

Chapter 555 of NAC

LCB File No. T009-05

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

NOTICE OF WORKSHOP

A workshop will be held on proposed changes to NAC 555.010, pertaining to noxious weed list.

DATE: February 16, 2005
TIME: 9 am
PLACE: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 89502
775-688-1180

DATE: February 17, 2005
TIME: 9 am
PLACE: Nevada Department of Agriculture Office, Reno
2300 McLeod
Las Vegas, Nevada 89401
702-486.4690

For clarification on the proposed amendments contact Dawn Rafferty at (775) 688-1182, ext. 269 (please see attached).

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 INTENT TO ADOPT REGULATIONS

Proposed amendment of NAC 555.010, pertaining to noxious weed list.

Need and purpose of the proposed amendments: to create a tiered listing system to assist the department with abatement priorities

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

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long term effects: None

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long-term effects: None

Economic cost to the agency for enforcement of the proposed amendments: None

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

Fees: N/A

The date, time, place, and manner in which interested parties may present their views on the proposed amendments:

DATE: February 16, 2005
TIME: 11 am
PLACE: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 89502
775-688-1180

DATE: February 17, 2005
TIME: 11 am
PLACE: Nevada Department of Agriculture Office, Reno
2300 McLeod
Las Vegas, Nevada 89401
702-486.4690

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 Dawn Rafferty at the Nevada Department of Agriculture, (775)688-1182 Ext. 269 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.

LCB File No. T009-05

PROPOSED TEMPORARY REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE

CLASSIFICATION OF WEEDS

NAC 555.010 Designation of noxious weeds. (NRS 555.130) The following weeds are designated noxious weeds:

1. African rue.	(<i>Peganum harmala</i>)
2. Austrian fieldress.	(<i>Rorippa austriaca</i>)
3. Austrian peaweed.	(<i>Sphaerophysa salsula</i>)
-	(<i>Swainsona salsula</i>)
4. Black henbane.	(<i>Hyoseyamus niger</i>)
5. Camelthorn.	(<i>Alhagi camelorum</i>)
6. Common crupina.	(<i>Crupina vulgaris</i>)
7. Dyer's woad.	(<i>Isatis tinctoria</i>)
8. Eurasian watermilfoil.	(<i>Myriophyllum spicatum</i>)
9. Giant salvinia.	(<i>Salvinia molesta</i>)
10. Goats rue.	(<i>Galega officinalis</i>)
11. 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. Houndstongue.	(<i>Cynoglossum officinale</i>)
15. 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. Malta starthistle.	(<i>Centaurea melitensis</i>)
19. Mayweed chamomile.	(<i>Anthemis cotula</i>)
20. Mediterranean sage.	(<i>Salvia aethiopsis</i>)
21. Medusahead.	(<i>Taeniatherum caput-medusae</i>)
22. Perennial pepperweed.	(<i>Lepidium latifolium</i>)
23. Puncture vine.	(<i>Tribulus terrestris</i>)
24. Purple loosestrife.	(<i>Lythrum salicaria, Lythrum virgatum</i> and their cultivars)
25. Rush skeletonweed.	(<i>Chondrilla juncea</i>)
26. Salteedar.	(<i>Tamarix ramosissima, T. parviflora</i>)
27. Sorghum species, perennial, including,	(<i>Sorghum spp.</i>)

_____ but not limited to:	-
_____ (a) Johnson grass;	-
_____ (b) Sorghum alum; and	-
_____ (c) Perennial sweet sudan.	-
_____ 28. Starthistle:	-
_____ (a) Iberian;	(<i>Centaurea iberica</i>)
_____ (b) Purple; and	(<i>Centaurea calcitrapa</i>)
_____ (c) Yellow.	(<i>Centaurea solstitialis</i>)
_____ 29. St. Johnswort:	(<i>Hypericum perforatum</i>)
_____ 30. Sulfur cinquefoil.	(<i>Potentilla recta</i>)
_____ 31. Syrian bean-caper.	(<i>Zygophyllum fabago</i>)
_____ 32. Thistle:	-
_____ (a) Canada;	(<i>Cirsium arvense</i>)
_____ (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>)

