

LCB File No. R097-01

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

**NOTICE OF INTENT TO ADOPT REGULATIONS OF THE
NEVADA DEPARTMENT OF AGRICULTURE**

Proposed amendment to NAC 555.010 pertaining to the designation of noxious weeds.

Need and purpose of the proposed amendments

Purple loosestrife (*Lythrum salicaria*) is recognized as a noxious, invasive weed in Nevada and many other states. As with all invasive, non-natives this plant out competes with native vegetation, especially in riparian habitats, and reduces the diversity of local flora and fauna.

Purple loosestrife has long been sold in the nursery trade as an ornamental, and until 1999 was sold as such in Nevada. In 1999 a revision was made to the NAC that included listing this plant as a noxious plant species.

Since then, scientific research has concluded that the species *Lythrum virgatum*, and cultivars of *L. virgatum* and *L. salicaria* are aggressive, non-native plants and can not be guaranteed to be sterile.

In light of these recent findings, we are proposing that *L. virgatum* and all cultivars of *L. virgatum* and *L. salicaria* be added to Nevada's noxious weed list.

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

1. Adverse effects:
The proposed additions to the noxious weed list would allow the Department of Agriculture to control these weeds when discovered. Owners of the infested land may be required to control them and pay for the cost of control. Plant dealers will be prohibited from selling these plants.
2. Beneficial effects:
Plant dealers would not be able to sell these weeds and would avoid customer complaints on the weeds adverse effects.
3. Immediate and long-term effects:
The beneficial and adverse effects are the same for the immediate and long-term economic effects.

Economic effects of the proposed amendments on the public:

1. Adverse effects:
None
2. Beneficial effects:
The control of the additional weeds will prevent adverse economic and environmental effects

caused by them.

3. Immediate and long-term effects:

The beneficial and adverse effects are the same for the immediate and long-term economic effects.

Economic cost to the agency for enforcement of the proposed amendments:

There will be no additional cost to the agency for enforcement of the amendments.

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

There are no other state, local or federal government regulations that these amendments overlap or duplicate.

Fees:

The proposed amendments do not contain any new fees or increase any existing fees.

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

DATE: September 17, 2001

TIME: 10:00 a.m.

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

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 Nevada Department of Agriculture
Eyer H Boies Building 2300 McLeod

Elko, NV 89801

Las Vegas, NV 89104

This notice and text of the proposed regulation are also available in the <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary

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 Robert Gronowski at the Nevada Department of Agriculture, (775)-688-1182 Ext. 239 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.

Paul Iverson, Director

Date

NOTICE OF WORKSHOP

A workshop will be held on proposed amendment to NAC 555.010 pertaining to the designation noxious weeds.

DATE: _____ September 17 , 2001
TIME: _____ 9:00 a.m.
Place: _____ Nevada Department of Agriculture- Reno Office
350 Capitol Hill Avenue
Reno, NV 89502-2923

For clarification on the proposed amendments contact Robert Gronowski at (775) 688-1182, extension 239.

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.

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 Robert Gronowski at (775) 688-1182, extension 239).

NRS 233b.064 permanent regulation not to be adopted until text approved or revised by the Legislative Counsel; agency's reason for adoption.

NRS 233b.064 (2) 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 its adoption, and incorporated therein its reasons for overruling the consideration urged against the adoption.

Paul Iverson, Director

Date

**NEVADA DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a frame work 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 workshop 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: Amendment of NAC 555.010 pertaining to the designation of noxious weeds

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. Has 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.

Small Business Impact Form- Part 1

SMALL BUSINESS IMPACT STATEMENT

Small Business Impact Form- Part 2

(NRS 233B.0609)

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.

2. The estimated economic effect of the proposed regulation on small business:

- a. Both adverse and beneficial effects
- b. Both direct and indirect effects

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.

LCB File No. R097-01

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

**Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502
775-688-1180**

Proposed amendments to NAC 555.010, pertaining to the designation of noxious weeds.

CLASSIFICATION OF WEEDS

NAC 555.010 Designation of noxious weeds. (NRS 555.130) The following weeds are designated noxious weeds:

- | | |
|---------------------------|--------------------------|
| 1. African rue. | (Peganum harmala) |
| 2. Austrian fieldcress. | (Rorippa austriaca) |
| 3. Austrian peaweed. | (Sphaerophysa salsula) |
| | (Swainsona salsula) |
| 4. Black henbane. | (Hysocyamus niger) |
| 5. Camelthorn. | (Alhagi camelorum) |
| 6. Common crupina. | (Crupina vulgaris) |
| 7. Dyer's woad. | (Isatis tinctoria) |
| 8. Eurasian watermilfoil. | (Myriophyllum spicatum) |
| 9. Goats rue. | (Galega officinalis) |
| 10. Hemlock: | |
| (a) Poison; and | (Conium maculatum) |
| (b) Water. | (Cicuta maculata) |
| 11. Horse nettle: | |
| (a) Carolina; and | (Solanum carolinense) |
| (b) White. | (Solanum elaeagnifolium) |
| 12. Houndstongue. | (Cynoglossum officinale) |
| 13. Hydrilla. | (Hydrilla verticillata) |
| 14. Knapweed: | |
| (a) Diffuse; | (Centaurea diffusa) |
| (b) Russian; | (Centaurea repens) |
| (c) Spotted; and | (Centaurea maculosa) |
| (d) Squarrose. | (Centaurea virgata) |
| 15. Leafy spurge. | (Euphorbia esula) |
| 16. Mayweed chamomile. | (Anthemis cotula) |
| 17. Mediterranean sage. | (Salvia aethiopsis) |
| 18. Medusahead. | (Taeniatherum caput- |
| medusae) | |
| 19. Perennial pepperweed. | (Lepidium latifolium) |
| 20. Puncture vine. | (Tribulus terrestris) |

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|---|--|
| 21. Purple loosestrife. | (Lythrum salicaria,
<i>Lythrum virgatum and their
cultivars</i>) |
| 22. Rush skeletonweed. | (Chondrilla juncea) |
| 23. Saltcedar. | (Tamarix ramosissima, T.
parviflora) |
| 24. Sorghum species, perennial, including,
but not limited to: | (Sorghum spp.) |
| (a) Johnson grass; | |
| (b) Sorghum alum; and | |
| (c) Perennial sweet sudan. | |
| 25. Starthistle: | |
| (a) Iberian; | (Centaurea iberica) |
| (b) Purple; and | (Centaurea calcitrapa) |
| (c) Yellow. | (Centaurea solstitialis) |
| 26. St. Johnswort. | (Hypericum perforatum) |
| 27. Sulfur cinquefoil. | (Potentilla recta) |
| 28. Thistle: | |
| (a) Canada; | (Cirsium arvense) |
| (b) Musk; | (Carduus nutans) |
| (c) Scotch; and | (Onopordum acanthium) |
| (d) Sow. | (Sonchus arvensis) |
| 29. Toadflax: | |
| (a) Dalmation; and | (Linaria dalmatica) |
| (b) Yellow. | (Linaria vulgaris) |
| 30. Whitetop or hoary cress. | (Cardaria draba) |