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States' Noxious Weed Statutes and Regulations:

Idaho



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States' Noxious Weed Statutes: Idaho

Idaho Statutes

Title 22 Agriculture and Horticulture

Chapter 24 Noxious Weeds

§ 22-2401. Declaration of policy

It is the purpose of this chapter to define noxious weeds; legal requirements, duties, and responsibilities of persons; and to provide the statutory and financial means for the control of noxious weeds, wherever such noxious weeds occur in this state.

§ 22-2402. Definitions

As used in this chapter:

(1) "Agency" means:

(a) In the case of the federal government, any authority which exercises administrative control over defined areas of federal lands within the state of Idaho;

(b) In the case of the state of Idaho, any department, board, commission, or institution;

(c) In the case of local government, cities, counties and any legal subdivisions thereof, drainage districts, irrigation districts, canal companies, highway districts, or any special taxing district.

(2) "Applicable fund or account" means:

(a) In the case of the state of Idaho, the noxious weed account, which is hereby created and established in the dedicated fund and which shall be used exclusively for the purposes prescribed by this chapter;

(b) In each county, the noxious weed fund, which is hereby created and established and shall be maintained in each county and which shall be used exclusively for the purposes prescribed by this chapter.

(3) "Aquatic plant" means any plant growing in, or closely associated with, the aquatic environment and includes, but is not limited to, riparian plants.

(4) "Article" means a particular kind of object, and includes any type of conveyance, mode of transport or associated materials such as water.

(5) "Classical biological control" means the introduction of control agents into a region, that is not part of their natural range, to suppress permanently the populations of selected target weeds usually also introduced into that region. "Augmentative biological control" means the supplemental release of control agents into a region, that is part of their natural range, to suppress permanently the populations of selected target weeds.

(6) "Containment" means halting the spread of a weed infestation beyond specified boundaries.

(7) "Control" means any or all of the following: prevention, rehabilitation, eradication or modified treatments.

(8) "Control authority" means:

(a) On the state level, the director of the department of agriculture;

(b) On the county level, the board of county commissioners.

(9) "Cooperative weed management area (CWMA)" means a distinguishable hydrologic, vegetative or geographic zone based upon geography, weed infestations, climate or human-use patterns. Cooperative weed management areas may be composed of a portion of a county, a county, portions of several counties, or portions of one (1) or more states.

(10) "Department" means the Idaho state department of agriculture.

(11) "Director" means the director of the department of agriculture or the director's designated agent.

(12) "Eradication" means the elimination of a noxious weed based on absence as determined by a visual inspection by the control authority during the current growing season.

(13) "Integrated weed management plan (IWMP)" means a plan developed to manage, control or eradicate a noxious weed(s) from a cooperative weed management area or other weed management area. Integrated weed management strategies may include, but are not limited to, prevention, cultural, mechanical, chemical and biological methods.

(14) "Land" means all soil or water or other growing medium.

(15) "Landowner" means:

(a) The person who holds legal title to the land, except that portion for which another person has the right to exclude others from possession of the parcel; or

(b) A person with an interest in a parcel of land such that the person has the right to exclude others from possession of the parcel.

(16) "Modified treatment" means treatment specified in an integrated weed management plan.

(17) "Noxious weed" means any plant having the potential to cause injury to public health, crops, livestock, land or other property; and which is designated as noxious by the director.

(18) "Person" means any individual, partnership, firm, agency, corporation, company, society or association.

(19) "Prevention" means:

(a) Any action that reduces the potential for the introduction or establishment of a plant species in areas not currently infested with that species; or

(b) Any action that deters the spread of noxious weeds.

(20) "Quarantine" means the regulation of the production, movement, or existence of plants, plant products, animals, animal products, or any other article or material, or the normal activity of persons, to prevent or limit introduction or spread of noxious weeds.

(21) "Rehabilitation" means the process of reconditioning formerly weed infested land to a productive or desirable condition.

(22) "Riparian" means the green, vegetated areas along the edge of water bodies like rivers, creeks, canals, lakes, springs, sloughs, potholes and wetlands. They are the transition zone between upland and aquatic ecosystems. Underlying saturated soil is a key feature in riparian areas.

(23) "State noxious weed advisory committee" means an advisory committee appointed by the director to advise and to assist in development, modification and direction of a statewide noxious weed management strategy.

(24) "Viable" means a plant or plant part capable of surviving or living successfully, especially under particular environmental conditions.

(25) "Waters" means all the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through, or which border upon the state.

(26) “Weed control advisory committee” means a committee established by weed control agencies or authorities, at the county level, or a steering committee of a cooperative weed management area, to develop and to recommend implementation of integrated weed management plans and strategies.

(27) “Hybrid” means the offspring of two (2) plants of different breeds, varieties, species or genera.

(28) “Releasing” means releasing, placing, planting, or causing to be released, a species in a water body, facility, water supply system, field, garden, planted area, ecosystem or otherwise into the environment within the state of Idaho.

(29) “Researcher” means someone who has the generally accepted education, experience and position within the biological control research community.

(30) “Research facility” means:

(a) Any laboratory, institution, college or university, at which scientific tests, experiments or peer-reviewed investigations involving the use of any living plants are carried out, conducted or attempted and that receives funds under a grant, award or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests or experiments and that uses generally accepted protocols at an equivalent or higher level than a U.S. centers for disease control and prevention biosafety level 1 facility; or

(b) Any privately funded laboratory, institution, college or university at which scientific tests, experiments or peer-reviewed investigations involving the use of any living plants are carried out, conducted or attempted and that uses generally accepted protocols at an equivalent or higher level than a U.S. centers for disease control and prevention biosafety level 1 facility.

§ 22-2403. Enforcement of chapter vested in director — state duties

(1) The duty of enforcing this chapter and carrying out its provisions is vested in the director.

(2) The director shall:

(a) Determine what weeds are noxious for the purposes of this chapter; and

(b) Compile and keep current a list of such noxious weeds or group of noxious weeds, which list shall be published and incorporated in the rules of the director; and

(c) Make and publish such rules as in the director’s judgment are necessary to carry out the provisions of this chapter; and

(d) Employ a statewide weed coordinator to carry out the director’s duties and responsibilities; and

(e) Publish a list of items capable of disseminating noxious weeds, and designate treatment of such articles as in the director’s opinion would prevent such dissemination; and

- (f) Consult and coordinate with other weed management agencies and authorities in the designation and development of cooperative weed management areas and development and implementation of integrated weed management plans; and
- (g) Assist all landowners, managers and lessees in the state of Idaho, including, but not limited to, all state natural resource management agencies, state water resource management entities, as well as public and private land management firms and private landowners, in coping with the growth of noxious weeds, including noxious aquatic weeds.

