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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.

01. Title. 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". (9-16-99)T

02. Scope. This chapter has the following scope: these rules are to prevent the introduction of rough bluegrass into major Kentucky bluegrass, fescue (*Festuca*) species, ryegrass (*Lolium*) species, and bentgrass (*Agrostis*) species seed production areas as stated in Section 006. 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. (9-16-99)T

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. Grass Species. All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species, and all bentgrass (*Agrostis*) species. (9-16-99)T

03. Official Seed Laboratory. A seed testing laboratory approved by the Director. (9-16-99)T

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

05. Quarantine Release Tag. A numbered tag printed and issued by the Idaho State Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of rough bluegrass and is eligible for planting in Idaho." (9-16-99)T

06. Representative Sample. A sample of seed drawn in accordance with IDAPA 02.06.01, Idaho Department of Agriculture, "Rules Governing the Pure Seed Law". (9-16-99)T

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

08. Rough Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom from rough bluegrass. (9-16-99)T

09. Seed Stock. Those seeds of grass species which are to be planted for seed increase or with intent of seed increase. (9-16-99)T

005. ROUGH BLUEGRASS QUARANTINE - REGULATED ARTICLES.

Those articles which are regulated are seed stocks as defined in Section 004. (9-16-99)T

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. The amendments are necessary to protect the Kentucky bluegrass, fescue, ryegrass, and bentgrass or redtop seed production areas in Idaho from contamination by rough bluegrass. (9-16-99)T

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. QUALIFICATIONS OF REGULATED ARTICLES FOR QUARANTINE RELEASE.

01. Planting Seed Stock Of Regulated Articles. Any person planting seed stock of regulated articles shall comply with the following requirements: (9-16-99)T

a. Submit to the Director an official laboratory analysis of a representative sample showing freedom from rough bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or (9-16-99)T

b. Submit to the Director a representative sample for laboratory analysis. (9-16-99)T

02. Quarantine Release Tag. Upon receipt of an official seed laboratory analysis, the Director may upon request issue sequentially numbered tags for each bag of regulated article found free of rough bluegrass. (9-16-99)T

102. 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)

103. -- 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).

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