

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

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Agriculture:

IDAPA 02.06.09 - Rules Governing Invasive Species and Noxious Weeds-Proposed Rule (Docket
No. 02-0609-2503).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/24/2025. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/22/2025.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondoff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Legislative Drafting Attorney - Alli Olson

DATE: November 07, 2025

SUBJECT: Department of Agriculture

IDAPA 02.06.09 - Rules Governing Invasive Species and Noxious Weeds-Proposed Rule (Docket No. 02-0609-2503)

Summary and Stated Reasons for the Rule

The Idaho Department of Agriculture submits notice of a proposed rulemaking for the rules governing invasive species and noxious weeds, IDAPA 02.06.09. The Department states that the rulemaking was initiated for two reasons. First, to remove the previous prohibition of watercraft from the treatment area for Quagga mussels on the Snake River from Hansen Bridget to Pillar Falls. Second, to add Golden mussels to the Emergency Detection Rapid Response Invasive Species list. ISDA also states that this proposed rule mirrors the temporary rule in Docket No. 02-0609-2502, which was immediately needed to protect public health and safety and reduce regulatory burden.

Negotiated Rulemaking / Fiscal Impact

The Department states that negotiated rulemaking was not conducted since it was not feasible because of the immediate need to release the quarantine on the treatment area and to list Golden mussels to ensure authority for prevention efforts, including watercraft inspection. The Department states that there will be no impact to the general fund.

Statutory Authority

The Department appears to have the authority to promulgate this rule pursuant to section 22-1907, 22-2004, 22-2006, and 22-2403, Idaho Code.

cc: Department of Agriculture
Lloyd Knight

*** PLEASE NOTE ***

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2503
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Sections 22-1907, 22-2004, 22-2006, 22-2403, and 22-2412](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, November 17, 2025 10:00am – 11:00am
Idaho State Department of Agriculture 2270 Old Penitentiary Road Boise, ID 83714
Join by Virtual Meeting link found here Or on www.townhall.idaho.gov

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this proposed rule is two-fold. First, to remove the previous prohibition of watercraft from the treatment area for Quagga mussel on the Snake River from Hansen Bridget to Pillar Falls.

Second, add Golden mussel to the Emergency Detection Rapid Response (EDRR) Invasive Species list. Golden mussel is an aggressive bivalve aquatic mussel that has been found in California water delivery systems. Infestations have already impacted on the delivery of water for irrigation and municipal use, and treatment efforts are already underway. Golden mussel presents significant challenges in potential spread and establishment beyond that found with the current quagga mussel infestation found in Idaho. Adding Golden mussel to the EDRR list ensures adequate legal authority for prevention and response efforts in Idaho.

Additionally, These rules mirror the temporary rule in Docket No. 02-0609-2502, which was immediately needed to protect public health and safety and reduce a regulatory burden.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fee is being imposed or changed because of this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

There is no fiscal impact on the General Fund or dedicated funds because of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#) and [67-5221\(1\)\(j\)](#), Idaho Code, negotiated rulemaking was not feasible to conduct because of the immediate need to release the quarantine on the treatment area

to allow access to the river. In addition, it was not feasible because the department needs the immediate listing of Golden mussel to ensure authority for prevention efforts, including watercraft inspection.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight at (208)332-8615 or Lloyd.knight@isda.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 26, 2025.

DATED this 5th day of November, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712
(208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0609-2503
(Only Those Sections With Amendments Are Shown.)

02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

130. EARLY DETECTION AND RAPID RESPONSE AQUATIC INVERTEBRATE INVASIVE SPECIES.

01. Statewide EDRR AIIS List. If any of the species listed in the following table are found to occur in Idaho, they shall be reported to the Department immediately. Positive identification will be made by the Department or other qualified authority as approved by the Director. Subsections 130.02 through 130.05 are applicable to EDRR AIIS only and not to other invasive species listed in Sections 140 through 148.

Early Detection Rapid Response Aquatic Invertebrate Invasive Species (EDRR AIIS) List	
Common Name	Scientific Name
Quagga Mussel	<i>Dreissena bugensis</i>
Zebra Mussel	<i>Dreissena polymorpha</i>
<u>Golden Mussel</u>	<u><i>Linoperna forunei</i></u>

(3-15-22)()

02. Transporting EDRR AIIS Over Public Roads. No person may transport Equipment or any Conveyance containing EDRR AIIS over public roads within the state of Idaho without first being decontaminated. (3-15-22)

03. Contaminated Conveyances in Idaho Waters. No person may place any EDRR AIIS contaminated Equipment or Conveyance into any Water Body or Water Supply System in the state of Idaho. (3-15-22)

04. Firefighting Equipment. Precautions should be taken to prevent the introduction and spread of EDRR AIIS through firefighting activities. All firefighting agencies moving equipment into the state of Idaho shall follow protocols similar to the United States Forest Service decontamination protocols set forth in “Guide to Preventing Aquatic Invasive Species Transport by Wildland Fire Operations.” Those protocols can be viewed online at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5373422.pdf. (7-1-24)

05. Construction and Road Building and Maintenance Equipment. Construction and equipment used for road building and maintenance must be free of EDRR AIIS. If equipment that is being transported into the state of Idaho has been in an infested water body or water supply system within the preceding thirty (30) days, the equipment must be inspected in accordance with Section 132. The Department may require decontamination. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

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. 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. ()

135~~6~~ – 139. (RESERVED)

140. INVASIVE SPECIES - AQUATIC INVERTEBRATES.

INVASIVE SPECIES - AQUATIC INVERTEBRATES		
	Common Name	Scientific Name
01.	Zebra Mussel	Dreissenia polymorpha
02.	Quagga Mussel	Dreissenia bugensis
03.	New Zealand Mud Snail	Potamopyrgus antipodarum
04.	Red Claw Crayfish	Cherax quadricarinatus
05.	Yabby Crayfish	Cherax albidus/C. destructor
06.	Marone Crayfish	Cherax tenuimanus
07.	Marbled Crayfish	Procambarus fallax f. virginalis
08.	Rusty Crayfish	Faxonius rusticus

INVASIVE SPECIES - AQUATIC INVERTEBRATES		
	Common Name	Scientific Name
09.	Asian Clam	Corbicula fluminea
10.	Spiny Waterflea	Bythotrephes cederstroemi
11.	Fishhook Waterflea	Cercopagis pengoi
12.	Marmorkrebs	Procambarus sp.
<u>13.</u>	<u>Golden Mussel</u>	<u>Limnoperna forunei</u>

(3-15-22)()