

**ADOPTED REGULATION OF THE  
DIRECTOR OF THE STATE DEPARTMENT OF AGRICULTURE**

**LCB File No. R202-07**

Effective August 26, 2008

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

AUTHORITY: §§1 and 2, NRS 587.083.

A REGULATION relating to agriculture; revising the lists of certain prohibited and restricted noxious weed seeds; and providing other matters properly relating thereto.

**Section 1.** NAC 587.173 is hereby amended to read as follows:

587.173 ~~[Seed]~~ *Seeds* of the following plants are classified as prohibited noxious weed seeds, the occurrence of which must not exceed the tolerances prescribed by NAC 587.200:

1. ~~[Camelthorn (*Alhagi camelorum*).~~
- ~~—2.— Fielderess, Austrian (*Rorippa austriaca*).~~
- ~~—3.] Goatgrass, barb (*Aegilops triuncialis*).~~
- ~~[4.]~~ 2. Halogeton (*Halogeton glomeratus*).
- ~~[5.— Horse nettle, Carolina (*Solanum carolinense*).~~
- ~~—6.— Horse nettle, white (*Solanum elaeagnifolium*).~~
- ~~—7.— Klamath weed (*Hypericum perforatum*).~~
- ~~—8.— Knapweed, Russian (*Centaurea repens*).~~
- ~~—9.— Medusa head, rye (*Taeniatherum asperum*).~~
- ~~—10.— Peaweed, Austrian (*Swainsona salsula*).~~
- ~~—11.]~~ 3. Quackgrass (*Agropyron repens*).

~~[12.] Skeletonweed, rush (*Chondrilla juncea*).~~

~~[13.]~~ 4. *Sorghum* spp., perennial, including, but not limited to, Johnson grass, sorghum alnum and perennial sweet sudangrass.

~~[14.] Sowthistle, perennial (*Sonchus arvensis*).~~

~~[15.] Spurge, leafy (*Euphorbia esula*).~~

~~[16.] Starthistle, Iberian (*Centaurea iberica*).~~

~~[17.] Starthistle, purple (*Centaurea calcitrapa*).~~

~~[18.] Starthistle, yellow (*Centaurea solstitialis*).~~

~~[19.] Thistle, Canada (*Cirsium arvense*).~~

~~[20.] Toadflax, Dalmatian (*Linaria dalmatica*).~~

~~[21.]~~ 5. Whitetop or Hoarycress (*Cardaria pubescens*).

**6. Any noxious weed designated pursuant to NAC 555.010.**

**Sec. 2.** NAC 587.175 is hereby amended to read as follows:

587.175 ~~[Seed]~~ **Seeds** of the following plants are restricted noxious weed seeds, the occurrence of which must not exceed 27 per pound, singly or collectively:

1. Bindweed, field (*Convolvulus arvensis*).
2. Crabgrass (*Digitaria sanguinalis*, *Digitaria ischaemum*).
3. Dock, curly (*Rumex crispus*).
4. Dodder, all species (*Cuscuta* spp.).
5. Mustard, wild (Charlock) (*Brassica kaber*).
6. Pennycress (Fanweed) (*Thlaspi arvense*).
7. ~~[Puncture vine (*Tribulus terrestris*).~~

~~[8.]~~ Sandbur, field (*Cenchrus pauciflorus*).

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R202-07**

The Director of the State Department of Agriculture adopted regulations assigned LCB File No. R202-07 which pertain to chapter 587 of the Nevada Administrative Code.

**Notice date: 1/24/08**  
**Hearing date: 2/27/08**

**Date of adoption by agency: 5/21/08**  
**Filing date: 8/26/08**

**INFORMATIONAL STATEMENT**

**1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notices were put out in County Libraries and Nevada Department of Agriculture offices.

Notices were sent via e-mail to all members of the National Plant Board, Nevada seed producers, and seed production firms in Nevada and surrounding states.

Responses were largely for clarification of the proposed regulation. No responses in opposition to the proposed regulation were submitted.

Interested parties may obtain a summary by contacting the Nevada Department of Agriculture 350 Capitol Hill Avenue, Reno Nevada 89502, 775-688-1180.

**2. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statement.**

Workshops were held January 24, 2008 in Reno and Las Vegas

Number attended: 4

Number testified: 1

Summary of comments:

It was suggested that additional attempts be made to contact seed production firms in Nevada and surrounding states for input.

Hearings were held February 27, 2008 in Reno and Las Vegas

Number attended: 0

Number testified: 0

Summary of written comments:

13 comments were submitted via letter and e-mail, of which 9 were in favor of the proposed regulation, 1 was in opposition to the proposed regulation, and 3 were informational statements. Aida Galarza of the Georgia Department of Agriculture stated that many species listed would be common weeds in some states, which could inhibit seed commerce into Nevada. National Plant Board members representing Arizona, Massachusetts, Colorado, Pennsylvania, Kansas, Tennessee, and Michigan were in favor of the proposed regulation. The Bureau of Land Management was also in favor of the proposed regulation.

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

Notices were sent via e-mail to Nevada seed producers as well as seed production firms in Nevada and surrounding states.

Responses were largely for clarification of the proposed regulation. No responses in opposition to the proposed regulation were submitted.

Interested parties may obtain a summary by contacting the Nevada Department of Agriculture 350 Capitol Hill Avenue, Reno Nevada 89502, 775-688-1180.

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

Upon review of the proposed regulation, industry, government, and the general public did not request that changes be made. Thus, the regulation was adopted without changes.

- 5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects;**

**(b) Both immediate and long-term effects;**

(a) Potential adverse effect: Seed lots rejected due to the presence of noxious weed seed may increase.

Beneficial effect: The potential for the spread of noxious weeds due to contaminated seed lots will be reduced.

(b) Immediate and long term effects will be the same.

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

None

- 7. A description of any regulation 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, the name of the regulating federal agency.**

None

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

None

- 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.**

No new fees or increase to existing fees will occur as a result of this regulation.