

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.06.09 - RULES GOVERNING INVASIVE SPECIES**

**DOCKET NO. 02-0609-1301**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-1907, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The proposed rule amendments will:

- A. Add three definitions: “Energy Crop Invasive Species,” “Facility” and “Trap Crop Invasive Species.”
- B. Amend Section 103, Possession Permits, to remove the transport permit requirement for bullfrogs.
- C. Amend Section 104.03, Exempt Species – Transport Permits, to extend transport permit validity to five (5) years.
- D. Add Section 105, Energy Crop Invasive Species Possession/Production Permits, creating a method of application for Energy Crop Invasive Species Possession/Production Permits.
- E. Add Section 106, Trap Crop Invasive Species Permits, creating a method of application for Trap Crop Invasive Species Permits.
- F. Amend Sections 806, Invasive Species-Insects, 807, Invasive Species-Plant Pathogens and Parasitic Nematodes, 809, Invasive Species-Invasive Plants and 810, Invasive Species – Invasive Plants – Trap Crops, to update scientific and common names and to add hybrids of certain listed invasive species.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking published in the June 5, 2013, Idaho Administrative Bulletin, Vol. 13-6, Page 21. Negotiated rulemaking meetings were held on June 13 and June 27, 2013.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt Voile, Section Manager, (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to Matt Voile and must be delivered on or before August 28, 2013. Comments can be delivered via email to [matt.voile@agri.idaho.gov](mailto:matt.voile@agri.idaho.gov) or via regular mail to Matt Voile’s attention at the address listed below.

DATED this 3rd day of July, 2013.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture

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