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**IDAPA 02
TITLE 06
CHAPTER 14**

02.06.14 – RULES GOVERNING ANNUAL BLUEGRASS (*POA ANNUA*)

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.14, “Rules Governing Annual Bluegrass (*Poa annua*).” (5-3-03)

02. Scope. This chapter has the following scope: these rules are to prevent the introduction of annual bluegrass into major Kentucky bluegrass, fescue (*Festuca*) species, ryegrass (*Lolium*) species and bentgrass (*Agrostis*) species in the regulated areas as defined in Section 050. The official citation of this chapter is IDAPA 02.06.14.000 et seq. For example, the citation for this section is IDAPA 02.06.14.001. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-01)

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. (3-30-01)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. 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. (5-3-03)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (5-3-03)

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department and the State Law Library. (5-3-03)

007. FINDINGS.

The amendments are needed to protect the Kentucky bluegrass, fescue, ryegrass, and bentgrass or redtop seed production areas in Idaho from contamination by annual bluegrass. (3-30-01)

008. -- 009. (RESERVED)

010. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter: (5-3-03)

01. Annual Bluegrass. *Poa annua* and all related species off-types or sub-species of *Poa annua*, hereinafter referred to as annual bluegrass. (3-30-01)

02. Annual Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom

from annual bluegrass. (3-30-01)

03. Grass Species. All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species and all bentgrass (*Acrostic*) species. (3-30-01)

04. Official Seed Laboratory. A seed testing laboratory approved by the Director. (4-6-90)

05. Quarantine Release Tag. A numbered tag printed and issued by the Idaho 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 annual bluegrass and is eligible for planting in Idaho." (4-6-90)

06. Regulated Pest. The seeds of *Poa annua* (Annual bluegrass) and all related off-types or sub-species of *Poa annua* hereinafter referred to as Annual bluegrass which are objectionable in grass seed stock, are considered weeds for the purposes of this chapter. (5-3-03)

07. Representative Sample. A sample of seed drawn in accordance with sampling procedures as provided in the Pure Seed Law Rules. (4-6-90)

08. Seed Stock. Those seeds of grass species which are to be planted for seed increase or with intent of seed increase. (3-30-01)

011. -- 049. (RESERVED)

050. REGULATED AREA. The regulated area is the entire state of Idaho. (4-6-90)

051. -- 149. (RESERVED)

150. REGULATED ARTICLES. Those articles which are regulated are seed stocks as defined in Subsection 010.08. (5-3-03)

151. -- 199. (RESERVED)

200. RULES GOVERNING PLANTING OF REGULATED ARTICLES.

01. Requirements. Prior to any person planting any grass species seed stock in Idaho, that person shall comply with the following requirements: (3-30-01)

a. Submit for an official laboratory analysis a representative sample showing freedom from annual 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 (4-4-13)

b. Have a representative sample submitted for testing. (3-30-01)

02. Tags. Upon receipt by the Director of an official seed laboratory analysis showing freedom from annual bluegrass, sequentially numbered tags will be issued for each bag found free of annual bluegrass from those lots according to Subsection 010.06. (5-3-03)

03. Analysis Certificate. In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from annual bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lot's harvested seed has been sold. (4-4-13)

201. -- 249. (RESERVED)

250. INFESTED SEED STOCK. Each lot of seed found to contain annual bluegrass shall be placed under a "Hold Order" pursuant to Section 22-

103(22), Idaho Code, to be released only for shipment out of Idaho or for planting in nurseries of two (2) acres or less under 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 to rogue this increase area or chemically treat to eradicate the annual bluegrass. Seed increases shall be inspected by the department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any areas not passing inspection shall not be harvested but shall be destroyed upon the order of the Director at the owner's expense. (4-4-13)

251. -- 299. (RESERVED)

300. APPLICATION FOR NURSERY INSPECTION.

A person shall make application for nursery inspection to the Idaho Department of Agriculture or the Idaho Crop Improvement Association at least fourteen (14) days prior to planting. (4-4-13)

301. -- 349. (RESERVED)

350. EXEMPTIONS.

- 01. Forage.** These rules shall not apply to seed sown for forage. (12-1-92)
- 02. Experiments.** These rules shall not apply to: (12-1-92)
 - a.** Experiments or trial grounds of the United States Department of Agriculture; or (12-1-92)
 - b.** Experiments or trial grounds of the Idaho State Experiment Station; or (12-1-92)
 - c.** Trial grounds of any person, firm, or corporation provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with annual bluegrass control. (12-1-92)

351. -- 399. (RESERVED)

400. FEES AND CHARGES.

- 01. Sampling.** Fees for official sampling drawn by the Director shall be twelve dollars (\$12) per sample. (4-6-90)
- 02. Seed Analysis.** Fees for seed analysis shall be that fee provided in the fee schedule of the official Seed Testing Laboratory. (4-6-90)
- 03. Inspection.** Inspection fees for nursery plantings shall be fifty dollars (\$50) per acre or portion thereof for each inspection. Any field of less than one acre shall be a minimum fee of fifty dollars (\$50). (4-6-90)
- 04. Quarantine Release Tags.** Quarantine release tags will be twenty-five cents (\$0.25) per tag and charged to person(s) when issued. (4-6-90)

401. -- 449. (RESERVED)

450. PENALTY.

Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (5-3-03)

451. -- 999. (RESERVED)

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