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**IDAPA 02
TITLE 06
CHAPTER 35**

**02.06.35 - RULES CONCERNING ROUGH BLUEGRASS, POA TRIVIALIS,
QUARANTINE UNDER THE DIVISION OF PLANT INDUSTRIES,
BUREAU OF SEED ANALYSIS AND CONTROL**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (3-20-97)

001. TITLE AND SCOPE.

The title of this chapter is Rules Concerning Rough Bluegrass, *Poa trivialis*, Quarantine Under the Division of Plant Industries, Bureau of Seed Analysis and Control. This chapter has the following scope: these rules prohibit the planting of rough bluegrass, *Poa trivialis*, for seed production in the regulated areas. The official citation of this chapter is IDAPA 02.06.35.000 through 02.06.35.999. For example, the citation for this section is IDAPA 02.06.35.001. (3-20-97)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-97)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-20-97)

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-2003, Idaho Code. (3-20-97)

01. Director. The Director of the Idaho Department of Agriculture, or his designated agents. (3-20-97)

02. Person. Any person, individual, firm, partnership, corporation, company, society, or association or every officer, agent or employee thereof. (3-20-97)

03. Rough Bluegrass. *Poa trivialis* and all related off-types or sub-species of *Poa trivialis*, hereinafter referred to as rough bluegrass. (3-20-97)

005. ROUGH BLUEGRASS QUARANTINE - REGULATED ARTICLES.

Rough bluegrass. (3-20-97)

006. FINDINGS.

The seed of the crop known as rough bluegrass is a noxious weed pursuant to Section 22-2003, Idaho Code, and is injurious to Kentucky bluegrass seed production. A rough bluegrass quarantine is established pursuant to Section 67-5226(1), Idaho Code, to confer benefits by preventing the introduction of rough bluegrass into major Kentucky bluegrass seed production areas in Idaho. (3-20-97)

007. -- 049. (RESERVED).

050. ROUGH BLUEGRASS QUARANTINE - REGULATED AREAS.

The regulated areas are the Idaho counties of Benewah, Bingham, Blaine, Bonner, Camas, Clark, Clearwater, Elmore, Idaho, Jerome, Kootenai, Latah, Lewis, Madison, Nez Perce, Power, Shoshone and Twin Falls. (3-20-97)

051. -- 099. (RESERVED)

100. ROUGH BLUEGRASS QUARANTINE - RESTRICTIONS.

No rough bluegrass shall be planted for seed production in the regulated areas. (3-20-97)

101. ROUGH BLUEGRASS QUARANTINE - INSPECTIONS.

The Director shall cause inspections to be made in accordance with the provisions of Section 22-2001, Idaho Code. (3-20-97)

01. Infested Seed Stock. Lots of turf seed stock contaminated with rough bluegrass seeds may be

planted in an approved nursery of two (2) acres or less under the supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it shall be the duty of the person receiving such seed stock to rogue the planting or chemically treat to eradicate the rough bluegrass. The approved nursery shall be inspected by the Department at least three (3) times during the seedling year. Any approved nursery not passing inspection shall not be harvested but shall be destroyed upon the order of the Director at the owner's expense. (3-20-97)

02. Application For Nursery Inspection. A person shall make application for nursery inspection to the Director at least fourteen (14) days prior to planting. (3-20-97)

102. -- 149. (RESERVED).

150. ROUGH BLUEGRASS QUARANTINE - EXEMPTION.

01. Experiments or Trial Grounds. This quarantine shall not apply to: experiments or trial grounds of the United States Department of Agriculture, experiments or trial grounds of the University of Idaho Agriculture Experiment Station, or trial grounds of any person, provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with rough bluegrass. (3-20-97)

02. Rough Bluegrass. Rough bluegrass may be planted in the regulated areas for turf but shall not be allowed to mature to the seed producing stage. (3-20-97)

151. ROUGH BLUEGRASS QUARANTINE - PENALTIES FOR VIOLATION.

Any person who violates the terms of this quarantine may be subject to the criminal penalties in Section 22-2004, Idaho Code. (3-20-97)

152. -- 999. (RESERVED).