

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDAATION
DOCKET NO. 02-0108-2401
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 12, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 36-1121, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rule is being adopted to provide guidance and further clarification regarding implementation of the depredation compensation provided by HB592 as passed by the 2024 Idaho Legislature. The program provides depredation compensation to livestock owners that have experienced depredation of livestock by grizzly bears and wolves. As directed by statute, the department has consulted with the Idaho Department of Fish and Game, and the Office of Species Conservation in the development of this rule.

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

This temporary rule is adopted to follow the direction of HB592 as passed by the 2024 Idaho Legislature and signed into law by the Governor. The rule is justified as a temporary rule as it provides a benefit outlined by the Legislature, including funding for the current fiscal year. The rule outlines the process through which livestock owners can receive depredation reimbursement in the current fiscal year.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 12th day of November, 2024.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0108-2401
(New Chapter)

02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDATION

000. LEGAL AUTHORITY.

Section 36-1121, Idaho Code.

(11-12-24)T

001. SCOPE.

This chapter governs compensation to livestock owners that have experienced depredation of livestock by grizzly bear and/or wolves.

(11-12-24)T

002. – 009. (RESERVED)

010. DEFINITIONS.

The following are defined as:

(11-12-24)T

01. Depredation. The damage or destruction of property, including livestock, by a predator.

(11-12-24)T

02. Producer. Any person who owns livestock for the purpose of herding, breeding, raising, or selling.

(11-12-24)T

03. Validated. A finding that depredation of the livestock was definitively by a grizzly bear or wolf by a state authorized investigator through a physical field examination.

(11-12-24)T

04. Probable. A finding that depredation of the livestock was likely by a grizzly bear or wolf by a state authorized investigator through a physical field examination.

(11-12-24)T

05. Negative/Unknown Finding. A finding on the physical field examination that the carcass or injured animal was definitively or most likely not due to a grizzly bear or wolf attack or is unknown/inconclusive.

(11-12-24)T

06. State Authorized Investigator. USDA Wildlife Services or other state, federal, or county agency, that has been approved by the Agencies to perform physical field examinations.

(11-12-24)T

07. Physical Field Examination. An on-site examination performed by a state authorized investigator to examine the incident, and a cause will be determined based on evidence collected at the scene.

(11-12-24)T

08. The Agencies. The Idaho State Department of Agriculture, Department of Fish and Game, and Office of Species Conservation, collectively.

(11-12-24)T

011. -- 100. (RESERVED)

101. COMPENSATION MATRIX FOR DEPREDATED LIVESTOCK.

01. Compensation Valuation. The program employs the following protocols for determining compensation valuation of livestock.

(11-12-24)T

a. Prices paid will be based on the market rate for the grazing season/calendar year in which the losses occurred. This market rate is based on the type of livestock that was depredated. Reports that may be used are: a comprehensive nationwide average through Cattlefax (www.cattlefax.com), USDA reports, American Sheep Industry market reports, a compilation of USDA private market data and local prices. The rates are listed for adult cows, bulls, calves, ewes, rams, lambs, equine, goats, llamas, swine, poultry, and bees.

(11-12-24)T

b. Compensation will be paid based upon site specific information regarding actual losses (kills or injuries) submitted by the applicant with the Species Depredation Investigation Report being the foundation of the

claim. (11-12-24)T

c. Injured Livestock Compensation: (11-12-24)T

i. The compensation program will pay for injured livestock that are sold at a reduced price due to an eligible attack. The reimbursement will be the difference of the sale price from the fair market value. (11-12-24)T

ii. The compensation program will pay the cost of veterinary care up to seventy percent (70%) of the market rate as determined above for confirmed injured livestock. Invoices for care from a licensed veterinarian must be submitted with the application. (11-12-24)T

iii. If an animal is validated as injured due to a grizzly bear or wolf and then must be euthanized due to its injuries, an investigator will need to complete an updated Species Depredation Investigation Report to document the change in status. (11-12-24)T

d. Validated claims for depredation shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all validated claims in full., until such time as moneys in the fund are depleted. (11-12-24)T

e. Any moneys in the fund after payment of validated claims shall then be paid to those livestock owners with probable claims of depredation by grizzly bear or wolf attack. Claims shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all probable claims in full, until such moneys in the fund are depleted. Negative/Unknown findings will not be paid through this program. (11-12-24)T

f. Compensation will not be automatic and the determination of the compensation by the Agencies will be final. (11-12-24)T

02. Claims. All claims must be submitted to the Office of Species Conservation no later than December 31 for claims during that calendar year. The Office of Species Conservation will submit all eligible claims for payment to the Idaho State Department of Agriculture no later than the end of January following the year of the claim. The Idaho State Department of Agriculture will issue eligible compensation payments no later than the end of February following the year of the claims. Full or pro-rated payments will be dependent on available funding. (11-12-24)T

102. -- 109. (RESERVED)

110. PHYSICAL FIELD EXAMINATIONS.

Physical field examinations will be conducted by a state authorized investigator. A field examination process will be performed by the investigator to determine a finding for reported suspected depredation incidents. A list of state authorized investigators and field examination protocols can be viewed on the Office of Species Conservation website at www.species.idaho.gov. (11-12-24)T

111. -- 149. (RESERVED)

150. CONFLICT PREVENTION PROGRAM.

The program employs a program for funding projects that will prevent depredation from grizzly bears and wolves. The protocols for determining approvals and funding can be found on the Office of Species Conservation website at www.species.idaho.gov. (11-12-24)T

151. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2406
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 9, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-2004, 22-2006, and 22-2012, 22-2013, and 22-1904, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Invasive quagga mussel samples were recently discovered in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho’s environment, and water use as well as threaten Idaho’s economy. Accordingly, the Director has exercised the authority granted to them under Idaho law to quarantine certain areas of the snake river until the Department is able to eradicate any existing quagga mussels. This new temporary rule replaces the October 7, 2024, update to the same rule by allowing for restricted access to the river at defined locations and per a defined requirement for watercraft and conveyances to be inspected and decontaminated and decontaminated as needed prior to launch and decontaminated upon exit.

The new amendment allows for access to the Snake River for watercraft or other conveyances from the Yingst Grade Bridge (or “Broken Bridge”) to Hansen Bridge, and requires such watercraft, conveyances, and water exposed recreational equipment to be presented to agency watercraft inspection stations for inspection and decontamination before and after entry into this quarantine section of the river.

The Governor declared an emergency related to this event on October 2, 2024.

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

Protection for and maintaining the safety of property and aquatic plant life.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 9th day of November, 2024.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2406
(Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Hansen Bridge to the partial bridge structure at the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1/2) mile upstream of Auger Falls to contain and treat quagga mussels. ~~All public access to the Snake River via watercraft or other conveyance between the “Broken Bridge” and Hansen Bridge is prohibited for the purposes of treatment of quagga mussels.~~ Launch of watercraft or other conveyances in this section is restricted to the hours when the watercraft inspection station at Centennial Waterfront Park is open, or other such stations that may be posted at other locations in the quarantine area. All watercraft and conveyances must be inspected and decontaminated by agency personnel or an assigned entity prior to launch and prior to exit from the water. This requirement applies to all motorized and non-motorized watercraft or other conveyances of any size, including paddle boards, kayaks, and water-exposed recreational gear. ~~(+0-7-24)T~~(11-9-24)T