

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R028-05

Effective October 31, 2005

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

AUTHORITY: §§1 and 2, NRS 555.130.

A REGULATION relating to noxious weeds; revising provisions governing the designation of noxious weeds; and providing other matters properly relating thereto.

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

555.010 *1.* The following weeds are designated noxious weeds:

(a) Category A Weeds:

- | | |
|--|---|
| [1.] (1) African rue. | (<i>Peganum harmala</i>) |
| [2.] (2) Austrian fieldcress. | (<i>Rorippa austriaca</i>) |
| [3.] (3) Austrian peaweed. | (<i>Sphaerophysa salsula</i>) |
| | [(<i>Swainsona salsula</i>)] |
| —4.] (4) Black henbane. | (<i>Hysocyamus niger</i>) |
| [5.] (5) Camelthorn. | (<i>Alhagi</i> [<i>camelorum</i>] <u><i>pseudalhagi</i></u>) |
| [6.] (6) Common crupina. | (<i>Crupina vulgaris</i>) |
| [7.] (7) <i>Dalmatian toadflax.</i> | <u>(<i>Linaria dalmatica</i>)</u> |
| (8) Dyer's woad. | (<i>Isatis tinctoria</i>) |
| [8.] (9) Eurasian water-milfoil. | (<i>Myriophyllum spicatum</i>) |
| [9.] (10) Giant salvinia. | (<i>Salvinia molesta</i>) |

[10.] (11) Goats rue.	(<i>Galega officinalis</i>)
[11.] (12) Green fountain grass.	(<i>Pennisetum setaceum</i>)
[12.] Hemlock:	
———(a) Poison; and	(<i>Conium maculatum</i>)
———(b) Water.	(<i>Cicuta maculata</i>)
—13.] Horse nettle:	
———(a) Carolina; and	(<i>Solanum carolinense</i>)
———(b) White.	(<i>Solanum elaeagnifolium</i>)
—14.] (13) Houndstongue.	(<i>Cynoglossum officinale</i>)
[15.] (14) Hydrilla.	(<i>Hydrilla verticillata</i>)
[16.] Knapweed:	
———(a) Diffuse;	(<i>Centaurea diffusa</i>)
———(b) Russian;	(<i>Centaurea repens</i>)
———(c) Spotted; and	(<i>Centaurea maculosa</i>)
———(d) Squarrose.	(<i>Centaurea virgata</i>)
—17.] Leafy spurge.	(<i>Euphorbia esula</i>)
—18.] (15) <i>Iberian starthistle.</i>	(<u><i>Centaurea iberica</i></u>)
(16) <i>Klamath weed.</i>	(<u><i>Hypericum perforatum</i></u>)
(17) Malta starthistle.	(<i>Centaurea melitensis</i>)
[19.] (18) Mayweed chamomile.	(<i>Anthemis cotula</i>)
[20.] (19) Mediterranean sage.	(<i>Salvia aethiopsis</i>)
[21.] Medusahead.	(<i>Taeniatherum caput-medusae</i>)
—22.] Perennial pepperweed.	(<i>Lepidium latifolium</i>)

- ~~—23.— Puncture vine. (*Tribulus terrestris*)~~
- ~~—24.] (20) Purple loosestrife. (*Lythrum salicaria*, *Lythrum virgatum* and their cultivars)~~
- ~~[25.] (21) Purple starthistle. (*Centaurea calcitrapa*)~~
- (22) Rush skeletonweed. (*Chondrilla juncea*)
- ~~[26.— Salteedar. (*Tamarix ramosissima*, *T. parviflora*)~~
- ~~—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.] (23) Sow thistle. (*Sonchus arvensis*)~~
- (24) Spotted knapweed. (*Centaurea maculosa*)
- (25) Squarrose knapweed. (*Centaurea virgata*)
- (26) Sulfur cinquefoil. (*Potentilla recta*)
- [31.] (27) Syrian bean caper. (*Zygophyllum fabago*)
- [32.— Thistle:
- ~~—— (a) Canada; (*Cirsium arvense*)~~

————(b) Musk;	(<i>Carduus nutans</i>)
————(c) Scotch; and	(<i>Onopordum acanthium</i>)
————(d) Sow.	(<i>Sonchus arvensis</i>)
—33. Toadflax:	
————(a) Dalmation; and	(<i>Linaria dalmatica</i>)
————(b) Yellow.	(<i>Linaria vulgaris</i>)
—34. Whitetop or hoary cress.	(<i>Cardaria draba</i>)
(28) <i>Yellow starthistle.</i>	(<u><i>Centaurea solstitialis</i></u>)
(29) <i>Yellow toadflax.</i>	(<u><i>Linaria vulgaris</i></u>)
(b) <i>Category B Weeds:</i>	
(1) <i>Carolina horse nettle.</i>	(<u><i>Solanum carolinense</i></u>)
(2) <i>Diffuse knapweed.</i>	(<u><i>Centaurea diffusa</i></u>)
(3) <i>Leafy spurge.</i>	(<u><i>Euphorbia esula</i></u>)
(4) <i>Medusahead.</i>	(<u><i>Taeniatherum caput-medusae</i></u>)
(5) <i>Musk thistle.</i>	(<u><i>Carduus nutans</i></u>)
(6) <i>Russian knapweed.</i>	(<u><i>Acroptilon repens</i></u>)
(7) <i>Scotch thistle.</i>	(<u><i>Onopordum acanthium</i></u>)
(8) <i>White horse nettle.</i>	(<u><i>Solanum elaeagnifolium</i></u>)
(c) <i>Category C Weeds:</i>	
(1) <i>Canada thistle.</i>	(<u><i>Cirsium arvense</i></u>)
(2) <i>Hoary cress.</i>	(<u><i>Cardaria draba</i></u>)
(3) <i>Johnson grass.</i>	(<u><i>Sorghum halepense</i></u>)
(4) <i>Perennial pepperweed.</i>	(<u><i>Lepidium latifolium</i></u>)

