

LCB File No. R028-05

**PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE**

(This proposed regulation was previously adopted as T009-05)

This proposed regulation replaces the draft posted on 6/1/2005

NOTICE OF WORKSHOP

A workshop will be held on proposed changes to NAC 555.010, pertaining to noxious weed list.

DATE: Wednesday, September 7, 2005

TIME: 1 pm

PLACE: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 89502
775-688-1180

DATE: Thursday, September 8, 2005

TIME: 10 am

PLACE: Nevada Department of Agriculture Office, Reno
2300 McLeod
Las Vegas, Nevada 89401
702-486.4690

For clarification on the proposed amendments contact Dawn Rafferty at (775) 688-1182, ext. 269 (please see attached).

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all county libraries. The Department of Agriculture offices in Reno, Sparks, Elko or Winnemucca during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday

NOTICE OF INTENT TO ADOPT PERMANENT REGULATIONS

Proposed amendment of NAC 555.010, pertaining to noxious weed list.

Need and purpose of the proposed amendments: to create a tiered listing system to assist the department with abatement priorities

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long term effects: None

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long-term effects: None

Economic cost to the agency for enforcement of the proposed amendments none

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

Fees: N/A

The date, time, place, and manner in which interested parties may present their views on the proposed amendments:

DATE: Wednesday, September 7, 2005

TIME: 2 pm

PLACE: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 89502
775-688-1180

DATE: Thursday, September 8 , 2005

TIME: 11 am

PLACE: Nevada Department of Agriculture Office, Reno
2300 McLeod
Las Vegas, Nevada 89401
702-486.4690

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All variable and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

Nevada Department of Agriculture
1550 S. Wells Avenue
Reno, NV 89502

Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Department of Agriculture
Eyer H Boies Building
Elko, NV 809801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Dawn Rafferty at the Nevada Department of Agriculture, (775)688-1182 Ext. 269 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency's reasons for adoption.

Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

LCB File No. R028-05

PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

Section 1. NAC 555.010 is hereby amended to read as follows:

555.010 **1.** The following weeds are designated noxious weeds:

(a) Category A Weeds:

- | | |
|---|--|
| {1.} (1) African rue. | (<i>Peganum harmala</i>) |
| {2.} (2) Austrian fieldcress. | (<i>Rorippa austriaca</i>) |
| {3.} (3) Austrian peaweed. | (<i>Sphaerophysa salsula</i>) |
| | {(Swainsona salsula)} |
| —4.} (4) Black henbane. | (<i>Hysocyamus niger</i>) |
| {5.} (5) Camelthorn. | (<i>Alhagi</i> {camelorum}) <u><i>pseudalhagi</i></u>) |
| {6.} (6) Common crupina. | (<i>Crupina vulgaris</i>) |
| {7.} (7) <i>Dalmatian toadflax.</i> | <u>(<i>Linaria dalmatica</i>)</u> |
| (8) Dyer's woad. | (<i>Isatis tinctoria</i>) |
| {8.} (9) Eurasian water-milfoil. | (<i>Myriophyllum spicatum</i>) |
| {9.} (10) Giant salvinia. | (<i>Salvinia molesta</i>) |
| {10.} (11) Goats rue. | (<i>Galega officinalis</i>) |
| {11.} Green fountain grass. | (<i>Pennisetum setaceum</i>) |
| —12.} Hemlock: | |
| ———(a) Poison; and | (<i>Conium maculatum</i>) |
| ———(b) Water. | (<i>Cicuta maculata</i>) |
| —13.} Horse nettle: | |

——— (a) Carolina; and	(<i>Solanum carolinense</i>)
——— (b) White.	(<i>Solanum elaeagnifolium</i>)
—14.] (12) Houndstongue.	(<i>Cynoglossum officinale</i>)
{15.] (13) Hydrilla.	(<i>Hydrilla verticillata</i>)
{16. — Knapweed:	
——— (a) Diffuse;	(<i>Centaurea diffusa</i>)
——— (b) Russian;	(<i>Centaurea repens</i>)
——— (c) Spotted; and	(<i>Centaurea maculosa</i>)
——— (d) Squarrose.	(<i>Centaurea virgata</i>)
—17. — Leafy spurge.	(<i>Euphorbia esula</i>)
—18.] (14) <i>Iberian star thistle.</i>	(<i>Centaurea iberica</i>)
(15) <i>Klamath weed.</i>	(<i>Hypericum perforatum</i>)
(16) Malta star thistle.	(<i>Centaurea melitensis</i>)
{19.] (17) Mayweed chamomile.	(<i>Anthemis cotula</i>)
{20.] (18) Mediterranean sage.	(<i>Salvia aethiopis</i>)
{21. — Medusahead.	(<i>Taeniatherum caput-medusae</i>)
—22. — Perennial pepperweed.	(<i>Lepidium latifolium</i>)
—23. — Puncture vine.	(<i>Tribulus terrestris</i>)
—24.] (19) Purple loosestrife.	(<i>Lythrum salicaria</i> , <i>Lythrum</i> <i>virgatum</i> and their cultivars)
{25.] (20) <i>Purple star thistle.</i>	(<i>Centaurea calcitrapa</i>)
(21) Rush skeletonweed.	(<i>Chondrilla juncea</i>)
{26. — Salteedar.	(<i>Tamarix ramosissima</i>, <i>T. parviflora</i>)

