

**LCB File No. R003-03**

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

(This proposed regulation was previously adopted as LCB File No. T024-02)

**NOTICE OF WORKSHOP**

A workshop will be held on proposed of NAC 5555.010, pertaining to designation of noxious weeds.

DATE: August 7, 2003

TIME: 8:30 A.M..

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

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**

Authority: NRS 555.010 and NRS 555. 130

Need and purpose of the proposed amendments:

The weeds proposed to be added to the designation of noxious weeds cause adverse economic and environmental damage. Listing these weeds assist in limiting the distribution of these weeds and thereby reducing their adverse impact on Nevada.

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

1. Adverse effects:  
Nurseries or landscapers cannot sell the listed weeds. Substitute species are available with similar ornamental qualities.
2. Beneficial effects:  
Listing these species as noxious will allow abatement action to be used by the Nevada Department of Agriculture and weed control districts. Control efforts will decrease spread and introduction into uninfested areas.
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 weeds proposed to be added to the designation of noxious weeds cause adverse economic and environmental damage. Listing these weeds assist in limiting the distribution of these weeds and thereby reducing their adverse impact on Nevada.
3. Immediate and long-term effects:  
Same.

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: This regulation does not overlap or duplicate any other state, local or federal regulation.

**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 7, 2003

TIME: 9:15 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.

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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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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. <i>Giant Salvinia</i> .                | <i>(Salvinia molesta)</i>                                   |
| <del>[9]</del> 10. Goats rue.             | (Galega officinalis)  |
| 11. <i>Green Fountain Grass</i> .         | <i>(Pennisetum setaceum)</i>                                |
| <del>[10]</del> 12.. Hemlock:             |   |
| (a) Poison; and                           | (Conium maculatum)  |
| (b) Water.                                | (Cicuta maculata)   |
| <del>[11]</del> 13. Horse nettle:         |   |
| (a) Carolina; and                         | (Solanum carolinense)                                       |
| (b) White.                                | (Solanum elaeagnifolium)                                    |
| <del>[12]</del> 14. Houndstongue.         | (Cynoglossum officinale)                                    |
| <del>[13]</del> 15. Hydrilla.             | (Hydrilla verticillata)                                     |
| <del>[14]</del> 16. Knapweed:             |   |
| (a) Diffuse;                              | (Centaurea diffusa)   |
| (b) Russian;                              | (Centaurea repens)  |
| (c) Spotted; and                          | (Centaurea maculosa)  |
| (d) Squarrose.                            | (Centaurea virgata)   |
| <del>[15]</del> 17. Leafy spurge.         | (Euphorbia esula)   |
| 18. <i>Malta starthistle</i> .            | <i>(Centaurea melitensis)</i>                               |
| <del>[16]</del> 19. Mayweed chamomile.    | (Anthemis cotula)   |
| <del>[17]</del> 20. Mediterranean sage.   | (Salvia aethiopsis)   |
| <del>[18]</del> 21. Medusahead.           | (Taeniatherum caput-medusae)                                |
| <del>[19]</del> 22. Perennial pepperweed. | (Lepidium latifolium)                                       |
| <del>[20]</del> 23. Puncture vine.        | (Tribulus terrestris)                                       |
| <del>[21]</del> 24. Purple loosestrife.   | (Lythrum salicaria,<br>Lythrumvirgatum and their cultivars) |
| <del>[22]</del> 25. Rush skeletonweed.    | (Chondrilla juncea)   |
| <del>[23]</del> 26. Saltcedar.            | (Tamarix ramosissima, T. parviflora)                        |

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

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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 regulation: NAC 555.010, Pertaining to 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. 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.