§ 22-2404. State powers

- (1) The director is authorized to:
 - (a) Investigate the subject of noxious weeds; and
 - (b) Require information, annual work plans and reports from each county and from each state agency as to the presence of noxious weeds and other information relative to noxious weeds and the control thereof; and
 - (c) To cooperate with agencies and persons in carrying out the director's duties under this chapter, and to conduct matters outside this state in the interest of state noxious weed control; and
 - (d) Advise and confer as to the extent of noxious weed infestations and the methods of control; and
 - (e) Assist counties in the training of county weed superintendents; and
 - (f) Call and attend meetings and conferences dealing with the subject of noxious weeds; and
 - (g) Disseminate information and conduct educational campaigns independently or in cooperation with others; and
 - (h) Appoint a state noxious weed advisory committee, as provided by section 22-103 Idaho Code, to aid in the development and implementation of a statewide noxious weed management strategy, aid in evaluation of cost share projects and research proposals, and advise the director on matters pertaining to the state noxious weed program; and
 - (i) Procure materials and equipment; and
 - (j) Inspect and certify Idaho crops and imports and exports to verify freedom from noxious weeds, and authorize others to conduct such inspections and certification; and
 - (k) Enter on any public or private land at reasonable times for the purpose of carrying out the provisions of this chapter; and
 - (l) Apply to any court of competent jurisdiction for a search warrant authorizing access to any land where access was denied and sought for the purposes set forth in this chapter. The court may, upon such application, issue the search warrant for the purposes requested; and
 - (m) Perform such other acts as may be necessary or appropriate to the administration of the provisions of this chapter; and
 - (n) Cooperate with the federal government or any established agency thereof in any program of noxious weed control which shall be deemed advisable for the welfare of the people of the state of Idaho, accept any advisable program and make any necessary rules which are not in contradiction to the purposes of this chapter; and

- (o) Accept any gift, grant, contract or other funds, or grants-in-aid from the federal government or other entities for noxious weed control purposes and account for such moneys as prescribed by the state controller, and all such funds are hereby appropriated to the purpose for which they are received; and
- (p) Initiate agreements with federal agencies in accordance with applicable federal laws; and
- (q) Control noxious weeds on federal land within the state, with or without reimbursement, and with the consent of the federal agency involved; and
- (r) Take any appropriate action necessary to control or quarantine noxious weed infestations whenever an actual or potential emergency situation exists concerning noxious weed infestations anywhere in the state; and
- (s) Initiate cooperative agreements with other agencies and states for the establishment and support of cooperative weed management areas; and
- (t) Aid other weed control agencies or authorities in developing and implementing integrated weed management plans for control of noxious weeds; and
- (u) Temporarily designate a weed as noxious for up to fifteen (15) months, after publication in a newspaper of general circulation serving the area of infestation; and
- (v) Authorize the issuance of deficiency warrants for the purposes of defraying excess costs for the control of noxious weeds for emergency situations, in the event the actual cost for the control of noxious weeds in any one (1) year exceeds the appropriations made for that purpose. When so authorized the state controller shall draw deficiency warrants against the general account; and
- (w) Allow the collection, removal and movement of noxious weeds by a researcher from an infested area in Idaho to a facility within Idaho when available within the state of Idaho for purposes of biological control research, so long as the following conditions are satisfied and certified by the researcher and the director in legally binding and notarized documents:
 1. The director is notified in writing by the researcher the precise details of the proposed research project at least thirty (30) days prior to any contemplated collection, removal or movement of noxious weeds. The director and specialist staff shall conduct a review of the proposed research project and complete a written project approval plan that includes details of all appropriate actions that will be taken to ensure implementation and protection of the authority of the director as outlined in section 22-2403, Idaho Code, the state powers as outlined in section 22-2404, Idaho Code, the county duties as outlined in section 22-2405, Idaho Code, the county powers as outlined in section 22-2406, Idaho Code, the landowner duties as outlined in section 22-2407, Idaho Code, and the landowner and citizen powers as outlined in section 22-2408, Idaho Code. The researcher shall take no action prior to written approval from all control authorities. The written approval process shall also contain a notification to all other appropriate entities as outlined in this chapter;
 2. The collection, removal and movement activities are certified in writing that they will be conducted using methods and protocols prescribed and generally accepted in the biological control research community that prevent the dissemination of noxious weeds;
 3. The biological control agent that is the subject of the research is not a plant pest within the meaning of the plant pest act of 2002, an invasive species within the meaning of the invasive species act of 2008 or a viable noxious weed within the meaning of this chapter;

4. Viable noxious weeds, as determined by the department, are not reintroduced into the environment as a component or result of the biological control research;
5. Any articles, including but not limited to plant parts, that are collected for transport as part of biological control research must be destroyed or treated at the research facility in such a way as to destroy the viability of any plant pests, invasive species, hybrids and noxious weeds; and
6. The project is conducted in accordance with such other conditions as may be set in the written approval document by the director to ensure containment during collection, removal and movement of the noxious weed.

Penalties for intentional transportation or release of a biological control agent shall not exceed those established in the plant protection act (Title 7, USC 7734).

Should it be necessary to transport a biological control agent into or out of the state of Idaho all appropriate biological control protocols shall be followed as delineated by the appropriate federal agencies such as the USDA animal [and] plant health inspection service plant protection [and] quarantine (USDA APHIS PPQ).

None of the actions authorized in this paragraph shall be carried out until the director both outlines the actions and certifies to the board of examiners that the specific funding and personnel necessary for all actions is available within the current operational budget of the Idaho state department of agriculture.

(2) If at any time the director determines that the county commissioners have failed to cooperate or carry out their duties and responsibilities as a control authority, the director shall notify them of the deficiency, and suggest corrective action. If the situation is not satisfactorily corrected within seven (7) days after the time outlined in the director's corrective action plan, the director shall initiate appropriate action and charge to the county all expenses including the hiring of necessary labor and equipment. Quarantine of specific crops or potential noxious weed propagating activities may be a part of the control program.

§ 22-2405. County duties

(1) The county control authority shall:

- (a) Carry out the duties and responsibilities vested in the county under this chapter and rules prescribed by the director; and
- (b) Establish and maintain a coordinated program for control of noxious weeds in the county; employ a county weed superintendent, who may be a superintendent for more than one (1) county and who shall be qualified to detect and treat noxious weeds; and
- (c) Designate one (1) of its members as the liaison between the county weed superintendent and the county commissioners; and
- (d) Provide operational and educational funds for the county weed superintendent; and

(e) Be authorized to initiate cooperative agreements with other agencies or counties for the designation of or participation in cooperative weed management areas for control of noxious weeds.

