IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Animals Division

02.04.27 – Rules Governing Deleterious Exotic Animals

Who does this rule apply to?
This rule applies to all entities intending to import or possess deleterious exotic animals in Idaho.

What is the purpose of this rule?
In order to protect the agriculture industry, wildlife of the state, the environment and the public interest, these rules regulate the importation or possession of deleterious exotic animals up to and including prohibition of the importation or possession of such animals.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

- 25-3903, Idaho Code – Rules for Importation or Possession of Deleterious Exotic Animals

Who do I contact for more information on this rule?

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This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

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02.04.27 – RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

000. LEGAL AUTHORITY.
This chapter is adopted under the legal authority of Sections 25-3903 and 25-3904, Idaho Code. (3-31-22)

001. SCOPE.
These rules govern the designation, importation, and possession of deleterious exotic animals. (3-31-22)

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

01. Code of Federal Regulations. Title 9, Parts 1, 2, 3, 4, and 161, CFR, January 1, 2021, which can be viewed online at https://www.ecfr.gov/cgi-bin/text-idx?SID=6571350cf31edd290fbf1fcb50086c2d&mc=true&tpl=/ecfrbrowse/Title09/9cfrv1_02.tpl#0. (3-31-22)

005. -- 009. (RESERVED)

010. DEFINITIONS.
The following definitions apply to the interpretation and enforcement of this chapter. (3-31-22)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-31-22)

02. Deleterious Exotic Animal. Any live animal, that is not native to the state of Idaho and is determined by the Administrator to be dangerous to the environment, livestock, agriculture, or wildlife of the state. (3-31-22)

03. Facility. A location, including buildings, cages, corrals, pens, ponds, raceways, tanks, adjacent land, or other areas, where deleterious exotic animals are possessed. (3-31-22)

04. Possess. To confine, control, keep, have, hold, house, or own for any period of time. (3-31-22)

05. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (3-31-22)

06. Traveling Exhibition. A temporary exhibition, including, but not limited to, circus, carnival, group, show, or zoo, not permanently located in the state, that possesses deleterious exotic animals. (3-31-22)

011. ABBREVIATIONS.

01. AZA. Association of Zoos and Aquariums. (3-31-22)

02. CFR. Code of Federal Regulations. (3-31-22)

03. IDFG. Idaho Department of Fish and Game. (3-31-22)

04. ISIS. International Species Information System. (3-31-22)

05. PMP. Population Management Plan. (3-31-22)

06. SSP. Species Survival Plan. (3-31-22)

07. TAG. Taxon Advisory Group. (3-31-22)

08. USDA. United States Department of Agriculture. (3-31-22)

012. -- 019. (RESERVED)

020. APPLICABILITY.
These rules apply to the importation and possession of all deleterious exotic animals in Idaho. (3-31-22)

021. INSPECTIONS.
In order to ascertain compliance with this chapter, the Administrator is authorized to enter and inspect premises and other areas where animals are held or kept. (3-31-22)

01. Entering Premises. State animal health officials will attempt to notify the owner or operator of the premises or other area prior to conducting an inspection. (3-31-22)

02. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of Section 021 of this rule may be waived. (3-31-22)

022. -- 099. (RESERVED)

100. POSSESSION AND PROPAGATION OF DELETERIOUS EXOTIC ANIMALS.

01. Possession. No person may possess a deleterious exotic animal in the state, unless such person obtains a possession permit issued by the Administrator. (3-31-22)

02. Propagation. No person may propagate a deleterious exotic animal in the state without the approval of the Administrator. If the Administrator grants approval to propagate deleterious exotic animals, such approval will be noted on the applicable possession permit. Persons seeking permission to propagate a deleterious exotic animal must meet the following requirements: (3-31-22)

a. Obtain, and be in full compliance with, a possession permit issued by the Administrator; (3-31-22)

b. Obtain, and be in full compliance with, a USDA exhibitor's license for the facility where deleterious exotic animals will be possessed; and (3-31-22)

c. Facility must be AZA accredited. (3-31-22)

