



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: Alli Olson - Legislative Drafting Attorney

DATE: November 12, 2024

SUBJECT: Temporary Rule

IDAPA 02.06.09 - Rules Governing Invasive Species and Noxious Weeds - Adoption of Temporary Rule - Docket No. 02-0609-2405

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 Alli Olson at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2405

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 7, 2024.

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 Section(s) 22-2004, 22-2006, and 22-2012, 22-2013, and 22-1904, 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 replaces the September 26 update to the same rule by allowing for restricted access to the river at defined locations and per a defined requirement for watercraft and conveyances to be inspected and decontaminated and decontaminated as needed prior to launch and decontaminated upon exit.

The new amendment adds a restriction for access to the Snake River for watercraft or other conveyances from the Yingst Grade Bridge (or “Broken Bridge”) to Hansen Bridge for the purposes of chemical treatment for quagga mussels.

The Governor declared an emergency related to this event on October 2, 2024.

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 7th day of October, 2024.

Lloyd B. Knight, Deputy Director
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2405
(Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Hansen Bridge to 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 via watercraft or other conveyance between ~~Pillar Falls~~ the “Broken Bridge” and Hansen Bridge is prohibited for the purposes of treatment of quagga mussels. ~~Access to the river by watercraft or other conveyance between 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, and Pillar Falls is restricted. Launch of watercraft or other conveyances in this section is restricted to the hours when the watercraft inspection station at Centennial Park is in operation and requires inspection and decontamination of all conveyances and watercraft by ISDA or an assigned entity prior to launch into and upon exit from the water. This requirement applies to all motorized and non-motorized watercraft or other conveyances of any size, including paddle boards and kayaks.~~

(9-26-24)T(10-7-24)T

~~**01. State and County Watercraft.** State and county watercraft, including watercraft operated by the vendor approved by the Twin Falls County to operate at Centennial Park, are permitted to access the area from Pillar Falls to the Shoshone Falls provided the watercraft do not leave the infested area or go through decontamination prior to leaving the quarantine area. All watercraft entering the area between Pillar Falls and Shoshone Falls must launch from Centennial Park, presenting for inspection and decontamination prior to launch into and upon exit from the water.~~

(6-28-24)T