(2) A general notice for control of noxious weeds shall be published between March 1 and April 30, in a newspaper of general circulation within the county. The notice shall contain the list of noxious weeds and identify those known to be in the county, and shall stipulate the obligation to control. Failure to publish the notice for control or serve individual notices herein provided does not relieve any person from full compliance with this chapter thereunder. In all cases said published notice shall be deemed legal and sufficient notice.

(3) Whenever any county finds it necessary to secure more prompt or definite control of noxious weeds than is accomplished by the general notice, it shall cause individual notices on a form prescribed by the director to be served upon the landowner and where possible on the operator of the land giving specific instructions when and how certain named noxious weeds are to be controlled. The individual notice shall also contain information concerning the right to appeal pursuant to section 22-2408, Idaho Code. Individual notices shall be applicable only to the current growing season.

(4) Whenever the landowner of any nonfederal land or nonfederally administered land on which noxious weeds are present has neglected or failed to initiate control as required pursuant to this chapter within five (5) working days from receipt of an individual notice given pursuant to this section, the county having jurisdiction shall have proper control methods used on such land, including necessary destruction of crops, and shall advise the landowner of the cost incurred in connection with such operation. The cost of any such control shall be at the expense of the landowner. If the costs have not been paid to the control authority within sixty (60) days, the control authority may direct that suit be brought in a court of competent jurisdiction for the unpaid charges. On private lands, if unpaid for sixty (60) days or longer the amount of such expense shall become a lien upon the property; and thereafter the lien shall be subject to collection by the county by sale of the property in the same manner as for delinquent taxes. Nothing contained in this section shall be construed to require satisfaction of the imposed obligation by the sale of property or to bar the application of any other available remedy.

(5) Amounts collected under the provisions of this section shall be deposited to the noxious weed fund of the county and shall be accounted for as prescribed by the county auditor. Disbursements from the noxious weed fund shall be made only for noxious weed control purposes.

(6) The county weed superintendent shall:

(a) Examine all land within the county for the purpose of determining whether the provisions of this chapter and rules of the director have been complied with; and

(b) Compile data and submit reports as the director or county may require; and

- (c) Implement enforcement action as outlined in this chapter; and
- (d) Consult, advise and provide direction on matters pertaining to the most effective and most practical methods of noxious weed control; and
- (e) Investigate or aid in the investigation and prosecution of any violation of the provisions of this chapter; and
- (f) Make recommendations regarding establishment of cooperative weed management areas; and
- (g) Participate on weed control advisory committees to develop and implement noxious weed control strategies for cooperative weed management areas, at the discretion of the county weed control authority.

§ 22-2406. County powers

(1) The county control authority is authorized to:

- (a) Have noxious weeds controlled without cost to the landowner, notwithstanding any other provision of this chapter relating to payment of cost; and
- (b) Quarantine any tract of land under its jurisdiction when it appears there is an infestation of noxious weeds beyond the ability of the landowner to control and put into immediate operation the required means for the control or containment of such noxious weeds including necessary destruction of crops; and
- (c) Serve individual notice on the landowner and where possible on the operator of the land prior to the entry upon such land declaring a quarantine and specifying the date of the proposed entry and the proposed cost to the violator, and advise the same person of the completion of the control operation and the required reimbursement thereof. If the landowner is not known or readily available, notice shall be deemed satisfied after eight (8) days from postmark of registered mail to the address as shown on the assessment roll of the county; and
- (d) Stop movement of noxious weed infested items. Such items shall not be moved from designated premises except in accordance with the written permission of the county control authority; and
- (e) Purchase or provide for equipment and materials for the control of noxious weeds, independently or in combination with other control authorities, and use such equipment or materials upon any lands within the state; and
- (f) Levy annually upon all taxable property of said county a tax for the control of noxious weeds to be collected and apportioned to the county noxious weed fund, which levy shall not exceed six hundredths percent (.06%) of the market value for assessment purposes of said property in said county; and
- (g) Utilize any other methods or local options that may be available for the purpose of funding a coordinated noxious weed control program on the county level; and
- (h) Use the noxious weed fund, which may be a revolving fund, only for noxious weed purposes. In addition to any appropriated funds designated for the control of noxious

weeds, the county control authority shall have the power to receive and disburse funds from any source as a continuing appropriation at any time for the purpose of controlling noxious weeds; and

(i) Propose and accept plans for noxious weed control which may be extended over a period of years by agreement with the landowner. The agreement shall be a contract and the control authority shall have the power and duty to enforce the terms of any such agreement; and

(j) Propose, accept and implement integrated weed management plans developed by weed control advisory committees for control of noxious weeds in cooperative weed management areas; and

(k) Designate weeds, in addition to the state noxious weed list, as noxious within their county, but such additional species are not subject to provisions of the state noxious weed laws.

(2) The county weed superintendent is authorized to:

(a) Enter upon all lands within the county where there are noxious weeds to ascertain conditions, if a reasonable attempt has been made to contact the landowner and where possible the operator of the land prior to entry and there is probable cause for entry; and

(b) Stipulate items as requiring treatment to prevent dissemination of noxious weeds, in accordance with the applicable regulations.

§ 22-2407. Landowner and citizen duties

(1) It shall be the duty and responsibility of all landowners to control noxious weeds on their land and property, in accordance with this chapter and with rules promulgated by the director.

(2) The cost of controlling noxious weeds shall be the obligation of the landowner.

(3) Noxious weed control must be for prevention, eradication, rehabilitation, control or containment efforts. However, areas may be modified from the eradication requirement if the landowner is a participant in a county-approved weed management plan or county-approved cooperative weed management area.

(4) The landowner shall reimburse the county control authority for work done because of failure to comply with a five (5) day notice, as outlined in section 22-2405, Idaho Code.

(5) If an article is infested with noxious weeds, it shall not be moved from designated premises until it is treated in accordance with the applicable rules, or in accordance with the written permission of a control authority.

§ 22-2408. Landowner and citizen powers

(1) If any person shall be dissatisfied with the amount of any charge made against it by a county control authority for control work or for the purchase of materials or use of equipment, he may, within thirty (30) days after being advised of the amount of the charge, file a protest with the director.

(2) If any person shall be dissatisfied with the control measures used or the manner in which control is conducted upon his property, he may, within thirty (30) days file a protest with the director.

