

## IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

### Animals Division

#### 02.04.27 – Rules Governing Deleterious Exotic Animals

##### **Who does this rule apply to?**

*This rule applies to all entities intending to import or possess deleterious exotic animals in Idaho.*

##### **What is the purpose of this rule?**

*In order to protect the agriculture industry, wildlife of the state, the environment and the public interest, these rules regulate the importation or possession of deleterious exotic animals up to and including prohibition of the importation or possession of such animals.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

- [25-3903, Idaho Code](#) – Rules for Importation or Possession of Deleterious Exotic Animals

##### **Who do I contact for more information on this rule?**

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## 02.04.27 – RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 25-3903 and 25-3904, Idaho Code. (3-20-20)

### 001. TITLE AND SCOPE.

**01. Title.** The title of this chapter is IDAPA 02.04.27, “Rules Governing Deleterious Exotic Animals.” (3-20-04)

**02. Scope.** These rules govern the designation, importation, and possession of deleterious exotic animals. (3-20-04)

### 002. -- 003. (RESERVED)

### 004. INCORPORATION BY REFERENCE.

**01. Code of Federal Regulations.** Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2005, which can be viewed online at [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/9cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/9cfrv1_05.html). (5-8-09)

**02. Association of Zoos and Aquariums Minimum Husbandry Guidelines for Mammals.** Issued November 14, 1997, which can be accessed online at <http://www.aza.org/>. (5-8-09)

### 005. -- 009. (RESERVED)

### 010. DEFINITIONS.

The following definitions apply to the interpretation and enforcement of this chapter. (5-8-09)

**01. Accredited Veterinarian.** A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-20-04)

**02. Animal.** Any member of the animal kingdom, except man. (3-20-04)

**03. Deleterious Exotic Animal.** Any live animal, or hybrid thereof, that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state. (4-11-06)

**04. Facility.** A location, including buildings, cages, corrals, pens, ponds, raceways, tanks, adjacent land, or other areas, where deleterious exotic animals are possessed. (5-8-09)

**05. Federal Animal Health Official.** An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-20-04)

**06. Livestock.** Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-20-04)

**07. Operator.** The person who has authority to manage or direct a facility or other area where animals are kept. (5-8-09)

**08. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-04)

**09. Possess.** To confine, control, keep, have, hold, house, or own for any period of time. (5-8-09)

**10. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-20-04)

**11. Traveling Exhibition.** A temporary exhibition, including, but not limited to, circus, carnival,

group, show, or zoo, not permanently located in the state, that possesses deleterious exotic animals. (5-8-09)

**011. ABBREVIATIONS.**

- 01. AZA.** Association of Zoos and Aquariums. (5-8-09)
- 02. CFR.** Code of Federal Regulations. (3-20-04)
- 03. IDFG.** Idaho Department of Fish and Game. (3-20-04)
- 04. ISIS.** International Species Information System. (5-8-09)
- 05. PMP.** Population Management Plan. (5-8-09)
- 06. SSP.** Species Survival Plan. (5-8-09)
- 07. TAG.** Taxon Advisory Group. (5-8-09)
- 08. USDA.** United States Department of Agriculture. (3-20-04)

**012. -- 019. (RESERVED)**

**020. APPLICABILITY.**

These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-20-04)

**021. DELEGATION OF AUTHORITY.**

The Administrator may designate IDFG to conduct permitting activities for deleterious exotic animals. (3-20-04)

**022. INSPECTIONS.**

In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-20-04)

**01. Entering Premises.** State or federal animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-20-04)

**02. Emergencies.** In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 of this rule may be waived. (3-20-04)

**023. -- 099. (RESERVED)**

**100. POSSESSION AND PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.**

**01. Possession.** No person may possess a deleterious exotic animal in the state, unless such person obtains a possession permit issued by the Administrator. (5-8-09)

**02. Propagation.** No person may propagate a deleterious exotic animal in the state without the approval of the Administrator. If the Administrator grants approval to propagate deleterious exotic animals, such approval will be noted on the applicable possession permit. Persons seeking permission to propagate a deleterious exotic animal must meet the following requirements: (5-8-09)

