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**IDAPA 02
TITLE 06
CHAPTER 09**

02.06.09 - RULES GOVERNING INVASIVE SPECIES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 19, Idaho Code, the “Idaho Invasive Species Act of 2008” and Title 22, Chapter 20, Idaho Code, the “Idaho Plant Pest Control Act of 2002.” (3-29-10)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.09, “Rules Governing Invasive Species.” (3-29-10)

02. Scope. These rules govern the designation of invasive species, inspection, permitting, decontamination, recordkeeping and enforcement of regulated Invasive Species. It is anticipated that this rule will be promulgated in phases with the first phase addressing aquatic invertebrate invasive species. Subsequent phases of this rule will establish inspection, permitting, decontamination, recordkeeping and enforcement for all invasive species listed below. These rules are in addition to other existing laws and rules regulating non-native organisms harmful to Idaho agriculture or the environment. These rules do not supersede, replace, or otherwise diminish other existing federal, state or local laws and rules. The official citation of this chapter is IDAPA 02.06.09, et seq. For example, this citation for this section is IDAPA 02.06.09.001. (3-29-10)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-29-10)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Idaho State Department of Agriculture under this chapter. Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-29-10)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-29-10)

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (3-29-10)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-29-10)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (3-29-10)

04. Telephone Number. The telephone number for the Division of Plant Industries at the central office is (208) 332-8620. (3-29-10)

05. Fax Number. The fax number for the Division of Plant Industries at the central office is (208) 334-2283. (3-29-10)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Department. (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this rule. (3-29-10)

- 01. Acts.** Title 22, Chapter 19, Idaho Code, the “Idaho Invasive Species Act of 2008” and Title 22, Chapter 20, the “Idaho Plant Pest Act of 2002.” (3-29-10)
- 02. Aquatic Invertebrate Invasive Species.** Those species listed in Section 800. (3-29-10)
- 03. Control.** The abatement, suppression, or containment of an invasive species or pest population. (3-29-10)
- 04. Conveyance.** A terrestrial or aquatic vehicle or a vehicle part that may carry or contain an invasive species or plant pest. A conveyance includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, or any other means or method of transportation. “Conveyance” also includes a live well or a bilge area. (3-29-10)
- 05. Department.** The Idaho State Department of Agriculture. (3-29-10)
- 06. Director.** The director of the Idaho State Department of Agriculture or his designee. (3-29-10)
- 07. Dreissenia Infested Waterbody.** Body of water designated by the United States Geological Survey, <http://nas.er.usgs.gov/taxgroup/mollusks/zebramussel/>, or the Director as having a population of any life stage of Dreissenia mussels. (3-29-10)
- 08. Early Detection/Rapid Response.** Finding invasive species during the initial stages of colonization and then responding within ten (10) days. (3-29-10)
- 09. Energy Crop Invasive Species.** An Energy Crop Invasive Species is a non-native plant grown to harvest for use in making biofuels, such as bioethanol, or combusted for its energy content to generate electricity or heat. Energy Crop Invasive Species are non-native plants that are cultivated for the purpose of producing (non-food) energy. (3-20-14)
- 10. Equipment.** An article, tool, implement, or device capable of carrying or containing: (3-29-10)
- a.** Water; or (3-29-10)
- b.** An invasive species. (3-29-10)
- 11. Facility.** Any place, site or location or part thereof where a species listed as invasive pursuant to this rule are found, handled, housed, held, planted, or otherwise maintained for purposes governed by a possession, production, or transport permit issued pursuant to these rules and includes, but is not limited to all fields, plots, buildings, lots, structures, and other appurtenances and improvements on the land. (3-20-14)
- 12. Invasive Species.** Species not native to Idaho, including their seeds, eggs, spores, larvae or other biological material capable of propagation, that cause economic or environmental harm and are capable of spreading in the state. “Invasive species” does not include crops, improved forage grasses, domestic livestock, or other beneficial nonnative organisms. (3-29-10)
- 13. Invasive Species Act.** The Idaho Invasive Species Act of 2008. (3-29-10)
- 14. Plant Pest Act.** The Idaho Plant Pest Act of 2002. (3-29-10)
- 15. Possession.** The act of cultivating, importing, exporting, shipping or transporting a listed invasive species in Idaho. Possession does not include the act of having, releasing or transporting a listed invasive species through circumstances beyond individual control, including but not limited to infestations in a water supply system, infestations resulting from natural spread of the species or some other acts of nature. (3-29-10)
- 16. State.** The state of Idaho. (3-29-10)

17. Transportation. Any and all modes of personal and commercial Conveyance, including but not limited to automobiles, trucks, buses, boats, airplanes, helicopters, and trains. (3-29-10)