(3) Any person served with an individual notice may, within two (2) days of receipt of the notice, appeal to the board of county commissioners. A hearing shall be set by the board of county commissioners within five (5) days after receipt of notice of the appeal. Notice of the hearing shall be sent by the board of county commissioners to the appellant.

(4) Other than the procedures specifically set out in this chapter, procedures for hearings thereon and appeals pertaining to this chapter shall be as provided in chapter 52, title 67, Idaho Code.

§ 22-2409. Penalties for violations

(1) Any person who violates any provision of this chapter, or any rules promulgated hereunder for carrying out the provisions of this chapter, or who fails or refuses to comply with any requirements herein specified, or who interferes with the control authority as defined in section 22-2402, Idaho Code, its agents or employees, in the execution, or on account of the execution of their duties under this chapter or rules promulgated hereunder, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than three thousand dollars (\$3,000) or be imprisoned in a county jail for not more than twelve (12) months or be subject to both such fine and imprisonment.

(2) Any person who violates or fails to comply with any provision of this chapter or any rules promulgated hereunder may be assessed a civil penalty by the control authority of not more than ten thousand dollars (\$10,000) for each offense and shall be liable for reasonable attorney's fees.

(a) Assessment of a civil penalty may be made in conjunction with any other administrative action.

(b) No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act.

(c) If the control authority is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the control authority, it may recover such amount by action in the appropriate district court.

(d) Any person against whom the control authority has assessed a civil penalty under the provisions of this section may, within thirty (30) days of the final action by the control authority making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the control authority to have occurred.

(e) All civil penalties collected pursuant to this section shall be remitted to the applicable fund or account as defined in section 22-2402, Idaho Code.

(3) Nothing in this chapter shall be construed as requiring the control authority to report minor violations for prosecution when the control authority believes that the public interest will be best served by suitable warnings or other administrative action.

(4) The control authority may bring an action to enforce the provisions of this chapter, and the penalty provided for under this section.

§ 22-2410. Weed control advisory committees

(1) Control agencies or authorities may appoint persons to a weed control advisory committee, who shall be persons knowledgeable of noxious weeds and the damage done by such weeds. The members of the advisory committee shall be residents of or landowners in one (1) of the counties included in the cooperative weed management area, and shall be appointed for renewable terms of two (2) years.

(2) It shall be the function of each weed control advisory committee to:

(a) Assist in planning and carrying out noxious weed control programs within or across county, state or federal boundaries as may be provided by cooperative agreement among the participating parties for control of noxious weeds in cooperative weed management areas; and

(b) Act as liaison to other weed control advisory committees; and

(c) Provide a forum for public input on matters relating to the control of noxious weeds.

(3) Members of the advisory committee may be reimbursed for actual and necessary expenses when on committee business. Expense payments may be made from the noxious weed fund.

(4) Advisory committees have no executive powers and act in an advisory capacity only.

§ 22-2411. Delegation of authority.

The director of the department of agriculture may delegate in writing its authority, or any part thereof, under this chapter to any instrumentality or entity as an agent and servant of the state whose principal purpose is to establish and maintain a uniform and reasonable system of inspection and certification of crops, plants, plant parts or products thereof. Any agent designated hereunder shall be a servant of the state of Idaho and shall be acting in an official capacity for the state of Idaho and under the supervision of the director consistent with this chapter. The delegated instrumentality or entity as agent and servant of the state shall be an entity of the state of Idaho as provided in the tort claims act, chapter 9, title 6, Idaho Code. The control of noxious aquatic plants in the waters of state responsibility may be carried out under the general supervision of the department, county, local government, special district authority, or other public body.

22-2412. Fees charged by certifying agency. Fees may be charged by the certifying agency, under schedules set forth in rules of the department for certification of crops, plants, plant parts or products thereof under this chapter, but these fees shall have a reasonable relation to the cost, and may be used only for expenses in connection with inspection and certification and improvement of inspection and certification services.

§ 22-2413. Liability of department limited

The department shall not be financially responsible for debts incurred, damages inflicted, or contracts broken by the certifying agent in conducting certification work. The certifying agent shall be entitled to all the protections as provided in the tort claims act, chapter 9, title 6, Idaho Code.

Idaho Administrative Code

02 Department of Agriculture

Plants Division Rules

Rule 02.06.09 – Rules Governing Invasive Species and Noxious Weeds

02.06.09.000. Legal authority

This chapter is adopted under the legal authority of Sections, 22-1907, 22-2004, 22-2006, 22-2403, and 22-2412, Idaho Code. (3-20-20)T

02.06.09.001. Title and scope

01. **Title.** The title of this chapter is IDAPA 02.06.09, "Rules Governing Invasive Species and Noxious Weeds." (3-20-20)T

02. **Scope.** This rule governs the designation of invasive species, inspection, permitting, decontamination, recordkeeping and enforcement and apply to the possession, importation, shipping, transportation, eradication, and control of invasive species. This rule identifies those noxious weeds that have been officially designated by the Director as Noxious Weeds in the state of Idaho, designates articles capable of disseminating noxious weeds, requires treatment of articles to prevent dissemination of noxious weeds and provides authority to designate cooperative weed management areas for management of noxious weeds. Also this rule governs the inspection, certification, and marking of noxious weed free forage and straw to allow for the transportation and use of forage and straw in Idaho and states where regulations and restrictions are placed on such commodities. (3-20-20)T

Subchapter B – Noxious Weeds

02.06.09.210. Definitions

In addition to the definitions found in Section 22-2402, Idaho Code, the definitions found in Section 210 apply in the interpretation and enforcement of Subchapter B only: (3-20-20)T

01. **Early Detection and Rapid Response (EDRR).** Finding invasive plant species during the initial stages of colonization and then responding within the same season to initiate eradication of the invasive plant species. (3-20-20)T

02. **Implements of Husbandry.** Every vehicle, including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations when being incidentally operated as an implement of husbandry.

Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicator equipment, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. Implements of husbandry do not include semi trailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations. (3-20-20)T

03. **Subtaxa(on)**. A supplementary piece of identifying information in a plant's or animal's scientific name. (3-20-20)T

02.06.09.211. Abbreviations

01. **CWMA**. Cooperative Weed Management Area. (3-20-20)T

02. **EDRR**. Early Detection/Rapid Response. (3-20-20)T

03. **ISDA**. Idaho State Department of Agriculture. (3-20-20)T

02.06.09.220. Noxious weeds - designations

The weeds listed on the Statewide Prohibited Genera, EDRR, Containment, and Control lists are hereby officially designated and published as noxious. (3-20-20)T

01. Statewide Prohibited Genera Noxious Weed List. (3-20-20)T

a. All plants and plant parts in the generas of: *Cytisus*, *Genista*, *Spartium*, and *Chamaecytisus* additionally including "all" subtaxa of these plant genera are prohibited in Idaho. (3-20-20)T

b. Weeds listed in the Prohibited Genera list may 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 Prohibited Genera 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. (3-20-20)T

02. Statewide EDRR Noxious Weed List

If any of the listed plants (Subsection 220.02) are found to occur in Idaho, they shall be reported to the Department within ten (10) days following positive identification by the University of Idaho or other qualified authority as approved by the Director. These weeds shall be eradicated during the same growing season as identified.