101. POSSESSION PERMITS.

01. Application for Possession Permits. Persons seeking a possession permit must make application on a form prescribed by the Administrator. Separate applications are to be submitted for each facility where deleterious exotic animals will be possessed. A person who receives a possession permit for deleterious exotic animals must submit a new application for each additional deleterious exotic animal that person seeks to possess. The application must include: (3-31-22)

a. The applicant's name, address (residence and mailing), and Employer Identification Number or Social Security Number. (3-31-22)

b. Description of the proposed facility, including: (3-31-22)

i. A map identifying the location of the proposed facility; (3-31-22)

ii. The legal description and location of the real property for the proposed facility; (3-31-22)

iii. A detailed diagram of proposed facility, identifying fences, gates, confinement areas; and (3-31-22)

iv. The specifications for exterior fencing, interior fencing, fence height, fencing materials of the confinement areas for all deleterious exotic animals listed on the application. (3-31-22)

c. Name and address of the owner(s) of the proposed facility, if not the applicant. If the proposed facility will be leased, include a written and notarized statement by the owner of the property authorizing the use of the proposed facility to house deleterious exotic animals. (3-31-22)

d. Copy of approval by the local zoning authority, if approval is required by the local zoning authority.

(3-31-22)

e. Description of each deleterious exotic animal to be possessed at the facility, including genus, species, sex, age, form of identification, identification number, and purpose for possessing each deleterious exotic animal. (3-31-22)

f. Name and address of the owner of each deleterious exotic animal listed on the application. (3-31-22)

g. Name and address of the licensed Idaho veterinarian who will provide care for the deleterious exotic animal(s) listed on the application. (3-31-22)

h. Written statement detailing the applicant's training and experience with the species listed on the application. (3-31-22)

i. Written statement detailing the procedure in the event a deleterious exotic animal escapes from the facility. (3-31-22)

j. Documentation of licenses issued by the USDA, if applicable. (3-31-22)

k. Documentation of licenses issued by the U.S. Fish and Wildlife Service, if applicable. (3-31-22)

l. Documentation of accreditation by the AZA, if applicable. (3-31-22)

m. The required information set forth Paragraph 100.02.e., of these rules, if applicable. (3-31-22)

n. For each deleterious exotic animal listed on the application, proof of sterilization, unless the applicant intends to propagate the deleterious exotic animal and fully satisfies the requirements of Subsection 100.02, of these rules. (3-31-22)

o. The date upon which the proposed facility will be available for inspection by the Department, which must be not less than seven (7) days prior to the time the exotic animals are possessed at the proposed facility. (3-31-22)

02. Application Review. The Administrator will review the possession permit application and, in determining whether to issue the possession permit, consider factors relating to protection of the state's agriculture industry, the wildlife of the state, and the environment. Such factors include, but are not limited to: (3-31-22)

a. Proximity of the facility to farms, ranches, wildlife migration routes, and other areas in which native Idaho wildlife may commonly be found. (3-31-22)

b. Potential for unintended or accidental access to the facility. (3-31-22)

c. Potential for vandalism that compromises the security of the facility. (3-31-22)

d. Potential for escape from the facility. (3-31-22)

e. The size of the facility relative to the number of animals proposed to be kept at the facility. (3-31-22)

f. Whether, based on the applicant's certification and any other evidence received by the Administrator in connection with the proposed facility, all federal, state, county and city laws applicable to the facility have been met. (3-31-22)

g. Whether the applicant has adequate knowledge, experience, and training to maintain the health, welfare, and safety of the deleterious exotic animal(s), and to handle the deleterious exotic animal(s) with safety and competence. Such experience may be documented by a log book, employment records, education records, or other

means by which experience may be authenticated. (3-31-22)

03. Grant or Denial of the Permit. Following review of the application and any other relevant information, the Administrator will either issue the possession permit or deny the application and notify the applicant. If the Department issues the permit, it may include any conditions intended to ensure the health, welfare and safety of the animal(s) covered by the permit and, where the Department finds it necessary, conditions intended to assure the security of the facility so as to avoid undue risk to the state's agriculture, wildlife and the environment. (3-31-22)

04. Duration of Possession Permit. A possession permit is valid for the life of the deleterious exotic animal listed on a possession permit, until the permitted person no longer possess the deleterious exotic animal, or until the deleterious exotic animal leaves the state. (3-31-22)

