



**BRAD LITTLE**, GOVERNOR

**CELIA GOULD**, DIRECTOR

## ISDA 2021 Negotiated Rulemaking

April 2021 Update

Dear Stakeholders,

As the rulemaking season approaches, we wanted to provide a roadmap as to what rulemaking will look like this year. We will have some new processes and rulemakings as a result of executive orders or legislative changes. The one constant is the importance of having your participation and involvement. We know our agency benefits from a close relationship with our programs and the needs or expectations of stakeholders.

ISDA's 2021 negotiated rulemaking will fall into two categories:

- Rules reviewed as part of the Governor's Zero-Based Regulation Executive Order, and/or
- Rules reviewed as a result of new legislation.

All notices for these negotiated rulemakings will publish in the Administrative Bulletin on April 2, 2021. The Administrative Bulletin can be found at <https://adminrules.idaho.gov/bulletin/>.

### Zero-Based Rulemaking

Governor Little's Executive Order No. 2020-01 – Zero Based Regulation – directs agencies to facilitate an ongoing review process for existing rules, requiring agencies to put each rule on a five-year review schedule. This process aims to reduce the overall regulatory burden, or remain neutral, as compared to the original rule. Attached you will find the entire five-year review schedule for the agency. Specifically, for 2021, the following rules are scheduled for Zero Based Rulemaking. Notices will be published in the April Administrative Bulletin and meeting dates also are listed below. We strongly encourage all interested stakeholders to participate in these rulemaking meetings.

IDAPA	Name	Meeting Dates
IDAPA 02.04.05	Rules Governing Grade A Milk and Manufacture Grade Milk	Tuesday, April 20, May 18, and June 15 all from 8:30 a.m. to noon
IDAPA 02.04.13	Rules Governing Raw Milk	Tuesday, April 20, May 18, and June 15 all from 1:30 to 5 p.m.
IDAPA 02.04.19	Rules Governing Domestic Cervidae *needs to be updated per legislative action, will include ZBR*	Wednesday, April 21, May 19, and June 16 all from 8:30 a.m. to noon
IDAPA 02.06.33	Organic Food Products Rules	Wednesday, April 21, Monday, May 17, and Wednesday, June 16 all from 1:30 to 5 p.m.
IDAPA 02.04.21	Rules Governing Importation of Animals	Thursday, April 22, May 20, June 17 from 8:30 a.m. to noon
IDAPA 02.04.27	Rules Governing Deleterious Exotic Animals	Thursday, April 22,

		May 20, June 17 from 1:30 to 5 p.m.
IDAPA 02.06.06	Rules Governing the Planting of Beans	Friday, April 23, May 21, June 18 from 8:30 a.m. to noon
IDAPA 02.06.09	Rules Governing Invasive Species and Noxious Weeds	Friday, April 23, May 21, June 18 from 1:30 to 5 p.m.
IDAPA 02.04.14	Rules Governing Dairy Byproduct *needs to be updated per legislative action, will include ZBR*	Monday, April 19, Wednesday, May 19, Monday, June 14 from 1:30 to 5 p.m.

The format of each rulemaking meeting will be similar:

- Facilitated by the Rules Review Coordinator with ISDA staff on hand to answer technical questions and present draft language from previous discussions or as provided by law.
- Initial discussion drafts will be developed by agency staff simply as a starting point for the first meeting and drafts will reference those sections required by statute and those sections that may be out of date with the statute or other incorporated reference documents.
- If stakeholders have proposed changes or drafts they would like to submit for discussion during the meetings, they can email them to [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov) prior to the next meeting so they can be shared on screen.
- Meetings will be held via WebEx.
- As always, all rulemaking information will be posted on the ISDA website under “Laws and Rules.” Information for joining all upcoming meetings will be posted on the website.
- Agency staff will compile minutes, presented materials, and stakeholders’ recommended draft changes. This information also will be posted to the ISDA website.
- ISDA needs to have proposed rules and other supporting materials submitted to DFM in mid-July to ensure adequate time for review prior to publication in the September Bulletin, the subsequent comment period, and a final rule to be prepared for presentation for review by the 2022 Legislature.

If you have any questions or to RSVP for a meeting, please contact Lloyd Knight, ISDA’s Rules Review Coordinator at [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov).

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.04.05 - RULES GOVERNING GRADE A MILK AND MANUFACTURE GRADE MILK

#### 02.04.13 - RULES GOVERNING RAW MILK

#### 02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE

#### 02.06.33 – ORGANIC FOOD PRODUCTS RULES

#### 02.04.21 - RULES GOVERNING IMPORTATION OF ANIMALS

#### 02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

#### 02.06.06- RULES GOVERNING THE PLANTING OF BEANS

#### 02.06.09- RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

DOCKET NO. 02-XXXX-XXXX (OARC will assign)

### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 22-1103, 22-1907, 22-2004, 22-2006, 25-203, 25-303, 25-305, 25-401, 25-601, 25-3704, 25-3903, 37-303, 37-402, 37-405, 37-516, 37-1101(5), Idaho Code.

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking meetings will be held as follows. Additional meetings may be scheduled and will be posted on the ISDA website.

#### MEETINGS SET FOR PUBLIC PARTICIPATION VIA TELEPHONE AND WEB CONFERENCING

<b>IDAPA 02.04.05 Rules Governing Grade A Milk and Manufacture Grade Milk</b> Tuesday, April 20, May 18, and June 15 from 8:30 am to noon
<b>IDAPA 02.04.13 Rules Governing Raw Milk</b> Tuesday, April 20, May 18, and June 15 from 1:30 to 5:00 pm
<b>IDAPA 02.04.19 Rules Governing Domestic Cervidae</b> Wednesday, April 21, May 19, and June 16 from 8:30 am to noon
<b>IDAPA 02.06.33 Organic Food Products Rules</b> Wednesday, April 21, Monday, May 17, and Wednesday, June 16 from 1:30 to 5:00 pm
<b>IDAPA 02.04.21 Rules Governing Importation of Animals</b> Thursday, April 22, May 20, June 17 from 8:30 am to noon
<b>IDAPA 02.04.27 Rules Governing Deleterious Exotic Animals</b> Thursday, April 22, May 20, June 17 from 1:30 to 5:00 pm
<b>IDAPA 02.06.06 Rules Governing the Planting of Beans</b> Friday, April 23, May 21, June 18 from 8:30 am to noon
<b>IDAPA 02.06.09 Rules Governing Invasive Species and Noxious Weeds</b> Friday, April 23, May 21, June 18 from 1:30 to 5:00 pm

Contact [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov) to make arrangements for participation by telephone and web conferencing.

On March 25, 2020, Governor Little issued a Proclamation declaring an emergency and taking steps to reduce and slow the coronavirus spread. In compliance with the Proclamation and Stages of Reopening, ISDA will hold this meeting via telephone and web conferencing.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. Individuals interested in participating by telephone and web conferencing should contact [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov). For those who cannot participate by attending the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

These rules are being presented for authorization as part of the ISDA's plan to review each rule every 5 years. There are no specific rulemaking changes planned by the ISDA at this time except for evaluation and amendment consistent with the Governor's Zero-Based Regulation Executive Order. It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The ISDA intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order. The ISDA will review the documents that are currently incorporated by reference in this rule and update that list as applicable.

Incorporated by reference documents presented for review will be part of informal negotiated rulemaking and stakeholders will provide input on that process.

**ASSISTANCE ON TECHNICAL QUESTIONS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Lloyd Knight, Rules Review Officer at (208) 332-8664. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: ([www.agri.idaho.gov/rulemaking](http://www.agri.idaho.gov/rulemaking).)

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 20, 2021.

DATED this 3<sup>rd</sup> day of March, 2021.



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Idaho Department of Agriculture  
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## Deleterious Exotic Rulemaking Meeting April 22, 2021

### Attendees:

Katy DeVries, ISDA

Debra Lawrence, DVM, ISDA

Lloyd Knight, ISDA

Scott Leibsle, DVM, ISDA

Tricia Hebdon, IDFG

Chanel Tewalt, ISDA

Dallas Burkhalter, ISDA

Pamm Juker, ISDA

Randy Fox

Mike Ferguson

Lloyd Knight welcomed the attendees and introduced the meeting. Dr. Scott Leibsle explained that the goal of the meeting was to remove unnecessary language as well as clarify the language. He said that some areas had suggested changes already, but anyone could request other changes to areas not mandated in statute. Dr. Leibsle stated he would typically have a budget presentation on program costs, Dr. Leibsle explained that the Deleterious Exotic is funded by both general and dedicated funds, including a portion of brand fees, and there is no way to specifically track how much this program costs to implement. He then moved on to a review of the rule.

Section 004 – Updated CFR reference, but no significant difference. Removed AZA document from the Incorporations By Reference as it is no longer in public use or maintained anywhere. Section 010 – Removed all definitions duplicated in statute, and proposed to remove 010.3 “Hybrid” definition. Section 21 – Removed as unnecessary language. Section 22.1 – Removed federal animal health official – USDA has their own regulations that they rely on.

Section 100 – There are two permit types – Possession and Propagation. Zoos are the only facilities that receive propagation permits, everyone else has possession-only permits. ISDA proposed to require anyone wanting to possess a propagation permit must be AZA accredited. Remaining language in this section was struck as unnecessary. Randy Fox asked whether private owners could get propagation permits if they became AZA accredited. Dr. Leibsle said yes.

Section 101 language was simplified/clarified. Section 101.01 (q) - the option of using birth control as a means towards chemical sterilization was removed. The only option for persons with possession permits is to have their animals surgically/permanently sterilized (spay/neuter).

Section 102 extends the timeframe for people who want to take their animals to schools, etc. Dr. Debra Lawrence clarified that this would mostly apply to exhibits from out of state coming in for a limited period of time. Sections 111, 112 - removed as redundant language that is covered in IDAPA 02.04.21 “Rules Governing the Importation of Animals,”. No questions to this point.

Section 121 – The transfer of deleterious animals is clarified to say that the receiver must have their possession permit before receiving an animal.

Section 200 – There is no set of standards for how D&E animals must be confined, and ultimately unnecessary. Section 201 is clarified and simplified to address expectations for confinement areas.

Section 203.2 – Requirement for both a microchip and tattoo is removed. If an animal has a microchip there’s no need for a tattoo, only one type of identification required.

Section 300 – Removed redundant language. The basic requirement is to submit an annual inventory on an approved form that will be posted on ISDA’s website.

Section 310 – Removed redundant language. Covered by IDAPA 02.04.17 “Rules Governing Dead Animal Movement and Disposal,”. No comments or questions to this point.

Section 400 begins the lists of species considered deleterious exotics. Dr. Leibsle discussed why some of these animals are on the list. 401- Mute swans should remain on the list. They are aggressive and non-native to Idaho. Section 402 – includes animals such as dingoes.

Section 403 is removed because species of cervidae permitted to farmed in Idaho are governed by a different rule (IDAPA 02.04.19) which has containment requirements and defines the only allowed cervids. There is not currently anyone in the state permitted to have red deer or sika deer.

Section 404 – The removal of the hybrid definition in section 10.3 is mainly due to animals such as the savannah cat, which is a common animal to own as a pet. The current rule language considers the savannah cat to be a D&E animal because it is a hybrid of a listed D&E animal. By changing the definition of deleterious exotic animal to no longer include ‘hybrids’, Idaho citizens may own a savannah cat without needing to go through the permitting process. ISDA proposed that only AZA permitted facilities can possess a deleterious exotic Felidae. Tiger hybrids was added to the list to cover such animals as a liger. Mike Ferguson asked if all the zoos in the state of Idaho were AZA accredited. Dr. Lawrence said the only two in the state were in Idaho Falls and Boise. There is a zoo in Pocatello that has only native species and they are not AZA accredited. She added that there is a privately-owned serval in the state, as well. Mike Ferguson asked about facilities in northern Idaho and USDA vs AZA licensing, because AZA is not easy to achieve. Dr. Lawrence said there are no facilities up north. Dr. Leibsle said they could look into the difference between USDA and AZA approval processes. He added that the two licenses serve different purposes.

Section 407 – ISDA is proposing to exempt 4 species of primates from D&E permitting. The four primate species are the most popular animals for deleterious exotic permits. The reason is that there are issues with the sterility requirement, as most owners want to get the animals so young that a surgical spay/neuter cannot be performed safely. If these species are exempt from the deleterious exotic rule, the sterility requirement will no longer apply. ISDA proposed that the exempted species are typically small – under five pounds – and don’t pose a threat to human safety. Thus, the proposal is to exempt them. Dr. Lawrence added that another problem with sterilization of these primates includes the difficulty to find a veterinarian willing/able to perform the actual surgery. The owners get them at a young age to form strong bonds, and they are becoming more popular. No comments were offered at this time.

Section 408 – Mouflon are more popular so the proposal is to remove them. There is one producer in the state with these. Tricia Hebdon said that the Idaho Department of Fish and Game (IDFG) has concern about disease and/or genetics from these animals if they get out. Although they look different, they are similar to big horn sheep. A lack of a fencing requirement is concerning to them. No other comments were noted.

Section 410 – Removal of capybara is due to the fact that the local environment is not hospitable to them and removal of prairie dogs is because they are already all over in Idaho. Tricia Hebdon pointed

out that Idaho does not have the prairie dogs listed in this rule (Cynomys) – they are in Montana, Wyoming, Colorado and Utah, but not Idaho. Dr. Leibsle asked if IDFG was requesting they be left in this rule. Tricia said that if these animals were obtained as pets and released they could get a good foothold in the wild.

There were no further proposed changes to this rule. Dr. Leibsle said that any comments could be emailed and submitted for the next three months while the discussions of the rule were ongoing. He demonstrated how to navigate the ISDA website to the current year rulemaking information and said that all documents would be added there. Dr. Leibsle thanked everyone for their participation and Lloyd Knight adjourned the meeting.