18. Trap Crop Invasive Species. A Trap Crop Invasive Species is a non-native plant species planted for purposes of controlling or eradicating a Plant Pest, as defined in the Idaho Plant Pest Act of 2002. (3-20-14)

19. Water Body. Natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank and fountain. (3-29-10)

20. Water Supply System. A system used to treat, store, convey, or distribute water for irrigation, industrial, waste water treatment, residential, or culinary use. A Water Supply System includes a pump, canal, ditch, regulating impoundment, in-canal forebay, pipeline, or associated wetland and water quality improvement project, but does not include a Water Body as defined in Subsection 010.19. (3-29-10)

011. APPLICABILITY.

These rules apply to the possession, importation, shipping, Transportation, eradication, and Control of invasive species in Idaho. (3-29-10)

012. ABBREVIATIONS.

01. AIIS. Aquatic Invertebrate Invasive Species. (3-29-10)

02. EDRR. Early Detection/Rapid Response. (3-29-10)

03. HACCP. Hazard Analysis and Critical Control Points. (3-29-10)

013. – 100. (RESERVED)

101. PROHIBITION ON POSSESSION, IMPORTATION, SHIPPING OR TRANSPORTATION OF INVASIVE SPECIES.

No person may possess, cultivate, import, ship, or transport any invasive species, including but not limited to an Energy Crop Invasive Species or Trap Crop Invasive Species, into or through the state of Idaho following the effective date of this rule, unless the person possessing, importing, shipping or transporting has obtained a permit under Section 103, or unless otherwise exempt by this rule, as set forth in Section 104. Prohibited acts include but are not limited to: (3-20-14)

01. Possession or Transportation. Possessing, cultivating, importing, exporting, shipping, or transporting an invasive species into or through the state of Idaho. (3-29-10)

02. Releasing. Releasing, placing, planting, or causing to be released, an invasive species in a water body, facility, water supply system, field, garden, planted area, ecosystem, or otherwise into the environment within the state of Idaho. (3-29-10)

03. Transporting From an Infested Environment. Transporting a conveyance or equipment into or through the state of Idaho that has been in an infested environment without obtaining a Department-approved decontamination of the conveyance or equipment. (3-29-10)

04. Transporting an Infested Article. Transporting, importing or shipping any plant, animal, mode of transportation, conveyance, or article that is infested with an invasive species into or through the state of Idaho without obtaining a Department-approved decontamination of the object. (3-29-10)

102. INTRODUCTION OF NEW SPECIES TO THE STATE.

Following the effective date of this rule, no person may introduce or import a species not previously present in Idaho without first receiving a determination from the Department that the species is not an invasive species. (3-29-10)

103. POSSESSION PERMITS.

Possession of invasive species is authorized only if the person possessing the species obtains a possession permit.

(3-20-14)

01. Application for Possession Permits. Persons seeking a possession permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility where invasive species will be possessed. The application must include: (3-29-10)

a. The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. (3-29-10)

b. Description of the proposed facility, including: (3-29-10)

i. A map identifying the location of the proposed facility; (3-29-10)

ii. The legal description of the real property for the proposed facility; (3-29-10)

iii. The approximate total area of the proposed facility; (3-29-10)

iv. A detailed diagram of proposed facility, (3-29-10)

v. A detailed confinement or HACCP Plan if applicable. (3-29-10)

c. Name and address of the owner(s) and/or operator(s) of the proposed facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. (3-29-10)

d. A copy of local zoning authority approval, if approval is required by the local zoning authority. (3-29-10)

e. Description of the invasive species to be possessed at the facility, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. (3-29-10)

f. 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 invasive species are possessed at the proposed facility. (3-29-10)

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: (3-29-10)

a. Proximity of the facility to agricultural operations, and environmentally sensitive lands and waters. (3-29-10)

b. Potential for access to the facility by unauthorized persons. (3-29-10)

c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility. (3-29-10)

d. Potential for the invasive species to escape or be released from the facility. (3-29-10)

e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility have been met. (3-29-10)

f. Whether the applicant has adequate knowledge, experience and training to ensure that the invasive species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (3-29-10)

g. Whether the facility is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from escape of the invasive species.(3-29-10)

h. Prior to issuing a possession permit, the Director or his 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. (3-29-10)

03. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Director will either issue the possession permit or deny the application and notify the applicant. If the Director issues the permit, he may include any necessary conditions to prevent release or escape of the invasive species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. (3-29-10)

04. Duration of Possession Permit. A possession permit is valid until the permitted person no longer possesses the invasive species, or until the invasive species leaves the state. (3-29-10)

05. Permit Revocation. Permits issued pursuant to this chapter may be revoked at any time if the director or his designee finds that the permit holder has violated any of the provisions of this chapter, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. (3-29-10)

