

IDAHO DEPARTMENT OF AGRICULTURE
2270 Old Penitentiary Road
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Boise, Id 83707

02.06.09 RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
Minutes of June 18, 2021 Meeting

HOSTS/FACILITATORS: Lloyd Knight, ISDA
Nic Zurfluh, ISDA
Jeremy Varley, ISDA
Chanel Tewalt, ISDA

STAKEHOLDERS PRESENT: Kali Van Leeuwen
Maureen Pepper
Mark Zirschky
Patxi Larrocea Phillips
Adam Schroeder
Alan Martinson
John Eells
Caroline Morris
D Cottle
B Jensen
Kahla Montrose

DEPARTMENT STAFF: Dallas Burkhalter, Office of Attorney General - ISDA
Katy Devries, Office of Attorney General – ISDA
Pamm Juker, ISDA
Dicsie Gullick, ISDA

Lloyd Knight called the meeting to order at 1:33 PM MDT. He stated that this is the third and final meeting for rule making and drafts of all the rules are available online. The final comment period ends on June 20th, after which the final proposed rule will be sent to DFM for publication in July. He invited guests to email additional comments directly to him, or by utilizing the rules email: rulesinfo@isda.idaho.gov.

Lloyd also mentioned that the Department is still working on the minutes from last meeting and that we will get them finished and posted. The discussion at the last meeting was fairly short and concise. There was some discussion regarding the fees and Russian olive, and he may call on those in attendance to discuss those items. He then turned the time over to Jeremy.

Jeremy outlined the following changes to the Invasive Species portion of the rules:

- The title of the rules is being struck.
- Definitions were struck that were redundant (also in the statute) or no longer used in the rule.

- In Section 122.01, the specific language regarding what needs to be on the permit application. The permit application lines it all out and are available online. The application and approval process will remain the same.
- Section 123.04, 124.01, and 125.01 also had specific language regarding applications struck because the information can be found on the application, which is available online.
- In rule 131.03.c. the website address was updated.
- Sections 146-148 were struck because those species were listed in the Plant Protection Act.
- In section 149, switch grass was removed because it is considered a native species.

Jeremy called for questions or comments and upon hearing none, turned the meeting over to Nic Zurfluh. Nic outlined the changes to Subchapter B which were:

- In section 220.02, Goatsrue, Starry Stonewort and Turkish Thistle were added to the noxious weed list.
- Flowering Rush was moved from section 220.04 to 220.03 (from the containment to control list).

There was a working group that met twice regarding Russian olive to discuss adding a new category to the rules. There was no general consensus reached so it is not being added to the rules at this time.

Adam Schroeder stated that some language was drafted and circulated among the Noxious Weed Superintendents the draft language received quite a bit of push back and resistance and added that they will look at it at another time.

Lloyd Knight explained that the Department is not led by certain groups, but it does look for consensus when it comes to rulemaking. If everyone is not on the same page, changing the rules becomes a heavy lift.

Nic went on to outline the changes in Subchapter C – Noxious Weed Free Forage and Straw Certification. The Department received requests to update the fees collected by inspectors for certification. Nic pointed out that these are not ISDA inspections, but are the weed free certification inspections.

Alan Martinson asked for clarification on the fee schedule. The way it was drafted it was unclear how much of the acreage was billed at which rate. Nic added a note to clarify the language.

Alan then asked if these fees were per field, or as acreage as a whole. Lloyd state that each field is billed separately and Nic added a note to clarify the language regarding it. Nic also pointed out that these fees are completely voluntary. It is a voluntary program that requires these fees.

Lloyd explained that the absolute final draft may have slight difference from what is posted online, because DFM can make administrative changes, but no substantive changes will be made.

Lloyd adjourned the meeting at 1:58 PM MDT.