## Rulemaking Summary

### **IDAPA 02.04.27 – Rules Governing Deleterious Exotic Animals**

#### **Where is the rulemaking authority?**

Authority for this rulemaking resides in the Title 25 Chapter 3903 & 3904 Idaho Code

#### **What does this rule do?**

These rules govern the designation, importation, and possession of deleterious exotic animals.

#### **What is the agency proposing to change?**

The agency has performed Zero Based Regulation to simplify, clarify or remove outdated, unnecessary or irrelevant language in sections highlighted **blue** in the attached strawman. The amended language in these sections does not change the regulatory impact, scope, intent or authority in the current rule.

The agency has conducted an internal audit of this rule and identified sections that may require amendments due to inaccurate or confusing language, recommendations to improve the efficiency of the program or changes that must be made to coincide with recent statutory amendments. The changes listed below, and highlighted in **yellow** in the attached strawman, may result in a change to the regulatory impact, scope, intent or authority in the current rule.

- Update CFR citations to current version (Section 004)
- Remove “hybrids” as being designated as deleterious exotic (Section 010)
- Require permittees to be AZA accredited if they want to propagate DE animal (Section 100)
- Remove “proposed methods of sterilization” as an acceptable practice (Section 101)
- Increase period of validity for temporary exhibitors (Section 102)
- Require transfers of DE animals to be approved by Department prior to the transfer (Section 121)
- Remove Red Deer & Sika Deer (Section 403), Mouflon Sheep (Section 408), Capybara and Prairie Dogs (Section 410) from DE list
- Require all DE Felidae and Felidae-hybrid facilities to be AZA accredited (Section 403)



- Require all primate facilities to be AZA accredited. Exempt 4 species of primates from the DE rule. (Section 406)

## 02.04.27 – RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

### 1. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-3903 and 25-3904, Idaho Code. (3-20-20)

### 2. TITLE AND SCOPE.

1. **Title.** The title of this chapter is IDAPA 02.04.27, “Rules Governing Deleterious Exotic Animals.” (3-20-04)

2. **Scope.** These rules govern the designation, importation, and possession of deleterious exotic animals. (3-20-04)

### 3. -- 003. (RESERVED)

### 4. INCORPORATION BY REFERENCE.

1. **Code of Federal Regulations.** Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2005~~2021~~, which can be viewed online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/9cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/9cfrv1_05.html). [https://www.ecfr.gov/cgi-bin/text-idx?SID=6571350cf31edd290fbf1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1\\_02.tpl#0](https://www.ecfr.gov/cgi-bin/text-idx?SID=6571350cf31edd290fbf1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1_02.tpl#0) (5-8-09)

~~2. **Association of Zoos and Aquariums Minimum Husbandry Guidelines for Mammals.** Issued November 14, 1997, which can be accessed online at <http://www.aza.org/animal-care-manuals>. (5-8-09)~~

### 5. -- 009. (RESERVED)

### 10. DEFINITIONS.

The following definitions apply to the interpretation and enforcement of this chapter. (5-8-09)

1. **Accredited Veterinarian.** A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-20-04)

~~2. **Animal.** Any member of the animal kingdom, except man. (3-20-04)~~

~~3.2. **Deleterious Exotic Animal.** Any live animal, or hybrid thereof, that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state. (4-11-06)~~

~~4.3. **Facility.** A location, including buildings, cages, corrals, pens, ponds, raceways, tanks, adjacent land, or other areas, where deleterious exotic animals are possessed. (5-8-09)~~

~~5. **Federal Animal Health Official.** An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-20-04)~~

~~6.4. **Livestock.** Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-20-04)~~

~~7. **Operator.** The person who has authority to manage or direct a facility or other area where animals are kept. (5-8-09)~~

~~8. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-04)~~

~~9.5. **Possess.** To confine, control, keep, have, hold, house, or own for any period of time. (5-8-09)~~

~~10-6.~~ **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-20-04)

~~11-7.~~ **Traveling Exhibition.** A temporary exhibition, including, but not limited to, circus, carnival, group, show, or zoo, not permanently located in the state, that possesses deleterious exotic animals. (5-8-09)

**11. ABBREVIATIONS.**

- 01. **AZA.** Association of Zoos and Aquariums. (5-8-09)
- 02. **CFR.** Code of Federal Regulations. (3-20-04)
- 03. **IDFG.** Idaho Department of Fish and Game. (3-20-04)
- 04. **ISIS.** International Species Information System. (5-8-09)
- 05. **PMP.** Population Management Plan. (5-8-09)
- 06. **SSP.** Species Survival Plan. (5-8-09)
- 07. **TAG.** Taxon Advisory Group. (5-8-09)
- 08. **USDA.** United States Department of Agriculture. (3-20-04)

**012. -- 019. (RESERVED)**

**20. APPLICABILITY.**

These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-20-04)

~~**21. DELEGATION OF AUTHORITY.**~~

~~The Administrator may designate IDFG to conduct permitting activities for deleterious exotic animals. (3-20-04)~~

~~**22-21. INSPECTIONS.**~~

~~In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-20-04)~~

1. **Entering Premises.** State ~~or federal~~ animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-20-04)

2. **Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (3-20-04)

~~**23-22. -- 099. (RESERVED)**~~

**100. POSSESSION AND PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.**

1. **Possession.** No person may possess a deleterious exotic animal in the state, unless such person obtains a possession permit issued by the Administrator. (5-8-09)

2. **Propagation.** No person may propagate a deleterious exotic animal in the state without the approval of the Administrator. If the Administrator grants approval to propagate deleterious exotic animals, such approval will be noted on the applicable possession permit. Persons seeking permission to propagate a deleterious

exotic animal must meet the following requirements: (5-8-09)

a. Obtain, and be in full compliance with, a possession permit issued by the Administrator; (5-8-09)

b. Obtain, and be in full compliance with, a USDA exhibitor's license for the facility where deleterious exotic animals will be possessed; (5-8-09)

~~b.c. Facility must be AZA accredited; and~~

~~c. Be a member in good standing of ISIS; and (5-8-09)~~

~~d. Participate in a PMP or SSP administered by an AZA TAG. (5-8-09)~~

~~e. In the event a PMP or SSP does not exist for the deleterious exotic animal(s) a person seeks to propagate, the Administrator will determine if the propagation of such deleterious exotic animal(s) carries a significant risk of injury to the agricultural industry, wildlife or environment of the state. The person must provide the following information to the Administrator to assist the Administrator in making that determination: (5-8-09)~~

~~i. The facility's capacity to hold deleterious exotic animals and any anticipated offspring; (5-8-09)~~

~~ii. The frequency of the proposed propagation; (5-8-09)~~

~~iii. The purpose(s) of the proposed propagation; and (5-8-09)~~

~~iv. The destination or use of the anticipated offspring. (5-8-09)~~

## 101. POSSESSION PERMITS.

1. **Application for Possession Permits.** Persons seeking a possession permit must make application on a form prescribed by the Administrator. Separate applications are to be submitted for each facility where deleterious exotic animals will be possessed. A person who receives a possession permit for deleterious exotic animals must submit a new application for each additional deleterious exotic animal that person seeks to possess. The application must include: (3-20-20)

a. The applicant's name, address (residence and mailing), and Employer Identification Number or Social Security Number. (5-8-09)

b. Description of the proposed facility, including: (5-8-09)

i. A map identifying the location of the proposed facility; (5-8-09)

~~ii. The geographic location (township, range, and quarter-quarter section) of the proposed facility; (5-8-09)~~

~~iii.ii. The legal description and location of the real property for the proposed facility; (5-8-09)~~

~~iv.iii. The approximate total area of the proposed facility; (5-8-09)~~

~~v.iv. A detailed diagram of proposed facility, identifying fences, gates, confinement areas (including total area); and (5-8-09)~~

~~vi.v. The specifications of for exterior fencing, interior fencing, fence height, fencing materials of the confinement areas for all deleterious exotic animals listed on the application., identifying exterior fencing, interior~~

~~fencing, fence height, fencing materials, size of confinement areas, etc.~~  
(5-8-09)

~~c.~~ Name and address of the owner(s) of the proposed facility, if not the applicant. If the proposed facility will be leased, include a written and notarized statement by the owner of the property authorizing the use of the proposed facility to house deleterious exotic animals. (5-8-09)

~~d.~~ ~~Name and address of the operator(s) of the proposed facility, if not the applicant.~~ (5-8-09)

~~e.d.~~ Copy of approval by the local zoning authority, if approval is required by the local zoning authority. (5-8-09)

~~f.e.~~ Description of each deleterious exotic animal to be possessed at the facility, including genus, species, sex, age, form of identification, identification number, and purpose for possessing each deleterious exotic animal. (5-8-09)

~~g.f.~~ Name and address of the owner of each deleterious exotic animal listed on the application. (5-8-09)

~~h.g.~~ Name and address of the licensed Idaho veterinarian who will provide care for the deleterious exotic animal(s) listed on the application. (5-8-09)

~~i.h.~~ Written statement detailing the applicant's training and experience with the species listed on the application. (5-8-09)

~~j.i.~~ Written statement detailing the procedure in the event a deleterious exotic animal escapes from the facility. (5-8-09)

~~k.j.~~ Documentation of licenses issued by the USDA, if applicable. (5-8-09)

~~l.k.~~ Documentation of licenses issued by the U.S. Fish and Wildlife Service, if applicable. (5-8-09)

~~m.l.~~ Documentation of accreditation by the AZA, if applicable. (5-8-09)

~~n.~~ ~~Documentation of membership in ISIS, if applicable.~~ (5-8-09)

~~o.~~ ~~Documentation of approved participation in a PMP or SSP administered by an AZA TAG, if applicable.~~ (5-8-09)

~~p.m.~~ The required information set forth Paragraph 100.02.e., of these rules, if applicable. (5-8-09)

~~q.n.~~ For each deleterious exotic animal listed on the application, proof ~~proposed method of sterilization or use of a method of birth control administered by a licensed veterinarian and approved by the Administrator,~~ unless the applicant intends to propagate the deleterious exotic animal and fully satisfies the requirements of Subsection 100.02, of these rules. (5-8-09)

~~r.o.~~ 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 exotic animals are possessed at the proposed facility. (5-8-09)

~~2.~~ ~~Application Process. The Administrator will consider all information in the application for a possession permit and issue a written decision granting or denying the application.~~ (5-8-09)

~~3.2.~~ **Application Review.** The Administrator will review the possession permit application and, in determining whether to issue the possession permit, consider factors relating to protection of the state's agriculture industry, the wildlife of the state, and the environment. Such factors include, but are not limited to: (5-8-09)

- a. Proximity of the facility to farms, ranches, wildlife migration routes, and other areas in which native Idaho wildlife may commonly be found. (5-8-09)
- b. Potential for unintended or accidental access to the facility. (5-8-09)
- c. Potential for vandalism that compromises the security of the facility. (5-8-09)
- d. Potential for escape from the facility. (5-8-09)
- e. The size of the facility relative to the number of animals proposed to be kept at the facility. (5-8-09)
- f. Whether, based on the applicant's certification and any other evidence received by the Administrator in connection with the proposed facility, all federal, state, county and city laws applicable to the facility have been met. (5-8-09)
- g. Whether the applicant has adequate knowledge, experience and training to maintain the health, welfare and safety of the deleterious exotic animal(s), to handle the deleterious exotic animal(s) with safety and competence, ~~and to ensure that the deleterious exotic animal(s) will not harm the state's agriculture, wildlife or the environment.~~ Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (5-8-09)

~~f. Whether the facility is adequately designed, constructed, and managed to protect agriculture, wildlife and the environment from escape of the confined animal(s), including those instances when the applicant is not present at the facility. (5-8-09)~~

~~g. Prior to issuing a possession permit, the Administrator or 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. (5-8-09)~~

**4.3. Grant or Denial of the Permit.** Following review of the application and any other relevant information, the Administrator will either issue the possession permit or deny the application and notify the applicant. If the Department issues the permit, it may include any conditions intended to ensure the health, welfare and safety of the animal(s) covered by the permit and, where the Department finds it necessary, conditions intended to assure the security of the facility so as to avoid undue risk to the state's agriculture, wildlife and the environment. (5-8-09)

**5.4. Duration of Possession Permit.** A possession permit is valid for the life of the deleterious exotic animal listed on a possession permit, until the permitted person no longer possesses the deleterious exotic animal, or until the deleterious exotic animal leaves the state. (3-20-20)

**102. TEMPORARY EXHIBITOR PERMITS.**

A traveling exhibition may not possess any deleterious exotic animal in the state unless the traveling exhibition obtains a temporary exhibitor permit issued by the Administrator. (5-8-09)

**1. Application for Temporary Exhibitor Permits.** Persons seeking a temporary exhibitor permit must make application on a form prescribed by the Administrator and include the following information: (3-20-20)

- a. The applicant's name, address (business and mailing) and Employer Identification Number or Social Security Number. (5-8-09)
- b. The name and address of the owner(s) and operator(s) of the temporary exhibition, if not the applicant. (5-8-09)
- c. Description of the cages or other housing in which the deleterious exotic animal(s) will be kept in the state. (5-8-09)
- d. The physical address of each location(s) at which the deleterious exotic animal(s) will remain while in the state. (5-8-09)

- e. A map identifying the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)
  - f. Name and address of the owner(s) of the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)
  - g. Written statement detailing the procedure(s) in the event a deleterious exotic animal escapes from the temporary exhibit. (5-8-09)
  - h. Documentation of licenses issued by the USDA, if applicable. (5-8-09)
2. **Period of Validity.** Temporary exhibitor permits are valid for no more than ~~thirty (30)~~ **forty-five (45)** days after the date of issuance of the permit. (5-8-09)
3. **Removal.** All deleterious exotic animals subject to a temporary exhibitor permit must be removed from Idaho prior to the expiration of the import permit. (5-8-09)