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported invasive species to be removed from the state or destroyed. (3-29-10)

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. (3-29-10)

104. EXEMPT SPECIES.

The following species were present in portions of the state of Idaho prior to adoption of these Rules. However, they are not present throughout the state, and in accordance with the policy of the state of Idaho, as expressed in Idaho Code, Section 22-1902, the spread of these species should be prevented to the greatest extent possible. Therefore, the species listed below are exempt from the permit requirements of Sections 102 and 103, above. However, those seeking to transport the species listed in Section 104.01 outside the known established distribution area must obtain a transport permit in accordance with Section 104.03. (3-29-10)

01. Exempt Species List: (3-29-10)

a. New Zealand Mud Snail, *Potamopyrgus antipodarum*; (3-29-10)

b. Bullfrog, *Lithobates catesbeianus*; (3-20-14)

c. Asian Clam, *Corbicula fluminea*. (3-29-10)

02. Location of Known Established Populations. Known established distributions of the New Zealand Mud Snail, Bullfrog, and Asian Clam are identified and mapped online at <http://nas.er.usgs.gov/queries>. (3-20-14)

03. Transport Permits. Any person seeking to transport one of the species listed in Subsection 104.01 above outside of the known established distribution boundaries delineated in Subsection 104.02, above, must obtain a transport permit that will be valid for five (5) years. For the purposes of this rule, transport of these exempt species is assumed when biological organisms and associated water from aquaculture facilities and hatcheries is moved from known infested areas in the state. (3-20-14)

04. Application for Transport Permits. Persons seeking a transport permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility from which invasive species will be transported. The application must include: (3-29-10)

a. The applicant's name, address (residence and mailing), and Employer or Tax Identification

- Number. (3-29-10)
- b.** Description of the facility of origin, including: (3-29-10)
 - i. A map identifying the location of the facility; (3-29-10)
 - ii. The legal description of the real property for the facility; (3-29-10)
 - iii. The approximate total area of the facility; (3-29-10)
 - iv. A detailed diagram of facility, (3-29-10)
 - v. A detailed HACCP Plan if applicable. (3-29-10)
 - c.** Name and address of the owner(s) and/or operator(s) of the facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. (3-29-10)
 - d.** Description of the invasive species to be transported from the facility, including the genus, species, sex, life state, age, and purpose for transporting the species. (3-29-10)
 - e.** Description of self-contained areas needing draining or discharges of water during or after the transport of invasive species. (3-29-10)
 - f.** Description of procedures to drain self contained areas after transport is complete, including: (3-29-10)
 - i. Into a municipal water treatment facility; or (3-29-10)
 - ii. Into an on-site waste treatment facility incorporating sand filtration and chlorination; or (3-29-10)
 - iii. As approved by the Department. (3-29-10)

105. ENERGY CROP POSSESSION/PRODUCTION PERMITS.

Possession and/or production of Energy Crop Invasive Species is authorized only if the person possessing the species obtains an Energy Crop Invasive Species Possession/Production Permit (“Energy Crop Invasive Species Permit”). (3-20-14)

01. Application for Energy Crop Invasive Species Permits. Persons seeking an Energy Crop Invasive Species Permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility or field where the Energy Crop Invasive Species will be possessed and/or produced. The application must include: (3-20-14)

- Number. (3-20-14)
- a.** The applicant’s name, address (residence and mailing), and Employer or Tax Identification (3-20-14)
 - b.** Description of the proposed facility, including: (3-20-14)
 - i. A map identifying the location of the proposed facility or field; (3-20-14)
 - ii. The legal description of the real property for the proposed facility or field; (3-20-14)
 - iii. The approximate total area of the proposed facility or field; (3-20-14)
 - iv. A detailed diagram of proposed facility or field; (3-20-14)
 - v. A detailed confinement plan if applicable; and (3-20-14)

vi. A detailed plan outlining survey and reconnaissance for escaped Energy Crop Invasive Species and a detailed plan for their control or elimination. (3-20-14)

c. Name and address of the owner(s) and/or operator(s) of the proposed facility or field, if different than the applicant. If the proposed facility or field will be leased, a written and notarized authorization by the property owner must be included. (3-20-14)

d. A copy of local zoning authority approval, if approval is required by the local zoning authority. (3-20-14)

e. Description of the Energy Crop Invasive Species to be possessed at the facility or field, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. (3-20-14)

f. The date upon which the proposed facility or field will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the Energy Crop Invasive Species are possessed at the proposed facility. (3-20-14)

