



May 23, 2017

Mr. Lloyd Knight
Administrator, Plant Industry Division, Idaho Dept. of Agriculture
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RE: Negotiated Rule Making 02.06.22—Noxious Weed Rules, Docket # 02-0522-17xx: Yew

Dear Mr. Knight,

We are requesting that this written comment be included in the record of the referenced Negotiated Rule Making 02.06.22.

ICFI supports the petition of Angela Rossman to amend Department Rule 02.06.22 to add Japanese Yews, Chinese Yews and English Yews to the list of Noxious Weeds pursuant to the laws enacted by the Idaho Legislature.

In Idaho, fatal ingestion of Japanese yew has been documented in elk, moose, deer, and pronghorn, especially in winter (Idaho Fish & Game White Paper Link: <https://idfg.idaho.gov/conservation/yew/paper>). However, despite yew's popularity as an ornamental shrub or tree, they have long been recognized as toxic to Idaho's wildlife, livestock, pets and humans.

We specifically advocate adding them to the existing list set forth in Rule 02.06.22.100.02 which says:

“Weeds listed in the control list are known to exist in varying populations throughout the state. The concentration of these weeds is at a level where control and/or eradication may be possible. A written plan for weeds on the Statewide Control Noxious Weed List shall be developed by the control authority that specifies active control methods to reduce known populations in not more than five (5) years, The plan shall be available to the Department upon request.”

We suggest this provides a measured approach which does not require outright eradication but does leave flexibility to minimize exposure of domestic and wild animals to these deadly toxic plants. A single mouthful can kill a child, horse, cow, elk or deer, within minutes.

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THE MANDATE FROM THE IDAHO STATE LEGISLATURE

Idaho Code Sec. 22-2402 sets forth a statutory definition of “noxious weed” and assigns the duty of determining whether a plant is within the definition to the Director. The statute says “noxious weed” means any plant having the potential to cause injury to livestock ... or other property. “Property” would include wild animals within the State which are designated by law as “...Property of the State of Idaho ...” Idaho Code Sec. 36-103 (a).

The pending negotiation places the status of Japanese Yews, Chinese Yews and English Yews squarely at issue. The Director will now decide whether they fall within the statutory definition.

Respectfully,

Drew Wahlin

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