or roguing, mechanical methods, or chemicals. ( )

j. An inspection certificate shall document that the above requirements have been met. ( )

k. Baling equipment must be cleaned of any noxious weeds prior to harvesting certified forage. If the baling equipment is not cleaned, the first three (3) small square bales or the first large round or square bale produced shall be considered non-certified. ( )

l. Interstate shipment of baled forage and straw shall be accompanied by an original transit certificate issued by the approved inspector in the county of origin. The storage area shall also be inspected and be free of noxious weeds. ( )

m. An approved inspector may not inspect fields of which said inspector has ownership or financial interest. ( )

07. Certification Standards. After completing an inspection, the approved inspector will complete a certificate of inspection. ( )

a. If the field or commodity inspected is certified as NAISMA Noxious Weed Free, the approved inspector will issue a certificate of inspection for that harvest or cutting. If the field or commodity contains NAISMA Noxious Weeds, but does not contain Idaho State noxious weeds, it may be certified as Idaho State noxious weed free, and such certification will be noted on the certificate of inspection. ( )

b. If the field or commodity inspected is certified as noxious weed free, as defined in Subchapter C, the approved inspector may also issue, upon request, any of the following documents: ( )

i. Transit certificates. ( )

ii. Bale tags. The date on the bale tag must accurately reflect the year in which the bale was produced. ( )

iii. NAISMA Twine only if the field or commodity is certified as NAISMA Noxious Weed Free. ( )

iv. Forage cube/pellet tag/labels only if the field or commodity is certified as NAISMA Noxious Weed Free. ( )

v. Certified compressed forage /straw bale binding material only if the field or commodity is certified as NAISMA Noxious Weed Free. ( )

c. Certificates of inspection, transit certificates and bale tags shall be on forms prescribed by the Department or its agent. ( )

d. NAISMA Twine and bale tags must be purchased from the Department or its agent. ( )

08. Copy of Inspections and a List of Approved Inspectors. Upon request, the agent shall provide the Department with a copy of certificates of inspections issued and a current list of approved inspectors. ( )

09. Reciprocity. Forage or straw certified under a reciprocal agreement between the Department and another state, and certified as NAISMA Noxious Weed Free according to the other state's approved certification standards, may be shipped into the state of Idaho and will be considered to meet the requirements of the Idaho program. ( )

10. Exports. Certification under Subchapter C does not qualify a commodity for export from the United States. Applications for certification for export should be made directly to the Division of Plant Industries within the Department. ( )

11. Voluntary Posting. After certification, a producer may post signs, or other forms of notification, on the certified commodity indicating that the commodity is certified as noxious weed free. ( )

12. Post-Certification and Distribution Requirements. After a producer's commodity has been inspected and certified, the producer shall: ( )

a. Take reasonable and prudent steps to protect the certified commodity from contamination; ( )

b. Keep the certified commodity separated from all uncertified commodity; ( )

c. Attach bale tags, certified compressed forage/straw bale binding material, or NAISMA Twine to each bale of certified forage or straw intended for sale as noxious weed free forage or straw prior to the bales leaving the producers stack yard or storage area; and ( )

d. Attach cube/pellet tag/label to each container of certified forage cubes/pellets intended for sale as noxious weed free forage prior to the containers leaving the producer's facility. ( )

e. Provide the shipper, trucker, or transporter with the appropriate number of transit certificates. ( )

13. Cancellation for Failure to Comply. Any person who provides false information on an application for inspection or who fails to comply with the post-certification and distribution requirements may, upon order of the Director, be suspended for a period of up to two (2) years from participating in the forage and straw certification program. ( )

14. Enforcement and Cancellation. Harvested lots of forage or straw from certified fields may be checked at any time by an approved inspector. Manufactured lots of forage cubes, pellets, and compressed forage/straw bales may be checked at any time by an approved inspector. Evidence that forage, straw, forage cubes/pellets, or compressed forage/straw bales are not from a certified field or that any lot has not been protected from contamination shall be cause for cancellation of certification. ( )

