

LCB File No. R002-03

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

(This proposed regulation was previously adopted as LCB File No. T018-02)

NOTICE OF WORKSHOP

A workshop will be held on proposed amendment of NAC 554, pertaining to adoption of the Domestic Quarantine Notices, Code of Federal Regulations, Title 7, Volume 5, Part 301, Revised as of January 1, 2003, 7 CFR Part 301, Imported Fire A; Additions to the Quarantined Area, published in the Federal Register/Vol.68, No69/Thursday May 8, 2003/ Rules and Regulations, page 24613, DA-2001-1, *Phytophthora ramorum, Sudden Oak Death, Expansion (SOD)* of Listed Hosts- California and Oregon, dated January 28, 2003, Pages 5794 through 5796, 7CFR Part 301, Imported Fire Ant , Additions to Quarantined Areas, Federal Register/Vol.68, No.24/Wesnesday, February 5, 2003/Rules and Regulations, and DA-2003-7 sudden Oak Death (SOD), *Phytophthora ramorum, Expansion of List of Regulated Articles-California and Oregon*, dated March 11, 2003 by reference.

DATE: August 6, 2003

TIME: 10:30 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

**NOTICE OF HEARING AND
NOTICE OF INTENT TO ADOPT REGULATIONS**

Proposed amendment of NAC 554, pertaining to adoption of the Domestic Quarantine Notices, Code of Federal Regulations, Title 7, Volume 5, Part 301, Revised as of January 1, 2003, 7 CFR Part 301, Imported Fire Ant; Additions to the Quarantined Area, published in the Federal Register/Vol.68, No69/Thursday, May 8, 2003, Rules and Regulations, page 24613, DA-2001-1,

Phytophthora ramorum, Sudden Oak Death, Expansion (SOD) of Listed Hosts- California and Oregon, dated January 28, 2003, Pages 5794 through 5796, 7CFR Part 301, Imported Fire Ant , Additions to Quarantined Areas, Federal Register/Vol.68, No.24/Weseneday, February 5, 1003/ Rules and Regulations, and DA-2003-7 sudden Oak Death (SOD), *Phytophthora ramorum*, Expansion of List of Regulated Articles-California and Oregon, dated March 11, 2003 by reference.

Need and purpose of the proposed amendments:

The Federal Domestic Quarantines can be adopted by Nevada and enforced as state quarantines. This allows Nevada to enforce these quarantines and prevent the pests covered by them from entering into Nevada and becoming established causing adverse economic and environmental affects on crops, livestock, public health, wildlife, water quality and beneficial uses of the land.

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

1. Adverse effects:
None.
2. Beneficial effects:
The business will only have one set of quarantines to comply with rather than separate state and federal quarantines.
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:
Nevada will enforce these quarantines and prevent the pests covered by them from entering into Nevada and becoming established causing adverse economic and environmental affects on crops, livestock, public health, wildlife, water quality and beneficial uses of the land.
3. Immediate and long-term effects:
The Immediate and long-term effects will be the same as the Beneficial 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:

Duplicates the Domestic Quarantine Notices, Code of Federal Regulations, Title 7, Volume 5, Part 301, Revised as of January 1, 2003, CFR Part 301, Imported Fire A; Additions to the Quarantined Area, published in the Federal Register/Vol.68, No69/Thureaday May 8, 2003/

Rules and Regulations, page 24613, DA-2001-1, *Phytophthora ramorum*, Sudden Oak Death, Expansion (SOD) of Listed Hosts- California and Oregon, dated January 28, 2003, Pages 5794 through 5796, 7CFR Part 301, Imported Fire Ant , Additions to Quarantined Areas, Federal Register/Vol.68, No.24/Weseneday, February 5, 1003/Rules and Regulations, and DA-2003-7 sudden Oak Death (SOD), Phytophthora ramorum, Expansion of List of Regulated Articles-California and Oregon, dated March 11, 2003 witch is needed to take state enforcement actions.

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: August 6, 2003

TIME: 11:15 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 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 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.

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

Authority: NRS 554.020 and

Chapter 554 of NAC is hereby temporary amended by adding there to the provisions set forth as sections 1 and 2 of this regulation.

Section 1. The department hereby adopts by reference the “Domestic Quarantine Notices”, Code of Federal Regulations, Title 7, Volume 5, Part 301, revised as of January 1, 2001, together with any amendments or changes thereto which are found by the State Quarantine Officer to be suitable for Nevada pursuant to sec.2. This publication is available at no cost from the Nevada Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada, 89502.

Sec. 2. The State Quarantine Officer shall review each change or amendment to the “Domestic Quarantine Notices” revised as of January 1, 2001 and determine whether it is suitable for Nevada. Upon making a determination that such change or amendment:

(a) Is suitable, the State Quarantine Officer shall file one copy of it with the Secretary of state, one copy with the State Librarian and make one copy available for public inspection with the regulations of the department.

(b) Is unsuitable, the Sate Quarantine Officer shall file with the Sectary of State and with the state Librarian a notice which states that it was disapproved for Nevada and has a copy of the change or amendment attached, and shall make a least one copy of the notice and attachment available for public inspection with the regulations of the department.

**PROPOSED REGULATION OF THE STATE
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SMALL BUSINESS IMPACT STATEMENT

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 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 amendment of NAC 554, pertaining to adoption of the Domestic Quarantine Notices, Code of Federal Regulations, Title 7, Volume 5, Part 301, Revised as of January 1, 2003, 7 CFR Part 301, Imported Fire A; Additions to the Quarantined Area, published in the Federal Register/Vol.68, No69/Thureaday May 8, 2003/ Rules and Regulations, page 24613, DA-2001-1, *Phytophthora ramorum*, *Sudden Oak Death*, *Expansion (SOD)* of Listed Hosts- California and Oregon, dated January 28, 2003, Pages 5794 through 5796, 7CFR Part 301, Imported Fire Ant , Additions to Quarantined Areas, Federal Register/Vol.68, No.24/Weseneday, February 5, 1003/Rules and Regulations, and DA-2003-7 sudden Oak Death (SOD), *Phytophthora ramorum*, Expansion of List of Regulated Articles-California and Oregon, dated March 11, 2003 by reference.

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.
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.