



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators NICHOLS, Zito, Semmelroth and,
Representatives ANDRUS, Raymond, Mathias

FROM: Alli Olson - Legislative Drafting Attorney

DATE: December 04, 2024

SUBJECT: Temporary Rule

IDAPA 02.06.09 - Rules Governing Invasive Species and Noxious Weeds - Adoption of Temporary Rule - Docket No. 02-0609-2406

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. 02-0609-2406
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 9, 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 Sections 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 October 7, 2024, 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 allows for access to the Snake River for watercraft or other conveyances from the Yingst Grade Bridge (or “Broken Bridge”) to Hansen Bridge, and requires such watercraft, conveyances, and water exposed recreational equipment to be presented to agency watercraft inspection stations for inspection and decontamination before and after entry into this quarantine section of the river.

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

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 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 9th day of November, 2024.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2406
(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 the “Broken Bridge” and Hansen Bridge is prohibited for the purposes of treatment of quagga mussels.~~ Launch of watercraft or other conveyances in this section is restricted to the hours when the watercraft inspection station at Centennial Waterfront Park is open, or other such stations that may be posted at other locations in the quarantine area. All watercraft and conveyances must be inspected and decontaminated by agency personnel or an assigned entity prior to launch and prior to exit from the water. This requirement applies to all motorized and non-motorized watercraft or other conveyances of any size, including paddle boards, kayaks, and water-exposed recreational gear. ~~(+0-7-24)T~~(11-9-24)T