DEFINITIONS

Category "A": Weeds not found or limited in distribution throughout the state; actively excluded from the state and actively eradicated wherever found; actively eradicated from nursery stock dealer premises; control required by the state in all infestations

Category "B": Weeds established in scattered populations in some counties of the state; actively excluded where possible, actively eradicated from nursery stock dealer premises; control required by the state in areas where populations are not well established or previously unknown to occur

Category "C": Weeds currently established and generally widespread in many counties of the state; actively eradicated from nursery stock dealer premises; abatement at the discretion of the state quarantine officer

Category "Q": Weeds requiring "A" action pending determination of a permanent rating; weeds suspected to be of economic importance but status is uncertain because of incomplete identification or inadequate information

Category A Weeds:

- | | |
|------------------------|---|
| 1. African Rue | (<u>Peganum harmala</u>) |
| 2. Austrian fieldcress | (<u>Rorippa austriaca</u>) |
| 3. Austrian peaweed | (<u>Sphaerophysa salsula</u>) |
| 4. Black henbane | (<u>Hyoscyamus niger</u>) |
| 5. Camelthorn | (<u>Alhagi pseudalhagi</u>) |

- | | |
|-----------------------------------|--|
| 6. <i>Common crupina</i> | <u>(<i>Crupina vulgaris</i>)</u> |
| 7. <i>Dalmatian toadflax</i> | <u>(<i>Linaria dalmatica</i>)</u> |
| 8. <i>Dyer's woad</i> | <u>(<i>Isatis tinctoria</i>)</u> |
| 9. <i>Eurasian water-milfoil</i> | <u>(<i>Myriophyllum spicatum</i>)</u> |
| 10. <i>Giant Salvinia</i> | <u>(<i>Salvinia molesta</i>)</u> |
| 11. <i>Goats rue</i> | <u>(<i>Galega officinalis</i>)</u> |
| 12. <i>Houndstongue</i> | <u>(<i>Cynoglossum officinale</i>)</u> |
| 13. <i>Hydrilla</i> | <u>(<i>Hydrilla verticillata</i>)</u> |
| 14. <i>Iberian star thistle</i> | <u>(<i>Centaurea iberica</i>)</u> |
| 15. <i>Klamath weed</i> | <u>(<i>Hypericum perforatum</i>)</u> |
| 16. <i>Malta star thistle</i> | <u>(<i>Centaurea melitensis</i>)</u> |
| 17. <i>Mayweed Chamomile</i> | <u>(<i>Anthemis cotula</i>)</u> |
| 18. <i>Mediterranean sage</i> | <u>(<i>Salvia aethiopsis</i>)</u> |
| 19. <i>Purple star thistle</i> | <u>(<i>Centaurea calcitrapa</i>)</u> |
| 20. <i>Purple loose strife</i> | <u>(<i>Lythrum salicaria, L. virgatum & cultivars</i>)</u> |
| 21. <i>Rush skeletonweed</i> | <u>(<i>Chondrilla juncea</i>)</u> |
| 22. <i>Sow thistle</i> | <u>(<i>Sonchus arvensis</i>)</u> |
| 23. <i>Spotted knapweed</i> | <u>(<i>Centaurea maculosa</i>)</u> |
| 24. <i>Squarrose star thistle</i> | <u>(<i>Centaurea virgata</i>)</u> |
| 25. <i>Sulfur cinquefoil</i> | <u>(<i>Potentilla recta</i>)</u> |
| 26. <i>Syrian bean caper</i> | <u>(<i>Zygophyllum fabago</i>)</u> |
| 27. <i>Yellow starthistle</i> | <u>(<i>Centaurea solstitialis</i>)</u> |
| 28. <i>Yellow toadflax</i> | <u>(<i>Linaria vulgaris</i>)</u> |

Category B Weeds

- | | |
|---------------------------------|--|
| 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> |