- a.** Obtain, and be in full compliance with, a possession permit issued by the Administrator; (5-8-09)
- b.** Obtain, and be in full compliance with, a USDA exhibitor's license for the facility where deleterious exotic animals will be possessed; (5-8-09)
- c.** Be a member in good standing of ISIS; and (5-8-09)

- d.** Participate in a PMP or SSP administered by an AZA TAG. (5-8-09)
- e.** In the event a PMP or SSP does not exist for the deleterious exotic animal(s) a person seeks to propagate, the Administrator will determine if the propagation of such deleterious exotic animal(s) carries a significant risk of injury to the agricultural industry, wildlife or environment of the state. The person must provide the following information to the Administrator to assist the Administrator in making that determination: (5-8-09)
  - i.** The facility's capacity to hold deleterious exotic animals and any anticipated offspring; (5-8-09)
  - ii.** The frequency of the proposed propagation; (5-8-09)
  - iii.** The purpose(s) of the proposed propagation; and (5-8-09)
  - iv.** The destination or use of the anticipated offspring. (5-8-09)

**101. POSSESSION PERMITS.**

**01. Application for Possession Permits.** Persons seeking a possession permit must make application on a form prescribed by the Administrator. Separate applications are to be submitted for each facility where deleterious exotic animals will be possessed. A person who receives a possession permit for deleterious exotic animals must submit a new application for each additional deleterious exotic animal that person seeks to possess. The application must include: (3-20-20)

- a.** The applicant's name, address (residence and mailing), and Employer Identification Number or Social Security Number. (5-8-09)
- b.** Description of the proposed facility, including: (5-8-09)
  - i.** A map identifying the location of the proposed facility; (5-8-09)
  - ii.** The geographic location (township, range, and quarter quarter section) of the proposed facility; (5-8-09)
  - iii.** The legal description of the real property for the proposed facility; (5-8-09)
  - iv.** The approximate total area of the proposed facility; (5-8-09)
  - v.** A detailed diagram of proposed facility, identifying fences, gates, confinement areas; and (5-8-09)
  - vi.** The specifications of the confinement areas for all deleterious exotic animals listed on the application, identifying exterior fencing, interior fencing, fence height, fencing materials, size of confinement areas, etc. (5-8-09)
- c.** Name and address of the owner(s) of the proposed facility, if not the applicant. If the proposed facility will be leased, include a written and notarized statement by the owner of the property authorizing the use of the proposed facility to house deleterious exotic animals. (5-8-09)
- d.** Name and address of the operator(s) of the proposed facility, if not the applicant. (5-8-09)
- e.** Copy of approval by the local zoning authority, if approval is required by the local zoning authority. (5-8-09)
- f.** Description of each deleterious exotic animal to be possessed at the facility, including genus, species, sex, age, identification, and purpose for possessing each deleterious exotic animal. (5-8-09)
- g.** Name and address of the owner of each deleterious exotic animal listed on the application. (5-8-09)

