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**IDAPA 02
TITLE 06
Chapter 26**

02.06.26 - RULES CREATING THE FREMONT SEED POTATO CROP MANAGEMENT AREA

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 10, Idaho Code. (9-1-94)

001. TITLE AND SCOPE.

The title of this chapter is Rules Creating the Fremont Seed Potato Crop Management Area. This chapter has the following scope: These rules shall govern procedures for planting potatoes in Idaho. The official citation of this chapter is IDAPA 02.06.26.000 et. seq. For example, this section's citation is IDAPA 02.06.26.001. (9-1-94)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (9-1-94)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. (9-1-94)

004. -- 009. (RESERVED).

010. MANAGEMENT AREA.

Beginning at a point which is the southwest corner of Section 16, Township 7 North, Range 43 East, Boise, Meridian, Fremont County, Idaho; Thence north approximately 1 mile to the northwest corner of Section 16, Township 7 North, Range 43 East; Thence west approximately 2 miles to the southwest corner of Section 7, Township 7 North, Range 43 East; Thence north approximately 1 mile to the northwest corner of Section 7, Township 7 North, Range 43 East; Thence west approximately 3 miles to the southwest corner of Section 3, Township 7 North, Range 42 East; Thence north approximately 2 miles to the northwest corner of Section 34, Township 8 North, Range 42 East; Thence west approximately 2 miles to the southwest corner of Section 29, Township 8 North, Range 42 East; Thence north approximately 1-3/8 miles to the center line of Fall River; Thence northwest along Fall River approximately 1-1/8 miles to where Fall River intersects the west line of Section 8, Township 8 North, Range 41 East; Thence north approximately 1-7/8 miles to the northwest corner of Section 7, Township 18 North, Range 41 East; Thence west approximately 2 miles to the southwest corner of Section 2, Township 8 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 8 North, Range 41 East; Thence west approximately 1/4 of 1 mile; Thence north along an existing road approximately 4 miles; Thence northeasterly along said road approximately 1-1/10 miles to the northwest corner of Section 11, Township 9 North, Range 41 East; Thence north approximately 1 mile to the northwest corner of Section 2, Township 9 North, Range 41 East; Thence east approximately 14 miles to the northeast corner of Section 1, Township 9 North, Range 43 East; Thence south approximately 2 miles to the southeast corner of Section 12, Township 9 North, Range 43 East; Thence east approximately 4 miles to the northeast corner of Section 15, Township 9 North, Range 44 East, which is the west boundary line of the Targhee National Forest; Thence south along said forest boundary approximately 3 miles to the southeast corner of Section 27, Township 9 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the northeast corner of Section 36, Township 9 North, Range 44 East; Thence south along said forest boundary approximately 1 mile to the east 1/4 corner of Section 1, Township 8 North, Range 44 East; Thence east continuing along said forest boundary approximately 2 miles to the east 1/4 corner of Section 5, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 5 miles to the east 1/4 corner of Section 32, Township 8 North, Range 45 East; Thence east continuing along said forest boundary approximately 1-1/2 miles to the center of Section 34, Township 8 North, Range 45 East; Thence south continuing along said forest boundary approximately 1-1/8 miles to the center line of Bitch Creek; Thence southwesterly along the center line of Bitch Creek approximately 10-1/2 miles to the confluence of Bitch Creek with the Teton River; Thence westerly 8 miles along the center line of the Teton River to the west line of Section 21, Township 7 North, Range 43 East; Thence north approximately 1/10 of a mile to the southwest corner of Section 16, Township 7 North, Range 43 East and the point of beginning. (9-1-94)

011. -- 049. (RESERVED).

050. REGULATED ARTICLES.

01. Irish Potato. All plants and plant parts of the Irish potato, *Solanum tuberosum*. (11-8-88)
02. Green Peach Aphid. All plants which are hosts to the green peach aphid, *Myzus persicae*, including but not limited to peach and apricot trees and bedding plants. (11-8-88)
03. Other Hosts. Any host which may spread or assist in the spread of any of the diseases or pests of concern. (9-1-94)

051. -- 099. (RESERVED).

100. DISEASES AND PESTS OF CONCERN.

01. Leaf Roll. Net necrosis or leaf roll. (11-8-88)
02. Ring Rot. Ring rot, *Corynebacterium sepe-donicum*. (11-8-88)
03. Columbia Root Knot Nematode. Columbia root knot nematode, *Meloidogyne chitwoodii*. (11-8-88)
04. Green Peach Aphid. Green peach aphid, *Myzus persicae*, a vector of the leaf roll virus. (11-8-88)
05. Northern Root Knot Nematode. Northern root knot nematode, *Meloidogyne hapla*. (11-8-88)
06. Corky Ring Spot. Corky ring spot, a disease caused by tobacco rattle virus. (11-8-88)
07. Powdery Scab. Powdery scab, *Spongospora subterranea* (Wallr.) Lagerh. f. sp. subterranea. (9-1-94)
08. Stubby Root Nematode. Stubby root nematode, *Paratrichodorus pachydermus*, *Paratrichodrus christiei*, *Trochodorus primitivus*. (9-1-94)

101. -- 149. (RESERVED).