103. -- 109. (RESERVED)

**110. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.**

No person may import any deleterious exotic animal into the state unless the deleterious exotic animal is accompanied in transit by an import permit issued by the Administrator, ~~any permits required by the Idaho Department of Fish and Game,~~ and an official certificate of veterinary inspection. (5-8-09)

~~111. IMPORT PERMITS.~~

~~The Administrator will issue import permits in accordance with IDAPA 02.04.21, "Rules Governing the Importation of Animals." (5-8-09)~~

~~1. Application for Import Permits. In addition to the requirements set forth in IDAPA 02.04.21.104, persons seeking import permits must submit the following: (5-8-09)~~

- ~~a. An application on a form prescribed by the Administrator; (5-8-09)~~
- ~~b. A valid possession permit or temporary exhibitor permit issued by the Administrator; and (5-8-09)~~
- ~~c. A certificate of veterinary inspection that meets the requirements in Section 112, of these rules. (5-8-09)~~

~~2. Period of Validity. Import permits are valid for fifteen (15) days from the date of issuance of the permit, unless stated otherwise on the permit. (5-8-09)~~

~~112. CERTIFICATES OF VETERINARY INSPECTION.~~

~~All deleterious exotic animals imported into the state must be accompanied in transit by an official certificate of veterinary inspection. All certificates must be written, legible, and attest that the animal(s) meet the importation requirements of the state, set forth in IDAPA 02.04.21, "Rules Governing the Importation of Animals." The certificate must be on an official form of the state of origin, be approved by its livestock sanitary official, and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health official is acceptable in lieu of a certificate of veterinary inspection. (5-8-09)~~

~~1. Required Information. All certificates of veterinary inspection must contain the following information: (5-8-09)~~

- ~~a. Name and address of the consignor and consignee; and (5-8-09)~~
- ~~b. Origin of shipment, including city and state; (5-8-09)~~
- ~~c. Final destination of shipment in Idaho, including city; (5-8-09)~~
- ~~d. An accurate description and identification of each animal; (5-8-09)~~

- e. Purposes for which the animals were shipped; (5-8-09)
  - f. Method of transportation; (5-8-09)
  - g. Health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state; and (5-8-09)
  - h. The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (5-8-09)
2. **Submission of Certificate.** The required copies of certificates of veterinary inspection or other approved certificates must be submitted, within thirty (30) ~~seven~~ days of inspection, to the Division. (5-8-09)
3. **Period of Certificate Validity.** Certificates of veterinary inspection are valid for no more than thirty (30) days after the date of inspection. (5-8-09)

~~113.111.~~ -- 119. (RESERVED)

**120. DISPOSITION OF NON-PERMITTED DELETERIOUS EXOTIC ANIMALS.**

The Administrator may order non-permitted or illegally possessed or imported deleterious exotic animals to be removed from the state, moved to facilities that are in compliance with this chapter, or destroyed. (5-8-09)

**121. TRANSFER OF DELETERIOUS EXOTIC ANIMALS.**

No person may transfer, sell, barter, trade, change ownership, or change possession of any deleterious exotic animal, unless the person receiving the deleterious exotic animal has obtained a possession permit, issued by the Administrator, ~~for~~ prior to the animal being transferred. (5-8-09)

**122. RELEASE OF DELETERIOUS EXOTIC ANIMALS.**

No person may release any deleterious exotic animal within the state. (5-8-09)

**123. REVOCATION OF PERMITS.**

Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (4-11-06)

124. -- 199. (RESERVED)

~~200. CONFINEMENT OF DELETERIOUS EXOTIC ANIMALS.~~

~~All deleterious exotic animals must be confined in appropriate facilities, as determined by the Administrator, which are constructed and maintained to:~~ (3-20-04)

- 1. ~~Prevent Escape.~~ Prevent the escape of deleterious exotic animals for any length of time. (5-8-09)
- 2. ~~Prevent Ingress of Wildlife.~~ Prevent the ingress of free ranging wildlife that could be negatively impacted by the confined deleterious exotic animals. (3-20-04)
- 3.1. ~~Assure Animal Care.~~ Assure the appropriate level of animal care, including maintaining the facilities in a sanitary condition. (4-11-06)

**201. CONSTRUCTION STANDARDS FOR CONFINEMENT AREAS.**

Confinement areas for deleterious exotic must be constructed to prevent escape. ~~according to the following construction standards,~~ depending on the species of the deleterious exotic animal: (5-8-09)

- 1. ~~Birds.~~ Confinement areas for birds on the list of deleterious exotic animal set forth in Section 401 of these Rules must be constructed to prevent egress and provide adequate space for the birds. Confinement areas must include a cover sufficient to prevent egress or escape of the species of birds contained therein. (5-8-09)
- 2. ~~Mammals.~~ Confinement areas for mammals on the list of deleterious exotic animal in Sections 402 through 413 of these Rules must comply with the construction standards in the AZA Minimum Husbandry Guidelines for Mammals. (5-8-09)



**202. ESCAPE OF DELETERIOUS EXOTIC ANIMALS.**

Persons possessing deleterious exotic animals must report the escape of any deleterious exotic animal to the Administrator within twenty-four (24) hours of the discovery of the escape. (5-8-09)

**203. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.**

All deleterious exotic animals must be identified with a unique identification according to the following standards, depending on the species of the deleterious exotic animal: (5-8-09)

- 1. **Birds.** Birds are to be identified with a microchip ~~and~~ or a leg band. (5-8-09)
- 2. **Mammals.** Mammals are to be identified with a microchip ~~and a tattoo.~~ (5-8-09)

**204. -- 299. (RESERVED)**

**300. RECORDKEEPING.**

~~1. Annual Inventory.~~ Any person that possesses deleterious exotic animals must submit a complete and accurate annual inventory of such animals to the Administrator on or before the first day of July each year on a form approved by the Administrator, available at <https://agri.idaho.gov>. ~~The annual inventory includes the following information: (5-8-09)~~

- ~~a. Identify each deleterious exotic animal by genus, species, sex, and identification. (5-8-09)~~
- ~~b. Identify each deleterious exotic animal born during the last reporting year, including the genus, species, sex, identification, and date of birth. (5-8-09)~~
- ~~c. Identify each deleterious exotic animal that was transferred to another person, including the genus, species, sex, identification, date of transfer, and name and address of the person to whom the deleterious exotic animal(s) was transferred. (5-8-09)~~
- ~~d. Identify each deleterious exotic animal that died during the last reporting year, including the genus, species, sex, identification, date of death, and cause of death. (5-8-09)~~

~~2.1. Records of Transfers.~~ All persons who transfer, sell, barter, trade, change ownership, or change possession of deleterious exotic animals must keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records must be maintained for a minimum of three (3) years and presented to the Administrator upon request. (5-8-09)

**301. -- 309. (RESERVED)**

~~310. DEAD ANIMAL MOVEMENT AND DISPOSAL.~~

~~All deleterious exotic animals that die, or are euthanized, must be disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal" and the death of such animal reported to the Administrator within five (5) business days of the discovery of the death. (3-20-20)~~

~~311-310.~~ -- 399. (RESERVED)

**400. LIST OF DELETERIOUS EXOTIC ANIMALS.**

The Administrator may add or remove animal species to the list of deleterious exotic animals in this chapter by issuing a written order listing the animals and the reasons for adding them to or removing them from the list deleterious exotic animals. (5-8-09)

**401. DELETERIOUS EXOTIC ANIMALS - BIRDS.**

1. Mute Swan, (*Cygnus olor*). Mute swans except those that have been pinioned. (3-20-04)

**402. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CANIDAE.**

All non-native canidae species. (4-11-06)

~~403. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CERVIDAE.~~

- ~~01. Red Deer (*Cervus elaphus elaphus*). (3-20-04)~~

- ~~02. Sika Deer (*Cervus nippon*). (3-20-04)~~

~~404-403. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: FELIDAE.~~

~~All deleterious exotic Felidae must be possessed on a facility that is AZA accredited.~~

1. Caracal (*Felis caracal*). (4-11-06)

02. Cheetah (*Acinonyx jubatus*). (4-11-06)

03. Geoffroy's Cat (*Felis geoffroyi*). (4-11-06)

04. Jaguar (*Panthera onca*). (4-11-06)

05. Leopard (*Panthera pardus*). All leopards. (4-11-06)

06. Lion (*Panthera leo*). (4-11-06)

07. Margay (*Felis wiedii*). (4-11-06)

08. Ocelot (*Felis pardalis*). (4-11-06)

09. Serval (*Felis serval*). (4-11-06)

10. Tiger (*Panthera tigris*). All tigers and tiger-hybrids. (4-11-06)

~~405-404. DELETERIOUS EXOTIC ANIMALS - MAMMALS: INSECTIVORES.~~

1. European Hedgehog (*Erinaceus europeaus*). (4-11-06)

~~406-405. DELETERIOUS EXOTIC ANIMALS - MAMMALS: MARSUPIALS.~~

1. Brush Tailed Possum (*Trichsurus vulpecula*). (4-11-06)

~~407-406. DELETERIOUS EXOTIC ANIMALS - MAMMALS: NON-HUMAN PRIMATES.~~

All non-human primates must be possessed on a facility that is AZA accredited. The following primate species are exempt from this rule:

a. Capuchin

b. Marmoset

c. Spider Monkeys

d. Squirrel Monkeys (4-11-06)

**408. DELETERIOUS EXOTIC ANIMALS - MAMMALS: OVIDAE.**

01. Barbary Sheep (*Ammotragus lervia*). (4-11-06)
- ~~02. Mouflon Sheep (*Ovis musimon*).~~
409. DELETERIOUS EXOTIC ANIMALS – MAMMALS: PROCYONIDAE.
01. Coatimundi (*Nasua nasua*) (4-11-06)
02. Kinkajou (*Potos flavus*) (4-11-06)
410. DELETERIOUS EXOTIC ANIMALS – MAMMALS: RODENTIA
01. African Dormice (*Graphiurus*). (4-11-06)
02. African Rope Squirrels (*Funisciurus*). (4-11-06)
03. African Striped Mice (*Hybomys*). (4-11-06)
04. African Tree Squirrels (*Heliosciurus*). (4-11-06)
05. Brush-Tailed Porcupines (*Atherurus*). (4-11-06)
- ~~06. Capybara (*Hydrochoerus hydrochaeris*). (4-11-06)~~
- ~~07. Prairie Dogs (*Cynomys*). (4-11-06)~~
08. South American Rodents. All South American rodents except guinea pigs ~~and~~ chinchillas and capybara. (4-11-06)
411. DELETERIOUS EXOTIC ANIMALS - MAMMALS: SUIDAE.
1. European or Russian Wild Boar (*Sus scrofa*). (4-11-06)
412. DELETERIOUS EXOTIC ANIMALS - MAMMALS: TAYASSUIDAE.
1. Peccary (*Dicotyles tajacu*). (4-11-06)
413. -- 999. (RESERVED)

## Deleterious Exotic Rulemaking Meeting May 20, 2021

### Attendees:

Lloyd Knight, ISDA  
Dallas Burkhalter, ISDA  
Cheryl Anderson  
Katy Devries, ISDA

Chanel Tewalt, ISDA  
Randy Fox, ICL  
Scott Leibsle, DVM, ISDA  
Tricia Hebdon, IDFG

Scott Barnes, ISDA  
Debra Lawrence, DVM, ISDA

Lloyd Knight welcomed the attendees and introduced the meeting. This was the second meeting regarding IDAPA 02.04.27 "Rules Governing Deleterious Exotic Animals." This meeting was to review previous comments and changes; additional comments would be accepted until June 20, 2021.

Before starting the rule discussion, Dr. Scott Leibsle showed attendees how to navigate to the appropriate information on the ISDA website. The plan for the current meeting was a brief review of the points discussed at the meeting on April 22, 2021. Additional comments could be brought up as-needed.

Section 4.1 updates the incorporated document, and section 4.2 was removed as it is no longer used. Definition 10.2 strikes "hybrid" to allow more ownership options.

Section 100.2(c) changes the requirement for breeding facilities to only those AZA accredited. 101.1(n) removes the pharmaceutical option for birth control. This option is difficult to enforce, so the only option would be surgical sterilization. There were no questions or comments to this point.

Section 111 was removed as redundant (covered in the import rule). 121 clarifies that possession permits must be obtained by the receiving party prior to any transfer of deleterious exotic animals. Sections 200 and 201 were combined to cover construction and confinement in the same point. Section 300 – the only acceptable form will be the form made available on the ISDA website. No comments or questions to this point.

Section 403 regarding Cervidae was removed, as the only allowed Cervidae are elk, fallow deer and reindeer as "Domestic Cervidae" is defined in IDAPA 02.04.19 "Rules Governing Domestic Cervidae."

The new section 403, regarding Felidae makes the change that any facility confining these animals must be AZA accredited. This is because AZA facilities have significant confinement requirements already in place which are not set by the state. The removal of "hybrid" from the definition at 10.2 applies in this section, especially toward cats like the savannah, a serval hybrid. That removal, however, necessitated the addition of tiger hybrids to cover animals such as ligers.

Section 406 has a notable change in the way primates are handled. The four animals listed in 406 (a-d) are ones which pose little to no risk to humans or public safety. Most people owning these are obtaining them when they are too young to spay or neuter, as required in section 100.

Dr. Debra Lawrence referred back to the discussion surrounding servals. She said there are currently three full-blooded servals privately owned in the state. She said a lot of savannah owners keep servals for breeding. She asked how these animals would be handled – should serval be removed from the list, or would those owners be grandfathered in? Dr. Leibsle asked if servals merited the same level of

concern as the other felids. Dr. Lawrence deferred to the Idaho Department of Fish and Game (IDFG), saying she believed they were not problematic.

