

LCB File No. R036-02

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

NOTICE OF WORKSHOP

A workshop will be held on proposed repeal of NAC 554.885 thru 554.905, pertaining to quarantines against stem and bulb nematode and white rot fungus and garlic viruses, quarantine of Fish Lake Valley.

DATE: March 12, 2002

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, ext. 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

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE
NOTICE OF INTENT TO ADOPT REGULATIONS**

Proposed Repeal of NAC 554.885 thru 554.905, pertaining to quarantines against stem and bulb nematode and white rot fungus and garlic viruses, quarantine of Fish Lake Valley.

Need and purpose of the proposed amendments:

Garlic is no longer grown in Fish lake Valley. The climate in the valley is not conducive to the production of garlic. There is no need for this quarantine and is being repealed.

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

1. Adverse effects:
None.
2. Beneficial effects:
Repeal of a quarantine that is no longer needed removes any requirements on businesses.
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:
None
3. Immediate and long-term effects:
None

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: March 12, 2002

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
Eyer H Boies Building
Elko, NV 89801

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 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

PROPOSED REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

Proposed repeal of NAC 554.885 thru NAC 554.905 pertaining to QUARANTINES AGAINST STEM AND BULB NEMATODE, WHITE ROT FUNGUS AND GARLIC VIRUSES, Quarantine of Fish Lake Valley

~~[NAC 554.885 Establishment of quarantine.~~

~~—1. The director finds that stem and bulb nematode (*Ditylenchus dipsaci*) and white rot fungus (*Sclerotium cepivorum*) are not known to occur in Fish Lake Valley, Nevada.~~

~~—2. To prevent the introduction into Fish Lake Valley, Nevada, of stem and bulb nematode (*Ditylenchus dipsaci*) and white rot fungus (*Sclerotium cepivorum*), and their hosts and possible carriers, the director hereby establishes a quarantine of Fish Lake Valley that is bordered on the west by California, on the north by the north boundary of Township 1 South, on the east by the west boundary of Range 37 East and on the south by California.]~~

~~[NAC 554.895 Permit to plant or cultivate garlic plant or bulb onion in quarantined area.~~

~~—1. A person shall not plant or cultivate in the area of Fish Lake Valley that is quarantined pursuant to NAC 554.885 a garlic plant or any part thereof or a bulb onion unless he:~~

~~—(a) Makes a written application on a form provided by the department; and~~

~~—(b) Receives a permit issued by the department.~~

~~—2. The department will issue a permit if the application is accompanied by a certificate issued by a state or county agricultural officer verifying that the garlic or bulb onion is apparently free of stem and bulb nematode (*Ditylenchus dipsaci*) and white rot fungus (*Sclerotium cepivorum*).]~~

~~[NAC 554.905 Conditions for bringing equipment used to transport garlic or bulb onion into quarantined area; inspection and removal of equipment.~~

~~—1. Except as otherwise provided in subsection 3, a person shall not bring into the area of Fish Lake Valley that is quarantined pursuant to NAC 554.885 any machinery, box, truck or other equipment used to transport garlic or bulb onion which has been used outside of the area unless:~~

~~—(a) The machinery, box, truck or other equipment has been washed with water to remove all soil and debris; and~~

~~—(b) The department is notified before the machinery, box, truck or other equipment is brought into the area.~~

~~—2. The department may:~~

~~—(a) Inspect any machinery, box, truck or other equipment brought into the area of Fish Lake Valley that is quarantined pursuant to NAC 554.885; and~~

~~—(b) Remove the machinery, box, truck or other equipment if any soil or debris is found.~~

~~—3. The provisions of subsection 1 do not apply to any machinery, box, truck or other equipment used to transport garlic or bulb onion that has been used in the area of California contiguous to the area of Fish Lake Valley which is quarantined pursuant to NAC 554.885.]~~

**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 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 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 the repeal of a quarantine of Fish lake Valley

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 (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.