

STEVE SISOLAK
Governor



JENNIFER OTT
Director

Las Vegas Office:
2300 East St. Louis Ave.
Las Vegas, NV 89104
Telephone (702) 668-4590
Fax (702) 668-4567

Elko Office:
4780 East Idaho St.
Elko, NV 89801-4672
Telephone (775) 738-8076
Fax (775) 738-2693

STATE OF NEVADA
DEPARTMENT OF AGRICULTURE
405 South 21st St.
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
agri.nv.gov

PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE
NOTICE OF INTENT TO ACT UPON A REGULATION
AND
HEARING AGENDA

Notice of Hearing for the Adoption of Permanent Regulations Nevada Administrative Code chapter 552.

LCB File No. R024-22

The Nevada Department of Agriculture (NDA) will hold a public hearing at 10:30 a.m. on May 31, 2022. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to chapter 552 of the Nevada Administrative Code (NAC).

Date: Tuesday, May 31, 2022
Time: 10:30 a.m. PST
Location: This meeting will be held virtually via Webex.

Remote Meeting Information*:

To join the meeting virtually, click on the URL and enter the meeting number and password when prompted:

<https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture.my/j.php?MTID=m05de4a49ef224bdcdf71d4082c1690cf>

Meeting Number: 2550 226 2709

Access code: wpE4r3f44zg

To join by telephone, call the phone-in number and enter the access code when prompted.

Phone-in Access #: 1-408-418-9388

Access Code: 2550 226 2709

***Per 2021 AB253**

ALL PERSONS WISHING TO ATTEND THE MEETING MUST ATTEND VIA (insert platform, WEBEX/ZOOM) OR TELEPHONICALLY.

Nevada Revised Statute Chapter 287 has been amended through [2021 AB 253](#) to allow public meetings to be completed by use of remote technology and without a physical location.

INFORMATIONAL STATEMENTS

Pursuant to [NRS 233B.0603](#), the NDA is providing the following statements pertaining to the public hearing on proposed changes to Chapter 552 of NAC.

- The need for and the purpose of the proposed regulation or amendment.

Currently as complaints are received or an abandoned or diseased hive is found, the NDA is unable to notify the owner as the landowner is not always the beekeeper or aware a hive has been placed on their property. The proposed regulations would require signage be placed next to a hive that lists the owner's contact information which would allow the NDA to make contact should there be a compliance issue (i.e. diseased, poor health, or africanized colony) in addition to a need for education. If the NDA is unable to contact a hive owner in order to respond to the compliance issue, the hive is disposed of to protect other hives. This proposed regulation also allows for hive health education opportunities which can help prevent future issues.

- If the regulation is a temporary one, either the text of the proposed rule or a description of the substance of the rule and the subjects and issues involved. If the regulation is a permanent one, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The Legislative Counsel permanent regulation text is available by contacting the NDA at 775-353-3601 or through the following links:

o Nevada Department of Agriculture website at:

https://agri.nv.gov/Plant/Workshop_and_Hearing_Meetings/Division_of_Plant_Health_and_Compliance_Workshops_and_Hearings/

o Nevada Public Notice website at: <https://notice.nv.gov/>

o Nevada Legislature Administrative Regulation Notices at:

<https://www.leg.state.nv.us/App/Notice/A/>

- The estimated economic effect of the regulation on the business which it is to regulate and on the public.
 - o Adverse economic effect on regulated business
Beekeepers will need to place signage next to hives and ensure signage is placed as hives are moved. This will require some time commitment and the purchase of materials to construct the signs. Cost estimates for signage or any other economic impact directly attributed to having to place signage were not provided to the NDA other than the expressed concern of hive theft.

- Beneficial economic effect on regulated business
The NDA will be able to respond to hive health or abandonment complaints or field detections appropriately by promptly contacting the owner and in providing education, compliance notices, and potential enforcement action. If the NDA is unable to contact a hive owner in order to respond to the compliance issue, the hive is disposed of to protect other hives. Prompt contact with the owner allows for hive health education opportunities which can help prevent future issues. In addition, improving the NDA's ability to respond to reported or detected hive issues protects other hives from being compromised. Further, signage would allow for beekeepers to be notified of intended pesticide applications and to coordinate with the applicator appropriately.
 - Immediate economic effect on regulated business
Beekeepers would have to place the required signage at all locations. This will require time and signage materials which has varying beekeeper impacts depending on their number of colonies.
 - Long-term economic effect on regulated business
Beekeepers will need to ensure that as colonies are moved, signage is also moved accordingly.
 - Adverse economic effect on the public
The increase in fees for the regulated industry may be felt through increased product pricing.
 - Beneficial economic effect on the public
The increase in fees for the regulated industry may be felt through increased product pricing.
 - Immediate economic effect on the public
The increase in fees for the regulated industry may be felt through increased product pricing.
 - Long-term economic effect on the public
The increase in fees for the regulated industry may be felt through increased product pricing.
- The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement would be complaint based or as part of other agriculture inspection services. No additional cost is anticipated.