Randy Fox asked if the reason for excluding savannah cats could be explained. He said although they might be easy to transport and care for, they are not indigenous and questioned the potential environmental impact. Dr. Leibsle explained that savannahs are common house cats, which most states have no health regulations on as they pose little risk to public safety. The risk with servals comes from the concern that one could be turned loose. This was the first time it was suggested to remove them from the list – they just need to figure out how to regulate the servals already in the state legally.

Dr. Lawrence said servals have become popular and people like to breed and sell them as pets. Removing them from the list means there are less administrative hoops for owners to jump through. She added that she's sure there are some that come in illegally. She said they have not ever had issues with one, because they're expensive; it's unlikely an owner would let one loose. There have not been complaints or reports of one being loose. She felt that removal of servals from the list would likely not be an issue.

Tricia Hebdon spoke up with the viewpoint from IDFG. She said savannahs would have the same impact as all other house cats, but she wasn't sure about servals. She was unsure if they could breed with bobcats but said cougars would eat them. The fact they run fast could cause issues, and though they are small they are still predators. Dr. Lawrence asked how viable they were in the wild; how much of a threat they would be. Ms. Hebdon said that they are pretty much house cats from Africa, but they are still cats. Though the interaction with bobcats is unknown, she didn't think one or two in the wild would be an issue. Dr. Leibsle said if there were concerns about servals, they could just add a grandfather clause to address those owned before a certain date.

Randy Fox said if there were any questions about the impact and/or the interbreeding possibility, servals should be left on the list. He felt the grandfather method would be most appropriate for the three legal owners. He said he was concerned about taking them off the list without knowing the potential impacts. Dr. Lawrence agreed that if there was an unknown risk removal wasn't a good idea. She then suggested moving servals to their own category where they wouldn't need to be an AZA facility, but would have to be sterilized without a propagation option. Dr. Leibsle said that could be a "small Felidae" section with a permit requirement, then asked for other thoughts. Ms. Hebdon said she looked it up and bobcats and servals can crossbreed.

Dr. Leibsle moved back to section 406 primates. He said anything other than the four specifically listed would be required to go to an AZA accredited facility. There were no further comments at this point.

Section 408 had previous discussion about removing mouflon sheep. IDFG was concerned about potential genetic interference. Section 410 – IDFG previously expressed that they would like prairie dogs to remain on the list. Having reached the end of the list, Dr. Leibsle asked if there were any comments or other issues. There were none. He reminded the group the next meeting is June 17<sup>th</sup> at 1:30pm. He said that they would try to have a final rule available for that meeting, and comments could be submitted until June 20<sup>th</sup>. Lloyd Knight thanked everyone in attendance and ended the meeting.

## Rulemaking Summary

### **IDAPA 02.04.27 – Rules Governing Deleterious Exotic Animals**

#### **Where is the rulemaking authority?**

Authority for this rulemaking resides in the Title 25 Chapter 3903 & 3904 Idaho Code

#### **What does this rule do?**

These rules govern the designation, importation, and possession of deleterious exotic animals.

#### **What is the agency proposing to change?**

The agency has performed Zero Based Regulation to simplify, clarify or remove outdated, unnecessary or irrelevant language in sections highlighted **blue** in the attached strawman. The amended language in these sections does not change the regulatory impact, scope, intent or authority in the current rule.

The agency has conducted an internal audit of this rule and identified sections that may require amendments due to inaccurate or confusing language, recommendations to improve the efficiency of the program or changes that must be made to coincide with recent statutory amendments. The changes listed below, and highlighted in **yellow** in the attached strawman, may result in a change to the regulatory impact, scope, intent or authority in the current rule.

- Update CFR citations to current version (Section 004)
- Remove “hybrids” as being designated as deleterious exotic (Section 010)
- Require permittees to be AZA accredited if they want to propagate DE animal (Section 100)
- Remove “proposed methods of sterilization” as an acceptable practice (Section 101)
- Increase period of validity for temporary exhibitors (Section 102)
- Require transfers of DE animals to be approved by Department prior to the transfer (Section 121)
- Remove Red Deer & Sika Deer (Section 403), Mouflon Sheep (Section 408), Capybara and Prairie Dogs (Section 410) from DE list
- Require all DE Felidae and Felidae-hybrid facilities to be AZA accredited (Section 403)

- Require all primate facilities to be AZA accredited. Exempt 4 species of primates from the DE rule. (Section 406)

## 02.04.27 – RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

### 1. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-3903 and 25-3904, Idaho Code. (3-20-20)

### 2. TITLE AND SCOPE.

1. **Title.** The title of this chapter is IDAPA 02.04.27, “Rules Governing Deleterious Exotic Animals.” (3-20-04)

2. **Scope.** These rules govern the designation, importation, and possession of deleterious exotic animals. (3-20-04)

### 3. -- 003. (RESERVED)

### 4. INCORPORATION BY REFERENCE.

1. **Code of Federal Regulations.** Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2021, which can be viewed online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/9cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/9cfrv1_05.html). [https://www.ecfr.gov/cgi-bin/textidx?SID=6571350cf31edd290fbf1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1\\_02.tpl#0](https://www.ecfr.gov/cgi-bin/textidx?SID=6571350cf31edd290fbf1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1_02.tpl#0) (5-8-09)

### 5. -- 009. (RESERVED)

### 10. DEFINITIONS.

The following definitions apply to the interpretation and enforcement of this chapter. (5-8-09)

1. **Accredited Veterinarian.** A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (5-8-04)

2. **Deleterious Exotic Animal.** Any live animal, ~~or hybrid thereof,~~ that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state. (4-11-06)

3. **Facility.** A location, including buildings, cages, corrals, pens, ponds, raceways, tanks, adjacent land, or other areas, where deleterious exotic animals are possessed. (5-8-09)  
(3-20-04)

4. (3-20-04)

5. **Possess.** To confine, control, keep, have, hold, house, or own for any period of time. (5-8-09)

6. **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-20-04)

7. **Traveling Exhibition.** A temporary exhibition, including, but not limited to, circus, carnival, group, show, or zoo, not permanently located in the state, that possesses deleterious exotic animals. (5-8-09)

### 11. ABBREVIATIONS.

01. **AZA.** Association of Zoos and Aquariums. (5-8-09)

02. **CFR.** Code of Federal Regulations. (3-20-04)



- 03. **IDFG.** Idaho Department of Fish and Game. (3-20-04)
- 04. **ISIS.** International Species Information System. (5-8-09)
- 05. **PMP.** Population Management Plan. (5-8-09)
- 06. **SSP.** Species Survival Plan. (5-8-09)
- 07. **TAG.** Taxon Advisory Group. (5-8-09)
- 08. **USDA.** United States Department of Agriculture. (3-20-04)

**012. -- 019. (RESERVED)**

**20. APPLICABILITY.**

These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-20-04)

**21. INSPECTIONS.**

In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-20-04)

1. **Entering Premises.** State ~~or federal~~ animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-20-04)

2. **Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (3-20-04)

**22. -- 099. (RESERVED)**

**100. POSSESSION AND PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.**

1. **Possession.** No person may possess a deleterious exotic animal in the state, unless such person obtains a possession permit issued by the Administrator. (5-8-09)

2. **Propagation.** No person may propagate a deleterious exotic animal in the state without the approval of the Administrator. If the Administrator grants approval to propagate deleterious exotic animals, such approval will be noted on the applicable possession permit. Persons seeking permission to propagate a deleterious exotic animal must meet the following requirements: (5-8-09)

a. Obtain, and be in full compliance with, a possession permit issued by the Administrator; (5-8-09)

b. Obtain, and be in full compliance with, a USDA exhibitor's license for the facility where deleterious exotic animals will be possessed; (5-8-09)

c. Facility must be AZA accredited; and

**101. POSSESSION PERMITS.**

1. **Application for Possession Permits.** Persons seeking a possession permit must make application on a form prescribed by the Administrator. Separate applications are to be submitted for each facility where deleterious exotic animals will be possessed. A person who receives a possession permit for deleterious exotic animals must submit a new application for each additional deleterious exotic animal that person seeks to possess. The

- application must include: (3-20-20)
- a.** The applicant's name, address (residence and mailing), and Employer Identification Number or Social Security Number. (5-8-09)
  - b.** Description of the proposed facility, including: (5-8-09)
    - i.** A map identifying the location of the proposed facility; (5-8-09)
    - ii.** The legal **description and location** of the real property for the proposed facility; (5-8-09)
    - iii.** (5-8-09)
    - iv.** A detailed diagram of proposed facility, identifying fences, gates, confinement areas (including total area); and (5-8-09)
    - v.** ~~The specifications of for exterior fencing, interior fencing, fence height, fencing materials of the confinement areas for all deleterious exotic animals listed on the application., identifying exterior fencing, interior fencing, fence height, fencing materials, size of confinement areas, etc.~~ (5-8-09)
  - c.** Name and address of the owner(s) of the proposed facility, if not the applicant. If the proposed facility will be leased, include a written and notarized statement by the owner of the property authorizing the use of the proposed facility to house deleterious exotic animals. (5-8-09)
  - d.** Copy of approval by the local zoning authority, if approval is required by the local zoning authority. (5-8-09)
  - e.** **Description of each deleterious exotic animal to be possessed at the facility, including genus, species, sex, age, form of identification, identification number, and purpose for possessing each deleterious exotic animal.** (5-8-09)
  - f.** Name and address of the owner of each deleterious exotic animal listed on the application. (5-8-09)
  - g.** Name and address of the licensed Idaho veterinarian who will provide care for the deleterious exotic animal(s) listed on the application. (5-8-09)
  - h.** Written statement detailing the applicant's training and experience with the species listed on the application. (5-8-09)
  - i.** Written statement detailing the procedure in the event a deleterious exotic animal escapes from the facility. (5-8-09)
  - j.** Documentation of licenses issued by the USDA, if applicable. (5-8-09)
  - k.** Documentation of licenses issued by the U.S. Fish and Wildlife Service, if applicable. (5-8-09)
  - l.** Documentation of accreditation by the AZA, if applicable. (5-8-09)
  - m.** The required information set forth Paragraph 100.02.e., of these rules, if applicable. (5-8-09)
  - n.** For each deleterious exotic animal listed on the application, proof of sterilization unless the

applicant intends to propagate the deleterious exotic animal and fully satisfies the requirements of Subsection 100.02, of these rules. (5-8-09)

**o.** 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 exotic animals are possessed at the proposed facility. (5-8-09)

**2. Application Review.** The Administrator will review the possession permit application and, in determining whether to issue the possession permit, consider factors relating to protection of the state's agriculture industry, the wildlife of the state, and the environment. Such factors include, but are not limited to: (5-8-09)

**a.** Proximity of the facility to farms, ranches, wildlife migration routes, and other areas in which native Idaho wildlife may commonly be found. (5-8-09)

**b.** Potential for unintended or accidental access to the facility. (5-8-09)

**c.** Potential for vandalism that compromises the security of the facility. (5-8-09)

**d.** Potential for escape from the facility. (5-8-09)

**e.** The size of the facility relative to the number of animals proposed to be kept at the facility. (5-8-09)

**f.** Whether, based on the applicant's certification and any other evidence received by the Administrator in connection with the proposed facility, all federal, state, county and city laws applicable to the facility have been met. (5-8-09)

**g.** Whether the applicant has adequate knowledge, experience and training to maintain the health, welfare and safety of the deleterious exotic animal(s), to handle the deleterious exotic animal(s) with safety and competence, and to ensure that the deleterious exotic animal(s) will not harm the state's agriculture, wildlife or the environment. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (5-8-09)

**3. Grant or Denial of the Permit.** Following review of the application and any other relevant information, the Administrator will either issue the possession permit or deny the application and notify the applicant. If the Department issues the permit, it may include any conditions intended to ensure the health, welfare and safety of the animal(s) covered by the permit and, where the Department finds it necessary, conditions intended to assure the security of the facility so as to avoid undue risk to the state's agriculture, wildlife and the environment. (5-8-09)

**4. Duration of Possession Permit.** A possession permit is valid for the life of the deleterious exotic animal listed on a possession permit, until the permitted person no longer possesses the deleterious exotic animal, or until the deleterious exotic animal leaves the state. (3-20-20)

#### **102. TEMPORARY EXHIBITOR PERMITS.**

A traveling exhibition may not possess any deleterious exotic animal in the state unless the traveling exhibition obtains a temporary exhibitor permit issued by the Administrator. (5-8-09)

**1. Application for Temporary Exhibitor Permits.** Persons seeking a temporary exhibitor permit must make application on a form prescribed by the Administrator and include the following information: (3-20-20)

**a.** The applicant's name, address (business and mailing) and Employer Identification Number or Social Security Number. (5-8-09)

**b.** The name and address of the owner(s) and operator(s) of the temporary exhibition, if not the applicant. (5-8-09)

**c.** Description of the cages or other housing in which the deleterious exotic animal(s) will be kept in

the state. (5-8-09)

d. The physical address of each location(s) at which the deleterious exotic animal(s) will remain while in the state. (5-8-09)

e. A map identifying the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)

f. Name and address of the owner(s) of the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)

g. Written statement detailing the procedure(s) in the event a deleterious exotic animal escapes from the temporary exhibit. (5-8-09)

h. Documentation of licenses issued by the USDA, if applicable. (5-8-09)

2. **Period of Validity.** Temporary exhibitor permits are valid for no more than ~~thirty (30)~~ **forty-five (45)** days after the date of issuance of the permit. (5-8-09)

3. **Removal.** All deleterious exotic animals subject to a temporary exhibitor permit must be removed from Idaho prior to the expiration of the import permit. (5-8-09)

103. -- 109. (RESERVED)

**110. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.**

No person may import any deleterious exotic animal into the state unless the deleterious exotic animal is accompanied in transit by an import permit issued by the Administrator, ~~any permits required by the Idaho Department of Fish and Game,~~ and an official certificate of veterinary inspection. (5-8-09)