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: (3-20-14)

a. Proximity of the facility to other agricultural operations, and environmentally sensitive lands and waters. (3-20-14)

b. Potential for access to the facility or field by unauthorized persons. (3-20-14)

c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility or field. (3-20-14)

d. Potential for the Energy Crop Invasive Species to escape or be released from the facility or field. (3-20-14)

e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility or field have been met. (3-20-14)

f. Whether the applicant has adequate knowledge, experience and training to ensure that the Energy Crop Invasive Species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (3-20-14)

g. Whether the facility or field is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from release or escape of the Energy Crop Invasive Species. (3-20-14)

h. Prior to issuing an Energy Crop Invasive Species Permit, the Director or his designee may perform an inspection of the facility or field to determine if its design, construction and proposed operation is consistent with the applicable provisions of Idaho law. (3-20-14)

03. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Director will either issue the permit or deny the application and notify the applicant. If the Director issues the permit, he may include any necessary conditions to prevent release or escape of the Energy Crop Invasive Species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. (3-20-14)

04. Duration of Possession Permit. An Energy Crop Invasive Species Permit is valid for one (1) year.

(3-20-14)

05. Permit Revocation. Permits issued pursuant to this section may be revoked at any time if the Director or his designee finds that the permit holder has violated any of the provisions of this chapter, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. (3-20-14)

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported Energy Crop Invasive Species to be removed from the state or destroyed. (3-20-14)

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. (3-20-14)

106. TRAP CROP INVASIVE SPECIES PERMITS.

Production/research of Trap Crop Invasive Species is authorized only if the person possessing the species obtains a Trap Crop Production/Research Permit ("Trap Crop Invasive Species Permit"). (3-20-14)

01. Application for Trap Crop Invasive Species Permits. Persons seeking a Trap Crop Invasive Species Permit must make application on a form prescribed by the Director. A separate application must be submitted for each facility where Trap Crop Invasive Species will be researched or produced. The application must include: (3-20-14)

a. The applicant's name, address (residence and mailing), and Employer or Tax Identification Number. (3-20-14)

b. Description of the proposed facility, including: (3-20-14)

i. A map identifying the location of the proposed facility; (3-20-14)

ii. The legal description of the real property for the proposed facility; (3-20-14)

iii. The approximate total area of the proposed facility; (3-20-14)

iv. A detailed diagram of proposed facility; (3-20-14)

v. A detailed confinement plan if applicable; and (3-20-14)

vi. A detailed plan outlining survey and reconnaissance for escaped plants and a detailed plan for their control or elimination. (3-20-14)

c. Name and address of the owner(s) and/or operator(s) of the proposed facility, if different than the applicant. If the proposed facility will be leased, a written and notarized authorization by the property owner must be included. (3-20-14)

d. A copy of local zoning authority approval, if approval is required by the local zoning authority. (3-20-14)

e. Description of the Trap Crop Invasive Species to be possessed at the facility, including, to the extent possible, the genus, species, sex, life state, age, identification, and purpose for possessing each species. (3-20-14)

f. 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 Trap Crop Invasive Species is possessed at the proposed facility. (3-20-14)

02. Application Process. The Director will consider all information in the application and issue a written decision granting or denying the application. In reviewing the application, the Director will consider factors including but not limited to: (3-20-14)

- a. Proximity of the facility to agricultural operations, and environmentally sensitive lands and waters. (3-20-14)
- b. Potential for access to the facility by unauthorized persons. (3-20-14)
- c. Potential for vandalism, adverse weather, or other events that compromise the security of the facility. (3-20-14)
- d. Potential for the Trap Crop Invasive Species to escape or be released from the facility. (3-20-14)
- e. Whether, based on the applicant's certification and any other evidence received by the Director in connection with the application or proposed facility, all federal, state, county and city laws applicable to the facility have been met. (3-20-14)
- f. Whether the applicant has adequate knowledge, experience and training to ensure that the Trap Crop Invasive Species will not harm agriculture, the natural resources and environment of the state of Idaho. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (3-20-14)
- g. Whether the facility is or will be adequately designed, constructed, and managed to protect agriculture, the natural resources and environment of the state of Idaho from escape of the Trap Crop Invasive Species. (3-20-14)
- h. Prior to issuing a Trap Crop Invasive Species Permit, the Director or his 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. (3-20-14)

03. Grant or Denial of the Trap Crop Invasive Species Permit. Following review of the application and any other relevant information, the Director will either issue the Trap Crop Invasive Species Permit or deny the application and notify the applicant. If the Director issues the Trap Crop Invasive Species Permit, he may include any necessary conditions to prevent release or escape of the Trap Crop Invasive Species, and to prevent harm to Idaho's agriculture, natural resources, and the environment. (3-20-14)

04. Duration of Trap Crop Invasive Species Permit. A Trap Crop Invasive Species Permit is valid for one (1) year. (3-20-14)

