

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R109-04

Effective October 5, 2004

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

AUTHORITY: §1, NRS 555.130.

A REGULATION relating to noxious weeds; designating as noxious all species and cultivars of the weed, saltcedar; and providing other matters properly relating thereto.

Section 1. NAC 555.010 is hereby amended to read as follows:

555.010 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. Giant salvinia. *(Salvinia molesta)*
10. Goats rue. *(Galega officinalis)*
11. Green fountain grass. *(Pennisetum setaceum)*

12. Hemlock:
- (a) Poison; and (*Conium maculatum*)
 - (b) Water. (*Cicuta maculata*)
13. Horse nettle:
- (a) Carolina; and (*Solanum carolinense*)
 - (b) White. (*Solanum elaeagnifolium*)
14. Houndstongue. (*Cynoglossum officinale*)
15. Hydrilla. (*Hydrilla verticillata*)
16. Knapweed:
- (a) Diffuse; (*Centaurea diffusa*)
 - (b) Russian; (*Centaurea repens*)
 - (c) Spotted; and (*Centaurea maculosa*)
 - (d) Squarrose. (*Centaurea virgata*)
17. Leafy spurge. (*Euphorbia esula*)
18. Malta starthistle. (*Centaurea melitensis*)
19. Mayweed chamomile. (*Anthemis cotula*)
20. Mediterranean sage. (*Salvia aethiopsis*)
21. Medusahead. (*Taeniatherum caput-medusae*)
22. Perennial pepperweed. (*Lepidium latifolium*)
23. Puncture vine. (*Tribulus terrestris*)
24. Purple loosestrife. (*Lythrum salicaria*, *Lythrum virgatum* and their cultivars)
25. Rush skeletonweed. (*Chondrilla juncea*)

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

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R109-04**

The State Department of Agriculture adopted regulations assigned LCB File No. R109-04 that pertain to chapter 555 of the Nevada Administrative Code on August 13, 2004.

Notice date: 5/25/2004

Date of adoption by agency: 8/13/2004

Hearing date: 6/23/2004 & 6/24/2004

Filing date: 10/5/2004

INFORMATIONAL STATEMENT

INFORMATIONAL STATEMENT (NRS 233B.066) regarding workshops and hearings held to adopt regulations changing the noxious weed list, NAC 555.010

1. A public workshop was held on June 23, 2004, in Las Vegas, Nevada at the Nevada Department of Agriculture Office, 2300 McLeod, and June 24, 2004, in Reno, Nevada at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.

2. A public hearing was held on June 23, 2004, in Las Vegas, Nevada at the Nevada Department of Agriculture Office, 2300 McLeod, and June 24, 2004, in Reno, Nevada at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City Nevada, and all Nevada county libraries. Copies could be requested from the Nevada Department of Agriculture, Division of Plant Industry by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling (775) 688-1182, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who have requested to be notified of amendments were notified by mail, fax or e-mail.

3. Workshop held June 23, 2004 Las Vegas
Number attended: 3
Number testified: 1
Number of written statements: 0

Summary of comments: Dawn Rafferty, Noxious Weed Program Coordinator, reviewed the comments; Nevada Department of Agriculture staff suggested that the statement "and all their cultivars" be added to the wording in the regulation. This change will be made. Jim Johnson, Star Nursery, commented in support of the change in regulation.

4. Workshop held June 24, 2004 Reno
Number attended: 0
Number testified: 0
Number of written statements: 1

Summary of comments: Moana Nursery commented in writing in support of the change in regulations.

5. Hearing held June 23, 2004 Las Vegas
Number attending: 6
Number testifying: 1
Number of written statements submitted: 0

Summary of comments: Mark Hill, Nevada Division of Forestry expressed concern over the potential abatement action against landowners in Clark County who had in previous years bought *Tamarix aphylla* (athel) from NDF and planted this species on their land. Abatement action is at the discretion of the Department and will be considered on a case by case basis. Future restructuring of the noxious weed list will move all Tamarisk species to a level at which abatement will seldom be undertaken. Mr. Hill subsequently supported the change in regulation.

6. Hearing held June 24, 2004 Reno
Number attending: 3
Number testifying: 1
Number of written statements submitted: 0

Summary of comments: Jenny Scanlan, Nevada Division of Forestry commented in support of the change in regulation.

7. Comments were solicited from businesses and the public, by posting in public locations and through direct mail and e-mail notices as outlined in #2 above. A copy of comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1182 ext 269.

8. The Nevada Department of Agriculture adopted the amendments with the changes recommended from the workshop as follows:

Changes were made to the proposed regulation as follows: to clarify the addition of all species and genus of *Tamarix* to the noxious weed list by adding the statement “*and all cultivars.*”

9. The economic effects of the adopted amendments on the businesses that it is to regulate include:
 - a. Adverse effects:
None.
 - b. Beneficial effects:
None.
 - c. Immediate and long-term economic effects:
None.
10. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
None

b. Beneficial effects:

None.

c. Immediate and long-term economic effects:

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

11. Economic cost to the agency for the enforcement of the regulation:

There will not be any additional cost to the agency to enforce the amendments adopted.

12. There are no other state or federal agency regulations that the adopted amendments overlap or duplicate.

13. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.