111. -- 119. (RESERVED)

**120. DISPOSITION OF NON-PERMITTED DELETERIOUS EXOTIC ANIMALS.**

The Administrator may order non-permitted or illegally possessed or imported deleterious exotic animals to be removed from the state, moved to facilities that are in compliance with this chapter, or destroyed. (5-8-09)

**121. TRANSFER OF DELETERIOUS EXOTIC ANIMALS.**

No person may transfer, sell, barter, trade, change ownership, or change possession of any deleterious exotic animal, unless the person receiving the deleterious exotic animal has obtained a possession permit, issued by the Administrator, **prior to the** animal being transferred. (5-8-09)

**122. RELEASE OF DELETERIOUS EXOTIC ANIMALS.**

No person may release any deleterious exotic animal within the state. (5-8-09)

**123. REVOCATION OF PERMITS.**

Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (4-11-06)

124. -- 199. (RESERVED)

**I.** (4-11-06)

**201. CONFINEMENT AREAS.**

All deleterious exotic animals must be confined in areas/facilities that are constructed to prevent escape. (5-8-09)

**202. ESCAPE OF DELETERIOUS EXOTIC ANIMALS.**

Persons possessing deleterious exotic animals must report the escape of any deleterious exotic animal to the

Administrator within twenty-four (24) hours of the discovery of the escape. (5-8-09)

**203. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.**

All deleterious exotic animals must be identified with a unique identification according to the following standards, depending on the species of the deleterious exotic animal: (5-8-09)

1. **Birds.** Birds are to be identified with a microchip ~~and~~ or a leg band. (5-8-09)
2. **Mammals.** Mammals are to be identified with a microchip and a tattoo. (5-8-09)

**204. -- 299. (RESERVED)**

**300. RECORDKEEPING.**

**Annual Inventory.** Any person that possesses deleterious exotic animals must submit a complete and accurate annual inventory of such animals to the Administrator on or before the first day of July each year on a form approved by the Administrator, available at <https://agri.idaho.gov>

1. **Records of Transfers.** All persons who transfer, sell, barter, trade, change ownership, or change possession of deleterious exotic animals must keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records must be maintained for a minimum of three (3) years and presented to the Administrator upon request. (5-8-09)

**301. -- 309. (RESERVED)**

**310. -- 399. (RESERVED)**

**400. LIST OF DELETERIOUS EXOTIC ANIMALS.**

The Administrator may add or remove animal species to the list of deleterious exotic animals in this chapter by issuing a written order listing the animals and the reasons for adding them to or removing them from the list deleterious exotic animals. (5-8-09)

**401. DELETERIOUS EXOTIC ANIMALS - BIRDS.**

1. **Mute Swan, (*Cygnus olor*).** Mute swans except those that have been pinioned. (3-20-04)

**402. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CANIDAE.**

All non-native canidae species. (4-11-06)

**403. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: FELIDAE.**

All deleterious exotic Felidae must be possessed on a facility that is AZA accredited.

1. **Caracal (*Felis caracal*).** (4-11-06)
02. **Cheetah (*Acinonyx jubatus*).** (4-11-06)
03. **Geoffroy's Cat (*Felis geoffroyi*).** (4-11-06)
04. **Jaguar (*Panthera onca*).** (4-11-06)
05. **Leopard (*Panthera pardus*).** All leopards. (4-11-06)
06. **Lion (*Panthera leo*).** (4-11-06)
07. **Margay (*Felis wiedii*).** (4-11-06)

08. Ocelot (*Felis pardalis*). (4-11-06)
09. Serval (*Felis serval*). (4-11-06)
10. Tiger (*Panthera tigris*). All tigers and tiger-hybrids. (4-11-06)
404. DELETERIOUS EXOTIC ANIMALS - MAMMALS: INSECTIVORES.
1. European Hedgehog (*Erinaceus europeaus*). (4-11-06)
405. DELETERIOUS EXOTIC ANIMALS - MAMMALS: MARSUPIALS.
1. Brush Tailed Possum (*Trichsurus vulpecula*). (4-11-06)
406. DELETERIOUS EXOTIC ANIMALS - MAMMALS: NON-HUMAN PRIMATES.  
 All non-human primates must be possessed on a facility that is AZA accredited. The following primate species are exempt from this rule:
- a. Capuchin
- b. Marmoset
- c. Spider Monkeys
- d. Squirrel Monkeys (4-11-06)
408. DELETERIOUS EXOTIC ANIMALS – MAMMALS: OVIDAE.
01. Barbary Sheep (*Ammotragus lervia*). (4-11-06)
409. DELETERIOUS EXOTIC ANIMALS – MAMMALS: PROCYONIDAE.
01. Coatiundi (*Nasua nasua*) (4-11-06)
02. Kinkajou (*Potos flavus*) (4-11-06)
410. DELETERIOUS EXOTIC ANIMALS – MAMMALS: RODENTIA
01. African Dormice (*Graphiurus*). (4-11-06)
02. African Rope Squirrels (*Funisciurus*). (4-11-06)
03. African Striped Mice (*Hybomys*). (4-11-06)
04. African Tree Squirrels (*Heliosciurus*). (4-11-06)
05. Brush-Tailed Porcupines (*Atherurus*). (4-11-06)
08. South American Rodents. All South American rodents except guinea pigs and, chinchillas and

capybara.

(4-11-06)

**411. DELETERIOUS EXOTIC ANIMALS - MAMMALS: SUIDAE.**

1. European or Russian Wild Boar (*Sus scrofa*).

(4-11-06)

**412. DELETERIOUS EXOTIC ANIMALS - MAMMALS: TAYASSUIDAE.**

1. Peccary (*Dicotyles tajacu*).

(4-11-06)

**413. -- 999. (RESERVED)**

**IDAHO DEPARTMENT OF AGRICULTURE**  
**2270 Old Penitentiary Road**  
**PO Box 7249**  
**Boise, Id 83707**

**02.04.27 RULES GOVERNING THE IMPORTATION OF ANIMALS**  
**Minutes of June 17, 2021 Meeting**

**HOSTS/FACILITATORS:** Lloyd Knight, ISDA  
Dr. Scott Leibsle, ISDA  
Chanel Tewalt, ISDA

**STAKEHOLDERS PRESENT:** Tricia Hebdon, Idaho Fish & Game  
Cheryl Anderson, Permit Holder

**DEPARTMENT STAFF:** Katy Devries, Office of Attorney General – ISDA  
Debra Lawrence, ISDA  
Jeni Marple, ISDA  
Dr. Debra Lawrence, ISDA  
Scott Barnes, ISDA  
Dicsie Gullick, ISDA

Lloyd Knight called the meeting to order at 1:32 PM MDT. He stated that this is the third and final meeting for rule making and drafts of all the rules are available online. He mentioned there was one stakeholder on the phone besides staff of ISDA and Fish & Game. The final comment period ends on June 30<sup>th</sup>, after which the final proposed rule will be sent to DFM. Lloyd then turned the meeting over to Dr. Leibsle.

Dr. Leibsle stated that there had been no comments received for this rule and the current draft of the rules is exactly the same as the draft for the May meeting. The rule changes are as follows:

- Definitions were struck that were redundant or no longer used in the rule.
- Some language in the rule has been struck for simplification or redundancy.
- In section 100, to breed an exotic a deleterious exotic animal you must be AZA accredited. All other requirements were struck.
- In section 101, for possession permits, there will be a form approved by the Administrator. Some unnecessary language was struck because the AZA document it was based on is no longer being used and is not available.
- Section 111 regarding import permits were struck because it is covered in a different rule.
- Section 112, regarding health certifications was also struck because it is located in another rule.
- Sections 200 and 201 were simplified to simply state that confinement areas/facilities should be constructed to prevent escape.
- Section 300 regarding recordkeeping is being simplified. There will be a form available online for annual inventories.
- Section 310 was struck because it is redundant.



The list of deleterious exotic animals (Rules 400-412) had the following changes:

- Red Deer and Sika Deer were removed. They fall under the domestic Cervidae rule and did not need to be in this rule.
- Felidae were split into two categories, large and small. Large Felidae must be possessed on a facility that is AZA accredited. Geoffroy's Cat, Margay, Ocelot, and Serval were moved to the small Felidae group.
- All non-human primates must be possessed on a facility that is AZA accredited with the following exceptions: Capuchin, Marmoset, Spider monkeys and squirrel monkeys. Several people in the state own the exempted animals and they pose little risk to public safety.
- Capybara was taken off the list.

Dr. Leibsle asked Dr. Lawrence if the exempted primates should be listed with genus and species. The genus and species will be added to the draft. Dr. Leibsle then asked for further questions. Upon hearing none, he reiterated the June 20<sup>th</sup> deadline for comments. The final version of the rules would be submitted next week for publication. After publication there will be a comment period only to petition for a formal hearing. He thanked everyone for the participation and turned the time over to Lloyd Knight.

Lloyd adjourned the meeting at 1:43 PM MDT.

## 02.04.27 – RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-3903 and 25-3904, Idaho Code. (3-20-20)

### 001. TITLE AND SCOPE.

~~01. Title. The title of this chapter is IDAPA 02.04.27, “Rules Governing Deleterious Exotic Animals.” (3-20-04)~~

~~02. Scope. These rules govern the designation, importation, and possession of deleterious exotic animals. (3-20-04)~~

### 002. -- 003. (RESERVED)

### 004. INCORPORATION BY REFERENCE.

~~01. Code of Federal Regulations. Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2005~~2021~~, which can be viewed online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/9cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/9cfrv1_05.html) [https://www.ecfr.gov/cgi-bin/text-idx?SID=6571350cf31edd290bf1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1\\_02.tpl#0](https://www.ecfr.gov/cgi-bin/text-idx?SID=6571350cf31edd290bf1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1_02.tpl#0). (5-8-09)~~

~~02. Association of Zoos and Aquariums Minimum Husbandry Guidelines for Mammals. Issued November 14, 1997, which can be accessed online at <http://www.aza.org/>. (5-8-09)~~

### 005. -- 009. (RESERVED)

### 010. DEFINITIONS.

The following definitions apply to the interpretation and enforcement of this chapter. (5-8-09)

~~01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-20-04)~~

~~02. Animal. Any member of the animal kingdom, except man. (3-20-04)~~

~~03. Deleterious Exotic Animal. Any live animal, or hybrid thereof, that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state. (4-11-06)~~

~~04. Facility. A location, including buildings, cages, corrals, pens, ponds, raceways, tanks, adjacent land, or other areas, where deleterious exotic animals are possessed. (5-8-09)~~

~~05. Federal Animal Health Official. An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-20-04)~~

~~06. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-20-04)~~

~~07. Operator. The person who has authority to manage or direct a facility or other area where animals are kept. (5-8-09)~~

~~08. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust,~~

~~estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties.~~ (3-20-04)

**0904. Possess.** To confine, control, keep, have, hold, house, or own for any period of time. (5-8-09)

**1405. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-20-04)

**1406. Traveling Exhibition.** A temporary exhibition, including, but not limited to, circus, carnival, group, show, or zoo, not permanently located in the state, that possesses deleterious exotic animals. (5-8-09)

**011. ABBREVIATIONS.**

**01. AZA.** Association of Zoos and Aquariums. (5-8-09)

**02. CFR.** Code of Federal Regulations. (3-20-04)

**03. IDFG.** Idaho Department of Fish and Game. (3-20-04)

**04. ISIS.** International Species Information System. (5-8-09)

**05. PMP.** Population Management Plan. (5-8-09)

**06. SSP.** Species Survival Plan. (5-8-09)

**07. TAG.** Taxon Advisory Group. (5-8-09)

**08. USDA.** United States Department of Agriculture. (3-20-04)

**012. -- 019. (RESERVED)**

**020. APPLICABILITY.**

These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-20-04)

~~**021. DELEGATION OF AUTHORITY.**~~

~~The Administrator may designate IDFG to conduct permitting activities for deleterious exotic animals.~~ (3-20-04)

~~**022**~~**021. INSPECTIONS.**

~~In~~In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-20-04)

**01. Entering Premises.** State or federal animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-20-04)

**02. Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (3-20-04)

~~**023**~~**022. -- 099. (RESERVED)**

**100. POSSESSION AND PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.**

**01. Possession.** No person may possess a deleterious exotic animal in the state, unless such person obtains a possession permit issued by the Administrator. (5-8-09)

**02. Propagation.** No person may propagate a deleterious exotic animal in the state without the approval

of the Administrator. If the Administrator grants approval to propagate deleterious exotic animals, such approval will be noted on the applicable possession permit. Persons seeking permission to propagate a deleterious exotic animal must meet the following requirements: (5-8-09)

- a. Obtain, and be in full compliance with, a possession permit issued by the Administrator; (5-8-09)
- b. Obtain, and be in full compliance with, a USDA exhibitor's license for the facility where deleterious exotic animals will be possessed; (5-8-09)
- c. Facility must be AZA accredited; Be a member in good standing of ISIS; and (5-8-09)
- ~~d. Participate in a PMP or SSP administered by an AZA TAG. (5-8-09)~~
- ~~e. In the event a PMP or SSP does not exist for the deleterious exotic animal(s) a person seeks to propagate, the Administrator will determine if the propagation of such deleterious exotic animal(s) carries a significant risk of injury to the agricultural industry, wildlife or environment of the state. The person must provide the following information to the Administrator to assist the Administrator in making that determination: (5-8-09)~~
  - ~~i. The facility's capacity to hold deleterious exotic animals and any anticipated offspring; (5-8-09)~~
  - ~~ii. The frequency of the proposed propagation; (5-8-09)~~
  - ~~iii. The purpose(s) of the proposed propagation; and (5-8-09)~~
  - ~~iv. The destination or use of the anticipated offspring. (5-8-09)~~