05. Permit Revocation. Permits issued pursuant to this section may be revoked at any time if the Director or his designee finds that the permit holder has violated any of the provisions of this chapter, the Invasive Species Act, the Plant Pest Act, or any of the conditions included in the permit. (3-20-14)

06. Disposition of Non-Permitted Invasive Species. The Director may order non-permitted or illegally imported Trap Crop Invasive Species to be removed from the state or destroyed. (3-20-14)

07. Annual Report. All permit holders shall submit a report no later than January 1 of each calendar year, on forms provided by the Department. (3-20-14)

107. -- 199. (RESERVED)

200. EARLY DETECTION AND RAPID RESPONSE AQUATIC INVERTEBRATE INVASIVE SPECIES.

01. Statewide EDRR AIIS List. If any of the species listed in the following table are found to occur in Idaho, they shall be reported to the Department immediately. Positive identification shall be made by the Department or other qualified authority as approved by the Director. Subsections 200.02 through 200.05 are applicable to EDRR AIIS only and not to other invasive species listed in Sections 800 through 808.

Early Detection Rapid Response Aquatic Invertebrate Invasive Species (EDRR AIIS) List	
Common Name	Scientific Name
Quagga Mussel	<i>Dreissenia bugensis</i>
Zebra Mussel	<i>Dreissenia polymorpha</i>

(3-29-10)

02. Transporting EDRR AIIS Over Public Roads. No person may transport Equipment or any Conveyance containing EDRR AIIS over public roads within the state of Idaho without first being decontaminated. (3-29-10)

03. Contaminated Conveyances in Idaho Waters. A person shall not place any EDRR AIIS contaminated Equipment or Conveyance into any Water Body or Water Supply System in the state of Idaho. (3-29-10)

04. Firefighting Equipment. Precautions should be taken to prevent the introduction and spread of EDRR AIIS through firefighting activities. All firefighting agencies moving equipment into the state of Idaho shall follow protocols similar to the United States Forest Service decontamination protocols set forth in "Preventing Spread of Aquatic Invasive Organisms Common to the Intermountain Region." Those protocols can be viewed online at http://www.fs.usda.gov/detail/r4/landmanagement/resourcemanagement/?cid=fsbdev3_016113. (3-29-10)

05. Construction and Road Building and Maintenance Equipment. Construction and equipment used for road building and maintenance must be free of EDRR AIIS. If equipment that is being transported into the state of Idaho has been in an infested water body or water supply system within the preceding thirty (30) days, the equipment must be inspected in accordance with Section 201. The Department may require decontamination. (3-29-10)

201. REPORTING REQUIREMENTS.

01. Discovery. Any person who discovers an EDRR AIIS within the state or who has reason to believe that an invasive species may exist at a specific location shall immediately report the discovery to the Department. (3-29-10)

02. Contents. The report shall, to the best of the reporter's ability, contain the following information: (3-29-10)

a. Location of the invasive species; (3-29-10)

b. Date of discovery; and (3-29-10)

c. Identification of any conveyance, equipment, water body, or host in or upon which the invasive species may be found. (3-29-10)

03. Methods of Reporting. The report shall be made in person or in writing (which may include electronic mail) as follows: (3-29-10)

a. At any Department office or headquarters; (3-29-10)

b. To the Department's toll free hotline at 1-877-336-8687;or (3-29-10)

c. Via the Department's website at (www.agri.idaho.gov). (3-29-10)

04. Hold Harmless. Reporting parties will be held harmless from violations pursuant to this chapter

regarding possession of EDRR AIS. (3-29-10)

202. INSPECTIONS.

01. Qualified Inspectors. Inspections to detect the presence of EDRR AIIS may be conducted by any authorized agent, private inspector or peace officer qualified and trained in accordance with the Department's requirements. (3-29-10)

02. Conveyances That Have Been in Infested Waters. All persons transporting a conveyance must receive documentation of an inspection prior to launching in any water of the state if the vessel has been in infested water within the last thirty (30) days. (3-29-10)

03. All Other Conveyances. All conveyances are subject to inspection. All compartments, equipment and containers that may hold water, including, but not limited to live wells and ballast and bilge areas shall be drained as part of all inspections. (3-29-10)

04. Inspection Methods. Inspectors will determine if EDRR AIIS are present by interviewing the person transporting the conveyance and using visual and/or tactile inspection methods, or such other methods as may be appropriate and using forms supplied by the Department. (3-29-10)

05. Inspection Results. Any authorized agent or private inspector or private decontaminator who, through the course of an inspection, determines that AIIS are present shall advise the operator that the conveyance is suspected of possessing EDRR AIIS and that it must be decontaminated according to Departmental procedures. (3-29-10)

06. Decontamination. Any conveyance found or reasonably believed to contain EDRR AIIS shall be decontaminated in accordance with Section 204. (3-29-10)