- h.** Name and address of the licensed Idaho veterinarian who will provide care for the deleterious exotic animal(s) listed on the application. (5-8-09)
- i.** Written statement detailing the applicant's training and experience with the species listed on the application. (5-8-09)
- j.** Written statement detailing the procedure in the event a deleterious exotic animal escapes from the facility. (5-8-09)
- k.** Documentation of licenses issued by the USDA, if applicable. (5-8-09)
- l.** Documentation of licenses issued by the U.S. Fish and Wildlife Service, if applicable. (5-8-09)
- m.** Documentation of accreditation by the AZA, if applicable. (5-8-09)
- n.** Documentation of membership in ISIS, if applicable. (5-8-09)
- o.** Documentation of approved participation in a PMP or SSP administered by an AZA TAG, if applicable. (5-8-09)
- p.** The required information set forth Paragraph 100.02.e., of these rules, if applicable. (5-8-09)
- q.** For each deleterious exotic animal listed on the application, proof of sterilization or use of a method of birth control administered by a licensed veterinarian and approved by the Administrator, unless the applicant intends to propagate the deleterious exotic animal and fully satisfies the requirements of Subsection 100.02, of these rules. (5-8-09)
- r.** 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 exotic animals are possessed at the proposed facility. (5-8-09)
- 02. Application Process.** The Administrator will consider all information in the application for a possession permit and issue a written decision granting or denying the application. (5-8-09)
- 03. Application Review.** The Administrator will review the possession permit application and, in determining whether to issue the possession permit, consider factors relating to protection of the state's agriculture industry, the wildlife of the state, and the environment. Such factors include, but are not limited to: (5-8-09)
- a.** Proximity of the facility to farms, ranches, wildlife migration routes, and other areas in which native Idaho wildlife may commonly be found. (5-8-09)
- b.** Potential for unintended or accidental access to the facility. (5-8-09)
- c.** Potential for vandalism that compromises the security of the facility. (5-8-09)
- d.** Potential for escape from the facility. (5-8-09)
- e.** The size of the facility relative to the number of animals proposed to be kept at the facility. (5-8-09)
- f.** Whether, based on the applicant's certification and any other evidence received by the Administrator in connection with the proposed facility, all federal, state, county and city laws applicable to the facility have been met. (5-8-09)
- g.** Whether the applicant has adequate knowledge, experience and training to maintain the health, welfare and safety of the deleterious exotic animal(s), to handle the deleterious exotic animal(s) with safety and competence, and to ensure that the deleterious exotic animal(s) will not harm the state's agriculture, wildlife or the

environment. Such experience may be documented by a log book, employment records, education records or other means by which experience may be authenticated. (5-8-09)

**h.** Whether the facility is adequately designed, constructed, and managed to protect agriculture, wildlife and the environment from escape of the confined animal(s), including those instances when the applicant is not present at the facility. (5-8-09)

**i.** Prior to issuing a possession permit, the Administrator or 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. (5-8-09)

**04. Grant or Denial of the Permit.** Following review of the application and any other relevant information, the Administrator will either issue the possession permit or deny the application and notify the applicant. If the Department issues the permit, it may include any conditions intended to ensure the health, welfare and safety of the animal(s) covered by the permit and, where the Department finds it necessary, conditions intended to assure the security of the facility so as to avoid undue risk to the state's agriculture, wildlife and the environment. (5-8-09)

**05. Duration of Possession Permit.** A possession permit is valid for the life of the deleterious exotic animal listed on a possession permit, until the permitted person no longer possess the deleterious exotic animal, or until the deleterious exotic animal leaves the state. (3-20-20)

**102. TEMPORARY EXHIBITOR PERMITS.**

A traveling exhibition may not possess any deleterious exotic animal in the state unless the traveling exhibition obtains a temporary exhibitor permit issued by the Administrator. (5-8-09)

**01. Application for Temporary Exhibitor Permits.** Persons seeking a temporary exhibitor permit must make application on a form prescribed by the Administrator and include the following information: (3-20-20)

**a.** The applicant's name, address (business and mailing) and Employer Identification Number or Social Security Number. (5-8-09)

**b.** The name and address of the owner(s) and operator(s) of the temporary exhibition, if not the applicant. (5-8-09)

**c.** Description of the cages or other housing in which the deleterious exotic animal(s) will be kept in the state. (5-8-09)

**d.** The physical address of each location(s) at which the deleterious exotic animal(s) will remain while in the state. (5-8-09)

**e.** A map identifying the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)

**f.** Name and address of the owner(s) of the location(s) at which the deleterious exotic animal(s) will be kept. (5-8-09)

**g.** Written statement detailing the procedure(s) in the event a deleterious exotic animal escapes from the temporary exhibit. (5-8-09)

**h.** Documentation of licenses issued by the USDA, if applicable. (5-8-09)

**02. Period of Validity.** Temporary exhibitor permits are valid for no more than thirty (30) days after the date of issuance of the permit. (5-8-09)

**03. Removal.** All deleterious exotic animals subject to a temporary exhibitor permit must be removed from Idaho prior to the expiration of the import permit. (5-8-09)