102. TEMPORARY EXHIBITOR PERMITS.
A traveling exhibition may not possess any deleterious exotic animal in the state unless the traveling exhibition obtains a temporary exhibitor permit issued by the Administrator. (3-31-22)

01. Application for Temporary Exhibitor Permits. Persons seeking a temporary exhibitor permit must make application on a form prescribed by the Administrator and include the following information: (3-31-22)

a. The applicant's name, address (business and mailing) and Employer Identification Number or Social Security Number. (3-31-22)

b. The name and address of the owner(s) and operator(s) of the temporary exhibition, if not the applicant. (3-31-22)

c. Description of the cages or other housing in which the deleterious exotic animal(s) will be kept in the state. (3-31-22)

d. The physical address of each location(s) at which the deleterious exotic animal(s) will remain while in the state. (3-31-22)

e. A map identifying the location(s) at which the deleterious exotic animal(s) will be kept. (3-31-22)

f. Name and address of the owner(s) of the location(s) at which the deleterious exotic animal(s) will be kept. (3-31-22)

g. Written statement detailing the procedure(s) in the event a deleterious exotic animal escapes from the temporary exhibit. (3-31-22)

h. Documentation of licenses issued by the USDA, if applicable. (3-31-22)

02. Period of Validity. Temporary exhibitor permits are valid for no more than forty-five (45) days after the date of issuance of the permit. (3-31-22)

03. Removal. All deleterious exotic animals subject to a temporary exhibitor permit must be removed from Idaho prior to the expiration of the import permit. (3-31-22)

103. -- 109. (RESERVED)

110. IMPORTATION OF DELETERIOUS EXOTIC ANIMALS.
No person may import any deleterious exotic animal into the state unless the deleterious exotic animal is accompanied in transit by an import permit issued by the Administrator and an official certificate of veterinary inspection. (3-31-22)

111. -- 119. (RESERVED)

120. DISPOSITION OF NON-PERMITTED DELETERIOUS EXOTIC ANIMALS.

The Administrator may order non-permitted or illegally possessed or imported deleterious exotic animals to be removed from the state, moved to facilities that are in compliance with this chapter, or destroyed. (3-31-22)

121. TRANSFER OF DELETERIOUS EXOTIC ANIMALS.
No person may transfer, sell, barter, trade, change ownership, or change possession of any deleterious exotic animal, unless the person receiving the deleterious exotic animal has obtained a possession permit, issued by the Administrator, prior to the animal being transferred. (3-31-22)

122. RELEASE OF DELETERIOUS EXOTIC ANIMALS.
No person may release any deleterious exotic animal within the state. (3-31-22)

123. REVOCATION OF PERMITS.
Permits issued pursuant to this chapter may be revoked at any time if the Administrator finds violations of any of the provisions of this chapter. (3-31-22)

124. -- 200. (RESERVED)

201. CONFINEMENT AREAS.
All deleterious exotic animals must be confined in areas/facilities constructed to prevent escape. (3-31-22)

202. ESCAPE OF DELETERIOUS EXOTIC ANIMALS.
Persons possessing deleterious exotic animals must report the escape of any deleterious exotic animal to the Administrator within twenty-four (24) hours of the discovery of the escape. (3-31-22)

203. IDENTIFICATION OF DELETERIOUS EXOTIC ANIMALS.
All deleterious exotic animals must be identified with a unique identification according to the following standards, depending on the species of the deleterious exotic animal: (3-31-22)

01. Birds. Birds are to be identified with a microchip and a leg band. (3-31-22)

02. Mammals. Mammals are to be identified with a microchip. (3-31-22)

204. -- 299. (RESERVED)

300. RECORDKEEPING.

01. Annual Inventory. Any person that possesses deleterious exotic animals must submit a complete and accurate annual inventory of such animals to the Administrator on or before the first day of July each year on a form approved by the Administrator, available at https://agri.idaho.gov. (3-31-22)

02. Records of Transfers. All persons who transfer, sell, barter, trade, change ownership, or change possession of deleterious exotic animals must keep complete and accurate records of the disposition of any deleterious exotic animals, including the new contact information for persons in possession of the deleterious exotic animal and date of disposition. Such records must be maintained for a minimum of three (3) years and presented to the Administrator upon request. (3-31-22)