203. HOLD ORDERS.

01. Hold Order. If any person refuses to permit inspection or decontamination of his or her conveyance, that conveyance is subject to a hold order until the inspection and/or decontamination is complete. (3-29-10)

02. Notification to Owner. If the person in charge of the conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within five (5) days of the Hold Order. Such notification must also include Department contact information. If the registered owner is present when the Hold Order is issued, then the same information shall be provided to the registered owner at the time the order is issued. (3-29-10)

03. Release of Hold Order. Decontamination and proof of decontamination, in accordance with Section 204, is necessary in order for the Hold Order to be released. The Hold Order must be released in writing, and may be released only by the Director or his designee. (3-29-10)

204. EDRR AIIS DECONTAMINATION.

01. Decontamination Protocol. All decontamination must be accomplished by Department-approved service providers, using Department protocol. All decontamination methods must be in accordance with all applicable laws, disposal methods, recommended safety precautions, and safety equipment and procedures. (3-29-10)

02. Reinspection. After decontamination, the Department or its authorized agent must re-inspect the conveyance to ensure complete decontamination prior to releasing the conveyance and any associated Hold Order. (3-29-10)

03. Proof of Decontamination. Proof of decontamination will consist of a completed post-decontamination inspection form and application of a tamper-proof seal to the conveyance. (3-29-10)

205. -- 799. (RESERVED)

800. INVASIVE SPECIES - AQUATIC - INVERTEBRATES.

01. Zebra Mussel, *Dreissenia polymorpha*. (3-29-10)
02. Quagga Mussel, *Dreissenia bugensis*. (3-29-10)
03. New Zealand Mud Snail, *Potamopyrgus antipodarum*. (3-29-10)
04. Red Claw Crayfish, *Cherax quadricarinatus*. (3-29-10)
05. Yabby Crayfish, *Cherax albidus/C. destructor*. (3-29-10)
06. Marone Crayfish, *Cherax tenuimanus*. (3-29-10)
07. Marbled crayfish, (*Procambarus marmoratus*). (3-29-10)
08. Rusty Crayfish, *Orconectes rusticus*. (3-29-10)
09. Asian Clam, *Corbicula fluminea*. (3-29-10)
10. Spiny Waterflea, *Bythotrephes cederstroemi*. (3-29-10)
11. Fishhook Waterflea, *Cercopagis pengoi*. (3-29-10)
12. Marmorkrebs, *Procambarus* sp. (3-29-10)

801. INVASIVE SPECIES - FISH.

01. Green Sturgeon, *Acipenser medirostris*. (3-29-10)
02. Walking Catfish, *Clariidae*. (3-29-10)
03. Bowfin, *Ania Calva*. (3-29-10)
04. Gar, *Lepiostidae*. (3-29-10)
05. Piranhas, *Serrasalmus* spp., *Rosseveltella* spp., *Pygocentrus* spp. (3-29-10)
06. Rudd, *Scardinius erythrophthalmus*. (3-29-10)
07. Ide, *Leuciscus idus*. (3-29-10)
08. Diploid Grass Carp, *Ctenopharyngodon idella*. (3-29-10)
09. Bighead Carp, *Hypophthalmichthys nobilis*. (3-29-10)
10. Silver Carp, *Hypophthalmichthys molitrix*. (3-29-10)
11. Black Carp, *Mylopharyngodon piceus*. (3-29-10)
12. Snakeheads, *Channa* spp., *Parachanna* spp. (3-29-10)
13. Round Goby, *Neogobius melanostomus*. (3-29-10)
14. Ruffe, *Gymnocephalus cernuus*. (3-29-10)