## 101. POSSESSION PERMITS.

**01. Application for Possession Permits.** Persons seeking a possession permit must make application on a form prescribed by the Administrator. Separate applications are to be submitted for each facility where deleterious exotic animals will be possessed. A person who receives a possession permit for deleterious exotic animals must submit a new application for each additional deleterious exotic animal that person seeks to possess. The application must include: (3-20-20)

- a. The applicant's name, address (residence and mailing), and Employer Identification Number or Social Security Number. (5-8-09)
- b. Description of the proposed facility, including: (5-8-09)
  - i. A map identifying the location of the proposed facility; (5-8-09)
  - ~~ii. The geographic location (township, range, and quarter quarter section) of the proposed facility; (5-8-09)~~
  - ~~iii. The legal description and location of the real property for the proposed facility; (5-8-09)~~
  - ~~iv. The approximate total area of the proposed facility; (5-8-09)~~
  - viii. A detailed diagram of proposed facility, identifying fences, gates, confinement areas; and (5-8-09)
  - ~~ix. The specifications of for exterior fencing, interior fencing, fence height, fencing materials of the confinement areas for all deleterious exotic animals listed on the application, identifying exterior~~

~~fencing, interior fencing, fence height, fencing materials, size of confinement areas, etc.~~  
(5-8-09)

**c.** Name and address of the owner(s) of the proposed facility, if not the applicant. If the proposed facility will be leased, include a written and notarized statement by the owner of the property authorizing the use of the proposed facility to house deleterious exotic animals. (5-8-09)

~~**d.** Name and address of the operator(s) of the proposed facility, if not the applicant. (5-8-09)~~

**ed.** Copy of approval by the local zoning authority, if approval is required by the local zoning authority. (5-8-09)

**fe.** Description of each deleterious exotic animal to be possessed at the facility, including genus, species, sex, age, form of identification, identification number, and purpose for possessing each deleterious exotic animal. (5-8-09)

**gf.** Name and address of the owner of each deleterious exotic animal listed on the application. (5-8-09)

**hg.** Name and address of the licensed Idaho veterinarian who will provide care for the deleterious exotic animal(s) listed on the application. (5-8-09)

**ih.** Written statement detailing the applicant's training and experience with the species listed on the application. (5-8-09)

**ji.** Written statement detailing the procedure in the event a deleterious exotic animal escapes from the facility. (5-8-09)

**kj.** Documentation of licenses issued by the USDA, if applicable. (5-8-09)

**lk.** Documentation of licenses issued by the U.S. Fish and Wildlife Service, if applicable. (5-8-09)

**ml.** Documentation of accreditation by the AZA, if applicable. (5-8-09)

~~**n.** Documentation of membership in ISIS, if applicable. (5-8-09)~~

~~**o.** Documentation of approved participation in a PMP or SSP administered by an AZA TAG, if applicable. (5-8-09)~~

**pm.** The required information set forth Paragraph 100.02.e., of these rules, if applicable. (5-8-09)

**qn.** For each deleterious exotic animal listed on the application, proof of sterilization ~~or use of a method of birth control administered by a licensed veterinarian and approved by the Administrator~~, unless the applicant intends to propagate the deleterious exotic animal and fully satisfies the requirements of Subsection 100.02, of these rules. (5-8-09)

**ro.** 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 exotic animals are possessed at the proposed facility. (5-8-09)

~~**02.** **Application Process.** The Administrator will consider all information in the application for a possession permit and issue a written decision granting or denying the application. (5-8-09)~~

**0302. Application Review.** The Administrator will review the possession permit application and, in determining whether to issue the possession permit, consider factors relating to protection of the state's agriculture

industry, the wildlife of the state, and the environment. Such factors include, but are not limited to: (5-8-09)

a. Proximity of the facility to farms, ranches, wildlife migration routes, and other areas in which native Idaho wildlife may commonly be found. (5-8-09)

b. Potential for unintended or accidental access to the facility. (5-8-09)

c. Potential for vandalism that compromises the security of the facility. (5-8-09)

d. Potential for escape from the facility. (5-8-09)

e. The size of the facility relative to the number of animals proposed to be kept at the facility. (5-8-09)

f. Whether, based on the applicant's certification and any other evidence received by the Administrator in connection with the proposed facility, all federal, state, county and city laws applicable to the facility have been met. (5-8-09)

g. Whether the applicant has adequate knowledge, experience and training to maintain the health, welfare and safety of the deleterious exotic animal(s), to handle the deleterious exotic animal(s) with safety and competence, and to ensure that the deleterious exotic animal(s) will not harm the state's agriculture, wildlife or the environment. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (5-8-09)

~~h. Whether the facility is adequately designed, constructed, and managed to protect agriculture, wildlife and the environment from escape of the confined animal(s), including those instances when the applicant is not present at the facility. (5-8-09)~~

~~i. Prior to issuing a possession permit, the Administrator or 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. (5-8-09)~~

**0403. Grant or Denial of the Permit.** Following review of the application and any other relevant information, the Administrator will either issue the possession permit or deny the application and notify the applicant. If the Department issues the permit, it may include any conditions intended to ensure the health, welfare and safety of the animal(s) covered by the permit and, where the Department finds it necessary, conditions intended to assure the security of the facility so as to avoid undue risk to the state's agriculture, wildlife and the environment. (5-8-09)

**0504. Duration of Possession Permit.** A possession permit is valid for the life of the deleterious exotic animal listed on a possession permit, until the permitted person no longer possess the deleterious exotic animal, or until the deleterious exotic animal leaves the state. (3-20-20)

## 102. TEMPORARY EXHIBITOR PERMITS.

A traveling exhibition may not possess any deleterious exotic animal in the state unless the traveling exhibition obtains a temporary exhibitor permit issued by the Administrator. (5-8-09)

**01. Application for Temporary Exhibitor Permits.** Persons seeking a temporary exhibitor permit must make application on a form prescribed by the Administrator and include the following information: (3-20-20)

a. The applicant's name, address (business and mailing) and Employer Identification Number or Social Security Number. (5-8-09)

b. The name and address of the owner(s) and operator(s) of the temporary exhibition, if not the applicant. (5-8-09)

- c. Description of the cages or other housing in which the deleterious exotic animal(s) will be kept in the state. (5-8-09)
  - d. The physical address of each location(s) at which the deleterious exotic animal(s) will remain while in the state. (5-8-09)
  - e. A map identifying the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)
  - f. Name and address of the owner(s) of the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)
  - g. Written statement detailing the procedure(s) in the event a deleterious exotic animal escapes from the temporary exhibit. (5-8-09)
  - h. Documentation of licenses issued by the USDA, if applicable. (5-8-09)
- 02. Period of Validity.** Temporary exhibitor permits are valid for no more than ~~thirty (30)~~ forty-five (45) days after the date of issuance of the permit. (5-8-09)
- 03. Removal.** All deleterious exotic animals subject to a temporary exhibitor permit must be removed from Idaho prior to the expiration of the import permit. (5-8-09)

**103. -- 109. (RESERVED)**

**110. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.**

No person may import any deleterious exotic animal into the state unless the deleterious exotic animal is accompanied in transit by an import permit issued by the Administrator, ~~any permits required by the Idaho Department of Fish and Game,~~ and an official certificate of veterinary inspection. (5-8-09)

~~**111. IMPORT PERMITS.**~~

~~The Administrator will issue import permits in accordance with IDAPA 02.04.21, "Rules Governing the Importation of Animals."~~ (5-8-09)

~~**01. Application for Import Permits.** In addition to the requirements set forth in IDAPA 02.04.21.104, persons seeking import permits must submit the following:~~ (5-8-09)

~~**a.** An application on a form prescribed by the Administrator;~~ (5-8-09)

~~**b.** A valid possession permit or temporary exhibitor permit issued by the Administrator; and~~ (5-8-09)

~~**c.** A certificate of veterinary inspection that meets the requirements in Section 112, of these rules.~~ (5-8-09)

~~**02. Period of Validity.** Import permits are valid for fifteen (15) days from the date of issuance of the permit, unless stated otherwise on the permit.~~ (5-8-09)

~~**112. CERTIFICATES OF VETERINARY INSPECTION.**~~

~~All deleterious exotic animals imported into the state must be accompanied in transit by an official certificate of veterinary inspection. All certificates must be written, legible, and attest that the animal(s) meet the importation requirements of the state, set forth in IDAPA 02.04.21, "Rules Governing the Importation of Animals." The certificate must be on an official form of the state of origin, be approved by its livestock sanitary official, and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health official is acceptable in lieu of a certificate of veterinary inspection.~~ (5-8-09)

~~**01. Required Information.** All certificates of veterinary inspection must contain the following information:~~ (5-8-09)

- ~~a. Name and address of the consignor and consignee; and (5-8-09)~~
  - ~~b. Origin of shipment, including city and state; (5-8-09)~~
  - ~~c. Final destination of shipment in Idaho, including city; (5-8-09)~~
  - ~~d. An accurate description and identification of each animal; (5-8-09)~~
  - ~~e. Purposes for which the animals were shipped; (5-8-09)~~
  - ~~f. Method of transportation; (5-8-09)~~
  - ~~g. Health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state; and (5-8-09)~~
  - ~~h. The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (5-8-09)~~
- ~~02. **Submission of Certificate.** The required copies of certificates of veterinary inspection or other approved certificates must be submitted, within thirty (30) days of inspection, to the Division. (5-8-09)~~
- ~~03. **Period of Certificate Validity.** Certificates of veterinary inspection are valid for no more than thirty (30) days after the date of inspection. (5-8-09)~~

**443111. -- 119. (RESERVED)**

**120. DISPOSITION OF NON-PERMITTED DELETERIOUS EXOTIC ANIMALS.**

The Administrator may order non-permitted or illegally possessed or imported deleterious exotic animals to be removed from the state, moved to facilities that are in compliance with this chapter, or destroyed. (5-8-09)

**121. TRANSFER OF DELETERIOUS EXOTIC ANIMALS.**

No person may transfer, sell, barter, trade, change ownership, or change possession of any deleterious exotic animal, unless the person receiving the deleterious exotic animal has obtained a possession permit, issued by the Administrator, ~~for prior~~ to the animal being transferred. (5-8-09)

**122. RELEASE OF DELETERIOUS EXOTIC ANIMALS.**

No person may release any deleterious exotic animal within the state. (5-8-09)

**123. REVOCATION OF PERMITS.**

Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (4-11-06)

**124. -- 199200. (RESERVED)**

~~**200. CONFINEMENT OF DELETERIOUS EXOTIC ANIMALS.**~~

~~All deleterious exotic animals must be confined in appropriate facilities, as determined by the Administrator, which are constructed and maintained to: (3-20-20)~~

~~01. **Prevent Escape.** Prevent the escape of deleterious exotic animals for any length of time. (5-8-09)~~

~~02. **Prevent Ingress of Wildlife.** Prevent the ingress of free ranging wildlife that could be negatively impacted by the confined deleterious exotic animals. (3-20-04)~~

~~03. **Assure Animal Care.** Assure the appropriate level of animal care, including maintaining the facilities in a sanitary condition. (4-11-06)~~



**201. CONSTRUCTION STANDARDS FOR CONFINEMENT AREAS.**

~~All deleterious exotic animals must be confined in areas/facilities constructed to prevent escape. Confinement areas for deleterious exotic must be constructed according to the following construction standards, depending on the species of the deleterious exotic animal: (5-8-09)~~

~~01. Birds. Confinement areas for birds on the list of deleterious exotic animal set forth in Section 401 of these Rules must be constructed to prevent egress and provide adequate space for the birds. Confinement areas must include a cover sufficient to prevent egress or escape of the species of birds contained therein. (5-8-09)~~

~~02. Mammals. Confinement areas for mammals on the list of deleterious exotic animal in Sections 402 through 413 of these Rules must comply with the construction standards in the AZA Minimum Husbandry Guidelines for Mammals. (5-8-09)~~

**202. ESCAPE OF DELETERIOUS EXOTIC ANIMALS.**

Persons possessing deleterious exotic animals must report the escape of any deleterious exotic animal to the Administrator within twenty-four (24) hours of the discovery of the escape. (5-8-09)

**203. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.**

All deleterious exotic animals must be identified with a unique identification according to the following standards, depending on the species of the deleterious exotic animal: (5-8-09)

01. Birds. Birds are to be identified with a microchip and a leg band. (5-8-09)

02. Mammals. Mammals are to be identified with a microchip and a tattoo. (5-8-09)

**204. -- 299. (RESERVED)**

**300. RECORDKEEPING.**

01. Annual Inventory. Any person that possesses deleterious exotic animals must submit a complete and accurate annual inventory of such animals to the Administrator on or before the first day of July each year on a form approved by the Administrator, available at <https://agri.idaho.gov>. ~~The annual inventory includes the following information: (5-8-09)~~

~~a. Identify each deleterious exotic animal by genus, species, sex, and identification. (5-8-09)~~

~~b. Identify each deleterious exotic animal born during the last reporting year, including the genus, species, sex, identification, and date of birth. (5-8-09)~~

~~c. Identify each deleterious exotic animal that was transferred to another person, including the genus, species, sex, identification, date of transfer, and name and address of the person to whom the deleterious exotic animals was transferred. (5-8-09)~~

~~d. Identify each deleterious exotic animal that died during the last reporting year, including the genus, species, sex, identification, date of death, and cause of death. (5-8-09)~~

02. Records of Transfers. All persons who transfer, sell, barter, trade, change ownership, or change possession of deleterious exotic animals must keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records must be maintained for a minimum of three (3) years and presented to the Administrator upon request. (5-8-09)

**301. -- 399. (RESERVED)**

~~**310. DEAD ANIMAL MOVEMENT AND DISPOSAL.**~~

All deleterious exotic animals that die, or are euthanized, must be disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal" and the death of such animal reported to the Administrator within five (5) business days of the discovery of the death. (3-20-20)

~~311. – 399. (RESERVED)~~

**400. LIST OF DELETERIOUS EXOTIC ANIMALS.**

The Administrator may add or remove animal species to the list of deleterious exotic animals in this chapter by issuing a written order listing animals and the reasons for adding them to or removing them from the list deleterious exotic animals. (5-8-09)

**401. DELETERIOUS EXOTIC ANIMALS - BIRDS.**

01. Mute Swan, (*Cygnus olor*). Mute swans except those that have been pinioned. (3-20-04)

**402. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CANIDAE.**

01. All non-native canidae species. (4-11-06)

~~403. DELETERIOUS EXOTIC ANIMALS – MAMMALS: CERVIDAE.~~

~~01. Red Deer (*Cervus elaphus elaphus*). (3-20-04)~~

~~02. Sika Deer (*Cervus nippon*). (3-20-04)~~

~~404~~**403. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: LARGE FELIDAE.**

All deleterious exotic Large Felidae must be possessed on a facility that is AZA accredited.