Common Name	Scientific Name
1. Brazilian Elodea	<i>Egeria densa</i>
2. Common/European Frogbit	<i>Hydrcharis morsus-ranae</i>
3. Fanwort	<i>Cobomba caroliniana</i>
4. Feathered Mosquito Fern	<i>Azolla pinnata</i>
5. Giant Hogweed	<i>Heracleum mantegazzianum</i>
6. Giant Salvinia	<i>Salvinia molesta</i>
7. Hydrilla	<i>Hydrilla verticillata</i>
8. Iberian Starthistle	<i>Centaurea iberica</i>
9. Policeman's Helmet	<i>Impatiens glandulifera</i>
10. Purple Starthistle	<i>Centaurea calcitrapa</i>
11. Squarrose Knapweed	<i>Centaurea triumfetti</i>
12. Syrian Beancaper	<i>Zygophyllum fabago</i>
13. Tall Hawkweed	<i>Hieracium piloselloides</i>
14. Variable-Leaf-Milfoil	<i>Myriophyllum heterophyllum</i>
15. Water Chestnut	<i>Trapa natans</i>
16. Water Hyacinth	<i>Eichhornia crassipes</i>
17. Yellow Devil Hawkweed	<i>Hieracium glomeratum</i>
18. Yellow Floating Heart	<i>Nymphoides pelata</i>

(3-20-20)T

03. Statewide Control Noxious Weed List

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 or eradication, or both, 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.

Common Name	Scientific Name
1. Black Henbane	<i>Hyoscyamus niger</i>
2. Bohemian Knotweed	<i>Polygonum X bohemicum</i>

3. Buffalobur	<i>Solanum rostratum</i>
4. Common Crupina	<i>Crupina vulgaris</i>
5. Common Reed (Phragmites)	<i>Phragmites australis</i>
6. Dyer's Woad	<i>Isatis tinctoria</i>
7. Eurasian Watermilfoil	<i>Myriophyllum spicatum</i>
8. Giant Knotweed	<i>Polygonum sachalinense</i>
9. Japanese Knotweed	<i>Polygonum cuspidatum</i>
10. Johnsongrass	<i>Sorghum halepense</i>
11. Matgrass	<i>Nardus stricta</i>
12. Meadow Knapweed	<i>Centaurea debeauxii</i>
13. Mediterranean Sage	<i>Salvia aethiopis</i>
14. Musk Thistle	<i>Carduus nutans</i>
15. Orange Hawkweed	<i>Hieracium aurantiacum</i>
16. Parrotfeather Milfoil	<i>Myriophyllum aquaticum</i>
17. Perennial Sowthistle	<i>Sonchus arvensis</i>
18. Russian Knapweed	<i>Acroptilon repens</i>
19. Scotch Broom	<i>Cytisus scoparius</i>
20. Small Bugloss	<i>Anchusa arvensis</i>
21. Vipers Bugloss	<i>Echium vulgare</i>
22. Yellow Hawkweed	<i>Hieracium caespitosum</i>

(3-20-20)T

04. Statewide Containment Noxious Weed List.

Weeds listed in the containment noxious weeds list are known to exist in various populations throughout the state. Weed control efforts may be directed at reducing or eliminating new or expanding weed populations while known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed control authority.

Common Name	Scientific Name
1. Canada Thistle	<i>Cirsium arvense</i>
2. Curlyleaf Pondweed	<i>Potamogeton crispus</i>
3. Dalmatian Toadflax	<i>Linaria dalmatica ssp. dalmatica</i>
4. Diffuse Knapweed	<i>Centaurea diffusa</i>
5. Field Bindweed	<i>Convolvulus arvensis</i>
6. Flowering Rush	<i>Butomus umbellatus</i>
7. Hoary Alyssum	<i>Berteroa incana</i>
8. Houndstongue	<i>Cynoglossum officinale</i>

9. Jointed Goatgrass	<i>Aegilops cylindrica</i>
10. Leafy Spurge	<i>Euphorbia esula</i>
11. Miliun	<i>Milium vernale</i>
12. Oxeye Daisy	<i>Leucanthemum vulgare</i>
13. Perennial Pepperweed	<i>Lepidium latifolium</i>
14. Plumeless Thistle	<i>Carduus acanthoides</i>
15. Poison Hemlock	<i>Conium maculatum</i>
16. Puncturevine	<i>Tribulus terrestris</i>
17. Purple Loosestrife	<i>Lythrum salicaria</i>
18. Rush Skeletonweed	<i>Chondrilla juncea</i>
19. Saltcedar	<i>Tamar xsp.</i>
20. Scotch Thistle	<i>Onopordum acanthium</i>
21. Spotted Knapweed	<i>Centaurea stoebe</i>
22. Tansy Ragwort	<i>Senecio jacobaea</i>
23. White Bryony	<i>Bryonia alba</i>
24. Whitetop (Hoary Cress)	<i>Cardaria draba</i>
25. Yellow Flag Iris	<i>Iris pseudocorus</i>
26. Yellow Starthistle	<i>Centaurea solstitialis</i>
27. Yellow Toadflax	<i>Linaria vulgaris</i>

05. Designation of Articles Capable of Disseminating Noxious Weeds.

The following articles are designated by the Director as capable of disseminating noxious weeds: (3-20-20)T

- a. Construction equipment, road building and maintenance equipment, and implements of husbandry. (3-20-20)T
- b. Motorized vehicles such as, all-terrain vehicles, motorcycles, and other off-road vehicles and non-motorized vehicles such as bicycles and trailers. (3-20-20)T
- c. Grain and seed. (3-20-20)T
- d. Hay, straw and other material of similar nature. (3-20-20)T
- e. Nursery stock including plant material propagated for the support of aquarium, pet, or horticultural activities. (3-20-20)T
- f. Feed and seed screenings. (3-20-20)T
- g. Fence posts, fencing and railroad ties. (3-20-20)T

h. Sod. (3-20-20)T

i. Manure, fertilizers and material of similar nature. (3-20-20)T

j. Soil, sand, mulch, and gravel. (3-20-20)T

k. Boats, personal watercraft, watercraft trailers, and items of a similar nature. (3-20-20)T