802. INVASIVE SPECIES - AMPHIBIANS.
- 01. Rough-skinned Newt, *Taricha granulose*. (3-29-10)
 - 02. Bullfrog, *Lithobates catesbeianus*. (3-29-10)
803. INVASIVE SPECIES - REPTILES.
- 01. Red-eared Slider, *Trachemys scripta elegans*. (3-29-10)
 - 02. Mediterranean Gecko, *Hemidactylus turcicus*. (3-29-10)
 - 03. Common Wall Lizard, *Podarcis muralis*. (3-29-10)
 - 04. Italian Wall Lizard, *Podarcis sicula*. (3-29-10)
 - 05. Brahminy blindsnake, *Ramphotyphlops braminus*. (3-29-10)
 - 06. Snapping Turtle, *Chelydra serpentina*. (3-29-10)
804. INVASIVE SPECIES - BIRDS.
- 01. Monk Parakeet, *Myiopsitta monachus*. (3-29-10)
805. INVASIVE SPECIES - MAMMALS.
- 01. Nutria, *Myocastor coypus*. (3-29-10)
806. INVASIVE SPECIES - INSECTS.
- 01. Asian Longhorned Beetle, *Anoplophora glabripennis*. (3-29-10)
 - 02. Citrus Longhorned Beetle, *Anoplophora chinensis*. (3-29-10)
 - 03. Emerald Ash Borer, *Agilus planipennis*. (3-29-10)
 - 04. Marmorated Stink Bug, *Halyomorpha halys*. (3-29-10)
 - 05. European Woodwasp, *Sirex noctilio*. (3-29-10)
 - 06. European Gypsy Moth, *Lymantria dispar*. (3-29-10)
 - 07. Asian Gypsy Moth, *Lymantria dispar*. (3-29-10)
 - 08. Soybean Aphid, *Aphis glycines*. (3-29-10)
 - 09. Potato Tuber Moth, *Tecia solanivora*. (3-29-10)
 - 10. Japanese Beetle, *Popillia japonica*. (3-20-14)
 - 11. Mexican Bean Beetle, *Epilachna varivestis*. (3-29-10)
 - 12. Kaphra beetle, *Trogoderma granarium*. (3-29-10)
 - 13. Red Imported Fire Ant, *Solenopsis invicta*. (3-29-10)

14. Glassy-winged Sharpshooter, *Homalodisca vitripennis*. (3-20-14)
15. Grape Phylloxera, *Daktulosphaira vitifoliae*. (3-29-10)
16. Vine Mealybug, *Planococcus ficus*. (3-29-10)
17. Summer Fruit Tortix, *Adoxophyes orana*. (3-29-10)
18. Silver Y Moth, *Autographa gamma*. (3-20-14)
19. False Codling Moth, *Cryptophlebia leucotreta*. (3-20-14)
20. Light Brown Apple Moth, *Epiphyas postvittana*. (3-29-10)
21. Apple Tortrix, *Archips fuscocupreanus*. (3-29-10)
22. Pine Shoot Beetle, *Tomicus piniperda*. (3-29-10)
23. Cherry Bark Tortrix, *Enarmonia formosana*. (3-29-10)
24. Apple Ermine Moth, *Yponomeuta malinellus*. (3-20-14)
25. Cherry Ermine Moth, *Enarmonia formosana*. (3-29-10)
26. European Grape Vine Moth, *Lobesia botrana*. (3-29-10)
27. European Grape Berry Moth, *Eupoecilia ambiguella*. (3-29-10)
28. Plum Fruit Moth, *Cydia funebrana*. (3-29-10)
29. Plum Curculio, *Conotrachelus nenuphar*. (3-29-10)
30. Leek Moth, *Acrolepiopsis assectella*. (3-29-10)
31. Bee Mite, *Tropilaelaps clareae*. (3-20-14)
32. Small Hive Beetle, *Aethina tumida*. (3-29-10)
33. Africanized Honey Bee, *Apis mellifera*. (3-29-10)
34. Black Currant Gall Mite, *Cecidophyopsis ribis*. (3-29-10)
35. Exotic Bark Beetles, (Scolytidae): (3-29-10)
 - a. *Scolytus mali*. (3-29-10)
 - b. *Xylosandrus crassiusculus*. (3-29-10)
 - c. *Xylosandrus germanus*. (3-29-10)
 - d. *Xyleborus californicus*. (3-29-10)
36. Sunni Bug, *Eurygaster integriceps*. (3-20-14)
37. German Yellowjacket, *Vespula germanica*. (3-29-10)
38. European Paper Wasp, *Polistes dominulus*. (3-29-10)