15. Misuse of Transit Certificate and Certification Markings. Using a transit certificate or certification marking for forage/straw from a field that has not been certified constitutes a violation of Subchapter C. ( )

16. Certification Fees. A minimum of thirty dollars ($30) per inspection will be charged for up to ten (10) acres, and three dollars ($3) per acre thereafter, for fields up to ninety-nine (99) acres. Fields that are one-hundred (100) acres or larger in size, the fee is three dollars ($3) per acre for the first one-hundred (100) acres and two dollars ($2) per acre thereafter. The agent is authorized to assess a general fee of thirty dollars ($30) per year to recover overhead costs. ( )

321. – 329. (RESERVED)

330. NAISMA WEED FREE FORAGE PROHIBITED WEED LIST.
This list is incorporated by reference in Section 304.01 and is available in electronic format at: https://www.naisma.org. ( )

331. -- 339. (RESERVED)

340. APPLICATION FORM REQUIREMENTS.
A person wishing to participate in the noxious weed free forage and straw program shall make an application in writing on a form prescribed by ISDA for NWFF&S certification annually. There are no fees for application. The application shall be made with the ISDA agent in the county in which the person resides or in the county in which the person owns or leases land on which forage/straw will be produced. ( )

341. -- 349. (RESERVED)

350. CERTIFICATION MARKING.
Each certified bale or container shall be marked by one (1) of the following: ( )

01. NAISMA Twine. Only one (1) strand is required per bale. ( )

02. Bale Tag. The following information shall be shown on baled forage and straw: ( )

a. The words - "NAISMA Weed Free Forage Certification Program" or "Idaho State Noxious Weed Free Forage & Straw Certification Program"; ( )

b. Bale tag serial number; ( )

c. County of origin identification; ( )

d. ISDA emblem; ( )

e. ISDA telephone number; and ( )

f. A statement that the product is "Certified to the NAISMA Standards" or "Certified to the Idaho State Noxious Weed Free Standards." ( )

g. Year the bale tag was issued. ( )

03. Forage Cube/Pellet Tag/Label. Certification tags/labels shall be attached to or a statement with the following information printed on each container of noxious weed free product: ( )

a. The words - "NAISMA Weed Free Forage Certification Program"; ( )

b. ISDA forage manufacturer identification number; ( )

c. ISDA emblem; ( )

d. ISDA telephone number; and ( )

e. A statement that the product is "Certified to the NAISMA Standards. ( )

04. Certified Compressed Forage/Straw Bale Binding Material. The following information shall be printed in purple ink on yellow binding material. Two (2) consecutive vertical purple lines approximately one-eighth of an inch (1/8") wide, spaced approximately one and one-quarter inches (1 1/4") apart, placed before and after written text that includes the acronym "ISDA NWFFS" and can include the manufacturer's name. ( )

351. -- 359. (RESERVED)

360. PROCEDURES FOR CERTIFICATION OF FORAGE CUBES/PELLETS/COMPRESSED FORAGE/STRAW BALES.

01. Application. A person desiring to certify forage cubes/pellets/compressed forage/straw bales as noxious weed free must make an annual application on the ISDA's forage cube/pellet/compressed forage/straw bale certification application form. ( )

02. Validity. The application will be valid from the date of Department approval through December 31of that calendar year. ( )

03. Equipment. Equipment will be cleaned of any noxious weed propagules prior to processing

forage/straw for certification. ( )

04. Purging. After cleaning equipment, a minimum of five hundred (500) pounds of certified forage/straw must be purged through the entire system prior to processing certified forage cubes/pellets/compressed forage/straw bales. The five hundred (500) pounds of forage/straw used to eliminate any noxious weed seeds shall not be certified. ( )

05. Documentation. A person who manufactures products referenced in Section 360 shall retain the following records for two (2) years: ( )

a. All NWFF&S inspection certificates relating to the certified forage/straw delivered to their manufacturing facility each calendar year. ( )

b. Quantity of certified forage cubes/pellets/compressed forage/straw bales processed each calendar year; and ( )

c. Quantity of non-certified forage cubes/pellets/compressed forage/straw bales processed each calendar year. ( )

361. -- 999. (RESERVED)