01. Caracal (*Felis caracal*). (4-11-06)

02. Cheetah (*Acinonyx jubatus*). (4-11-06)

~~03. Geoffroy's Cat (*Felis geoffroyi*). (4-11-06)~~

04. Jaguar (*Panthera onca*). (4-11-06)

~~05~~**04.** Leopard (*Panthera pardus*). All leopards. (4-11-06)

~~06~~**05.** Lion (*Panthera leo*). (4-11-06)

~~07.~~ Margay (*Felis wiedii*). (4-11-06)

~~08.~~ Ocelot (*Felis pardalis*). (4-11-06)

~~09.~~ Serval (*Felis serval*). (4-11-06)

~~100~~**06.** Tiger (*Panthera tigris*). All tigers and tiger-hybrids. (4-11-06)

~~405~~**404. DELETERIOUS EXOTIC ANIMALS – MAMMALS: SMALL FELIDAE**

01. Geoffroy's Cat (*Felis geoffroyi*)

02. Margay (*Felis wiedii*)

03. Ocelot (*Felis pardalis*)

04. Serval (*Felis serval*)
405. DELETERIOUS EXOTIC ANIMALS - MAMMALS: INSECTIVORES.
01. European Hedgehog (*Erinaceus europeaus*). (4-11-06)
406. DELETERIOUS EXOTIC ANIMALS - MAMMALS: MARSUPIALS.
01. Brush Tailed Possum (*Trichsurus vulpecula*). (4-11-06)
407. DELETERIOUS EXOTIC ANIMALS - MAMMALS: NON-HUMAN PRIMATES.
- All non-human primates must be possessed on a facility that is AZA accredited. The following primate species are exempt from this rule:
01. Capuchin (*Cebus spp.*)
02. Marmoset (*Saimiri spp.*)
03. Spider Monkeys (*Ateles spp.*)
04. Squirrel Monkeys (*Callithrix, Cebuella, Callibella and Mico spp.*). (4-11-06)
408. DELETERIOUS EXOTIC ANIMALS - MAMMALS: OVIDAE.
01. Barbary Sheep (*Ammotragus lervia*). (4-11-06)
02. Mouflon Sheep (*Ovis musimon*). (4-11-06)
409. DELETERIOUS EXOTIC ANIMALS - MAMMALS: PROCYONIDAE.
01. Coatiundi. (4-11-06)
02. Kinkajou. (4-11-06)
410. DELETERIOUS EXOTIC ANIMALS - MAMMALS: RODENTIA.
01. African Dormice (*Graphiurus*). (4-11-06)
02. African Rope Squirrels (*Funisciurus*). (4-11-06)
03. African Striped Mice (*Hybomys*). (4-11-06)
04. African Tree Squirrels (*Heliosciurus*). (4-11-06)
05. Brush-Tailed Porcupines (*Atherurus*). (4-11-06)
- ~~06. Capybara (*Hydrochoerus hydrochaeris*). (4-11-06)~~
- ~~0706.~~ Gambian Giant Pouched Rats (*Cricetomys*). (4-11-06)
- ~~0807.~~ Prairie Dogs (*Cynomys*). (4-11-06)
- ~~0908.~~ South American Rodents. All South American rodents except guinea pigs and chinchillas. (4-11-06)

**411. DELETERIOUS EXOTIC ANIMALS - MAMMALS: SUIDAE.**

**01. European or Russian Wild Boar (*Sus scrofa*). (4-11-06)**

**412. DELETERIOUS EXOTIC ANIMALS - MAMMALS: TAYASSUIDAE.**

**01. Peccary (*Dicotyles tajacu*). (4-11-06)**

**413. -- 999. (RESERVED)**

## 02.04.27 – RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-3903 and 25-3904, Idaho Code. (3-20-20)

### 001. TITLE AND SCOPE.

~~01. Title. The title of this chapter is IDAPA 02.04.27, "Rules Governing Deleterious Exotic Animals."~~  
~~(3-20-04)~~

~~02. Scope. These rules govern the designation, importation, and possession of deleterious exotic animals.~~ (3-20-04)

### 002. -- 003. (RESERVED)

### 004. INCORPORATION BY REFERENCE.

01. Code of Federal Regulations. Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, ~~2005~~2021, which can be viewed online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/9cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/9cfrv1_05.html) [https://www.ecfr.gov/cgi-bin/text-idx?SID=6571350cf31edd290fb1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1\\_02.tpl#0](https://www.ecfr.gov/cgi-bin/text-idx?SID=6571350cf31edd290fb1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1_02.tpl#0). (5-8-09)

~~02. Association of Zoos and Aquariums Minimum Husbandry Guidelines for Mammals. Issued November 14, 1997, which can be accessed online at <http://www.aza.org/>.~~ (5-8-09)

### 005. -- 009. (RESERVED)

### 010. DEFINITIONS.

The following definitions apply to the interpretation and enforcement of this chapter. (5-8-09)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-20-04)

~~02. Animal. Any member of the animal kingdom, except man.~~ (3-20-04)

~~0302. Deleterious Exotic Animal. Any live animal, or hybrid thereof, that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state.~~ (4-11-06)

~~0403. Facility. A location, including buildings, cages, corrals, pens, ponds, raceways, tanks, adjacent land, or other areas, where deleterious exotic animals are possessed.~~ (5-8-09)

~~05. Federal Animal Health Official. An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities.~~  
~~(3-20-04)~~

~~06. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites.~~ (3-20-04)

~~07. Operator. The person who has authority to manage or direct a facility or other area where animals are kept.~~ (5-8-09)

~~08. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust,~~

~~estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties.~~ (3-20-04)

**0904. Possess.** To confine, control, keep, have, hold, house, or own for any period of time. (5-8-09)

**1405. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-20-04)

**1406. Traveling Exhibition.** A temporary exhibition, including, but not limited to, circus, carnival, group, show, or zoo, not permanently located in the state, that possesses deleterious exotic animals. (5-8-09)

**011. ABBREVIATIONS.**

**01. AZA.** Association of Zoos and Aquariums. (5-8-09)

**02. CFR.** Code of Federal Regulations. (3-20-04)

**03. IDFG.** Idaho Department of Fish and Game. (3-20-04)

**04. ISIS.** International Species Information System. (5-8-09)

**05. PMP.** Population Management Plan. (5-8-09)

**06. SSP.** Species Survival Plan. (5-8-09)

**07. TAG.** Taxon Advisory Group. (5-8-09)

**08. USDA.** United States Department of Agriculture. (3-20-04)

**012. -- 019. (RESERVED)**

**020. APPLICABILITY.**

These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-20-04)

~~**021. DELEGATION OF AUTHORITY.**~~

~~The Administrator may designate IDFG to conduct permitting activities for deleterious exotic animals.~~ (3-20-04)

~~**022**~~**021. INSPECTIONS.**

~~In~~In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-20-04)

**01. Entering Premises.** State ~~or federal~~ animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-20-04)

**02. Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (3-20-04)

~~**023**~~**022. -- 099. (RESERVED)**

**100. POSSESSION AND PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.**

**01. Possession.** No person may possess a deleterious exotic animal in the state, unless such person obtains a possession permit issued by the Administrator. (5-8-09)

**02. Propagation.** No person may propagate a deleterious exotic animal in the state without the approval

of the Administrator. If the Administrator grants approval to propagate deleterious exotic animals, such approval will be noted on the applicable possession permit. Persons seeking permission to propagate a deleterious exotic animal must meet the following requirements: (5-8-09)

- a. Obtain, and be in full compliance with, a possession permit issued by the Administrator; (5-8-09)
- b. Obtain, and be in full compliance with, a USDA exhibitor's license for the facility where deleterious exotic animals will be possessed; (5-8-09)
- c. Facility must be AZA accredited; Be a member in good standing of ISIS; and (5-8-09)
- d. ~~Participate in a PMP or SSP administered by an AZA TAG.~~ (5-8-09)
- e. ~~In the event a PMP or SSP does not exist for the deleterious exotic animal(s) a person seeks to propagate, the Administrator will determine if the propagation of such deleterious exotic animal(s) carries a significant risk of injury to the agricultural industry, wildlife or environment of the state. The person must provide the following information to the Administrator to assist the Administrator in making that determination:~~ (5-8-09)
  - i. ~~The facility's capacity to hold deleterious exotic animals and any anticipated offspring;~~ (5-8-09)
  - ii. ~~The frequency of the proposed propagation;~~ (5-8-09)
  - iii. ~~The purpose(s) of the proposed propagation; and~~ (5-8-09)
  - iv. ~~The destination or use of the anticipated offspring.~~ (5-8-09)

## 101. POSSESSION PERMITS.

**01. Application for Possession Permits.** Persons seeking a possession permit must make application on a form prescribed by the Administrator. Separate applications are to be submitted for each facility where deleterious exotic animals will be possessed. A person who receives a possession permit for deleterious exotic animals must submit a new application for each additional deleterious exotic animal that person seeks to possess. The application must include: (3-20-20)

- a. The applicant's name, address (residence and mailing), and Employer Identification Number or Social Security Number. (5-8-09)
- b. Description of the proposed facility, including: (5-8-09)
  - i. A map identifying the location of the proposed facility; (5-8-09)
  - ii. ~~The geographic location (township, range, and quarter quarter section) of the proposed facility;~~ (5-8-09)
  - iii. ~~The legal description and location of the real property for the proposed facility;~~ (5-8-09)
  - iv. ~~The approximate total area of the proposed facility;~~ (5-8-09)
  - v. A detailed diagram of proposed facility, identifying fences, gates, confinement areas; and (5-8-09)
  - vi. ~~The specifications of for exterior fencing, interior fencing, fence height, fencing materials of the confinement areas for all deleterious exotic animals listed on the application, identifying exterior fencing;~~

~~interior fencing, fence height, fencing materials, size of confinement areas, etc.~~  
(5-8-09)

**c.** Name and address of the owner(s) of the proposed facility, if not the applicant. If the proposed facility will be leased, include a written and notarized statement by the owner of the property authorizing the use of the proposed facility to house deleterious exotic animals. (5-8-09)

~~**d.** Name and address of the operator(s) of the proposed facility, if not the applicant. (5-8-09)~~

**ed.** Copy of approval by the local zoning authority, if approval is required by the local zoning authority. (5-8-09)

**fe.** Description of each deleterious exotic animal to be possessed at the facility, including genus, species, sex, age, form of identification, identification number, and purpose for possessing each deleterious exotic animal. (5-8-09)

**gf.** Name and address of the owner of each deleterious exotic animal listed on the application. (5-8-09)

**hg.** Name and address of the licensed Idaho veterinarian who will provide care for the deleterious exotic animal(s) listed on the application. (5-8-09)

**ih.** Written statement detailing the applicant's training and experience with the species listed on the application. (5-8-09)

**ji.** Written statement detailing the procedure in the event a deleterious exotic animal escapes from the facility. (5-8-09)

**kj.** Documentation of licenses issued by the USDA, if applicable. (5-8-09)

**lk.** Documentation of licenses issued by the U.S. Fish and Wildlife Service, if applicable. (5-8-09)

**ml.** Documentation of accreditation by the AZA, if applicable. (5-8-09)

~~**n.** Documentation of membership in ISIS, if applicable. (5-8-09)~~

~~**o.** Documentation of approved participation in a PMP or SSP administered by an AZA TAG, if applicable. (5-8-09)~~

**pm.** The required information set forth Paragraph 100.02.e., of these rules, if applicable. (5-8-09)

**qn.** For each deleterious exotic animal listed on the application, proof of sterilization ~~or use of a method of birth control administered by a licensed veterinarian and approved by the Administrator~~, unless the applicant intends to propagate the deleterious exotic animal and fully satisfies the requirements of Subsection 100.02, of these rules. (5-8-09)

**ro.** 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 exotic animals are possessed at the proposed facility. (5-8-09)

~~**02.** **Application Process.** The Administrator will consider all information in the application for a possession permit and issue a written decision granting or denying the application. (5-8-09)~~

**0302. Application Review.** The Administrator will review the possession permit application and, in determining whether to issue the possession permit, consider factors relating to protection of the state's agriculture



industry, the wildlife of the state, and the environment. Such factors include, but are not limited to: (5-8-09)

a. Proximity of the facility to farms, ranches, wildlife migration routes, and other areas in which native Idaho wildlife may commonly be found. (5-8-09)

b. Potential for unintended or accidental access to the facility. (5-8-09)

c. Potential for vandalism that compromises the security of the facility. (5-8-09)

d. Potential for escape from the facility. (5-8-09)

e. The size of the facility relative to the number of animals proposed to be kept at the facility. (5-8-09)

f. Whether, based on the applicant's certification and any other evidence received by the Administrator in connection with the proposed facility, all federal, state, county and city laws applicable to the facility have been met. (5-8-09)

g. Whether the applicant has adequate knowledge, experience and training to maintain the health, welfare and safety of the deleterious exotic animal(s), to handle the deleterious exotic animal(s) with safety and competence, and to ensure that the deleterious exotic animal(s) will not harm the state's agriculture, wildlife or the environment. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (5-8-09)

