



IDAHO
CONSERVATION
LEAGUE

208.345.6933 • PO Box 844, Boise, ID 83702 • www.idahoconservation.org

8/8/16

Brian Oakey
Idaho State Department of Agriculture
PO 790
Boise ID. 83701

Submitted via email: Brian.Oakey@ISDA.IDAHO.GOV

RE: Idaho Conservation League comments on rulemaking for 02.04.15 – Rules Governing Beef Cattle Animal Feeding Operations

Dear Mr. Oakey:

Thank you for the opportunity to comment on the text for the draft rulemaking for 02.04.15 – Rules Governing Beef Cattle Animal Feeding Operations. Since 1973, the Idaho Conservation League has been Idaho’s leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho’s extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho’s largest state-based conservation organization, we represent over 25,000 supporters, many of whom are interested in ensuring that Beef CAFO’s in Idaho are adequately regulated so as to ensure the protection of Idaho’s groundwater, surface water and air resources.

101.05 We note that the definition of "Best Management Practices" utilized in the draft rule text is not the same as the definition that was passed by the Idaho legislature in Senate Bill 1260. It is our understanding that statute language trumps rule language and that rule language should always be revised to mirror legislative language. To this end we ask that you true these up and that the S 1260 definition be used in these rules.

010.11 – Land Application. In the proposed definition, ISDA’s use of the word “byproducts” creates ambiguity. In the dairy portion of S 1260, the legislature used the term “dairy byproducts.” This definition in the Beef rules would be improved if ISDA mirrored the legislature’s dairy related language and said, “beef CAFO byproducts.”

010.12.a There is a typo in this subsection. “cows” is accidentally spelled “covws.”

RE: Idaho Conservation League comments on rulemaking for 02.04.15 – Rules Governing Beef Cattle Animal Feeding Operations

010.19 We note that the definition of "Nutrient management standard" utilized in the draft rule text is not the same as the definition that was passed by the Idaho legislature in Senate Bill 1260. We ask that you true these up and that the S 1260 definition be used in these rules.

010.22 There is a typo in this subsection. There should be comma between the words "individual" and "association."

010.29 There is a unintentional omission in this subsection. The word "state" needs to be added to the end of this definition so that it reads "or border upon the state."

012 – Prohibited Discharges. The language in this section provides that unauthorized discharges from sites "owned or controlled" by a beef CAFO are prohibited. We believe though that it the case that such discharges are also prohibited in the instances where the site is not owned or controlled by the beef CAFO. Thus, the draft rule language needs to be amended to insure that such discharges are prohibited, irrespective of who owns or controls the site.

Please do not hesitate to contact me at 208-345-6933 ext. 24 or jhayes@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter.

Sincerely,



Justin Hayes
Program Director