02.06.09.230. Treatment of articles

01. **Duty.** It is the duty of every person, before removing any article from any place that is infested with noxious weeds or before moving the article onto any public roadway, to enclose, clean, or treat the article in a manner that will prevent the spread of noxious weeds (3-20-20)T

02. **Treatment.** No article containing noxious weed propagules shall be sold or furnished to any person within this state, until it has been treated in a manner sufficient to eliminate all noxious weed propagating capability except when sold or furnished to a person for the purpose of destroying the viability of the noxious weed propagules. (3-20-20)T

Subchapter C – Noxious Weed Free Forage and Straw Certification

02.06.09.310. Definitions

In addition to the definitions found in Section 22-2402, Idaho Code, the definitions found in section 310 apply to the interpretation and enforcement of Subchapter C only: (3-20-20)T

01. **Agent.** Any instrumentality or entity authorized by the Director of the Department, and acting in an official capacity and under the supervision of the Department, to administer the provisions of Subchapter C. The principal purpose of the agent is to establish, conduct, and maintain a uniform and reasonable system of inspection and certification of forage and straw crops to determine if such crops are noxious weed free. (3-20-20)T

02. **Approved Inspector.** An individual who has been accredited by the Department or by the Department's agent in the noxious weed free forage and straw certification program. (3-20-20)T

03. **Bale.** A mechanically compressed package of forage or straw bound by string or wire, or other binding material. (3-20-20)T

04. **Bale Tag.** A tag or label that is attached to the string or wire, or other binding material of a bale of certified forage or straw, and identifies the bale as being certified noxious weed free. (3-20-20)T

05. **Certificate of Inspection.** A record of inspection issued by an approved inspector that states the results of a field or commodity inspection. The certificate shall document that the inspected field or commodity is Idaho State Noxious Weed Free, NAISMA Noxious Weed Free, or that the field or commodity contains noxious weeds. (3-20-20)T

06. **Certification.** The process whereby an approved inspector conducts field or commodity inspections to determine that the field or commodity is noxious weed free. (3-20-20)T

07. **Certification Markings.** Bale tags, purple and yellow colored twine, compressed forage/straw bale binding material, and forage cubes/pellets container tags/labels. (3-20-20)T

08. **Certified Compressed Forage/Straw Bale Binding Material.** An ISDA approved binding material that is attached to a compressed forage/straw bale of certified noxious weed free forage/straw and identifies the bale as being certified to the NAISMA Standards. (3-20-20)T

09. **Compressed Forage/Straw Bale.** A bale that has been twice compressed, once in the field by a forage/straw baler and then recompressed a second time and bound by string, wire or other binding material. (3-20-20)T

10. **Field.** The land on which a forage or straw crop is grown and is not divided by streams, public roads, other crops, or other barriers. (3-20-20)T

11. **Forage.** Alfalfa, grain, and grass hay, and/or combinations of alfalfa, grain, or grass hay; the term "forage" includes forage cubes, compressed forage bales, and pellets. (3-20-20)T

12. **Forage Cubes.** Forage that is harvested from a field certified to NAISMA Standards and is mechanically compacted into wafers or cubes. (3-20-20)T

13. **Forage Cube/Pellet Tag.** A tag, label, or statement that is attached or printed on a container of certified noxious weed free forage cubes or pellets, and identifies the container as being certified to the NAISMA Standards. (3-20-20)T

14. **Idaho State Noxious Weed Free.** Forage and straw inspected for weeds designated by the Director as noxious as defined in Section 22-2402(17), Idaho Code, and determined to be free of such weeds. (3-20-20)T

15. **Idaho State Noxious Weed Free Standards.** Forage and straw that meets the requirements Idaho State Noxious Weed Free. (3-20-20)T

16. **NAISMA Noxious Weed Free.** Forage and straw inspected for, and determined to be free of, weeds designated as noxious by the Director as defined in Section 22-2402(17), Idaho Code, and noxious weeds listed on the NAISMA Designated Weed List. (3-20-20)T

17. **NAISMA Weed Free Forage Certification Program.** The North American Invasive Species Management Association standard for forage certification. (3-20-20)T
18. **NAISMA Twine.** Special purple and yellow colored twine approved by NAISMA that is used to mark bales as certified to the NAISMA Standards. (3-20-20)T
19. **NAISMA Standards.** Requirements of the NAISMA Weed Free Forage Certification Program. (3-20-20)T
20. **Noxious Weed Free.** No noxious weeds with viable seed, injurious portions, or propagating parts were found during inspection procedures. (3-20-20)T
21. **Pellets.** Forage that is harvested from a field certified to NAISMA Standards and is manufactured into an agglomerated feed, formed by compacting and forcing through die openings by a mechanical process. (3-20-20)T
23. **Straw.** The dried stalks or stems remaining after grain is harvested. (3-20-20)T
24. **Transit Certificate.** A document completed by an approved inspector to certify products proposed for movement as certified noxious weed free into states that require noxious weed free forage and straw certification. The transit certificate must be in the possession of the transporter. (3-20-20)T

02.06.09.311. Abbreviations

01. **ISDA.** The Idaho State Department of Agriculture. (3-20-20)T
02. **NAISMA.** North American Invasive Species Management Association. (3-20-20)T
03. **NWFF & S.** Noxious Weed Free Forage and Straw. (3-20-20)T

02.06.09.320. Voluntary noxious weed free forage and straw certification program

01. **Purpose.** The noxious weed free forage and straw certification program is a voluntary program, the purpose of which is to provide a means for the inspection, certification, and marking of forage and straw as noxious weed free. The program will be managed by the Department and may be implemented through an agent of the Department. The program will allow for the preparation of a transit certificate for the purpose of interstate transport or shipping of forage and straw into and through states that place regulations and restrictions on such commodities. The program is intended to reduce the exportation, importation, growth, and spread of noxious weeds. (3-20-20)T

02. Certifying Authority. The Department or its agent is the certifying authority. The certifying authority will appoint, as needed, approved inspectors throughout the state, who may issue certificates of inspection. (3-20-20)T