150. PLANTING OF POTATOES.

01. Planting Restrictions. No person shall plant any potatoes in the management area except those which have met standards for recertification of the Idaho Crop Improvement Association (hereinafter referred to as ICIA) or equivalent agency of another state or political jurisdiction in accordance with Idaho Code 22-503. (11-8-88)
02. Certification Requirement. All plantings of potatoes except those in home gardens shall be entered for certification with ICIA. The Department shall be notified by ICIA of any lots of potatoes rejected. Any rejected lots of potatoes shall be inspected for Bacterial Ring Rot at the direction of the Director of the Idaho Department of Agriculture. (9-1-94)
03. Home Gardens. Potatoes planted in home gardens shall be subject to inspection by the Department, and proper control measures shall be taken if necessary. (9-1-94)

151. -- 199. (RESERVED).

200. PEACH AND APRICOT TREES.

No peach or apricot trees shall be planted in the management area. Any peach or apricot trees found growing in the area shall be removed. (11-8-88)

201. -- 249. (RESERVED).

250. BEDDING PLANTS.

01. Inspection. All bedding plants shall be subject to inspection by the Director for aphids. If aphids are found, the plants shall be treated by a method approved by the Director. Such methods may include destruction of the infested plants. (11-8-88)

02. In Transit. Bedding plants in transit to the management area shall be subject to inspection for aphids and if found infested, treated in a manner approved by the Director before delivery to the management area. (11-8-88)

03. Treatment. The Director may order treatment of property on which there are bedding plants or cut floral arrangements where he determines such treatment is necessary to control aphids. (11-8-88)

04. Spraying Cemeteries. All cemeteries within the management area must be sprayed immediately after the Memorial Day holiday. Such spraying shall be done in compliance with all civil and criminal statutes and rules concerning cemeteries. (11-8-88)

251. -- 299. (RESERVED).

300. STORAGE OF INFECTED POTATOES.

01. Diseases or Pests of Concern. When a disease or pest of concern is found in a field of potatoes by ICIA inspectors, ICIA and the grower shall notify the Department. Prior to harvest, the owner shall notify the Department of his intent for storage, sale or disposal of the potatoes. If the potatoes are stored, the owner shall notify the Department of the intended disposition prior to removal from storage and the destination of the potatoes and tare shall be approved by the Department. All potatoes coming under this Subsection shall be removed from the management area no later than March 1 of the year following harvest. (9-1-94)

02. Notification to the Department. When a disease or pest of concern is first detected in a lot of potatoes in storage, the ICIA and the Federal/State Inspection Service shall notify the Department before any portion of the lot is removed and the Department must approve the method of disposition of the portion to be removed. (9-1-94)

301. -- 349. (RESERVED).

350. CULL AND VOLUNTEER POTATOES.

01. Plant Growth. All plant growth on cull potato piles shall be controlled. (11-8-88)

02. Destruction of Cull Potatoes. It shall be the responsibility of each landowner or manager to destroy all cull piles and volunteer potatoes growing on summer fallow, set-aside and non-cultivated areas of his property. In the event that the landowner or manager fails to destroy such plants, the Director may order them destroyed at the expense of the landowner. (9-1-94)

351. -- 399. (RESERVED).

400. TRANSPORTATION OF POTATOES.

01. Responsibilities. It shall be the responsibility of the growers of rejected lots to keep infected trucks, equipment, vegetable matter and foliage from contaminating public roadways, neighboring fields and cellars. (9-1-94)

02. In Transit. Potatoes in transit through the management area shall be only in covered and sealed vehicles. Potatoes in transit through the management area shall not be unloaded in the management area. (11-8-88)

03. Introduction of Pests. Introduction into the management area of any of the pests or diseases listed in Section 100 by a contaminated vehicle or any other means shall constitute a violation of this rule. (11-8-88)

04. Inspection. Before any lot of potatoes can be brought into the management area, the lot shall have been inspected, certified and tagged by the ICIA, Federal-State Inspection Service, or a recognized equivalent agency of another state or territory in accordance with Idaho Code, Section 22-503, and found eligible for recertification under ICIA's rules. (9-1-94)

05. Failure To Pass Inspection. Potatoes which have not passed a state field certification shall not be brought to any facility in the management area which was placed in operation after promulgation of these rules, for storage, grading, packing or any other purpose except retail food sale. (11-8-88)

06. Disinfection of Equipment. All ground working, earth moving, or potato handling equipment shall be cleaned of soil and plant debris and disinfected before entering the management area in order to prevent the introduction of disease(s) or pest(s) of concern. (9-1-94)

401. -- 449. (RESERVED).

450. VIOLATIONS.

Any person who violates any provision of this rule or who interferes with the carrying out of the provisions of this rule shall be guilty of a civil offense, and may be liable for treble the damages sustained and all costs of the suit including a reasonable attorney's fee. In addition, a civil fine of not more than three-thousand dollars (\$3,000) may be imposed per incident of violation, as provided in Idaho Code Section 22-1006. (11-8-88)

451. -- 499. (RESERVED).

500. EXEMPTIONS.

Potatoes for human and animal consumption, grown outside the Fremont Management Area, shall be treated with a sprout inhibitor before being offered for sale within the Fremont Management Area. (9-1-94)

501. -- 999. (RESERVED).