

**ADOPTED REGULATION OF THE  
STATE FORESTER FIREWARDEN**

**LCB File No. R222-03**

Effective April 29, 2005

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 527.270.

**Section 1.** NAC 527.010 is hereby amended to read as follows:

527.010 1. The State Forester *Firewarden* has declared the following species and subspecies of native plants to be critically endangered and threatened with extinction pursuant to NRS 527.270:

<i>Arctomecon californica</i> , Las Vegas bearpoppy	Torrey & Fremont
<i>Astragalus geyeri</i> var. <i>triquetrus</i> , Threecorner milkvetch	(A. Gray) M.E. Jones
<i>Astragalus lentiginosus</i> Douglas var. <i>sesquimetalis</i> , Sodaville milkvetch	(Rydberg) Barneby
<del><i>Astragalus mohavensis</i> var. <i>hemigyris</i>, Halfring milkvetch</del>	<del>(Clokey) Barneby</del>
<i>Astragalus phoenix</i> , Ash Meadows milkvetch	Barneby
<i>Astragalus yoder-williamsii</i> , Osgood Mountains milkvetch	Barneby
<i>Castilleja salsuginosa</i> , Monte Neva paintbrush	N. Holmgren
<i>Centaurium namophilum</i> , Spring-loving centaury	Reveal, Broome & Beatley

<i>Cryptantha insolita</i> , Unusual catseye	(MacBride) Payson
<i>Enceliopsis nudicaulis</i> var. <i>corrugata</i> , Ash Meadows sunray	(A. Gray) A. Nelson
<i>Eriogonum argophyllum</i> , Sulphur Springs buckwheat	Reveal
<b><u><i>Eriogonum diatomaceum</i></u>, Churchill Narrows buckwheat</b>	<b><i>Reveal, J. Reynolds &amp; Picciani</i></b>
<i>Eriogonum ovalifolium</i> var. <i>williamsiae</i> , Steamboat buckwheat	Reveal
<i>Eriogonum viscidulum</i> , Sticky buckwheat	J.T. Howell
<i>Frasera gypsicola</i> , Sunnyside green gentian	(Barneby) D.M. Post
<i>Grindelia fraxino-pratensis</i> , Ash Meadows gumplant	Reveal
<i>Ivesia kingii</i> var. <i>eremica</i> , Ash Meadows ivesia	(Coville) Ertter
<b><u><i>Ivesia webberi</i></u>, Webber ivesia</b>	<b><i>A. Gray</i></b>
<i>Mentzelia leucophylla</i> , Ash Meadows blazingstar	Brandegee
<i>Nitrophila mohavensis</i> , Amargosa niterwort	Munz & Roos
<i>Opuntia whipplei</i> var. <i>multigeniculata</i> , Blue Diamond cholla	(Clokey) Benson
<i>Phacelia inconspicua</i> , Obscure scorpion plant	E.L. Greene
<i>Polyctenium williamsiae</i> , Williams combleaf	Rollins
<i>Rorippa subumbellata</i> , Tahoe yellowcress	Rollins
<i>Spiranthes diluvialis</i> , Ute lady's tresses	Sheviak

2. The common names of species and subspecies of native flora listed in this section are provided for convenience and must not be relied upon for identification of any specimen due to the substantial variations in local usage of common names.

3. The State Forester *Firewarden* will rely to the extent practicable upon the International Code of Botanical Nomenclature (Saint Louis Code), 2000 edition, which is hereby adopted by reference, to describe the species and subspecies of native plants critically endangered and threatened with extinction. The publication may be purchased from Koeltz Scientific Books, P.O. Box 1360, D-61453 Königstein, Germany, for the price of ~~[\$40.]~~ \$52. The publication is also available, free of charge, from the International Association for Plant Taxonomy at the Internet address <<http://www.bgbm.fu-berlin.de/iapt/nomenclature/code/default.htm>>.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R222-03**

The State Forester Firewarden adopted regulations assigned LCB File No. R222-03 which pertain to chapter 527 of the Nevada Administrative Code on March 23, 2005.

**Notice date:** 1/4/2005  
**Hearing date:** 1/25/2005

**Date of adoption by agency:** 3/23/2005  
**Filing date:** 4/29/2005

**INFORMATIONAL STATEMENT**

- 1. A description of how public comment was solicited from affected businesses and the interested public, a summary of response from affected businesses and public, and an explanation of how other interested parties may obtain a copy of the summary.**

A public hearing on the proposed regulations was conducted on January 25, 2005 at the Executive Conference Room at 2525 S. Carson Street in Carson City. Concurrently, two Public Workshops were held on January 25, 2005 in Elko and in Las Vegas. The Public Comment Period was extended, and written comments were taken and considered for the public hearing for adoption of the regulations until February 23, 2005. The public workshops, public hearing and text of the proposed regulations were noticed in accordance with NRS 233B, and affected businesses and members of the public known to be interested in the subject matter were notified individually. Public response was supportive of the revisions with the exception of *Eriogonum corymbosum* var. *aureum*, which has been omitted from the changes for adoption. A copy of the written comments received may be obtained by calling the Nevada Division of Forestry's Resource Program Coordinator Rich Harvey at (775)684-2500 or by writing to him at 2525 South Carson Street, Carson City, Nevada 89701.

- 2. The number of persons, including representatives of affected businesses, who:**

<b>(a) Attended the public workshops:</b>	11
<b>(b) Attended the public hearing:</b>	5
<b>(c) Testified at the public hearing:</b>	0
<b>(d) Testified at the public workshops:</b>	5
<b>(d) Submitted to the agency written comments:</b>	2

- 3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The Public Comment period was extended beyond the date of the Public Hearing until February 23, 2005. The regulation was adopted with one change, the omission of *Eriogonum corymbosum* var. *aureum* (Las Vegas Buckwheat). This decision was based on a recent taxonomic nomenclature change to the species. The amendment as adopted consists of adding two species, *Ivesia webberi* and *Eriogonum diatomaceum*, to the list of fully protected native plant species threatened with extinction, and removing *Astragalus mohavensis* var. *hemigyris* from the fully protected state list.

- 4. The estimated economic effect of the regulation on the business, which it is to regulate, and on the public. These must be stated separately, and in each case must include: (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.**

The listing of *Ivesia webberi* as a fully protected species may have an adverse impact on development, or other land uses, adjacent to or on top of the four populations in the vicinity of the rapidly growing Reno Area. Mitigation measures may be required of private landowners to protect the plant and habitat from undue harm from development, off highway vehicle use, or other potential threats.

The listing of *Eriogonum diatomaceum* as a fully protected species may have an adverse impact on developments such as mining and billboard signage. Mitigation measures may be required of private landowners to protect the plant and habitat from undue harm from excavation, off highway vehicle use, or other potential threats.

There are no anticipated economic effects to business or the public resulting from de-listing of *Astragalus mohavensis* var. *hemigyris*.

- 5. The estimated cost to the agency for enforcement of the adopted regulation.**

NDF may incur costs to monitor the plant and work with landowners and other interested parties to mitigate disturbances and/or plan for the protection of the species. Personnel and operating costs for management of threatened and endangered species, including *Ivesia webberi* and *Eriogonum diatomaceum*, are part of the Divisions General Fund budget and mission. Adding a fully protected species will create some additional workload, but no additional costs should be incurred.

- 6. A description of any regulations of other state or government agencies, which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.**

The regulation does not overlap or duplicate any regulation of other state or government agencies.

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

The regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity.

- 9. If the regulation provides 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.**

The regulation does not provide for a new fee or increase any existing fee.