- (5) *Poison Hemlock.* (*Conium maculatum*)
- (6) *Puncture vine.* (*Tribulus terrestris*)
- (7) *Salt cedar (tamarisk).* (*Tamarix spp.*)
- (8) *Water Hemlock.* (*Cicuta maculata*)

2. *Category A weeds are weeds that are generally not found or that are limited in distribution throughout the State. Such weeds are subject to:*

- (a) *Active exclusion from the State and active eradication wherever found.*
- (b) *Active eradication from the premises of a dealer of nursery stock.*

3. *Category B weeds are weeds that are generally established in scattered populations in some counties of the State. Such weeds are subject to:*

- (a) *Active exclusion where possible.*
- (b) *Active eradication from the premises of a dealer of nursery stock.*

4. *Category C weeds are weeds that are generally established and generally widespread in many counties of the State. Such weeds are subject to active eradication from the premises of a dealer of nursery stock.*

Sec. 2. NAC 555.075 is hereby amended to read as follows:

555.075 1. The *designated* weeds subject to control within the Goose Creek Weed Control District are:

- (a) Those *noxious* weeds ~~designated~~ *specified* in NAC 555.010; *and*
- (b) ~~Black Henbane; and~~
- ~~(c)~~ Larkspur.

2. When considering chemical control of designated weeds, the Board of Directors of the Goose Creek Weed Control District shall follow the latest recommendations of the University of Nevada, Reno, and the Department.

3. When considering mechanical control of designated weeds, the Board of Directors shall determine the method to be used.

4. The District may inspect any medium used in agricultural production, including, without limitation, machinery, livestock, forage, feed grain and seed for planting, which is moving to or within the District and is capable of spreading weeds designated for control by the District. If upon inspection the agricultural medium is found to be infested with viable reproductive parts of a designated weed, the medium used in agricultural production must be treated in a manner approved by the District.

5. If a farmer, rancher or landowner refuses to allow the District to control a designated weed on his property or refuses to perform the necessary control measures himself in a manner acceptable to the District, the Board of Directors may request the Director to initiate legal proceedings as provided by law.

6. The District may cooperate financially with a subdivision outside the District which is infested with a weed that is subject to control within the District if that infestation renders a potential problem to the control of weeds within the District.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R028-05**

The State Quarantine Officer adopted regulations assigned LCB File No. R028-05 which pertain to chapter 555 of the Nevada Administrative Code on September 30, 2005.

Notice date: 8/5/2005
Hearing date: 9/7/2005 & 9/8/2005

Date of adoption by agency: 9/30/2005
Filing date: 10/31/2005

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 September 8, 2005 in Las Vegas, Nevada at the Nevada Department of Agriculture Office, 2300 McLeod, and September 7, 2005, in Reno, Nevada at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.

2. A public hearing was held on September 8, 2005 in Las Vegas, Nevada at the Nevada Department of Agriculture Office, 2300 McLeod, and September 7, 2005, 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. Notification was sent by email to all persons requesting to be notified of the amendment on August 8, 2005.

3. Workshop held September 8, 2005 Las Vegas

Number attended:	2
Number testified:	0
Number of written statements:	0

Summary of comments: No comments given; all attending were Nevada Department of Agriculture employees or board members.

4. Workshop held February 8, 2005 Reno

Number attended:	2
Number testified:	0
Number of written statements:	0

Summary of comments: No comments given; all attending were Nevada Department of Agriculture employees.

5. Hearing held September 8, 2005 Las Vegas

Number attending:	9
Number testifying:	1
Number of written statements submitted:	0

Summary of comments: Curt Deuser, NPS, requested that Green Fountain Grass (*Pennisetum setaceum*) be moved from Category B to Category A. Also that tall Whitetop (*Lepidium latifolium*) be moved from Category C to Category B. It was agreed that Green Fountain Grass should be in Category A, but further discussion decided that tall white top would remain a Category C species due to its extensive spread through all counties in the state.

6. Hearing held February 16, 2005 Reno

Number attending:	2
Number testifying:	0
Number of written statements submitted:	0

Summary of comments: No comments given; all attending were Nevada Department of Agriculture employees.

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: moving Green Fountain Grass to Category A.

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.