03. Certification Training. The Department will determine minimum training and accreditation standards for approved inspectors. Training will be provided annually by the Department or its agent. Attendance at annual training will certify accreditation for the inspector for that calendar year. Approved inspectors will be issued a certificate of training for the calendar year. Annual training includes: (3-20-20)T

a. Field inspection techniques and procedures; (3-20-20)T

b. ISDA Noxious Weed Lists and NAISMA Weed Free Forage Prohibited Weed List plant identification; (3-20-20)T

c. ISDA and NAISMA certification standards and guidelines; (3-20-20)T

d. Knowledge of weed management, including: (3-20-20)T

i. Burning; (3-20-20)T

ii. Mowing, cutting or roguing; (3-20-20)T

iii. Mechanical methods; and (3-20-20)T

iv. Herbicides. (3-20-20)T

e. Inspection forms. (3-20-20)T

04. Certification Program. (3-20-20)T

a. The Department or its agent will: (3-20-20)T

i. Coordinate forage and straw inspections within the state; (3-20-20)T

ii. Select, train, and supervise persons who serve as approved inspectors; (3-20-20)T

iii. Issue certificates of inspection, transit certificates, NAISMA Twine, forage cubes/pellets tags/labels, certified compressed forage/straw bale binding material, and bale tags to qualifying participants; (3-20-20)T

iv. Maintain a record of inspections performed and certificates and tags issued; (3-20-20)T

b. Under the direction of the Department or its agent an approved inspector may perform inspections and issue certificates of inspection, transit certificates, NAISMA

Twine, forage cubes/pellets tags/labels, and bale tags within the state at cost. (3-20-20)T

05. Application for Certification. (3-20-20)T

- a. Application for certification inspection shall be made on forms available from the Department or its agent and submitted to the Department or its agent. (3-20-20)T
- b. An applicant's signature on the application for certification is verification of the accuracy of the information submitted, and signifies the applicant's intent to comply with the post-certification and distribution requirements. (3-20-20)T

06. Field Inspection Procedures. (3-20-20)T

- a. Forage or straw shall be inspected within a maximum of ten (10) days prior to cutting/harvesting in the field of origin for each field and cutting to be certified. Fields must be inspected again if circumstances prevent harvest of the forage/straw for a period greater than ten (10) days from the first inspection. (3-20-20)T
- b. Each field inspected shall be identified by the name of the owner and a field name or number. The certification inspection may be performed on an entire field or a portion of a field, if the portion is plainly marked and identified prior to inspection. (3-20-20)T
- c. Field inspections must take place prior to any operation that will limit the approved inspector's ability to properly inspect and certify the field. Fields that have been cut or harvested prior to inspection are ineligible for certification. (3-20-20)T
- d. There shall be a minimum of two (2) entry points per field. (3-20-20)T
- e. There shall be minimum of one (1) entry point per each ten (10) acres (four (4) hectares). (3-20-20)T
- f. Each point of entry shall be at least one hundred fifty (150) feet (forty-five (45) meters) into the field, and each additional one hundred fifty (150) feet (forty-five (45) meters) traveled constitutes an entry point. Travel shall be uninterrupted, proceeding through the field being inspected. (3-20-20)T
- g. The entire field border will be physically inspected. (3-20-20)T
- h. The field inspection will include all ditches, fence rows, roads, easements, rights-of-way, or buffer zones surrounding the field. (3-20-20)T
- i. Forage/straw that contains any noxious weeds as identified in Section 22-2402(17) or noxious weeds listed on the NAISMA Weed Free Forage Prohibited Weed List, may be certified if the following requirements are met: (3-20-20)T

- i. Forage/straw that contains any noxious weeds may still be certified if the field upon which the forage/straw was produced is treated to prevent noxious weed seed or other propagule viability according to agricultural practices acceptable to, and to the satisfaction of, the approved inspector. (3-20-20)T
- ii. Noxious weed(s) were treated not later than rosette to bud stage, or boot stage for grass species classified as noxious weeds, prior to cutting or harvesting; and (3-20-20)T
- iii. Treatment method can include, but is not limited to burning, mowing, cutting or roguing, mechanical methods, or chemicals. (3-20-20)T
- j. An inspection certificate shall document that the above requirements have been met. (3-20-20)T
- k. Baling equipment must be cleaned of any noxious weeds prior to harvesting certified forage. If the baling equipment is not cleaned, the first three (3) small square bales or the first large round or square bale produced shall be considered non-certified. (3-20-20)T
- l. Interstate shipment of baled forage and straw shall be accompanied by an original transit certificate issued by the approved inspector in the county of origin. The storage area shall also be inspected and be free of noxious weeds. (3-20-20)T
- m. An approved inspector may not inspect fields of which said inspector has ownership or financial interest. (3-20-20)T

07. Certification Standards.

After completing an inspection, the approved inspector will complete a certificate of inspection. (3-20-20)T

- a. If the field or commodity inspected is certified as NAISMA Noxious Weed Free, the approved inspector will issue a certificate of inspection for that harvest or cutting. If the field or commodity contains NAISMA Noxious Weeds, but does not contain Idaho State noxious weeds, it may be certified as Idaho State noxious weed free, and such certification will be noted on the certificate of inspection. (3-20-20)T
- b. If the field or commodity inspected is certified as noxious weed free, as defined in Subchapter C, the approved inspector may also issue, upon request, any of the following documents: (3-20-20)T
 - i. Transit certificates. (3-20-20)T
 - ii. Bale tags. The date on the bale tag must accurately reflect the year in which the bale was produced. (3-20-20)T

iii. NAISMA Twine only if the field or commodity is certified as NAISMA Noxious Weed Free. (3-20-20)T

iv. Forage cube/pellet tag/labels only if the field or commodity is certified as NAISMA Noxious Weed Free. (3-20-20)T

v. Certified compressed forage /straw bale binding material only if the field or commodity is certified as NAISMA Noxious Weed Free. (3-20-20)T

c. Certificates of inspection, transit certificates and bale tags shall be on forms prescribed by the Department or its agent. (3-20-20)T

d. NAISMA Twine and bale tags must be purchased from the Department or its agent. (3-20-20)T

08. Copy of Inspections and a List of Approved Inspectors

Upon request, the agent shall provide the Department with a copy of certificates of inspections issued and a current list of approved inspectors. (3-20-20)T

09. Reciprocity. Forage or straw certified under a reciprocal agreement between the Department and another state, and certified as NAISMA Noxious Weed Free according to the other state's approved certification standards, may be shipped into the state of Idaho and will be considered to meet the requirements of the Idaho program. (3-20-20)T

10. Exports. Certification under Subchapter C does not qualify a commodity for export from the United States. Applications for certification for export should be made directly to the Division of Plant Industries within the Department. (3-20-20)T

11. Voluntary Posting. After certification, a producer may post signs, or other forms of notification, on the certified commodity indicating that the commodity is certified as noxious weed free. (3-20-20)T