39. European Elm Bark Beetle, *Scolytus multistriatus*. (3-29-10)
40. Banded Elm Bark Beetle, *Scolytus schevyrewi*. (3-29-10)
41. Wheat Blossom Midge, *Sitodiplosis mosellana*. (3-29-10)
42. Potato Tuberworm, *Phthorimeaea operculella*. (3-29-10)
43. Pink Hibiscus Mealybug, *Maconellicoccus hirsutus*. (3-20-14)
44. Bean Plataspid (Kudzu Bug), *Megacopta cribraria*. (3-20-14)
807. INVASIVE SPECIES - PLANT PATHOGENS AND PARASITIC NEMATODES.
01. Phytophthora blight (nursery stock), *Phytophthora ramorum*, *Phytophthora kernoviae*. (3-20-14)
02. Karnal Bunt, *Tilletia indica*. (3-29-10)
03. Bean Common Mosaic Necrosis Virus (strain NL-3 and NL-5). (3-29-10)
04. Potato Wart, *Synchytrium endobioticum*. (3-29-10)
05. Golden Nematode, *Globodera rostochiensis*. (3-29-10)
06. Soybean Cyst Nematode, *Heterodera glycines*. (3-29-10)
07. Bacterial Wilt of Alfalfa, *Clavibacter michiganensis* spp. *insidiosus*. (3-29-10)
08. Wheat Seed Gall Nematode, *Anguina tritici*. (3-29-10)
09. Pine Wilt Nematode, *Bursaphelenchus xylophilus*. (3-29-10)
10. Brown Rot of Potatoes, *Ralstonia solanacearum*, race 3, biovar 2 (alternate hosts include tomato, pepper, eggplant, and some greenhouse plants including geranium). (3-29-10)
11. Java Downy Mildew of Corn, *Peronosclerospora maydis*. (3-29-10)
12. Philippine Downy Mildew of Corn, *Peronosclerospora philipeninsis*. (3-29-10)
13. Asian Soybean Rust, *Phakopsora pachyrhizi*. (3-29-10)
14. Plum Pox Potyvirus. (3-29-10)
15. Cherry Leaf Roll Virus. (3-29-10)
16. Stewart's Wilt of Corn, *Pantoea stewartii*. (3-29-10)
17. Brown Stripe Downy Mildew of Corn, *Sclerophthora rayssiae* var. *zeae*. (3-29-10)
18. Potato Spindle Tuber Viroid. (3-29-10)
19. Pierce's Disease of Grapes, *Xylella fastidiosa*. (3-29-10)
20. Black Currant Reversion Disease. (3-29-10)

21. Powdery Mildew of Hops, *Sphaerotheca macularis* (s. *humuli*). (3-29-10)
22. Wheat Smut, *Tilletia tritici*. (3-29-10)
23. Wheat Scab, *Fusarium graminearum*. (3-20-14)
24. Potato Ring Rot, *Clavibacter michiganensis* subsp. *sepidonicus*. (3-20-14)
25. Potato Late Blight, *Phytophthora infestans*. (3-29-10)
26. Onion White Rot, *Sclerotium cepivorum*. (3-20-14)
27. White Pine Blister Rust, *Cronartium ribicola*. (3-29-10)
28. Potato Mop Top Virus, PMTV. (3-29-10)
29. Black Stem Rust, *Puccinia graminis* f.sp. *tritici* Race UG99. (3-20-14)
30. Apple proliferation phytoplasma, *Candidatus Phytoplasma mali*. (3-20-14)
808. INVASIVE SPECIES - INVASIVE MOLLUSKS (TERRESTRIAL SNAILS AND SLUGS).
 01. Green or Burrowing Snail, *Cantareus apertus*. (3-29-10)
 02. Pulmonate Snail, *Helix pomatia*. (3-29-10)
 03. White Garden Snail, *Theba pisana*. (3-29-10)
 04. Giant African Snail, *Achatha fulica*. (3-29-10)
 05. Lactea Snail, *Otala lacteal*. (3-29-10)
 06. Maritime Garden Snail, *Cerutuella virgata*. (3-29-10)
 07. Brown Garden Snail, *Cryptomphalus aspersa*. (3-29-10)
 08. Wrinkled Snail, *Candidula intersecta*. (3-29-10)
 09. Chinese Mysterysnail, *Bellamya chinensis*. (3-29-10)
 10. Japanese Mysterysnail, *Bellamya japonica*. (3-29-10)
 11. Applesnail, *Pomacea* spp. (3-29-10)
 12. Marisa, *Marisa cornuarietis*. (3-29-10)
 13. Red-lipped Melania, *Melanoides tuberculata*. (3-29-10)
 14. Quilted Melania, *Tarebia granifera*. (3-29-10)
 15. Decollate Snail, *Rumina decollate*. (3-29-10)
 16. Faucet Snail, *Bithynia tentaculata*. (3-29-10)
809. INVASIVE SPECIES: INVASIVE PLANTS: ENERGY CROPS.
 01. Giant Reed. *Arundo donax* (and hybrids). (3-20-14)

- 02. **Switch Grass.** *Panicum virgatum* (and hybrids). (3-20-14)
- 03. **Kudzu.** *Pueraria montana* (and hybrids). (3-20-14)
- 04. **Chinese Silver Grass.** *Miscanthus giganteus* (and hybrids). (3-20-14)
- 05. **Purging Nut.** *Jatropha curcus* (and hybrids). (3-20-14)
- 06. **Cold Tolerant Eucalyptis (and hybrids).** (3-20-14)
- 810. **INVASIVE SPECIES: INVASIVE PLANTS: TRAP CROPS.**
- 01. **Litchi Tomato.** *Solanum sisymbriifolium* (and hybrids) otherwise known as Sticky nightshade or Fire and Ice. (3-20-14)
- 02. **Black nightshade.** *Solanum nigrus* (and hybrids). (3-20-14)
- 811. -- 999. **(RESERVED)**

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