**103. -- 109. (RESERVED)**



**110. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.**

No person may import any deleterious exotic animal into the state unless the deleterious exotic animal is accompanied in transit by an import permit issued by the Administrator, any permits required by the Idaho Department of Fish and Game, and an official certificate of veterinary inspection. (5-8-09)

**111. IMPORT PERMITS.**

The Administrator will issue import permits in accordance with IDAPA 02.04.21, "Rules Governing the Importation of Animals." (5-8-09)

**01. Application for Import Permits.** In addition to the requirements set forth in IDAPA 02.04.21.104, persons seeking import permits must submit the following: (5-8-09)

- a.** An application on a form prescribed by the Administrator; (5-8-09)
- b.** A valid possession permit or temporary exhibitor permit issued by the Administrator; and (5-8-09)
- c.** A certificate of veterinary inspection that meets the requirements in Section 112, of these rules. (5-8-09)

**02. Period of Validity.** Import permits are valid for fifteen (15) days from the date of issuance of the permit, unless stated otherwise on the permit. (5-8-09)

**112. CERTIFICATES OF VETERINARY INSPECTION.**

All deleterious exotic animals imported into the state must be accompanied in transit by an official certificate of veterinary inspection. All certificates must be written, legible, and attest that the animal(s) meet the importation requirements of the state, set forth in IDAPA 02.04.21, "Rules Governing the Importation of Animals." The certificate must be on an official form of the state of origin, be approved by its livestock sanitary official, and be issued by an accredited veterinarian. An equivalent form of the USDA issued by a federal animal health official is acceptable in lieu of a certificate of veterinary inspection. (5-8-09)

**01. Required Information.** All certificates of veterinary inspection must contain the following information: (5-8-09)

- a.** Name and address of the consignor and consignee; and (5-8-09)
- b.** Origin of shipment, including city and state; (5-8-09)
- c.** Final destination of shipment in Idaho, including city; (5-8-09)
- d.** An accurate description and identification of each animal; (5-8-09)
- e.** Purposes for which the animals were shipped; (5-8-09)
- f.** Method of transportation; (5-8-09)
- g.** Health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state; and (5-8-09)

**h.** The signature of the accredited veterinarian, or state or federal animal health official, conducting the veterinary inspection. (5-8-09)

**02. Submission of Certificate.** The required copies of certificates of veterinary inspection or other approved certificates must be submitted, within thirty (30) days of inspection, to the Division. (5-8-09)

**03. Period of Certificate Validity.** Certificates of veterinary inspection are valid for no more than thirty (30) days after the date of inspection. (5-8-09)

**113. -- 119. (RESERVED)**

**120. DISPOSITION OF NON-PERMITTED DELETERIOUS EXOTIC ANIMALS.**

The Administrator may order non-permitted or illegally possessed or imported deleterious exotic animals to be removed from the state, moved to facilities that are in compliance with this chapter, or destroyed. (5-8-09)

**121. TRANSFER OF DELETERIOUS EXOTIC ANIMALS.**

No person may transfer, sell, barter, trade, change ownership, or change possession of any deleterious exotic animal, unless the person receiving the deleterious exotic animal has obtained a possession permit, issued by the Administrator, for the animal being transferred. (5-8-09)

**122. RELEASE OF DELETERIOUS EXOTIC ANIMALS.**

No person may release any deleterious exotic animal within the state. (5-8-09)

**123. REVOCATION OF PERMITS.**

Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (4-11-06)

**124. -- 199. (RESERVED)**

**200. CONFINEMENT OF DELETERIOUS EXOTIC ANIMALS.**

All deleterious exotic animals must be confined in appropriate facilities, as determined by the Administrator, which are constructed and maintained to: (3-20-20)

**01. Prevent Escape.** Prevent the escape of deleterious exotic animals for any length of time. (5-8-09)

**02. Prevent Ingress of Wildlife.** Prevent the ingress of free ranging wildlife that could be negatively impacted by the confined deleterious exotic animals. (3-20-04)