~~h. Whether the facility is adequately designed, constructed, and managed to protect agriculture, wildlife and the environment from escape of the confined animal(s), including those instances when the applicant is not present at the facility. (5-8-09)~~

~~i. Prior to issuing a possession permit, the Administrator or 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. (5-8-09)~~

**0403. Grant or Denial of the Permit.** Following review of the application and any other relevant information, the Administrator will either issue the possession permit or deny the application and notify the applicant. If the Department issues the permit, it may include any conditions intended to ensure the health, welfare and safety of the animal(s) covered by the permit and, where the Department finds it necessary, conditions intended to assure the security of the facility so as to avoid undue risk to the state's agriculture, wildlife and the environment. (5-8-09)

**0504. Duration of Possession Permit.** A possession permit is valid for the life of the deleterious exotic animal listed on a possession permit, until the permitted person no longer possess the deleterious exotic animal, or until the deleterious exotic animal leaves the state. (3-20-20)

## 102. TEMPORARY EXHIBITOR PERMITS.

A traveling exhibition may not possess any deleterious exotic animal in the state unless the traveling exhibition obtains a temporary exhibitor permit issued by the Administrator. (5-8-09)

**01. Application for Temporary Exhibitor Permits.** Persons seeking a temporary exhibitor permit must make application on a form prescribed by the Administrator and include the following information: (3-20-20)

a. The applicant's name, address (business and mailing) and Employer Identification Number or Social Security Number. (5-8-09)

b. The name and address of the owner(s) and operator(s) of the temporary exhibition, if not the applicant. (5-8-09)

- c. Description of the cages or other housing in which the deleterious exotic animal(s) will be kept in the state. (5-8-09)
  - d. The physical address of each location(s) at which the deleterious exotic animal(s) will remain while in the state. (5-8-09)
  - e. A map identifying the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)
  - f. Name and address of the owner(s) of the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)
  - g. Written statement detailing the procedure(s) in the event a deleterious exotic animal escapes from the temporary exhibit. (5-8-09)
  - h. Documentation of licenses issued by the USDA, if applicable. (5-8-09)
- 02. Period of Validity.** Temporary exhibitor permits are valid for no more than ~~thirty (30)~~ forty-five (45) days after the date of issuance of the permit. (5-8-09)
- 03. Removal.** All deleterious exotic animals subject to a temporary exhibitor permit must be removed from Idaho prior to the expiration of the import permit. (5-8-09)

**103. -- 109. (RESERVED)**

**110. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.**

No person may import any deleterious exotic animal into the state unless the deleterious exotic animal is accompanied in transit by an import permit issued by the Administrator, ~~any permits required by the Idaho Department of Fish and Game,~~ and an official certificate of veterinary inspection. (5-8-09)

~~**111. IMPORT PERMITS.**~~

~~The Administrator will issue import permits in accordance with IDAPA 02.04.21, "Rules Governing the Importation of Animals." (5-8-09)~~

~~**01. Application for Import Permits.** In addition to the requirements set forth in IDAPA 02.04.21.104, persons seeking import permits must submit the following: (5-8-09)~~

~~**a.** An application on a form prescribed by the Administrator; (5-8-09)~~

~~**b.** A valid possession permit or temporary exhibitor permit issued by the Administrator; and (5-8-09)~~

~~**c.** A certificate of veterinary inspection that meets the requirements in Section 112, of these rules. (5-8-09)~~

~~**02. Period of Validity.** Import permits are valid for fifteen (15) days from the date of issuance of the permit, unless stated otherwise on the permit. (5-8-09)~~

~~**112. CERTIFICATES OF VETERINARY INSPECTION.**~~

~~All deleterious exotic animals imported into the state must be accompanied in transit by an official certificate of veterinary inspection. All certificates must be written, legible, and attest that the animal(s) meet the importation requirements of the state, set forth in IDAPA 02.04.21, "Rules Governing the Importation of Animals." The certificate must be on an official form of the state of origin, be approved by its livestock sanitary official, and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health official is acceptable in lieu of a certificate of veterinary inspection. (5-8-09)~~

~~**01. Required Information.** All certificates of veterinary inspection must contain the following information: (5-8-09)~~

- ~~a. Name and address of the consignor and consignee; and (5-8-09)~~
- ~~b. Origin of shipment, including city and state; (5-8-09)~~
- ~~c. Final destination of shipment in Idaho, including city; (5-8-09)~~
- ~~d. An accurate description and identification of each animal; (5-8-09)~~
- ~~e. Purposes for which the animals were shipped; (5-8-09)~~
- ~~f. Method of transportation; (5-8-09)~~
- ~~g. Health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state; and (5-8-09)~~
- ~~h. The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (5-8-09)~~

~~02. **Submission of Certificate.** The required copies of certificates of veterinary inspection or other approved certificates must be submitted, within thirty (30) days of inspection, to the Division. (5-8-09)~~

~~03. **Period of Certificate Validity.** Certificates of veterinary inspection are valid for no more than thirty (30) days after the date of inspection. (5-8-09)~~

**443111. -- 119. (RESERVED)**

**120. DISPOSITION OF NON-PERMITTED DELETERIOUS EXOTIC ANIMALS.**

The Administrator may order non-permitted or illegally possessed or imported deleterious exotic animals to be removed from the state, moved to facilities that are in compliance with this chapter, or destroyed. (5-8-09)

**121. TRANSFER OF DELETERIOUS EXOTIC ANIMALS.**

No person may transfer, sell, barter, trade, change ownership, or change possession of any deleterious exotic animal, unless the person receiving the deleterious exotic animal has obtained a possession permit, issued by the Administrator, ~~for prior~~ to the animal being transferred. (5-8-09)

**122. RELEASE OF DELETERIOUS EXOTIC ANIMALS.**

No person may release any deleterious exotic animal within the state. (5-8-09)

**123. REVOCATION OF PERMITS.**

Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (4-11-06)

**124. -- ~~199~~200. (RESERVED)**

~~**200. CONFINEMENT OF DELETERIOUS EXOTIC ANIMALS.**~~

~~All deleterious exotic animals must be confined in appropriate facilities, as determined by the Administrator, which are constructed and maintained to: (3-20-20)~~

~~01. **Prevent Escape.** Prevent the escape of deleterious exotic animals for any length of time. (5-8-09)~~

~~02. **Prevent Ingress of Wildlife.** Prevent the ingress of free ranging wildlife that could be negatively impacted by the confined deleterious exotic animals. (3-20-04)~~

~~03. **Assure Animal Care.** Assure the appropriate level of animal care, including maintaining the facilities in a sanitary condition. (4-11-06)~~

**201. CONSTRUCTION STANDARDS FOR CONFINEMENT AREAS.**

~~All deleterious exotic animals must be confined in areas/facilities constructed to prevent escape. Confinement areas for deleterious exotic must be constructed according to the following construction standards, depending on the species of the deleterious exotic animal: (5-8-09)~~

~~01. Birds. Confinement areas for birds on the list of deleterious exotic animal set forth in Section 401 of these Rules must be constructed to prevent egress and provide adequate space for the birds. Confinement areas must include a cover sufficient to prevent egress or escape of the species of birds contained therein. (5-8-09)~~

~~02. Mammals. Confinement areas for mammals on the list of deleterious exotic animal in Sections 402 through 413 of these Rules must comply with the construction standards in the AZA Minimum Husbandry Guidelines for Mammals. (5-8-09)~~

**202. ESCAPE OF DELETERIOUS EXOTIC ANIMALS.**

Persons possessing deleterious exotic animals must report the escape of any deleterious exotic animal to the Administrator within twenty-four (24) hours of the discovery of the escape. (5-8-09)

**203. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.**

All deleterious exotic animals must be identified with a unique identification according to the following standards, depending on the species of the deleterious exotic animal: (5-8-09)

01. Birds. Birds are to be identified with a microchip and a leg band. (5-8-09)

02. Mammals. Mammals are to be identified with a microchip and a tattoo. (5-8-09)

**204. -- 299. (RESERVED)**

**300. RECORDKEEPING.**

01. Annual Inventory. Any person that possesses deleterious exotic animals must submit a complete and accurate annual inventory of such animals to the Administrator on or before the first day of July each year on a form approved by the Administrator, available at <https://agri.idaho.gov>. The annual inventory includes the following information: (5-8-09)

~~a. Identify each deleterious exotic animal by genus, species, sex, and identification. (5-8-09)~~

~~b. Identify each deleterious exotic animal born during the last reporting year, including the genus, species, sex, identification, and date of birth. (5-8-09)~~

~~c. Identify each deleterious exotic animal that was transferred to another person, including the genus, species, sex, identification, date of transfer, and name and address of the person to whom the deleterious exotic animals was transferred. (5-8-09)~~

~~d. Identify each deleterious exotic animal that died during the last reporting year, including the genus, species, sex, identification, date of death, and cause of death. (5-8-09)~~

02. Records of Transfers. All persons who transfer, sell, barter, trade, change ownership, or change possession of deleterious exotic animals must keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records must be maintained for a minimum of three (3) years and presented to the Administrator upon request. (5-8-09)

**301. -- 3099. (RESERVED)**

~~**310. DEAD ANIMAL MOVEMENT AND DISPOSAL.**~~

All deleterious exotic animals that die, or are euthanized, must be disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal" and the death of such animal reported to the Administrator within five (5) business days of the discovery of the death. (3-20-20)

~~311. -- 399. (RESERVED)~~

**400. LIST OF DELETERIOUS EXOTIC ANIMALS.**

The Administrator may add or remove animal species to the list of deleterious exotic animals in this chapter by issuing a written order listing animals and the reasons for adding them to or removing them from the list deleterious exotic animals. (5-8-09)

**401. DELETERIOUS EXOTIC ANIMALS - BIRDS.**

01. Mute Swan, (*Cygnus olor*). Mute swans except those that have been pinioned. (3-20-04)

**402. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CANIDAE.**

01. All non-native canidae species. (4-11-06)

~~403. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CERVIDAE.~~

- ~~01. Red Deer (*Cervus elaphus elaphus*). (3-20-04)~~

- ~~02. Sika Deer (*Cervus nippon*). (3-20-04)~~

**40403. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: LARGE FELIDAE.**

All deleterious exotic Large Felidae must be possessed on a facility that is AZA accredited.

01. Caracal (*Felis caracal*). (4-11-06)

02. Cheetah (*Acinonyx jubatus*). (4-11-06)

- ~~03. Geoffroy's Cat (*Felis geoffroyi*). (4-11-06)~~

- ~~04. Jaguar (*Panthera onca*). (4-11-06)~~

- ~~0504. Leopard (*Panthera pardus*). All leopards. (4-11-06)~~

- ~~0605. Lion (*Panthera leo*). (4-11-06)~~

- ~~07. Margay (*Felis wiedii*). (4-11-06)~~

- ~~08. Ocelot (*Felis pardalis*). (4-11-06)~~

- ~~09. Serval (*Felis serval*). (4-11-06)~~

- ~~1006. Tiger (*Panthera tigris*). All tigers and tiger-hybrids. (4-11-06)~~

**405404. DELETERIOUS EXOTIC ANIMALS - MAMMALS: SMALL FELIDAE**

01. Geoffroy's Cat (*Felis geoffroyi*)

02. Margay (*Felis wiedii*)

03. Ocelot (*Felis pardalis*)

04. Serval (*Felis serval*)
405. DELETERIOUS EXOTIC ANIMALS - MAMMALS: INSECTIVORES.
01. European Hedgehog (*Erinaceus europeaus*). (4-11-06)
406. DELETERIOUS EXOTIC ANIMALS - MAMMALS: MARSUPIALS.
01. Brush Tailed Possum (*Trichsurus vulpecula*). (4-11-06)
407. DELETERIOUS EXOTIC ANIMALS - MAMMALS: NON-HUMAN PRIMATES.
- All non-human primates must be possessed on a facility that is AZA accredited. The following primate species are exempt from this rule:
01. Capucin
02. Marmoset
03. Spider Monkeys
04. Squirrel Monkeys (4-11-06)
408. DELETERIOUS EXOTIC ANIMALS - MAMMALS: OVIDAE.
01. Barbary Sheep (*Ammotragus lervia*). (4-11-06)
02. Mouflon Sheep (*Ovis musimon*). (4-11-06)
409. DELETERIOUS EXOTIC ANIMALS - MAMMALS: PROCYONIDAE.
01. Coaimundi. (4-11-06)
02. Kinkajou. (4-11-06)
410. DELETERIOUS EXOTIC ANIMALS - MAMMALS: RODENTIA.
01. African Dormice (*Graphiurus*). (4-11-06)
02. African Rope Squirrels (*Funisciurus*). (4-11-06)
03. African Striped Mice (*Hybomys*). (4-11-06)
04. African Tree Squirrels (*Heliosciurus*). (4-11-06)
05. Brush-Tailed Porcupines (*Atherurus*). (4-11-06)
- ~~06. Capybara (*Hydrochoerus hydrochaeris*). (4-11-06)~~
- ~~0706.~~ Gambian Giant Pouched Rats (*Cricetomys*). (4-11-06)
- ~~0807.~~ Prairie Dogs (*Cynomys*). (4-11-06)
- ~~0908.~~ South American Rodents. All South American rodents except guinea pigs and chinchillas. (4-11-06)

**411. DELETERIOUS EXOTIC ANIMALS - MAMMALS: SUIDAE.**

**01. European or Russian Wild Boar (*Sus scrofa*). (4-11-06)**

**412. DELETERIOUS EXOTIC ANIMALS - MAMMALS: TAYASSUIDAE.**

**01. Peccary (*Dicotyles tajacu*). (4-11-06)**

**413. -- 999. (RESERVED)**