



**Terri Kondeff**  
**Director**

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Senators HARTGEN, Nichols, Semmelroth and,  
Representatives ANDRUS, Raymond, Mathias

**FROM:** Katharine Gerrity - Deputy Division Manager

**DATE:** November 02, 2023

**SUBJECT:** Temporary Rule

IDAPA 02.06.09 - Rules Governing Invasive Species and Noxious Weeds - Adoption of Temporary Rule - Docket No. 02-0609-2303

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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Paul Headlee, Deputy Director   Matt Drake, Manager   Keith Bybee, Manager   April Renfro, Manager   Norma Clark, Manager  
Legislative Services Office   Research & Legislation   Budget & Policy Analysis   Legislative Audits   Information Technology

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**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS**  
**DOCKET NO. 02-0609-2303**  
**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 19, 2023.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-2004, 22-2006, 22-2012, and 22-2013, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Invasive quagga mussel samples were recently discovered in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho’s environment, and water use as well as threaten Idaho’s economy. Accordingly, the Director has exercised the authority granted to them under Idaho law to quarantine certain areas of the snake river until the Department is able to eradicate any existing quagga mussels. This new temporary rule shrinks the scope of the original quarantine established by the Director in September, 2023 due to the ongoing success of the Department’s treatment efforts.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Protection for and maintaining the safety of property and aquatic plant life.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: There is no fee being charged by this temporary rule.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 19th day of October, 2023.

Lloyd B. Knight  
Deputy Director  
Idaho State Department of Agriculture  
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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2302**  
**(Only Those Sections With Amendments Are Shown.)**

**135. SNAKE RIVER QUARANTINE.**

ISDA has issued a quarantine of the Snake River from Twin Falls to [Niagara Springs the partial bridge structure at the bottom of Yingst Grade \(known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”\)](#), which is approximately one-half (1\2) mile upstream of Auger Falls, to contain and treat quagga mussels. All public access to the Snake River between these areas is prohibited during ISDA’s active treatment and response plan.

~~(9-21-23)T~~(10-19-23)T