**03. Assure Animal Care.** Assure the appropriate level of animal care, including maintaining the facilities in a sanitary condition. (4-11-06)

**201. CONSTRUCTION STANDARDS FOR CONFINEMENT AREAS.**

Confinement areas for deleterious exotic must be constructed according to the following construction standards, depending on the species of the deleterious exotic animal: (5-8-09)

**01. Birds.** Confinement areas for birds on the list of deleterious exotic animal set forth in Section 401 of these Rules must be constructed to prevent egress and provide adequate space for the birds. Confinement areas must include a cover sufficient to prevent egress or escape of the species of birds contained therein. (5-8-09)

**02. Mammals.** Confinement areas for mammals on the list of deleterious exotic animal in Sections 402 through 413 of these Rules must comply with the construction standards in the AZA Minimum Husbandry Guidelines for Mammals. (5-8-09)

**202. ESCAPE OF DELETERIOUS EXOTIC ANIMALS.**

Persons possessing deleterious exotic animals must report the escape of any deleterious exotic animal to the Administrator within twenty-four (24) hours of the discovery of the escape. (5-8-09)

**203. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.**

All deleterious exotic animals must be identified with a unique identification according to the following standards, depending on the species of the deleterious exotic animal: (5-8-09)

**01. Birds.** Birds are to be identified with a microchip and a leg band. (5-8-09)

**02. Mammals.** Mammals are to be identified with a microchip and a tattoo. (5-8-09)

204. -- 299. (RESERVED)

**300. RECORDKEEPING.**

**01. Annual Inventory.** Any person that possesses deleterious exotic animals must submit a complete and accurate annual inventory of such animals to the Administrator on or before the first day of July each year. The annual inventory includes the following information: (5-8-09)

**a.** Identify each deleterious exotic animal by genus, species, sex, and identification. (5-8-09)

**b.** Identify each deleterious exotic animal born during the last reporting year, including the genus, species, sex, identification, and date of birth. (5-8-09)

**c.** Identify each deleterious exotic animal that was transferred to another person, including the genus, species, sex, identification, date of transfer, and name and address of the person to whom the deleterious exotic animals was transferred. (5-8-09)

**d.** Identify each deleterious exotic animal that died during the last reporting year, including the genus, species, sex, identification, date of death, and cause of death. (5-8-09)

**02. Records of Transfers.** All persons who transfer, sell, barter, trade, change ownership, or change possession of deleterious exotic animals must keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records must be maintained for a minimum of three (3) years and presented to the Administrator upon request. (5-8-09)

301. -- 309. (RESERVED)

**310. DEAD ANIMAL MOVEMENT AND DISPOSAL.**

All deleterious exotic animals that die, or are euthanized, must be disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal" and the death of such animal reported to the Administrator within five (5) business days of the discovery of the death. (3-20-20)

311. -- 399. (RESERVED)

**400. LIST OF DELETERIOUS EXOTIC ANIMALS.**

The Administrator may add or remove animal species to the list of deleterious exotic animals in this chapter by issuing a written order listing animals and the reasons for adding them to or removing them from the list deleterious exotic animals. (5-8-09)

**401. DELETERIOUS EXOTIC ANIMALS - BIRDS.**

**01. Mute Swan, (*Cygnus olor*).** Mute swans except those that have been pinioned. (3-20-04)

**402. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CANIDAE.**

All non-native canidae species. (4-11-06)

**403. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CERVIDAE.**

**01. Red Deer (*Cervus elaphus elaphus*).** (3-20-04)

**02. Sika Deer (*Cervus nippon*).** (3-20-04)

**404. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: FELIDAE.**

**01. Caracal (*Felis caracal*).** (4-11-06)

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05. Leopard (*Panthera pardus*). All leopards. (4-11-06)
06. Lion (*Panthera leo*). (4-11-06)
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  - ISIS, International Species Information System 5
  - PMP, Population Management Plan 5
  - SSP, Species Survival Plan 5
  - TAG, Taxon Advisory Group 5
  - USDA, United States Department of Agriculture 5
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