Category C Weeds

- | | |
|---------------------------------|-------------------------------------|
| 1. <i>Canada thistle</i> | <u>(<i>Cirsium arvense</i>)</u> |
| 2. <i>Green fountain grass</i> | <u>(<i>Pennisetum setaceum</i>)</u> |
| 3. <i>Hoary cress</i> | <u>(<i>Cardaria draba</i>)</u> |
| 4. <i>Johnson grass</i> | <u>(<i>Sorghum halepense</i>)</u> |
| 5. <i>Perennial pepperweed</i> | <u>(<i>Lepidium latifolium</i>)</u> |
| 6. <i>Poison Hemlock</i> | <u>(<i>Conium maculatum</i>)</u> |
| 7. <i>Puncture vine</i> | <u>(<i>Tribulus terrestris</i>)</u> |
| 8. <i>Salt cedar (tamarisk)</i> | <u>(<i>Tamarix spp.</i>)</u> |
| 9. <i>Water Hemlock</i> | <u>(<i>Cicuta macula</i>)</u> |

POLICY STATEMENT

AMENDMENT TO NAC 555.010 NOXIOUS WEEDS TIERED LIST

A noxious weed is a plant that has been defined as a pest by law or regulation. Both Nevada and the U.S government maintain lists of plants that are considered threats to the well being of the state or the country. The two lists differ significantly.

In Nevada, The Nevada Department of Agriculture (hereinafter referred to as “the Department”) will recommend plants for listing after consultation with outside experts and a panel composed of Nevada Weed Action Committee members. If a plant is found to probably be “detrimental or destructive and difficult to control or eradicate” (Nevada Revised Statute 555.005), the Department, with approval of the Board of Agriculture, will designate the plant as a noxious weed.

Chapter 555 sections .005-.217 of the Nevada Revised Statutes authorize the Department to investigate noxious weeds and require land owners or occupants to control such weeds. This statutory duty requires a noxious weed policy which recognizes that weeds vary as to their potential and actual harm to Nevada’s agriculture and environment. Overall noxious weed significance is the basis for determining what prevention or control activities are appropriate, at what level, and when and where those activities should be conducted.

- A. Noxious weed ratings are intended to be used as aids to inform land owners and managers and other interested persons as to a particular noxious weed’s environmental, agricultural and biological significance, as well as its importance to the general public, and the action recommended by the Department to deal with the pest.
- B. Each pest rating represents the **Department’s** view of the **statewide** importance of the noxious weed to the crops, livestock, public health, wildlife, water quality and beneficial uses of land in Nevada. **Local conditions may dictate more stringent action against a pest than recommended at a state level.**
- C. It is the Department’s policy to use the “Noxious Weed Tier System” to determine what action is to be taken consistent with existing statutes which include authority for: the promulgation of quarantine, abatement for eradication and/or control; holding and inspecting; establishing weed control districts; and for other regulatory activities.

At the time that the Department lists a species, it will also give a rating of A, B, C, or Q. These ratings reflect the **Department’s view of the statewide importance of the noxious weed, the likelihood that eradication or control efforts would be successful, and the present distribution of noxious weeds within the state.** These lists will be in the Nevada Administrative Code (NAC 555.010).

DEFINITIONS

“A” Weeds normally limited in distribution throughout the state; actively excluded from the state and actively eradicated wherever found; actively eradicated from nursery stock dealer premises; control required by the state

“B” Weeds more widespread throughout the state; actively excluded where possible, actively eradicated from nursery stock dealer premises; control required by the state in areas where populations are not well established or previously unknown to occur

“C” Weeds generally widespread throughout the state; actively eradicated from nursery stock dealer premises; abatement at the discretion of the state quarantine officer

“Q” Weeds requiring “A” action pending determination of a permanent rating; weeds suspected to be of economic importance but status is uncertain because of incomplete identification or inadequate information

SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework 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 554.885 thru NAC 554.905, pertaining to NAC 587.360, pertaining to Inspection and Certification Fees.

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.

N/A

2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects: none
 - b. Both direct and indirect effects: none

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.