301. – 399. (RESERVED)

400. LIST OF DELETERIOUS EXOTIC ANIMALS.
The Administrator may add or remove animal species to the list of deleterious exotic animals in this chapter by issuing a written order listing animals and the reasons for adding them to or removing them from the list deleterious exotic animals. (3-31-22)

401. DELETERIOUS EXOTIC ANIMALS - BIRDS.

01. Mute Swan, (*Cygnus olor*). Mute swans except those that have been pinioned. (3-31-22)

402. DELETERIOUS EXOTIC ANIMALS - MAMMALS: CANIDAE.

01. All Non-native Canidae Species. (3-31-22)

403. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: LARGE FELIDAE.
All deleterious exotic Large Felidae must be possessed on a facility that is AZA accredited. (3-31-22)

01. Caracal (*Felis caracal*). (3-31-22)

02. Cheetah (*Acinonyx jubatus*). (3-31-22)

03. Jaguar (*Panthera onca*). (3-31-22)

04. Leopard (*Panthera pardus*). All leopards. (3-31-22)

05. Lion (*Panthera leo*). (3-31-22)

06. Tiger (*Panthera tigris*). All tigers and tiger-hybrids. (3-31-22)

404. DELETERIOUS EXOTIC ANIMALS -- MAMMALS: SMALL FELIDAE.

01. Geoffroy's Cat (*Felis geoffroyi*). (3-31-22)

02. Margay (*Felis wiedii*). (3-31-22)

03. Ocelot (*Felis pardalis*). (3-31-22)

04. Serval (*Felis serval*). (3-31-22)

405. DELETERIOUS EXOTIC ANIMALS - MAMMALS: INSECTIVORES.

01. European Hedgehog (*Erinaceus europeaus*). (3-31-22)

406. DELETERIOUS EXOTIC ANIMALS - MAMMALS: MARSUPIALS.

01. Brush Tailed Possum (*Trichsurus vulpecula*). (3-31-22)

407. DELETERIOUS EXOTIC ANIMALS - MAMMALS: NON-HUMAN PRIMATES.
All non-human primates must be possessed on a facility that is AZA accredited. The following primate species are exempt from this rule: (3-31-22)

01. Capuchin (*Cebus spp*). (3-31-22)

02. Marmoset (*Saimiri spp*). (3-31-22)

03. Spider Monkeys (*Atleles spp*). (3-31-22)

04. Squirrel Monkeys (*Callithrix, Cebuella, Callibella,* and *Mico spp*). (3-31-22)

408. DELETERIOUS EXOTIC ANIMALS - MAMMALS: OVIDAE.

01. Barbary Sheep (*Ammotragus lervia*). (3-31-22)

02. Mouflon Sheep (*Ovis musimon*). (3-31-22)

409. DELETERIOUS EXOTIC ANIMALS - MAMMALS: PROCYONIDAE.

01. Coatimundi. (3-31-22)

02. Kinkajou. (3-31-22)

410. DELETERIOUS EXOTIC ANIMALS - MAMMALS: RODENTIA.

01. African Dormice (*Graphiurus*). (3-31-22)

02. African Rope Squirrels (*Funisciurus*). (3-31-22)

03. African Striped Mice (*Hybomys*). (3-31-22)

04. African Tree Squirrels (*Heliosciurus*). (3-31-22)

05. Brush-Tailed Porcupines (*Atherurus*). (3-31-22)

06. Gambian Giant Pouched Rats (*Cricetomys*). (3-31-22)

07. Prairie Dogs (*Cynomys*). (3-31-22)

08. South American Rodents. All South American rodents except guinea pigs and chinchillas. (3-31-22)

411. DELETERIOUS EXOTIC ANIMALS - MAMMALS: SUIDAE.

01. European or Russian Wild Boar (*Sus scrofa*). (3-31-22)

412. DELETERIOUS EXOTIC ANIMALS - MAMMALS: TAYASSUIDAE.

01. Peccary (*Dicotyles tajacu*). (3-31-22)

413. -- 999. (RESERVED)