- ~~—27.— Sorghum species, perennial, including, (Sorghum spp.)~~
~~———— but not limited to:~~
- ~~———— (a) Johnson grass;~~
- ~~———— (b) Sorghum alum; and~~
- ~~———— (c) Perennial sweet sudan.~~
- ~~—28.— Starthistle:~~
- ~~———— (a) Iberian; (Centaurea iberica)~~
- ~~———— (b) Purple; and (Centaurea calcitrapa)~~
- ~~———— (c) Yellow. (Centaurea solstitialis)~~
- ~~—29.— St. Johnswort. (Hypericum perforatum)~~
- ~~—30.] (22) Sow thistle. (Sonchus arvensis)~~
- ~~(23) Spotted knapweed. (Centaurea maculosa)~~
- ~~(24) Squarrose knapweed. (Centaurea virgata)~~
- ~~(25) Sulfur cinquefoil. (Potentilla recta)~~
- ~~[31.] (26) Syrian bean caper. (Zygophyllum fabago)~~
- ~~[32.— Thistle:~~
- ~~———— (a) Canada; (Cirsium arvense)~~
- ~~———— (b) Musk; (Carduus nutans)~~
- ~~———— (c) Scotch; and (Onopordum acanthium)~~
- ~~———— (d) Sow. (Sonchus arvensis)~~
- ~~—33.— Toadflax:~~
- ~~———— (a) Dalmation; and (Linaria dalmatica)~~
- ~~———— (b) Yellow. (Linaria vulgaris)~~

~~34. Whitetop or hoary cress.~~

~~(*Cardaria draba*)~~

(27) *Yellow star thistle.*

(*Centaurea solstitialis*)

(28) *Yellow toadflax.*

(*Linaria vulgaris*)

(b) *Category B Weeds:*

(1) *Carolina horse nettle.*

(*Solanum carolinense*)

(2) *Diffuse knapweed.*

(*Centaurea diffusa*)

(3) *Leafy spurge.*

(*Euphorbia esula*)

(4) *Medusahead.*

(*Taeniatherum caput-medusae*)

(5) *Musk thistle.*

(*Carduus nutans*)

(6) *Russian knapweed.*

(*Acroptilon repens*)

(7) *Scotch thistle.*

(*Onopordum acanthium*)

(8) *White horse nettle.*

(*Solanum elaeagnifolium*)

(c) *Category C Weeds:*

(1) *Canada thistle.*

(*Cirsium arvense*)

(2) *Green fountain grass.*

(*Pennisetum setaceum*)

(3) *Hoary cress.*

(*Cardaria draba*)

(4) *Johnson grass.*

(*Sorghum halepense*)

(5) *Perennial pepperweed.*

(*Lepidium latifolium*)

(6) *Poison Hemlock.*

(*Conium maculatum*)

(7) *Puncture vine.*

(*Tribulus terrestris*)

(8) *Salt cedar (tamarisk).*

(*Tamarix spp.*)

(9) *Water Hemlock.*

(*Cicuta maculata*)

- 2. Category A weeds are weeds that are generally not found or that are limited in distribution throughout the State. Such weeds are subject to:*
- (a) Active exclusion from the State and active eradication wherever found.*
 - (b) Active eradication from the premises of a dealer of nursery stock.*
- 3. Category B weeds are weeds that are generally established in scattered populations in some counties of the State. Such weeds are subject to:*
- (a) Active exclusion where possible.*
 - (b) Active eradication from the premises of a dealer of nursery stock.*
- 4. Category C weeds are weeds that are generally established and generally widespread in many counties of the State. Such weeds are subject to active eradication from the premises of a dealer of nursery stock.*

Sec. 2. NAC 555.075 is hereby amended to read as follows:

555.075 1. The *designated* weeds subject to control within the Goose Creek Weed Control District are:

- (a) Those *noxious* weeds ~~designated~~ *specified* in NAC 555.010; *and*
- (b) ~~Black-Henbane; and~~
- ~~—(c)~~ Larkspur.

2. When considering chemical control of designated weeds, the Board of Directors of the Goose Creek Weed Control District shall follow the latest recommendations of the University of Nevada, Reno, and the Department.

3. When considering mechanical control of designated weeds, the Board of Directors shall determine the method to be used.

4. The District may inspect any medium used in agricultural production, including, without limitation, machinery, livestock, forage, feed grain and seed for planting, which is moving to or within the District and is capable of spreading weeds designated for control by the District. If upon inspection the agricultural medium is found to be infested with viable reproductive parts of a designated weed, the medium used in agricultural production must be treated in a manner approved by the District.

5. If a farmer, rancher or landowner refuses to allow the District to control a designated weed on his property or refuses to perform the necessary control measures himself in a manner acceptable to the District, the Board of Directors may request the Director to initiate legal proceedings as provided by law.

6. The District may cooperate financially with a subdivision outside the District which is infested with a weed that is subject to control within the District if that infestation renders a potential problem to the control of weeds within the District.

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 554.885 thru NAC 554.905, pertaining to NAC 587.360, pertaining to Inspection and Certification Fees.

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? . No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **YES** to either of questions 1 & 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop ?
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Part 2

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
N/A
2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects none
 - b. Both direct and indirect effects none

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.