12. Post-Certification and Distribution Requirements. After a producer's commodity has been inspected and certified, the producer shall: (3-20-20)T

a. Take reasonable and prudent steps to protect the certified commodity from contamination; (3-20-20)T

b. Keep the certified commodity separated from all uncertified commodity; (3-20-20)T

c. Attach bale tags, certified compressed forage/straw bale binding material, or NAISMA Twine to each bale of certified forage or straw intended for sale as noxious weed free forage or straw prior to the bales leaving the producers stack yard or storage area; and (3-20-20)T

d. Attach cube/pellet tag/label to each container of certified forage cubes/pellets intended for sale as noxious weed free forage prior to the containers leaving the producer's facility. (3-20-20)T

e. Provide the shipper, trucker, or transporter with the appropriate number of transit certificates. (3-20-20)T

13. Cancellation for Failure to Comply. Any person who provides false information on an application for inspection or who fails to comply with the post-certification and distribution requirements may, upon order of the Director, be suspended for a period of up to two (2) years from participating in the forage and straw certification program. (3-20-20)T

14. Enforcement and Cancellation. Harvested lots of forage or straw from certified fields may be checked at any time by an approved inspector. Manufactured lots of forage cubes, pellets, and compressed forage/ straw bales may be checked at any time by an approved inspector. Evidence that forage, straw, forage cubes/pellets, or compressed forage/straw bales are not from a certified field or that any lot has not been protected from contamination shall be cause for cancellation of certification. (3-20-20)T

15. Misuse of Transit Certificate and Certification Markings. Using a transit certificate or certification marking for forage/straw from a field that has not been certified constitutes a violation of Subchapter C. (3-20-20)T

16. Certification Fees. A minimum of thirty dollars (\$30) per inspection will be charged for up to ten (10) acres, and three dollars (\$3) per acre thereafter, for fields up to ninety-nine (99) acres. Fields that are one-hundred (100) acres or larger in size, the fee is three dollars (\$3) per acre for the first one-hundred (100) acres and two dollars (\$2) per acre thereafter. The agent is authorized to assess a general fee of thirty dollars (\$30) per year to recover overhead costs. (3-20-20)T

02.06.09.330. NAISMA weed free forage prohibited weed list

This list is incorporated by reference in Section 304.01 and is available in electronic format at: <https://www.naisma.org>. (3-20-20)T

02.06.09.340. Application form requirements

A person wishing to participate in the noxious weed free forage and straw program shall make an application in writing on a form prescribed by ISDA for NWFF and S certification annually. There are no fees for application. The application shall be made

with the ISDA agent in the county in which the person resides or in the county in which the person owns or leases land on which forage/straw will be produced. (3-20-20)T

02.06.09.350. Certification marking

Each certified bale or container shall be marked by one (1) of the following: (3-20-20)T

01. **NAISMA Twine.** Only one (1) strand is required per bale. (3-20-20)T

02. **Bale Tag.** The following information shall be shown on baled forage and straw: (3-20-20)T

a. The words - "NAISMA Weed Free Forage Certification Program" or "Idaho State Noxious Weed Free Forage and Straw Certification Program"; (3-20-20)T

b. Bale tag serial number; (3-20-20)T

c. County of origin identification; (3-20-20)T

d. ISDA emblem; (3-20-20)T

e. ISDA telephone number; and (3-20-20)T

f. A statement that the product is "Certified to the NAISMA Standards" or "Certified to the Idaho State Noxious Weed Free Standards." (3-20-20)T

g. Year the bale tag was issued. (3-20-20)T

03. **Forage Cube/Pellet Tag/Label.** Certification tags/labels shall be attached to or a statement with the following information printed on each container of noxious weed free product: (3-20-20)T

a. The words - "NAISMA Weed Free Forage Certification Program"; (3-20-20)T

b. ISDA forage manufacturer identification number; (3-20-20)T

c. ISDA emblem; (3-20-20)T

d. ISDA telephone number; and (3-20-20)T

e. A statement that the product is "Certified to the NAISMA Standards. (3-20-20)T

04. **Certified Compressed Forage/Straw Bale Binding Material.** The following information shall be printed in purple ink on yellow binding material. Two (2) consecutive

vertical purple lines approximately one-eighth of an inch (1/8") wide, spaced approximately one and one-quarter inches (1 1/4") apart, placed before and after written text that includes the acronym "ISDA NWFFS" and can include the manufacturer's name. (3-20-20)T

02.06.09.360. Procedures for certification of forage cubes/pellets/compressed forage/straw bales

01. **Application.** A person desiring to certify forage cubes/pellets/compressed forage/straw bales as noxious weed free must make an annual application on the ISDA's forage cube/pellet/compressed forage/straw bale certification application form. (3-20-20)T

02. **Validity.** The application will be valid from the date of Department approval through December 31 of that calendar year. (3-20-20)T

03. **Equipment.** Equipment will be cleaned of any noxious weed propagules prior to processing forage/straw for certification. (3-20-20)T

04. **Purging.** After cleaning equipment, a minimum of five hundred (500) pounds of certified forage/ straw must be purged through the entire system prior to processing certified forage cubes/pellets/compressed forage/ straw bales. The five hundred (500) pounds of forage/straw used to eliminate any noxious weed seeds shall not be certified. (3-20-20)T

05. **Documentation.** A person who manufactures products referenced in Section 360 shall retain the following records for two (2) years: (3-20-20)T

a. All NWFF and S inspection certificates relating to the certified forage/straw delivered to their manufacturing facility each calendar year. (3-20-20)T

b. Quantity of certified forage cubes/pellets/compressed forage/straw bales processed each calendar year; and (3-20-20)T

c. Quantity of non-certified forage cubes/pellets/compressed forage/straw bales processed each calendar year. (3-20-20)T

Idaho Administrative Code

20 Department of Lands

Plants Division Rules

Rule 20.03.14 - Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases

20.03.14.111 Noxious weed control.

01. Weed Control.

The lessee must cooperate with the Department, or any other authorized agency, to undertake programs for control or eradication of noxious weeds on state endowment trust land. The lessee will take measures to control noxious weeds on the leased state endowment trust land in accordance with Title 22, Chapter 24, Idaho Code. (3-20-20)T

02. Responsibility.

The lessee will not be held responsible for the control of noxious weeds resulting from other land management activities such as temporary permits, easements, special leases and timber sales. Control of noxious weeds on state grazing lands will be shared by the lessee and Department, with the Department's share subject to funds appropriated for that purpose. (3-20-20)T