



IDAHO  
CONSERVATION  
LEAGUE

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Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
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Via Email: [rulesinfo@ISDA.IDAHO.GOV](mailto:rulesinfo@ISDA.IDAHO.GOV)

**Re: Idaho Conservation League comments regarding Rules Governing  
Noxious Weeds (IDAPA 02.06.22)**

May 30, 2017

Dear Deputy Director Oakey:

Thank you for the opportunity to submit comments on the proposed rulemaking options presented by the Idaho Department of Agriculture to address the threats posed by non-native plants.

As Idaho's leading voice for conservation, the Idaho Conservation League has worked to protect Idaho's clean water, wilderness, and quality of life since 1973. 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 who have a deep personal interest in ensuring that rules appropriately avoid and mitigate risks to Idaho's wildlife, livestock and humans alike.

Idaho's wildlife are more than just the property of the state, they are part of our heritage. Whether one is looking to put food on the table or enjoying the haunting bugle of an elk, Idahoans recognize that our elk, deer, moose and pronghorn are a critical part of quality of life.

In the winter of 2016-2017, over 100 animals (elk, pronghorn antelope and deer) needlessly succumbed to poisoning by consuming Japanese or English Yew which were planted for decorative landscaping purposes. We are confident that there were many more that went unreported or undiscovered. While we recognize that this last winter was a significant event, we are aware of numerous other instances of yew poisoning that occurred during less severe winters.

We appreciate the challenges posed by the management and control of cultivated, non-native species that can pose threats to public health, livestock and wildlife. The needless destruction of our wildlife resources demands a long-term, effective solution. We are at a crossroads as to whether we want to take meaningful action to reduce these tragic events or simply watch them grow in the future.

While there may not be an easy solution to this problem, we appreciate the opportunity to share information through negotiated rulemaking, to better understand the concerns and considerations of industry, local government, and wildlife advocates and to find common ground.

We appreciate the offer by some nurseries to replace Japanese Yew and English Yew with non-toxic plants and to help educate potential buyers about the risks that these plants pose to wildlife. However, an approach limited solely to education or labeling plants is unlikely to solve this problem when considering the lifespan of these decorative plants, the problems of enforcing educational and labeling measures, and the problem regarding the turnover in home ownership.

We understand the fact that County Weed Superintendents have limited time and resources to control noxious weeds. It is important to note that these plants are noxious (having the potential to cause injury) rather than invasive, having been planted deliberately in yards. This fact makes management and control far easier than many of the noxious weeds in Idaho.

Another factor is not just how these plants are currently used for landscaping, but how these ornamental plants will be spread in the future. Since 1990, 60 percent of all new housing units were constructed near or within natural areas.<sup>1</sup> This trend is expected to continue. With this expansion of homes, decorative plants will also be brought into closer proximity with wildlife habitat. This pattern will expose more and more wildlife to toxic landscaping plants unless action is taken at the state and local levels to prevent the deliberate and facilitated spread of plants known to decimate wildlife resources.

Regarding existing Japanese Yew and English Yew plants, solutions need to take into account the degree of risk posed to wildlife as well as be mindful of private property rights and privacy issues. The Idaho Department of Fish and Game has particular expertise in seasonal wildlife habitat usage and should be part of any effort to identify areas where wildlife are at high risk vs. areas of low risk where control may not be as time sensitive.

Given all these factors, a reasonable and pragmatic solution would prevent the deliberate sale, spread and cultivation of these plants in Idaho and prioritize places of high risk to wildlife where existing plants should be removed. As such, we feel that Option A, listing Japanese and English Yew on the Statewide

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<sup>1</sup> [https://www.nrs.fs.fed.us/4902/local-resources/documents/mapping\\_wui.pdf](https://www.nrs.fs.fed.us/4902/local-resources/documents/mapping_wui.pdf)

Containment Noxious Weed List and managing them accordingly, is the appropriate response in this situation.

In accordance with Idaho Code 22-2402(17), "'Noxious weed" means any plant having the potential to cause injury to public health, crops, livestock, land or other property...." Given this definition, we feel strongly that Japanese and English Yew meet this standard and should be designated a noxious weed by the ISDA Director.

The Statewide Containment Noxious Weed List is particularly suited for this situation: "Weed control efforts may be directed at reducing or eliminating new or expanding weed populations while known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed control authority."

This approach would in effect stop the spread of new populations while giving local authorities the ability to review the levels of risk and take appropriate action.

We note that other ornamental plants introduced for backyard gardening, Poison Hemlock and Purple Loosestrife, are also on Idaho's statewide containment list. In comparison to these other species, Japanese and English Yew do not spread without deliberate efforts.

Thank you again for considering our comments. We look forward to continuing to participate in the rulemaking process as it proceeds and assisting with implementation and effectiveness reviews of the eventual rule where we are able.

Sincerely,

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