- The methods used by the agency in determining the impact on a small business.

A digital survey was released by the Nevada Department of Agriculture (NDA) to assess the impact of the proposed regulation changes to NAC 552 which included a proposed regulation that has since been removed. The portion that was removed from the regulation draft included a requirement that

adjacent neighbors be notified when hives are present on a property (if the hive owner's property is less than five acres). Most of the survey comment received was in response to the neighbor notification requirement which was removed from the proposed regulation draft.

The survey opened on July 28, 2021 and closed on August 11, 2021. On July 28, 2021, the survey was posted to the NDA's website at www.agri.nv.gov/survey. The survey was sent to licensed honey businesses and beekeepers on record with the NDA. A search was also conducted to supplement the contact list to include businesses and beekeeper organizations in Nevada. In total, this email went out to 128 contacts.

An additional email was sent to all agriculture businesses and contacts registered through the NDA MailChimp account. In total, this email went out to 7,244 contacts. An error was experienced when the survey was issued so, the survey was reopened and communication was sent to those impacted during this period from August 27, 2021 to September 7, 2021, resulting in 6 additional responses. A link to all active surveys, including NAC 552, was shared on social media and through the NDA Director's July newsletter on July 30, 2021. In addition, the survey was shared by the Nevada Farm Bureau through their newsletters on July 30, 2021 and August 6, 2021. The survey was also posted on the Mason Valley Beekeepers' social media on July 31, 2021.

In total, the survey received 80 responses with a 70% survey completion rate. 30 responses were received through email, while 50 responses were received through social media, website postings, and other survey promotions.

- A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

Not applicable

- If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not applicable

- If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable

- Whether the proposed regulation establishes a new fee or increases an existing fee.

Not applicable

- Copies of this notice and proposed regulations will be mailed to members of the public upon request. Copies may also be requested or inspected by visiting the NDA offices located in Elko, Las Vegas or Sparks or the Nevada State Library and Archives at 100 Stewart Street, Carson City, NV 89701. A reasonable fee may be charged for copies or postage if it is deemed necessary. Requests for mailed copies may be directed to
 - Nevada Department of Agriculture
 - Division of Plant Health and Compliance
 - 405 South 21st Street
 - Sparks, NV 89431
 - Phone: 775-353-3601 ; Email: m.brown@agrinv.gov

- Notice of this meeting was sent to all persons on the Department’s mailing list for administrative regulations and posted on or before 10:30 a.m. thirty days before the meeting at the following locations:
 - Nevada Department of Agriculture website at agri.nv.gov
 - Nevada Public Notice website at <https://notice.nv.gov/>
 - Nevada Legislature Administrative Regulation Notices at <https://www.leg.state.nv.us/App/Notice/A/>

- Persons wishing to make oral comment upon the regulation draft of the Nevada Department of Agriculture may participate at the scheduled hearing. Persons wishing to submit written testimony or documentary evidence may submit the material by emailing m.brown@agri.nv.gov or via mail to the following address: Nevada Department of Agriculture, Attn: Meghan Brown, 405 S. 21st ST, Sparks, NV 89431. Written submissions must be received by the NDA on or before May 31,2022.

- Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Please contact the Department at 775-353-3601 or m.brown@agri.nv.gov at least three (3) business days prior to the meeting.

- If no person who is directly affected by the proposed action appears to request time to make and oral presentation, the NDA may proceed immediately to act upon any written submissions.

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

ADOPTION HEARING AGENDA
NEVADA DEPARTMENT OF AGRICULTURE
May 31, 2022
10:30 a.m.

Note: Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda.

I. Call to Order

II. Public Comment: In consideration of others who may wish to provide public comment, please avoid repetition, and limit your comment to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker. The agency is precluded from action on items raised during Public Comments that are not on the agenda.

III. For possible action: Discussion and Adoption of Proposed Permanent Regulations
a. Amendment of regulations that pertain to Chapter NAC 552 of the Nevada Administrative Code.

IV. Public Comment: In consideration of others who may wish to provide public comment please avoid repetition and limit your comment to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker. The agency is precluded from action on items raised during Public Comments that are not on the agenda.

V. Adjourn